



GENERAL ISSUES COMMITTEE MINUTES 18-013

9:30 a.m.

Wednesday, June 6, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Absent with
Regrets:** Mayor F. Eisenberger – Other City Business
Councillors D. Skelly, J. Partridge, R. Pasuta – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **Westdale Village Business Improvement Area (BIA) Revised Board of Management (PED16015(b)) (Ward 1) (Item 5.2)**

(A. Johnson/Whitehead)

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

- (i) Donna Bacher; and,
- (ii) Robert Crockford

CARRIED

2. **Open Government: Access to Information for City of Hamilton Funded Boards and Agencies (FCS18050) (City Wide) (Item 5.3)**

(Green/Collins)

That, in accordance with the motion approved at the October 18, 2017, General Issues Committee, the organizations listed in Appendix "A" to Report FCS18050, **as amended**, be requested to post their Board or Agency agendas, minutes and all associated accompanying presentations and documents, inclusive of financial statements on their respective websites.

MAIN MOTION, AS AMENDED, CARRIED

3. **Invitation to the Hamilton-Wentworth Catholic District School Board - City of Hamilton Property Acquisition Payments (Item 6.1)**

(Merulla/Collins)

That the Hamilton-Wentworth Catholic District School Board be invited to participate in the Hamilton-Wentworth District School Board's proposal respecting City of Hamilton Property Acquisition Payments, accordingly.

CARRIED

4. **Pier 8 Development Opportunity Request for Proposals Evaluation (PED14002(h)) (Ward 2) (Item 7.2)**

(Farr/Green)

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

proponent, that staff report back with the rankings and summary of the 4 proposals and a summary of the successful bid.

MOTION, AS AMENDED, CARRIED

5. Affordable Housing Demonstration Project (PED16263(a) (Ward 4) (Item 8.1)

(Merulla/Jackson)

- (a) That staff be directed to consult with the community and stakeholders regarding the proposed Community Improvement Plan Area (CIPA) boundary as detailed in Appendix "A" to Report PED16236(a);
- (b) That staff be authorized and directed to evaluate potential Community Improvement Plan Area (CIPA) incentives that will deliver a sustainable, accessible and affordable community including but not limited to forgivable loans equivalent to Development Charge and Parkland Dedication fees;
- (c) That Corporate Services staff be directed to present the option of removing Development Charge exemptions for affordable housing to the Development Charge Stakeholders Sub-Committee for consideration when recommending policy direction for the 2019 Development Charge Study; and,
- (d) That upon implementation of the approval the item respecting review of extending the Community Improvement Plan Area be removed from the Planning Committee Outstanding Business list.

CARRIED

6. Inventory of Brownfield Areas (PED18113) (City Wide)

(Ferguson/VanderBeek)

That Report PED18113, respecting the Inventory of Brownfield Areas, be received.

CARRIED

7. Capital Projects Work-in-Progress Review Sub-Committee Report 18-003, May 22, 2018 (Item 8.3)

(Collins/Pearson)

- (a) **Capital Project Closing Report as of December 31, 2017 (FCS17078(b)) (City Wide) (Item 8.1)**
 - (i) That the General Manager of Finance and Corporate Services be authorized to transfer a combined \$627,510.93 from the Unallocated Capital Levy Reserve and other Program Specific Reserves to the capital projects as outlined in Appendix "A" to Report FCS17078(b);

- (ii) That the General Manager of Finance and Corporate Services be directed to close the completed and / or cancelled capital projects listed in Appendix "B" to Report FCS17078(b) in accordance with the Capital Closing Policy;
- (iii) That Appendix "C" to Report FCS17078(b), Capital Projects Budget Appropriation Schedule for the period covering October 1, 2017 through December 31, 2017, be received for information; and,
- (iv) That Appendix "D" to Report FCS17078(b), Capital Projects to be Debt Funded for the period covering October 1, 2017 through December 31, 2017 totalling \$240,000, be approved.

