



GENERAL ISSUES COMMITTEE MINUTES 20-004

9:30 a.m.

Wednesday, February 5, 2020
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor J. P. Danko (Chair)
Councillors M. Wilson, N. Nann, J. Farr, S. Merulla, C. Collins,
T. Jackson, E. Pauls, B. Clark, M. Pearson, L. Ferguson,
A. VanderBeek, T. Whitehead, J. Partridge

Absent: Councillor B. Johnson – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Business Improvement Area Advisory Committee Report 20-001, January 14, 2020 (Item 7.1)

(Eisenberger/Pauls)

(a) Appointment of Chair and Vice-Chair (Item 1)

- (i) That Councillor E. Pauls be appointed as Chair of the Business Improvement Area Advisory Committee; and,
- (ii) That a rotating Vice-Chair, for the Business Improvement Area Advisory Committee, be approved.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Ninder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
NOT PRESENT - Ward 6 Councillor Tom Jackson

YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

2. Finance, Insurance and Real Estate (FIRE) Sector Feasibility Study: Recommendations and Implementation (PED20047) (City Wide) (Item 7.3)

(Eisenberger/Ferguson)

That Report PED20047, respecting the Finance, Insurance and Real Estate (FIRE) Sector Feasibility Study: Recommendations and Implementation, be received.

CARRIED

3. Downtown Office Vacancy and Employment Survey (PED20006) (Wards 2 and 3) (Item 10.1)

(Farr/Eisenberger)

That Report PED20006, respecting the Downtown Office Vacancy and Employment Survey, be received.

CARRIED

4. Award of Request for Proposals C11-12-19, Operations and Maintenance of the Material Recycling Facility (PW19086(a)) (City Wide) (Item 10.2)

(Eisenberger/Clark)

- (a) That Project B, Request for Proposals Contract C11-12-19 for the Operation and Maintenance of the City of Hamilton's Material Recycling Facility and Transfer, Processing and Marketing of Fibre Materials off-site, be selected as the preferred option for the operation and maintenance of the City of Hamilton's Material Recycling Facility;
- (b) That GFL Environmental Inc. be selected as the successful proponent for Project B, Request for Proposals Contract C11-12-19, for the operation and maintenance of the City of Hamilton's Material Recycling Facility;

- (c) That the one-time transition cost for Project B of approximately \$431,000 be funded from Waste Management Recycling Program Reserve Account #112270;
- (d) That Appendix “A” to Report PW19086(a) remain confidential as it contains proprietary and sensitive competitive financial information of GFL Environmental Inc., which was provided to the City of Hamilton in confidence, to identify potential cost savings within the framework of Project B as well as legal advice subject to solicitor-client privilege;
- (e) That Appendix “B” to Report PW19086(a) remain confidential as it contains advice that is subject to solicitor client privilege on the alternatives outlined in this appendix;
- (f) That the General Manager of Public Works be authorized and directed to finalize the terms and conditions of the contract between the City of Hamilton and GFL Environmental Inc. for the Operation and Maintenance of the City of Hamilton’s Material Recycling Facility and Transfer, Processing and Marketing of Fibre Materials off-site, in accordance with the provisions of Request for Proposals Contract C11-12-19 for Project B; and,
- (g) That the Mayor and City Clerk be authorized and directed to execute the contract with GFL Environmental Inc. for the Operation and Maintenance of the City of Hamilton’s Material Recycling Facility and Transfer, Processing and Marketing of Fibre Materials off-site, and any ancillary documents for Contract C11-12-19 for Project B, with content acceptable to the General Manager of Public Works and in a form acceptable to the City Solicitor.

Result: Motion CARRIED by a vote of 8 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
NO - Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson

NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

**5. Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide)
(Item 10.4)**

(Pearson/Wilson)

That Report LS20002, respecting the Comprehensive Legal Services Report 2018/2019, be received.

CARRIED

6. Hamilton Transportation Task Force Update (CM20002) (City Wide) (Item 10.5)

(Eisenberger/VanderBeek)

That Report CM20002, respecting the Hamilton Transportation Task Force Update, be received.

CARRIED

7. Council Comments to the Hamilton Transportation Task Force (Item 10.5)

- (a) That the City Manager be directed to clarify, at an upcoming Hamilton Transportation Task Force meeting, that the municipality would not be paying the provincial portion of the highway improvement costs out of the \$1 billion;

Result: Motion CARRIED by a vote of 12 to 2, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
NO - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

- (b) That the City Manager be directed to include the following as proposed concepts at an upcoming Hamilton Transportation Task Force meeting:

- (i) The greening of the Transit fleet; and,

Result: Motion CARRIED by a vote of 12 to 2, as follows:

NO - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

- (b) That the City Manager be directed to include the following as proposed concepts at an upcoming Hamilton Transportation Task Force meeting:

- (ii) The expansion of EV Parking fixtures.

Result: Motion CARRIED by a vote of 12 to 2, as follows:

NO - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge

NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

8. Leaving Children Unattended in a Vehicle (Item 11.1)

(Merulla/Collins)

WHEREAS, the Province of Quebec, under section 380 of the *Highway Safety Code* Chapter C-24. 2, prohibits a person from leaving a child under the age of 7 unattended in a vehicle;

WHEREAS, section 218 of the *Criminal Code* and Section 136 of the *Child, Youth and Family Services Act*, S.O. 2017, c. 14. Sched.1 prohibits abandoning a child, there is no explicit provision in Ontario to prohibit a person from leaving a child unattended in a vehicle;

WHEREAS, the Province of Ontario under the *Highway Traffic Act*, RSO 1990, c. H. 8, does not have adequate language that prohibits a person from leaving a child unattended in a vehicle;

WHEREAS, the Province of Quebec is the only province with an age limit for leaving children unattended in a vehicle; and,

WHEREAS, there have been concerns of the health and safety of children being left unattended in vehicles in the City of Hamilton.

THEREFORE, BE IT RESOLVED:

- (a) That the Mayor correspond with the Premier of Ontario, the Minister of Transportation and local Members of Provincial Parliament to request that the Province consider adopting similar provisions to Quebec, specially that a person is prohibited from leaving a child under the age of 7 unattended in a vehicle; and,
- (b) That a copy of the correspondence be forwarded to other Ontario municipalities and the Association of Municipalities of Ontario requesting their endorsement.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

9. Protection of Solicitor-Client Privilege by Separating Legal Advice from all Confidential Staff Reports and Recommendations (Item 11.2)

(Clark/Pearson)

WHEREAS, the Solicitor-Client privilege is a legal concept that enables the client to entrust with their lawyers confidential and private information and enables their lawyer to provide unfettered and confidential advice to their client;

WHEREAS, the Supreme Court of Canada has called Solicitor-Client Privilege, “a principal of fundamental justice and civil right of supreme importance in Canadian law.” (Lavallee, Rackel & Heintz v. Canada (Attorney General); White, Ottenheimer & Baker v. Canada (Attorney General); R. v. Fink, [2002] 3 S.C.R. 209, 2002 SCC 61);

WHEREAS, the Solicitor-client privilege is solely the clients’ and as such only the client can voluntarily waive the privilege;

WHEREAS, it has been past practice of Hamilton’s Senior Leadership Team to provide confidential staff reports that are a hybrid of staff information, recommendations and legal advice;

WHEREAS, concerns have been expressed that any public release of such reports could mean a waiver of Solicitor-Client privilege;

THEREFORE, BE IT RESOLVED:

- (a) That the City Manager and City Solicitor be directed to implement report guidelines, by March 31, 2020, requiring the separation of any legal

advice from all confidential staff reports, with any such legal advice to be provided as an appendix to be attached to the corresponding confidential staff report.

- (b) *That should an exception occur, when the legal advice and a staff report are not separated, staff be directed to provide an explanation as to why.***

Result: Main Motion, As Amended, CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

10. Lease Extension Agreement - Ontario Works, 250 Main Street East, Hamilton (PED20019) (Ward 2) (Item 14.3)

(Nann/Pearson)

- (a) That a Lease Extension Agreement between the City of Hamilton (Tenant) and 250 Main Street Holdings Inc. (Landlord) for the continued occupancy by Healthy and Safe Communities Department for the Ontario Works program in the whole of the building located at 250 Main Street East as depicted in Appendix "A" attached to Report PED20019, based substantially on the terms and conditions outlined in Appendix "B" attached to Report PED20019, and on such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development Department, be approved;
- (b) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City as Tenant, be

authorized to provide any consents, approvals, and notices related to the subject Lease Extension Agreement herein outlined;

- (c) That the City Solicitor be authorized to amend and waive such terms and conditions to the Lease Extension Agreement as she considers reasonable;
- (d) That the Base Rent outlined in Appendix “B” attached to Report PED20019 continue to be funded from Account Number 55358-672102 (OW-Operating Costs);
- (e) That the Real Estate and Legal fees of \$41,100 be funded from Account No. 55778-672102 (OW-Operating Costs) and credited to Account No. 45408-812036 (Real Estate – Admin Recovery);
- (f) That the Mayor and Clerk be authorized and directed to execute the Lease Extension Agreement or such other form and all other necessary associated documents, and all such documents to be in a form satisfactory to the City Solicitor; and,
- (g) That Report PED20019, respecting the Lease Extension Agreement - Ontario Works, 250 Main Street East, Hamilton, and its appendices, remain confidential.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

NOT PRESENT - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

**11. Downtown Entertainment Precinct Status Update (PED18168(d)) (City Wide)
(Item 14.5)**

(Whitehead/Partridge)

That Report PED18168(d), respecting the Downtown Entertainment Precinct Status Update, and its appendices, remain confidential.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

NOT PRESENT - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

**12. Update and Instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(a)-PED16248(a)) (City Wide)
(Item 14.6)**

(Whitehead/Jackson)

That Report LS16029(a)/PED16248(a), respecting the Update and Instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion, and its appendices, remain confidential.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

NOT PRESENT - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins

YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. COMMUNICATIONS

- 5.1 Correspondence from P. J. Mercanti, Member of the Hamilton Urban Precinct Arts and Entertainment Group, respecting an Update to the Downtown Entertainment Precinct Plan

Recommendation: Be received and referred to the consideration of Item 14.5.

- 5.2 Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting Public Notice of Vrancor Group Inc.'s Proposal for the City of Hamilton Entertainment and Convention Properties

Recommendation: Be received and referred to the consideration of Item 14.5.

- 5.2(a) Additional Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting the Rendered Intersection of York and Bay and the Interior Bowl for the First Ontario Event Centre

Recommendation: Be received and referred to the consideration of Item 14.5.

- 5.3 Correspondence from Aaron Ciancone, Principal, and Aaron Waxman, Director, of Pearle Hospitality, respecting the Downtown Entertainment District

Recommendation: Be received and referred to the consideration of Item 14.5.

- 5.4 Correspondence from Lachlan Holmes, Chair of the HamiltonForward Board of Directors, respecting the Downtown Entertainment Precinct Status Update

Recommendation: Be received and referred to the consideration of Item 14.5.

6. DELEGATION REQUESTS

- 6.6 Mario Frankovich, Vrancor Group Inc. respecting Item 14.5 - Report PED18168(d) - Downtown Entertainment Precinct Status Update (For the February 5, 2020 GIC)
- 6.7 P.J. Mercanti and Louis Frapporti, Hamilton100 Commonwealth Games Bid Corporation, to provide an Update on the Preparation of the Hosting Proposal Part 2 for the 100th Anniversary 2030 Commonwealth Games (For the February 19, 2020 GIC)
- 6.8 Michael Van Pelt, Cardus, respecting the forthcoming staff report regarding Cardus' Proposal for the Balfour/Chedoke Estate (For the February 19, 2020 GIC)
- 6.9 P. J. Mercanti and Jasper Kujavsky, Hamilton Urban Precinct Arts and Entertainment Group, respecting the Group's Proposal for an Urban Hamilton Sports, Art, Entertainment, Convention and Hospitality Precinct (For the February 5, 2020 GIC)
- 6.10 The Pearle Plan/Expression of Interest regarding Item 14.5 - Downtown Entertainment Precinct Status Update (PED18168(d)) (City Wide) - THIS REQUEST WAS WITHDRAWN

10. DISCUSSION ITEMS

10.3 Potential Regulatory Litigation Update (PW19008(f)) (City Wide)

This report was withdrawn from the agenda. Staff will bring forward a new report, accompanied by a consultant's report, to a future General Issues Committee meeting.

10.4 Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide)

10.5 Hamilton Transportation Task Force Update (CM20002) (City Wide)

14. PRIVATE & CONFIDENTIAL

14.6 Update and Instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(a)/PED16248(a)) (City Wide)

(Pearson/VanderBeek)

That the agenda for the February 5, 2020 General Issues Committee meeting, be approved, as amended.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
NOT PRESENT - Ward 5 Councillor Chad Collins
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

- (i) Councillor L. Ferguson declared a potential interest to Item 5.1 – Correspondence from P. J. Mercanti, Member of the Hamilton Urban Precinct Arts and Entertainment Group, respecting an Update to the Downtown Entertainment Precinct Plan, as his nephew is the Principal of Pearle Hospitality.
- (ii) Councillor L. Ferguson declared a potential interest to Item 5.2 – Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting Public Notice of Vrancor Group Inc.'s Proposal for the City of Hamilton Entertainment and Convention Properties, as his nephew is the Principal of Pearle Hospitality.
- (iii) Councillor L. Ferguson declared a potential interest to Item 5.2(a) – Additional Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting the Rendered Intersection of York and Bay and the Interior Bowl for the First Ontario Event Centre, as his nephew is the Principal of Pearle Hospitality.
- (iv) Councillor L. Ferguson declared a potential interest to Item 5.3 – Correspondence from Aaron Ciancone, Principal, and Aaron Waxman, Director of Pearle Hospitality, respecting the Downtown Entertainment District, as his nephew is the Principal of Pearle Hospitality.
- (v) Councillor L. Ferguson declared a potential interest to Item 5.4 – Correspondence from Lachlan Holmes, Chair of the HamiltonForward Board of Directors, respecting the Downtown Entertainment Precinct Status Update, as his nephew is the Principal of Pearle Hospitality.
- (vi) Councillor L. Ferguson declared a potential interest to Item 6.6 – Mario Frankovich, Vrancor Group Inc. respecting Item 14.5 - Report PED18168(d) - Downtown Entertainment Precinct Status Update, as his nephew is the Principal of Pearle Hospitality.
- (vii) Councillor L. Ferguson declared a potential interest to Item 6.9 – P. J. Mercanti and Jasper Kujavsky, Hamilton Urban Precinct Arts and Entertainment Group, respecting the Group's Proposal for an Urban Hamilton Sports, Art, Entertainment, Convention and Hospitality Precinct, as his nephew is the Principal of Pearle Hospitality.
- (viii) Councillor L. Ferguson declared a potential interest to Item 14.5 – Downtown Entertainment Precinct Status Update (PED18168(d)), as his nephew is the Principal of Pearle Hospitality.

- (ix) Councillor M. Wilson declared a potential interest to Item 5.1 – Correspondence from P. J. Mercanti, Member of the Hamilton Urban Precinct Arts and Entertainment Group, respecting an Update to the Downtown Entertainment Precinct Plan, due to her spouse’s relationship with downtown interests.
- (x) Councillor M. Wilson declared a potential interest to Item 5.2 – Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting Public Notice of Vrancor Group Inc.’s Proposal for the City of Hamilton Entertainment and Convention Properties, due to her spouse’s relationship with downtown interests.
- (xi) Councillor M. Wilson declared a potential interest to Item 5.2(a) – Additional Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting the Rendered Intersection of York and Bay and the Interior Bowl for the First Ontario Event Centre, due to her spouse’s relationship with downtown interests.
- (xiii) Councillor M. Wilson declared a potential interest to Item 5.3 – Correspondence from Aaron Ciancone, Principal, and Aaron Waxman, Director of Pearle Hospitality, respecting the Downtown Entertainment District, due to her spouse’s relationship with downtown interests.
- (xiv) Councillor M. Wilson declared a potential interest to Item 5.4 – Correspondence from Lachlan Holmes, Chair of the HamiltonForward Board of Directors, respecting the Downtown Entertainment Precinct Status Update, due to her spouse’s relationship with downtown interests.
- (xv) Councillor M. Wilson declared a potential interest to Item 6.6 – Mario Frankovich, Vrancor Group Inc. respecting Item 14.5 - Report PED18168(d) - Downtown Entertainment Precinct Status Update, due to her spouse’s relationship with downtown interests.
- (xvi) Councillor M. Wilson declared a potential interest to Item 6.9 – P. J. Mercanti and Jasper Kujavsky, Hamilton Urban Precinct Arts and Entertainment Group, respecting the Group's Proposal for an Urban Hamilton Sports, Art, Entertainment, Convention and Hospitality Precinct, due to her spouse’s relationship with downtown interests.
- (xvii) Councillor M. Wilson declared a potential interest to Item 14.5 – Downtown Entertainment Precinct Status Update (PED18168(d)), due to her spouse’s relationship with downtown interests.
- (xviii) Councillor M. Wilson declared a potential interest to Item 14.6 – Update and Instructions regarding Ontario Municipal Board (now Local Planning

Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion, due to her spouse’s employment activity and one of the interests identified in the confidential report.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Item 4)

(i) January 15, 2020 (Item 4.1)

(Nann/Pauls)

That the January 15, 2020 minutes of the General Issues Committee meeting be approved, as presented.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Ninder Nann
YES - Ward 4 Councillor Sam Merulla
NOT PRESENT - Ward 5 Councillor Chad Collins
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(d) COMMUNICATIONS (Item 5)

(Partridge/VanderBeek)

That Communication Items 5.1 to 5.4, be approved, as follows:

- (i) Correspondence from P. J. Mercanti, Member of the Hamilton Urban Precinct Arts and Entertainment Group, respecting an Update to the Downtown Entertainment Precinct Plan (Item 5.1)

Recommendation: Be received and referred to the consideration of Item 14.5.

- (ii) Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting Public Notice of Vrancor Group Inc.'s Proposal for the City of Hamilton Entertainment and Convention Properties (Item 5.2)

Recommendation: Be received and referred to the consideration of Item 14.5.

- (iii) Additional Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting the Rendered Intersection of York and Bay and the Interior Bowl for the First Ontario Event Centre (Item 5.2(a))

Recommendation: Be received and referred to the consideration of Item 14.5.

- (iv) Correspondence from Aaron Ciancone, Principal, and Aaron Waxman, Director, of Pearle Hospitality, respecting the Downtown Entertainment District (Item 5.3)

Recommendation: Be received and referred to the consideration of Item 14.5.

- (v) Correspondence from Lachlan Holmes, Chair of the HamiltonForward Board of Directors, respecting the Downtown Entertainment Precinct Status Update (Item 5.4)

Recommendation: Be received and referred to the consideration of Item 14.5.

(e) DELEGATION REQUESTS (Item 6)

(Nann/Merulla)

That the delegation requests, Items 6.1 to 6.9, be approved, as follows:

- (i) Nicole Smith, Kumon Hamilton West End, respecting Enbridge Fracked Gas Line (For the February 7, 2020 Special GIC) (Item 6.1)
- (ii) Vic Djurdjevic, Nikola Tesla Educational, respecting an Update on the Tesla 2019 Electric City Festival and the 2020 Tesla Electric City Festival (For a future GIC) (Item 6.2)

- (iii) Jen Baker, Hamilton Naturalists' Club, respecting Item 11.3 - a Motion regarding a Biodiversity Action Plan (For the February 19, 2020 GIC) (Item 6.3)
- (iv) Lee W. Fairbanks & Jim Sweetman, Residents, to Propose an Option for a Transit Solution to Replace the Cancelled LRT (Electric Buses) (For a future GIC) (Item 6.4)
- (v) Brian MacPherson and Rick Powers, Commonwealth Games Canada, to Present Commonwealth Games Canada's 2026 and/or 2030 Commonwealth Games Candidate City Selection Process (For the February 19, 2020 GIC) (Item 6.5)
- (vi) Mario Frankovich, Vrancor Group Inc. respecting Item 14.5 - Report PED18168(d) - Downtown Entertainment Precinct Status Update (For the February 5, 2020 GIC) (Item 6.6)
- (vii) P.J Mercanti and Louis Frapporti, Hamilton100 Commonwealth Games Bid Corporation, to provide an Update on the Preparation of the Hosting Proposal Part 2 for the 100th Anniversary 2030 Commonwealth Games (For the February 19, 2020 GIC) (Item 6.7)
- (viii) Michael Van Pelt, Cardus, respecting the forthcoming staff report regarding Cardus' Proposal for the Balfour/Chedoke Estate (For the February 19, 2020 GIC) (Item 6.8)
- (ix) P. J. Mercanti and Jasper Kujavsky, Hamilton Urban Precinct Arts and Entertainment Group, respecting the Group's Proposal for an Urban Hamilton Sports, Art, Entertainment, Convention and Hospitality Precinct (For the February 5, 2020 GIC) (Item 6.9)

(f) CONSENT ITEMS (Item 7)

(i) Arts Advisory Committee Meeting Minutes (Items 7.2(a) to 7.2(d))

(Eisenberger/Ferguson)

That the following Arts Advisory Committee meeting minutes, be received:

- (1) March 26, 2019 (Item 7.2(a))
- (2) May 28, 2019 (Item 7.2(b))
- (3) July 23, 2019 (Item 7.3(c))

(4) September 24, 2019 (Item 7.3(d))

CARRIED

(g) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Paven R. Bratch, MetroPartners Inc., respecting an Opportunity for a Downtown Technology Centre (Item 8.12)

Paven R. Bratch, MetroPartners Inc., addressed Committee and provided a PowerPoint presentation respecting an Opportunity for a Downtown Technology Centre.

(Farr/Pearson)

That the presentation provided by Paven R. Bratch, MetroPartners Inc., respecting an Opportunity for a Downtown Technology Centre, 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/Merulla)

WHEREAS, in 2016, a motion of Council (Merulla/Farr) directed staff to pursue requests for interest with respect to development of the back portion of City Hall; and,

WHEREAS, the resolution remains in Council's hands;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to report back to the General Issues Committee, by September 2020, on the feasibility of creating a Technology Hub, that may include the sale or lease of the City Hall precinct lands (south facing, adjacent to Hunter Street as well as the former Football Hall of Fame lands) for future office space development, all at fair market value, conditional on: ensuring complementarity with City Hall, parking, greenspace, accessibility, green building design, and amenity requirements are achieved; and,
- (b) That, as part of that report to the General Issues Committee, staff be directed to provide a defined process respecting options to pursue the development of the south facing lands of the City Hall

precinct to include the lands adjacent to Hunter Street and including the former Football Hall of Fame lands.

Result: Motion CARRIED by a vote of 12 to 2, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
NO - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(ii) Don McLean, Hamilton 350 Committee, respecting the City's Climate Emergency (Item 8.2)

Don McLean, Hamilton 350 Committee, addressed Committee and provided a PowerPoint presentation respecting the City's Climate Emergency.

(Partridge/Ferguson)

That the presentation provided by Don McLean, Hamilton 350 Committee, respecting the City's Climate Emergency, 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.

(iii) Mario Frankovich, Vrancor Group Inc. respecting Item 14.5 - Report PED18168(d) - Downtown Entertainment Precinct Status Update (Item 8.3)

Mario Frankovich, Vrancor Group Inc.; Matthew Delean, Architecture 49; and, Jason Ball, Ball Construction, addressed Committee respecting Item

14.5 - Report PED18168(d) - Downtown Entertainment Precinct Status Update.

(Clark/VanderBeek)

That the presentation provided by Mario Frankovich, Vrancor Group Inc.; Matthew Delean, Architecture 49; and, Jason Ball, Ball Construction, respecting Item 14.5 - Report PED18168(d) - Downtown Entertainment Precinct Status Update, 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.

For disposition of this matter, please refer to Item 11.

(iv) P. J. Mercanti and Jasper Kujavsky, Hamilton Urban Precinct Arts and Entertainment Group, respecting the Group's Proposal for an Urban Hamilton Sports, Art, Entertainment, Convention and Hospitality Precinct (Item 8.4)

P. J. Mercanti and Jasper Kujavsky, Hamilton Urban Precinct Arts and Entertainment Group; and, Petra Matar, DPAI Architecture Inc., addressed Committee respecting the Group's Proposal for an Urban Hamilton Sports, Art, Entertainment, Convention and Hospitality Precinct.

(Eisenberger/Pearson)

That the presentation provided by P. J. Mercanti and Jasper Kujavsky, Hamilton Urban Precinct Arts and Entertainment Group; and, Petra Matar, DPAI Architecture Inc., respecting the Group's Proposal for an Urban Hamilton Sports, Art, Entertainment, Convention and Hospitality Precinct, 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.

For disposition of this matter, please refer to Item 11.

(h) **DISCUSSION ITEMS (Item 10)**

(i) **Hamilton Transportation Task Force Update (CM20002) (City Wide)
(Item 10.5)**

(Clark/Pearson)

- (a) That the City Manager be directed to clarify, at an upcoming Hamilton Transportation Task Force meeting, that the municipality would not be paying the provincial portion of the highway improvement costs out of the \$1 billion; and,
- (b) That the City Manager be directed to include the following as proposed concepts at an upcoming Hamilton Transportation Task Force meeting:
 - (i) The greening of the Transit fleet; and,
 - (i) The expansion of EV Parking fixtures.

(Ferguson/Pauls)

That sub-section (a) to the Motion respecting the Hamilton Transportation Task Force Update, be amended by adding the words “with the exception of the 403 westbound ramp at Mohawk Road, to read as follows:

- (a) That the City Manager be directed to clarify, at an upcoming Hamilton Transportation Task Force meeting, that the municipality would not be paying the provincial portion of the highway improvement costs out of the \$1 billion, ***with the exception of the 403 westbound ramp at Mohawk Road;*** and,

Result: Amendment DEFEATED by a vote of 8 to 6, as follows:

NO - Ward 1 Councillor Maureen Wilson
NO - Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann
NO - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NO - Deputy Mayor - Ward 8 Councillor John-Paul Danko
NO - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek

YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
NO - Ward 9 Councillor Brad Clark

(i) MOTIONS (Item 11)

(i) Protection of Solicitor-Client Privilege by Separating Legal Advice from all Confidential Staff Reports and Recommendations (Item 11.2)

(Eisenberger/Ferguson)

That the Motion respecting the Protection of Solicitor-Client Privilege by Separating Legal Advice from all Confidential Staff Reports and Recommendations, be amended by adding a new sub-section (b), to read as follows:

(b) *That should an exception occur, when the legal advice and a staff report are not separated, staff be directed to provide an explanation as to why.*

Result: Amendment CARRIED by a vote of 8 to 6, as follows:

YES - Ward 1 Councillor Maureen Wilson
NO - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
NO - Ward 5 Councillor Chad Collins
NO - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NO - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
NO - Ward 9 Councillor Brad Clark

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

(ii) Feasibility of Developing a Hamilton Biodiversity Action Plan (Item 11.3)

(Clark/Partridge)

That the Motion, respecting the Feasibility of Developing a Hamilton Biodiversity Action Plan, be DEFERRED to the February 19, 2020 General Issues Committee meeting to allow the approved delegation, Jen Baker, of the Hamilton Naturalist Club, to attend.

CARRIED

(j) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – January 15, 2020 (Item 14.1)

(Ferguson/VanderBeek)

- (a) That the Closed Session Minutes of the January 15, 2020 General Issues Committee meeting, be approved, as presented; and,
- (b) That the Closed Session Minutes of the January 15, 2020 General Issues Committee meeting remain confidential.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Pauls/Jackson)

That Committee move into Closed Session respecting Items 14.2, 14.3 14.5 and 14.6, pursuant to Section 8.1, Sub-sections (b), (c), (e), (f) and (k) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (b), (c), (e), (f) and

(k) of the *Ontario Municipal Act*, 2001; as amended, as the subject matters pertains to personal matters about an identifiable individual, including municipal or local board employees; a proposed or pending acquisition or disposition of land by the municipality or local board; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; 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. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
NOT PRESENT - Ward 9 Councillor Brad Clark

(ii) Personnel Matter (Item 14.2)

There was nothing to report in Open Session respecting this matter.

(k) ADJOURNMENT (Item 15)

(Pearson/VanderBeek)

That there being no further business, the General Issues Committee be adjourned at 9:24 p.m.

CARRIED

Respectfully submitted,

Deputy Mayor J. P. Danko
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk