PUBLIC WORKS COMMITTEE
REPORT 19-013

9:30 a.m.
Monday, September 16, 2019
Council Chambers
Hamilton City Hall
71 Main Street West

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

Absent with Regrets: Councillor M. Pearson – Personal
Councillor T. Whitehead – Personal

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 19-013 AND RESPECTFULLY RECOMMENDS:

1. Railway Grade Crossing Regulations Update (PW19077) (City Wide) (Item 7.1)

That Report PW19077, respecting Railway Grade Crossing Regulations Update, be received.

2. Proposed Permanent Closure and Sale of a Portion of Fletcher Avenue, Hamilton (PW19075) (Ward 5) (Item 8.1)

(a) That the application of the owner of 147 Beach Boulevard, to permanently close and purchase a portion of Fletcher Avenue, Hamilton (“Subject Lands”), as shown on Appendix "A", attached to Public Works Committee Report 19-013, be approved, subject to the following conditions:

(i) That the City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the highway, for enactment by Council;

(ii) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into

any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the closed alleyway to the owners of 147 Beach Boulevard, Hamilton, as described in Report PW19075, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;

(iii) That the City Solicitor be authorized to complete the transfer of the Subject Lands to 147 Beach Boulevard, Hamilton pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;

(iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law(s) permanently closing and selling the highway in the proper land registry office;

(v) That the Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed highway pursuant to the City of Hamilton Sale of Land Policy By-law 14-204; and,

(vi) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section.

3. Hamilton Transit Bus Maintenance and Storage Facility – Transit Project Assessment Process (PW19081) (Ward 3) (Item 10.1)

(a) That the General Manager, Public Works, be authorized and directed to issue the Notice of Commencement of the formal Transit Project Assessment Process (TPAP) and public consultation, followed by filing the Hamilton Transit Bus Maintenance and Storage Facility Environmental Project Report for a thirty (30) day public review period; and,

(b) That upon completion of the public review period and subsequent decision from the Minister of the Environment, Conservation and Parks, the General Manager, Public Works, be authorized and directed to proceed with the implementation of the preferred alternative documented within the Hamilton Transit Bus Maintenance and Storage Facility Environmental Project Report.

4. To Recognize Distracted Driving by Handheld Device as a Violation of the *Criminal Code of Canada, 1985* (City Wide) (Item 11.1)

WHEREAS, distracted driving now causes such a hazard on the road and leads to more deaths than drunk driving in some places; and,

WHEREAS, despite efforts to curtail the dangerous behavior;

THEREFORE, BE IT RESOLVED:

That the City of Hamilton request that the Federal Government assess amending the *Criminal Code of Canada, 1985*, to recognize distracted driving by handheld device a violation of the *Criminal Code of Canada, 1985*.

5. Enforcement of One-Meter Law for Cyclist Safety (City Wide) (Item 11.2)

That the Hamilton Police Services Board be requested to consider options for the enforcement of the one-meter passing law for cyclist safety, which requires motorists to provide at least one-meter (three feet) of space to cyclists when passing, replicating the enforcement in place in Ottawa, Guelph and other communities using radar devices.

6. Installation of Speed Cushions on Oakcrest Drive, Hamilton (Ward 6) (Item 11.3)

WHEREAS, through public consultation, there is residential support for the installation of speed cushions on Oakcrest Drive, Hamilton; and,

WHEREAS, Transportation Operations and Maintenance staff attended a public site meeting to answer questions of residents and support the installation of speed cushions on Oakcrest Drive;

THEREFORE, BE IT RESOLVED:

(a) That staff be directed to install speed cushions (2 locations) on Oakcrest Drive, Hamilton, at a total cost not to exceed $12,000, be funded from the Ward 6 Area Rating Capital Reserve Fund (108056); and,

(b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents to install speed cushions on (2 locations) Oakcrest Drive, Hamilton, with such terms and conditions in a form satisfactory to the City Solicitor.

7. Installation of a Speed Cushion on Inchbury Street, Hamilton, between Tecumseth Street and York Boulevard (Ward 1) (Item 11.4)

WHEREAS, Ward 1 residents along Inchbury Street, between Tecumseth Street and York Boulevard, submitted a petition for the installation of speed cushions and have identified safety concerns related to vehicle speeds and cut-through traffic; and,

WHEREAS, upcoming construction projects on York Boulevard may temporarily increase cut-through traffic on Inchbury Street;

THEREFORE, BE IT RESOLVED:

(a) That staff be directed to install a speed cushion on Inchbury Street, Hamilton, between Tecumseth Street and York Boulevard, at a cost not to exceed $10,000, to be funded from the Ward 1 Area Rating Reserve Fund (108051); and,

(b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents to install a speed cushion on Inchbury Street, Hamilton, between Tecumseth Street and York Boulevard, with such terms and conditions in a form satisfactory to the City Solicitor.

8. Installation of a Speed Cushion on Oxford Street, Hamilton, between Barton Street West and York Boulevard (Ward 1) (Item 11.5)

WHEREAS, upcoming construction projects on York Boulevard may temporarily increase cut-through traffic on Oxford Street;

THEREFORE, BE IT RESOLVED:

(a) That staff be directed to install a speed cushion on Oxford Street, Hamilton, between Barton Street West and York Boulevard, at a cost not to exceed $10,000, to be funded from the Ward 1 Area Rating Reserve Fund (108051); and,

(b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents to install a speed cushion on Oxford Street, Hamilton, between Barton Street West and York Boulevard, with such terms and conditions in a form satisfactory to the City Solicitor.

9. Standardization of Enterprise Asset Management Systems - Phase 2 (CONFIDENTIAL PW19035(a)/FCS19040(a)) (City Wide) (Item 14.2)

(a) That the direction provided to staff in Closed Session, respecting Report PW19035(a)/FCS19040(a), be approved; and,

(b) That the contents of Report PW19035(a)/FCS19040(a), respecting the Standardization of Enterprise Asset Management Systems, remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

6.1 Rachel Braithwaite, Barton Village BIA, respecting Installation of Bike Lanes on Barton Street East (for a future meeting)

2. NOTICES OF MOTION (Item 12)

12.1 Central Park Remediation Project (Ward 2)

The agenda for the September 16, 2019 Public Works Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) September 6, 2019 (Item 4.1)

The Minutes of the September 6, 2019 meeting of the Public Works Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Rachel Braithwaite, Barton Village BIA, respecting a Request to Add Barton Street East to the 10 Year Master Plan for Road Redevelopment (for a future meeting) (Added Item 6.1)

The delegation request, submitted by Rachel Braithwaite, Barton Village BIA, respecting a Request to Add Barton Street East to the 10 Year Master Plan for Road Redevelopment, was approved for a future meeting.

(e) CONSENT ITEMS (Item 7)

(i) Hamilton Cycling Committee Minutes (Item 7.2)

The following minutes from the Hamilton Cycling Committee, were received:

(1) July 3, 2019 (Item 7.2(a))
(2) August 7, 2019 (Item 7.2(b))

(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Proposed Permanent Closure and Sale of a Portion of Fletcher Avenue, Hamilton (PW19075) (Ward 5) (Item 8.1)

Councillor Ferguson advised that notice of the Proposed Permanent Closure and Sale of a Portion of Fletcher Avenue, Hamilton (PW19075) (Ward 5) was given as required under the City's By-law #14-204 – the Sale of Land Policy By-law.

The Committee Clerk advised that there were no registered speakers.

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

The public meeting was closed.

For disposition of this matter, refer to Item 2.

(g) MOTIONS (Item 11)

(i) Integration of All Ages and Abilities Assessment into Existing and Future Cycling Infrastructure in Hamilton (City Wide) (Item 11.6)

Staff were directed to review and report back to the Public Works Committee on the integration of an All Ages & Abilities (AAA) assessment into existing and future cycling infrastructure in the City of Hamilton.

(h) NOTICES OF MOTION (Item 12)

(i) Central Park Remediation Project (Ward 2) (Added Item 12.1)

Councillor Farr introduced the following Notice of Motion:

WHEREAS, in 2014, the City of Hamilton's Waste Management Division retained SNC Lavalin Inc. (SNC) under a Roster Contract to undertake Central Park Phase I and Phase II Environmental Site Assessment (ESA) investigations. These reports were finalized in 2014 and 2018, respectively;

WHEREAS, in 2018, the Waterfront Development Office retained SNC, under the Procurement By-Law 17-064 Policy 11, to prepare the Central Park Remedial Action Plan (RAP), Risk Assessment (RA), Risk Management Measures (RMM), and Voluntary Abatement Program (VAP) necessary to start soil remediation of the park as part of the planned park redevelopment project in 2020; the total value of this assignment being $249,000;

WHEREAS, SNC has completed their scope of work, they identified an opportunity to fine tune each RMM through additional design of underground infrastructure, testing, and implementation support that will reduce future risk, extraneous work and the overall cost of soil remediation;

WHEREAS, staff intends to undertake this additional work; however, staff's authority to assign any more of the work to SNC has reached the threshold set by the Procurement By-Law (Policy 11) of $250,000;

WHEREAS, if SNC is retained for any additional work on this project, it must be through a RFP process or approved directly by Council as a single source; and,

WHEREAS, SNC is best suited to expedite this technical work in order that the City can maintain its 2020 construction schedule; at significant risk if undertaking a normal RFP process;

THEREFORE, BE IT RESOLVED:

(a) That staff be authorized and directed to negotiate with SNC Lavalin Inc. a price (estimated at $375,000) to carry-out supplemental site

assessments, detailed design of underground infrastructure, and additional implementation support for the Central Park Remediation Project; and,

(b) That, should an acceptable Engineering Fee with SNC Lavalin Inc. be agreed upon for the Central Park Remediation Project, staff be authorized and directed to enter into and execute any required contract and any ancillary documents required to give effect thereto with SNC Lavalin Inc. in a form satisfactory to the City Solicitor, to be funded from the approved budget Project ID #5121692001 Central Park Remediation.

(i) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

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

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

(a) Items Requiring a New Due Date:

(i) To Create a Hamilton General Hospital Safety Zone
Item on OBL: U
Current Due Date: September 16, 2019
Proposed New Due Date: November 4, 2019

(ii) Bollard Installation along Herkimer St. and Motor Vehicle Turning Restriction at the Intersection of Herkimer St. and Queen St. S. (Hamilton Cycling Committee - Citizen Committee Report)
Item on OBL: AU
Current Due Date: September 30, 2019
Proposed New Due Date: December 2, 2019

(iii) Making Upper James Street More Pedestrian Friendly
Item on OBL: E
Current Due Date: September 30, 2019
Proposed New Due Date: February 21, 2020

(j) PRIVATE AND CONFIDENTIAL (Item 14)

Committee determined that discussion of Item 14.1 was not required in Closed Session, so the item was addressed in Open Session, as follows:

(i) Closed Session Minutes - September 6, 2019 (Item 14.1)

The Closed Session Minutes of the September 6, 2019 meeting of the Public Works Committee were approved, as presented, and shall remain confidential.

Committee moved into Closed Session for Item 14.2, pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertains to 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 municipality or local board.

(ii) Standardization of Enterprise Asset Management Systems - Phase 2 (PW19035(a)/FCS19040(a)) (City Wide) (Item 14.2)

Staff were provided with direction in Closed Session.

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

(k) ADJOURNMENT (Item 15)

That there being no further business, the Public Works Committee be adjourned at 10:45 a.m.

Respectfully submitted,

Councillor L. Ferguson
Chair, Public Works Committee

Alicia Davenport
Legislative Coordinator
Office of the City Clerk



Hamilton

PROPOSED CLOSURE OF PORTION OF FLETCHER AVENUE

Geomatics & Corridor Management Section
Public Works Department

LEGEND

Lands to be Closed

NTS | 19/12/2018 | Sketch by: SS