

# CITY OF HAMILTON

## MOTION

Council: September 12, 2018

**MOVED BY COUNCILLOR T. WHITEHEAD.....**

**SECONDED BY COUNCILLOR .....**

**Amendment to subsections (d), (e) and (f) to Item 15 of the General Issues Committee Report 18-007, respecting Report PW18021/FCS18024 - 50 Main Street East Finance Update**

- (a) That subsections (d), (e) and (f) to Item 15 of the General Issues Committee Report 18-007, respecting Report PW18021/FCS18024 - 50 Main Street East Finance Update, which was approved by Council on March 28, 2018, be amended by deleting “(b)” and replacing it with “(c)”, to read as follows:
- (d) That the General Manager, Finance and Corporate Services, be authorized to engage all required professional services to implement subsection ~~(b)~~ **(c)**, including but not limited to, external legal counsel and fiscal agents;
- (e) That the General Manager, Finance and Corporate Services, Mayor and City Clerk are each authorized and directed to enter into and / or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents requiring their respective signatures to implement subsection ~~(b)~~ **(c)**, in a form satisfactory to the City Solicitor;
- (f) That all necessary By-Law(s) be passed to authorize the debenture issue(s) negotiated and placed in accordance with subsection ~~(b)~~ **(c)**;
- (b) That subsections (e) and (f) to Item 15 of the General Issues Committee Report 18-007, respecting Report PW18021/FCS18024 - 50 Main Street East Finance Update, which was approved by Council on March 28, 2018, be further amended by adding the words “**and (d)**”, to read as follows:
- (e) That the General Manager, Finance and Corporate Services, Mayor and City Clerk are each authorized and directed to enter into and / or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents requiring their respective signatures to implement subsections (c) **and (d)**, in a form satisfactory to the City Solicitor;

- (f) That all necessary By-Law(s) be passed to authorize the debenture issue(s) negotiated and placed in accordance with subsections (c) **and (d)**;
- (c) That subsection (d) to Item 15 of the General Issues Committee Report 18-007, respecting Report PW18021/FCS18024 - 50 Main Street East Finance Update, which was approved by Council on March 28, 2018, be further amended by adding the words “, **and Infrastructure Ontario’s Loan Program**” after the words “fiscal agents”, to read as follows:
  - (d) That the General Manager, Finance and Corporate Services, be authorized to engage all required professional services to implement subsection (c), including but not limited to, external legal counsel and fiscal agents, **and Infrastructure Ontario’s Loan Program**.

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

**15. 50 Main Street East Finance Update (PW18021/FCS18024) (City Wide) (Item 8.6)**

- (a) That the additional project budget, as described the attached Appendix “E” to Report 18-007, in the amount of \$1.438M, be debt financed and funded from lease savings;
- (b) That the revised funding for the \$37,237,998 overall project budget at 50 Main Street East (3541441401), be approved as follows:
  - (i) \$17,480,000 Original Construction – Debt funded from additional Net POA Revenues – Debt charge of \$1.575M; 15 years, amortized at 4% interest rate;
  - (ii) \$10,000,000 Original Construction – Debt funded through levy of \$7.7 M and Development Charges (DC) of \$2.3M;
  - (iii) \$4,900,000 Hamilton Community Energy Infrastructure – Debt funded through levy – Debt charge of \$440K; 15 years, amortized at 4% interest rate;
  - (iv) \$349,998 Capital Budget Increase Work-in-Progress (WIP) Appropriations (December 2017);
  - (v) \$500,000 Window Insulation funded from Red Light Camera Reserve;
  - (vi) \$1,000,000 Tenant Fit-ups – Funded from 50 Main Street East Facility Capital Reserve;
  - (vii) \$1,570,000 Tenant Fit-ups – Debt funded from lease savings – Debt charge of \$150K; 15 years, amortized at 4% interest rate; and,

- (viii) \$1,438,000 Capital Budget Increase – Debt funded from additional lease savings – Debt charge of \$130K; 15 years, amortized at 4% interest rate;
- (c) That the General Manager, Finance and Corporate Services, be authorized to negotiate the terms and placement of a debenture issue(s), and / or private placement debenture issue(s), and / or bank loan agreement and debenture issue(s), and / or variable interest rate bank loan agreement and debenture issue(s), in an amount not to exceed \$35,388,000 Canadian currency related to 50 Main Street East included in Report PW18021/FCS18024, which includes \$2,300,000 in Development Charges Tax Supported debt;
- (d) That the General Manager, Finance and Corporate Services, be authorized to engage all required professional services to implement subsection **(c)**, including but not limited to, external legal counsel and fiscal agents, **and Infrastructure Ontario's Loan Program**.
- (e) That the General Manager, Finance and Corporate Services, Mayor and City Clerk are each authorized and directed to enter into and / or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents requiring their respective signatures to implement subsections **(c) and (d)**, in a form satisfactory to the City Solicitor;
- (f) That all necessary By-Law(s) be passed to authorize the debenture issue(s) negotiated and placed in accordance with subsections **(c) and (d)**;
- (g) That pursuant to the City's Procurement Policy By-law (Policy #11 – Non-Competitive Procurements), a single source procurement for the additional budget requirements for 50 Main Street East, Hamilton, be awarded to the Construction Manager currently onsite, Eastern Construction Company Limited, to be added to the Purchase Order to complete contract C11-15-15; and,
- (h) That the General Manager of Public Works be authorized to negotiate, enter into and execute all required documentation to give effect thereto with Eastern Construction Company Limited, in a form satisfactory to the City Solicitor.