(b) Public Works - Capital Projects Status Report as of December 31, 2017 (FCS17076(b)) (City Wide) (Item 8.2)

- (i) That the Capital Projects Status Report, Public Works Tax Supported Projects, as of December 31, 2017, attached as Appendix "A" to Report FCS17076(b), be received; and,
- (ii) That the Capital Project Status Report, Public Works Rate Supported Projects, as of December 31, 2017, attached as Appendix "B" to Report FCS17076(b), be received.

CARRIED

8. Lease Agreement - Car Park #80, 191 King Street West and 22 and 30 Bay Street South (PED18119) (Ward 2) (Item 12.1)

(Farr/Pearson)

- (a) That the City Solicitor be authorized and directed to complete the transaction on behalf of the City, respecting the Lease Agreement - Car Park #80, 191 King Street West and 22 and 30 Bay Street South, including paying any necessary expenses, and amend and waive terms and conditions on such terms as deemed reasonable;
- (b) That the Mayor and Clerk be authorized and directed to execute all necessary documents respecting the Lease Agreement - Car Park #80, 191 King Street West and 22 and 30 Bay Street South, in a form satisfactory to the City Solicitor;
- (c) That Report PED18119, respecting the Lease Agreement - Car Park #80, 191 King Street West and 22 and 30 Bay Street South, remain confidential and not be released as a public document; and,

- (d) That the direction provided to staff in Closed Session, respecting Report PED18119, Lease Agreement - Car Park #80, 191 King Street West and 22 and 30 Bay Street South, be approved.

CARRIED

9. Property Acquisition to Support the Transit Maintenance and Storage Facility (PED18115/PW18045) (Ward 3) (Item 12.2)

(Green/A. Johnson)

- (a) That the General Manager, Finance and Corporate Services Department, be authorized and directed to engage all required professional services to implement the Property Acquisition to Support the Transit Maintenance and Storage Facility, including but not limited to, external legal counsel and fiscal agents;
- (b) That the City Solicitor be authorized and directed to complete the transactions, for a Transit Maintenance and Storage Facility and Salt Dome on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable;
- (c) That the Mayor and City Clerk be authorized and directed to execute any necessary documents respecting the Property Acquisitions to Support the Transit Maintenance and Storage Facility, in a form satisfactory to the Solicitor;
- (d) That all necessary By-law(s) be passed to authorize the debenture issue(s) negotiated, placed and secured in accordance with subsections (c), (d), (e) and (f) to Report PED18115/PW18045, respecting the Property Acquisitions to Support the Transit Maintenance and Storage Facility;
- (e) That Report PED18115/PW18045, respecting the Property Acquisitions to Support the Transit Maintenance and Storage Facility, remain confidential and not be released as a public document until completion of the Real Estate transactions; and,
- (f) That the direction provided to staff in Closed Session, respecting Report PED18115/PW18045, Property Acquisition to Support the Transit Maintenance and Storage Facility, be approved.

CARRIED

10. Labour Relations Matter (Item 12.4)

(Green/Pearson)

That the information provided in Closed Session respecting the Labour Relations Matter, be received.

CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. PUBLIC HEARINGS/DELEGATIONS (Item 6)

- 6.3 David Carter, Innovation Factory, to provide an update respecting the Innovation Factory Request for Funding Renewal Option – Annual Review

This delegate wishes to appear before Committee on June 20th; the same date that the staff report is to be before Committee for consideration.

2. CONSENT ITEMS (Item 5)

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

Staff have advised that a correction needs to be made to Appendices “A” and “C” to Report FCS18050; therefore, an amending motion is before you for consideration.

3. DISCUSSION ITEMS (Item 8)

- 8.4 Pier 8 Development Opportunity Request for Proposals Evaluation (PED14002(h)) (Ward 2)

As there is a presentation to accompany Report PED14002(h), respecting the Pier 8 Development Opportunity Request for Proposals Evaluation, this matter has been moved up to Item 7.2.

4. PRIVATE & CONFIDENTIAL (Item 12)

- 12.3 City Manager’s 2017 Performance Review

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

12.4 Labour Relations Matter (no copy)

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

(VanderBeek/Whitehead)

That the agenda for the June 6, 2018 General Issues Committee meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) May 16, 2018 (Item 3.1)

(Whitehead/A. Johnson)

That the Minutes of the May 16, 2018 meeting of the General Issues Committee be approved, as presented.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(i) Anthony Marco, Hamilton Community Benefits Network (HCBN), respecting the HCBN's Mission and Vision (Item 4.1)

(Green/Farr)

That the delegation request, submitted by Anthony Marco, Hamilton Community Benefits Network (HCBN), respecting the HCBN's Mission and Vision, be approved to appear before the General Issues Committee on June 20, 2018.

CARRIED

(e) CONSENT ITEMS (Item 5)

(i) Minutes of Various Sub-Committees and Advisory Committees (Item 5.1)

(Whitehead/Ferguson)

That the Minutes of the following Advisory Committees be received:

- (a) Business Improvement Area Advisory Committee, April 10, 2018 (Item 5.1(a))
- (b) Arts Advisory Commission, March 27, 2018 (Item 5.1(b))

CARRIED

(ii) Open Government: Access to Information for City of Hamilton Funded Boards and Agencies (FCS18050) (City Wide) (Item 5.3)

(Green/Collins)

WHEREAS, two organizations were placed on Appendix "C" to Report FCS18050 (Boards and Agencies that Publish Agendas and Minutes) that should have been reflected on Appendix "A" to Report FCS18050 instead (Boards and Agencies that do not Publish Agendas and Minutes);

THEREFORE, BE IT RESOLVED:

- (a) That Appendix "A" to Report FCS18050, respecting Open Government: Access to Information for City of Hamilton Funded Boards and Agencies, be amended by adding the following organizations:

- (i) Hamilton Waterfront Trust;*
- (ii) Hamilton-Burlington SPCA; and,*

- (b) That Appendix "C" to Report FCS18050, respecting Open Government: Access to Information for City of Hamilton Funded Boards and Agencies, be amended by deleting the following organizations:

- (i) Hamilton Waterfront Trust; and,*
- (ii) Hamilton-Burlington SPCA.*

AMENDMENT CARRIED

(f) PUBLIC HEARINGS / DELEGATIONS (Item 6)

- (i) Todd White, Chair, Hamilton-Wentworth District School Board (HWDSB) respecting the HWDSB Proposal for City of Hamilton Property Acquisition Payments (Item 6.1)**

Todd White, Chair, Hamilton-Wentworth District School Board, addressed Committee, respecting the HWDSB's proposal for City of Hamilton property acquisition payments.

(Whitehead/A. Johnson)

That the presentation provided by Todd White, Chair, Hamilton-Wentworth District School Board, respecting the HWDSB's proposal for City of Hamilton property acquisition payments, be received.

CARRIED

(Pearson/Ferguson)

That the recommendation, respecting the Hamilton-Wentworth District School Board's proposal for City of Hamilton property acquisition payments, be amended by adding the words "***an annual***", to read as follows:

That the request from the Hamilton-Wentworth District School Board (HWDSB), requesting that the City of Hamilton set ***an annual*** maximum payment amount for the acquisition of School Board property, should the City be the successful bidder, in a 5-year agreement, be referred to the General Manager of Planning and Economic Development and the City Solicitor for review, in consultation with HWDSB staff, and report back to the General Issues Committee.

AMENDMENT CARRIED

(Collins/Pearson)

That the request from the Hamilton-Wentworth District School Board (HWDSB), requesting that the City of Hamilton set ***an annual*** maximum payment amount for the acquisition of school-board property, should the City be the successful bidder, in a 5-year agreement, be referred to the General Manager of Planning and Economic Development and the City Solicitor for review, in consultation with HWDSB staff, and report back to the General Issues Committee.

MOTION, AS AMENDED, CARRIED

A copy of the handout is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

For disposition of this matter, please refer to Item 3.

(ii) Lorna Zarembo, Theatre Aquarius, respecting an Update regarding Theatre Aquarius (For a future GIC) (Item 6.2)

Lorna Zarembo, Theatre Aquarius, addressed Committee respecting an update regarding Theatre Aquarius.

(Pearson/VanderBeek)

That the presentation provided by Lorna Zarembo, Theatre Aquarius, respecting an update regarding Theatre Aquarius, be received.

CARRIED

A copy of the presentation above is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

(iii) David Carter, Innovation Factory, to provide an update respecting the Innovation Factory Request for Funding Renewal Option – Annual Review (Item 6.3)

As noted in the Changes to the Agenda, this delegate will to appear before Committee on June 20th; the same date that the staff report is to be before Committee for consideration.

(iv) Shekar Chandrashekar respecting an opportunity to rebut information contained in Report FCS18030 (Item 6.4)

Shekar Chandrashekar addressed Committee respecting an opportunity to rebut information contained in Report FCS18030.

(Merulla/Farr)

That Mr. Shekar Chandrashekar be permitted additional time, beyond the permitted 5 minutes, to continue with his presentation.

CARRIED

(Green/Jackson)

That the presentation provided by Shekar Chandrashekar respecting an opportunity to rebut information contained in Report FCS18030, be received.

CARRIED

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

(g) STAFF PRESENTATIONS (Item 7)

(i) City Manager's 2017 Performance Review (Item 7.1)

(Whitehead/Ferguson)

That the City Manager's 2017 Performance Review, be TABLED to the June 20, 2018 General Issues Committee meeting.

CARRIED

(ii) **Pier 8 Development Opportunity Request for Proposals Evaluation (PED14002(h)) (Ward 2) (Item 7.2)**

Chris Phillips, Senior Advisor, addressed Committee and provided a PowerPoint presentation respecting Report PED14002(h) - Pier 8 Development Opportunity Request for Proposals Evaluation.

(Farr/Green)

That the presentation, respecting Report PED14002(h) - Pier 8 Development Opportunity Request for Proposals Evaluation, be received.

CARRIED

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

(Farr/A. Johnson)

That sub-section (a) to Report PED14002(h) - Pier 8 Development Opportunity Request for Proposals Evaluation, be amended by deleting the words "Proponent identified in Confidential Appendices "D" and "E" to Report PED14002(h)" and the word "document"; and, by adding the words "***until such time as an Agreement has been fully executed by the parties,***" to read as follows:

- (a) That the Proponent identified in Confidential Appendices "~~D~~" and "~~E~~" to Report PED14002(h) ***Waterfront Shores Corporation*** be approved as the Preferred Proponent for the Request for Proposal Contract Number C11-66-17 entitled "Pier 8 Development Opportunity for Prequalified Proponents", and that following a final Council decision on the Proponent, Appendix "D" remain confidential document ***until such time as an Agreement has been fully executed by the parties,*** and Appendix "E" be available for release to the public;

AMENDMENT CARRIED

(Farr/Green)

That a new sub-section (f) be added to Report PED14002(h), respecting Pier 8 Development Opportunity Request for Proposals Evaluation, which reads as follows:

- (f) ***That subject to a successful negotiation of a Development Agreement between the City of Hamilton and the Preferred Proponent, that staff report back with an information report respecting a summary of the 4 proposals.***

AMENDMENT CARRIED

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

(h) PRIVATE & CONFIDENTIAL (Item 12)

(i) City Manager's 2017 Performance Review (Item 12.3)

(Whitehead/Ferguson)

That the City Manager's 2017 Performance Review, be TABLED to the June 20, 2018 General Issues Committee meeting.

CARRIED

(Pearson/Green)

That Committee move into Closed Session respecting Appendices "D" and "E" to Item 7.2, as well as Items 12.1, 12.2 and 12.4, pursuant to Section 8.1, Sub-sections (b), (c), (d) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (b), (c), (d), (f), (i) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including City employees; a proposed or pending acquisition or disposition of land for City purposes; labour relations or employee negotiations; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

CARRIED

(ii) Lease Agreement - Car Park #80, 191 King Street West and 22 and 30 Bay Street South (PED18119) (Ward 2) (Item 12.1)

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 8.

(iii) Property Acquisitions to Support the Transit Maintenance and Storage Facility (PED18115/PW18045) (Ward 3) (Item 12.2)

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 9.

(i) ADJOURNMENT (Item 13)

(Pearson/Conley)

That, there being no further business, the General Issues Committee be adjourned at 2:34 p.m.

CARRIED

Respectfully submitted,

B. Johnson, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk