



## **CITY COUNCIL MINUTES 20-012**

9:30 a.m.  
May 27 and 28, 2020  
Council Chamber  
Hamilton City Hall  
71 Main Street West

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

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised of the following changes to the agenda:

### **4. COMMUNICATIONS (Item 4)**

4.10 Correspondence in support of for Councillor Jason Farr's Motion to Utilize the Rooftop of York Boulevard Parkade as a Temporary Open-Air Performance Space:

- (a) Mark Furukawa, Dr. Disc ( Hamilton ) Inc.
- (b) Brodie Schwendiman, Owner/Operator, The Casbah

Recommendation: Be received and referred to the consideration of Item 6.1

**5. COMMITTEE OF THE WHOLE (Item 5)****5.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS****5.2 (a) Written delegations calling for the continuity of Bike Share in Hamilton:**

- (a)(b) Chris Ritsma on behalf of several Hamilton residents;**
- (a)(c) Cindy Gangaram, Chair – Environment Hamilton Board of Directors;**
- (a)(d) Kojo Dampthey, Hamilton Centre for Civic Inclusion;**
- (a)(e) McMaster Students Union;**
- (a)(f) Wayne Terryberry Acting Chair - McMaster Active Transportation Committee;**
- (a)(g) Kate Flynn, Acting Director, Centre for Climate Change Management at Mohawk College;**
- (a)(h) Sean Van Koughnett, Associate Vice-President (Students and Learning) & Dean of Students McMaster University; and**
- (a)(i) Rebekah Jackson-Gravelly.**

Recommendation: Be received and referred to the consideration of Item 5.4 (f) Public Bike Share Transit Contract Update(PED20109(a))

**5.2 (b) Written delegation from Tim Potocic on behalf of the Arts community in full support of the Community Enrichment Fund applicants.**

Recommendation: Be received and referred to the consideration of Item 5.4 (a) 2020 City Enrichment Funding Recommendations.

**5. COMMITTEE OF THE WHOLE****5.4 DISCUSSION ITEMS****5.4 (f) Public Bike Share Transit Contract Update (PED20109(a))(Wards 1, 2, 3, 4,5, and 13)**

Discussion of Appendix "A" of this report in Closed Session is pursuant to Section 8.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e), (f) and (k) of 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; 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 City of a local board.

**6. MOTIONS (Item 6)****6.2 Establishing a LaSalle Park Acquisition Task Force – WITHDRAWN****7. NOTICES OF MOTION (Item 7)****7.1 Future of LaSalle Park****7.2 Interim Continuation of the SoBi Bike Share Program****9. PRIVATE & CONFIDENTIAL**

Item 9.2 is now listed as follows:

**9.2 Appendix "A" to Report PED20109(a), Public Bike Share Transit Contract Update (Wards 1, 2, 3, 4, 5, and 13)**

Pursuant to Section 8.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e), (f) and (k) of 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; 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 City of a local board.

**10. BY-LAWS (Item 10)**

- 106 Being a By-law to Permanently Close a Portion of a Fletcher Avenue, Hamilton, established by Registered Plan 452, in the City of Hamilton, subject to Instrument No. VM175601, being All of PIN 17571-0081 (LT), City of Hamilton Ward: 5
- 107 Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 1, Plan 62R-5283, being Part of PIN 17383-0144 (LT), City of Hamilton Ward: 11
- 108 Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Firstly: Part of Road Allowance between Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5283, being Part of the PIN 17383-0144 (LT), Secondly: Part Lot 20, Concession 7 in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Thirdly: Part of Lot 20, Concession 7, in the

Geographic Township of Binbrook, in the City of Hamilton, designated as Part 4 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)  
Ward: 11

- 109 Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Firstly: Part of Road Allowance Between Lots 20 & 21, Concession 8, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 6 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Secondly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 8 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)  
Ward: 11

#### **CHANGE TO THE ORDER OF ITEMS:**

These items are to be considered following the Closed Session portion of the meeting:

- 5.4 (f) Public Bike Share Transit Contract Update (PED20109(a))(Wards 1, 2, 3, 4,5, and 13)**

#### **7.2 Interim Continuation of the SoBi Bike Share Program**

**(Pauls/Pearson)**

That the agenda for the May 27, 2020 meeting of Council be approved, ***as amended.***

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

<b>DECLARATIONS OF INTEREST</b>
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Councillor Ferguson declared an interest to Item 4.8 correspondence from City of Hamilton's Taxi Brokers asking for some relief with municipal fees related to costs such as; plate renewal fees, lease renewals/registration fees, taxi cab license fees etc., as he is an investor in the Taxi industry.

<b>APPROVAL OF MINUTES OF PREVIOUS MEETING</b>
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**3.1 May 20, 2020 (Item 3.1)**

**(Partridge/Farr)**

That the Minutes of the May 20, 2020 meeting of Council be approved, as presented.

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

<b>COMMUNICATIONS</b>
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**(Collins/Merulla)**

That Council Communications 4.1 to 4.10 be approved, as **amended**, as follows:

- 4.1 Correspondence from the Hamilton Conservation Authority Board requesting that Hamilton City Council amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 to reflect the re-designation of 60 Arbour Road to Urban Area within the Niagara Escarpment Plan.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.

- 4.2 Correspondence from Kirstin Jensen, Manager of Planning & Government Relations, West End Home Builders' Association respecting the May 20, 2020,

Council Agenda Items 6.1, 10.4 & 10.5: Interim Control By-law – Waterdown Community Node Area.

Recommendation: Be received.

- 4.3 Correspondence from Jay Krause, Co-Chair, Board of Directors, Cycle Hamilton respecting the May 20, 2020, Council Agenda Item 5.4 (g) Social Bicycles & City of Hamilton Contract.

Recommendation: Be received and referred to the consideration of Item 5.4 (f), Public Bike Share Transit Contract Update (PED20109(a))

- 4.4 Correspondence from Michael Power – President, Options for Independent Living and Development respecting some minor variances they require in order to move forward with the building permit process.

Recommendation: Be received.

- 4.5 Correspondence from the City of Kitchener requesting support for their resolution urging the Ontario Provincial government to pursue a partnership with the Federal government for the establishment of a universal basic income.

Recommendation: Be received.

- 4.6 Correspondence from the City of Cambridge requesting support for their resolution requesting the Province of Ontario for much needed funding to provide relief for Rehabilitation Facilities.

Recommendation: Be received.

- 4.7 Correspondence from Michael Gennari requesting that the City of Hamilton publicly commit to investing in the tools and resources necessary for community gardens to thrive in our municipality immediately.

Recommendation: Be received.

- 4.8 Correspondence from City of Hamilton's Taxi Brokers asking for some relief with municipal fees related to costs such as; plate renewal fees, lease renewals/registration fees, taxi cab license fees etc.

Recommendation: Be received ***and referred to the General Manager of Finance and Corporate Services for consultation and a report back to Audit, Finance and Administration Committee.***

- 4.9 Correspondence from Kevin Gonci requesting that the City of Hamilton examining the Commonwealth Games risk carefully.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.

- 4.10 Correspondence in support of for Councillor Jason Farr's Motion to Utilize the Rooftop of York Boulevard Parkade as a Temporary Open-Air Performance Space:

- (a) Mark Furukawa, Dr. Disc ( Hamilton ) Inc.
- (b) Brodie Schwendiman, Owner/Operator, The Casbah

Recommendation: Be received and referred to the consideration of Item 6.1

**Result: Motion on Items 4.1 to 4.7; 4.9 and 4.10 CARRIED by a vote of 15 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - 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  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**Result: Motion on Item 4.8 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - 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  
CONFLICT - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Ward 9 Councillor Brad Clark

**(Collins/Merulla)**

That Council move into Committee of the Whole.

**Result: Motion CARRIED by a vote of 15 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
 YES - Ward 6 Councillor Tom Jackson  
 YES - Ward 7 Councillor Esther Pauls  
 YES - 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Ward 9 Councillor Brad Clark

**COMMITTEE OF THE WHOLE****5.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS****(Farr/VanderBeek)**

That the following written delegations, be received and referred to the respective items on the Council Agenda:

**5.2 (a) Written delegations calling for the continuity of Bike Share in Hamilton:**

- (a)(a) Jay Kraus, Chair, Cycle Hamilton Board of Directors**
- (a)(b) Chris Ritsma on behalf of several Hamilton residents;**
- (a)(c) Cindy Gangaram, Chair – Environment Hamilton Board of Directors;**
- (a)(d) Kojo Dampsey, Hamilton Centre for Civic Inclusion;**
- (a)(e) McMaster Students Union;**
- (a)(f) Wayne Terryberry Acting Chair - McMaster Active Transportation Committee;**
- (a)(g) Kate Flynn, Acting Director, Centre for Climate Change Management at Mohawk College;**
- (a)(h) Sean Van Koughnett, Associate Vice-President (Students and Learning) & Dean of Students McMaster University; and**



**(a)(i) Rebekah Jackson-Gravelly.**

Recommendation: Be received and referred to the consideration of Item 5.4 (f) Public Bike Share Transit Contract Update(PED20109(a))

**5.2 (b) Written delegation from Tim Potocic on behalf of the Arts community in full support of the Community Enrichment Fund applicants.**

Recommendation: Be received and referred to the consideration of Item 5.4 (a) 2020 City Enrichment Funding Recommendations.

**Result: Motion CARRIED by a vote of 15 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - 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  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**5.3 STAFF PRESENTATIONS**

**5.3 (a) Public Health Services Post-Peak Framework (BOH20010) (City Wide)**

Dr. Elizabeth Richardson, Medical Officer of Health and Jason Morgenstern, Medical Resident provided the Committee of the Whole with a presentation respecting Public Health Services Post-Peak Framework.

**(Pearson/Danko)**

That the presentation respecting Report BOH20010, respecting Public Health Services Post-Peak Framework, be received.

**Result: Motion CARRIED by a vote of 15 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Pauls/Johnson)**

That Report BOH20010, respecting Public Health Services Post-Peak Framework, be received.

**Result: Motion CARRIED by a vote of 15 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Pearson/Pauls)**

That Committee of the Whole recess at 12:35 p.m.

**CARRIED**

Committee of the Whole reconvened at 1:10 p.m.

**5.3 (b) Hamilton Reopens: A Roadmap to Our New Reality (HSC20019) (City Wide)**

Paul Johnson, Director, Emergency Operations Centre provided the Committee of the Whole with a presentation respecting Hamilton Reopens: A Roadmap to Our New Reality.

**(Pearson/Pauls)**

That the presentation respecting Report HSC20019, respecting Hamilton Reopens: A Roadmap to Our New Reality, be received.

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

**(Pauls/Farr)**

That Report HSC20019, respecting Hamilton Reopens: A Roadmap to Our New Reality, be received.

**Result: Motion CARRIED by a vote of 15 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**5.4 DISCUSSION ITEMS**

**5.4 (a) 2020 City Enrichment Funding Recommendations (GRA20003) (City Wide)****(Johnson/Farr)**

- (a) That, the 2020 City Enrichment Fund recommended funding allocation for Operating grants, in the amount of \$2,541,713 (as outlined in the attached Appendix "A" to Report GRA20003), be approved;
- (b) That staff be directed to work with organizations to determine whose Programs have not been changed from the description outlined in their original 2020 City Enrichment Fund application and report back with funding recommendations by July 2020;
- (c) That, staff be directed to work with organizations whose Events were scheduled up to July 2, 2020 and have been cancelled or postponed (as outlined in the attached Appendix "B" to Report GRA20003) and to include that information in the forthcoming report;
- (d) That staff be directed to work with organizations whose Programs have been redesigned, cancelled, postponed, or whose future is unknown, (as outlined in Appendix "C" to Report GRA20003) and to include that information in the forthcoming report; -
- (e) That, staff be directed to work with organizations whose Events are scheduled between July 2, 2020 and December 31, 2020 (as outlined in Appendix "D" to Report GRA20003) and report back regarding funding recommendations on or before November 18, 2020;
- (f) That any funds not required in 2020 by organizations, as a result of programs or events being cancelled, reduced, or redesigned, be transferred to the City Enrichment Fund Reserve # 112230, to be utilized for potential one-time reallocation to organizations that are experiencing extraordinary financial pressures in 2020 due to COVID-19; and, are current participants in the City Enrichment Fund program;
- (g) That, Appendix "E" to Report GRA20003, being the City Enrichment Fund Payment Plan, be approved; and
- (h) That, Appendix "F" to Report GRA20003, being the 2020 City Enrichment Fund Application Summary, be received.

**Result: Motion CARRIED by a vote of 14 to 2, 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NO - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NO - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**5.4 (b) Award of Request for Proposal C11-55-19, Waste Collection Services (PW16059(g)) (City Wide)**

**(Danko/Pearson)**

- (a) That GFL Environmental Inc. be selected as the Successful Proponent of Request for Proposals Contract C11-55-19, Waste Collection Services;
- (b) That the General Manager of Public Works be authorized and directed to finalize the terms and conditions of the Contract with GFL Environmental Inc., in accordance with the provisions of Request for Proposals Contract C11-55-19; and
- (c) That the Mayor and City Clerk be authorized and directed to execute the Contract with GFL Environmental Inc. and any ancillary documents for Contract C11-55-19 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 13 to 3, 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
NO - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
NO - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NO - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

**5.4 (c) Waste Free Ontario Act Update – Preferred Blue Box Transition Date (PW20028) (City Wide)**

**(Pearson/Whitehead)**

- (a) That the City of Hamilton's Blue Box recycling program preferred transition date to full /extended producer responsibility be established as April 1, 2023; and
- (b) That the following resolution be endorsed and forwarded to the Association of Municipalities of Ontario and the Ontario Ministry of the Environment, Conservation and Parks:

WHEREAS the amount of single-use plastics entering our lakes, rivers, waterways is a growing area of public concern;  
WHEREAS reducing the waste we generate and reincorporating valuable resources from our waste stream into new goods can reduce greenhouse gases significantly;

WHEREAS the transition to extended producer responsibility for packaging, paper and paper products is critical to reducing waste, improving recycling and driving better economic and environmental outcomes;

WHEREAS the City of Hamilton is supportive of a timely, seamless and successful transition of Blue Box programs to full financial and operational responsibility by producers of packaging, paper and paper products; and,

WHEREAS the Association of Municipalities of Ontario has requested municipal governments with Blue Box programs to provide an indication of the best date to transition our Blue Box program to full / extended producer responsibility;

THEREFORE BE IT RESOLVED:

That the City of Hamilton's Blue Box Recycling Program preferred transition date to extended producer responsibility be April 1, 2023.

**Result: Motion CARRIED by a vote of 16 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson

YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(VanderBeek/Johnson)**

That Committee of the Whole recess at 5:58 p.m.

**CARRIED**

Committee of the Whole reconvened at 6:30 p.m.

**5.4 (d) Development Charges Interest Rate Recommendation Related to Bill 108 Changes and Related Site Plan Changes (FCS20028 / PED20105) (City Wide)**

**(Ferguson/Merulla)**

- (a) That for the purpose of section 26.1 (7) of the *Development Charges Act, 1997*, effective as of January 1, 2020, Council approve an interest rate equal to Bank of Canada Prime plus 2%, fixed at the date of building permit issuance, compounded semi-annually;
- (b) That for the purpose of section 26.2 (3) of the *Development Charges Act, 1997*, effective as of January 1, 2020, Council approve an interest rate equal to Bank of Canada Prime, fixed at the date of the related planning application, compounded semi-annually;
- (c) That staff be directed to extend Site Plan Approval to 15 months, with no further Site Plan extensions, for Site Plan applications within the Downtown Hamilton Community Improvement Project Area (Downtown CIPA);
- (d) That By-law No. 19-108, 2020 Tariff of Fees for Planning and Engineering Development Applications, be amended to incorporate a new Site Plan Approval fee for applications that lapse after 15 months within the Downtown Hamilton Community Improvement Project Area (Downtown CIPA);
- (e) That Site Plan Agreements be implemented for Site Plan applications within the Downtown Hamilton Community Improvement Project Area (Downtown CIPA) at the discretion of the Director of Planning and Chief Planner;

- (f) That the Standard Conditions of Approval for Site Plan applications within the Downtown Hamilton Community Improvement Project Area (Downtown CIPA), attached as Appendix “A” to Report FCS20028 / PED20105 be endorsed by Council;
- (g) That recommendations (c), (d), (e) and (f) of Report FCS20028 / PED20105 apply to Site Plan applications submitted to the City retroactive to January 1, 2020 within the Downtown Hamilton Community Improvement Project Area (Downtown CIPA).

**Result: Motion CARRIED by a vote of 15 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**5.4 (e) Ontario Energy Board Notice of Hearing for Enbridge Gas Inc.’s Integrated Resource Planning Proposal – OEB File Number: EB-2020-0091 (PED20103) (City Wide)**

**(Pearson/Danko)**

- (a) That it be confirmed that the General Manager of Planning and Economic Development maintain “Intervenor” status with the Ontario Energy Board pertaining to file EB-2020-0091, in respect of the Enbridge Gas Inc.’s Integrated Resource Planning Proposal;
- (b) That the General Manager of Planning and Economic Development be authorized and directed to file interrogatories and respond to any interrogatories in accordance with any Procedural Order(s) of the Ontario Energy Board, for file EB-2020-0091 in respect of the Enbridge Gas Inc.’s Integrated Resource Planning Proposal;
- (c) That it be confirmed that no outside consultants will be retained and therefore no evidence will be submitted to the Ontario Energy Board as it pertains to file EB-2020-0091, in respect of the Enbridge Gas Inc.’s Integrated Resource Planning Proposal.



**Result: Motion CARRIED by a vote of 16 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>MOTIONS</b>
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**6.1 Utilizing the Rooftop of York Boulevard Parkade as Temporary Open-Air Performance Space****(Farr/Eisenberger)**

WHEREAS in January 2014, Hamilton Council approved the Music Strategy which included four goals, to strengthen the local music industry, grow audiences and appreciation of music, increase access to music experiences; and cultivate music creation and talent;

WHEREAS in March 2019 Council approved the Creative Industries Sector Profile Report and Implementation Recommendations (PED19056) in which music was identified as one of the City's top growth areas;

WHEREAS Hamilton's music industry employs an estimated 7,725 workers and has a total of 541 businesses;

WHEREAS the Live Music Venues Research Report has identified that Hamilton's direct GDP from music venues is \$32.6M with \$2.6M from property taxes and total revenues generated by venues was \$62.7M;

WHEREAS the City, with the support and advice of the Hamilton Music Advisory Team (HMAT), has completed a number of actions, including: Musician Loading Zones; Annual Musician Conferences; social media and marketing efforts (@HamOntMusic); Music Mondays outdoor concert series at City Hall; one-to-one mentoring for musicians; support for Hamilton Public Library's Music Archive; Hamilton showcases at local venues; and completion of a draft live music venue report that measures the economic and social impacts of the City's live music sector;

WHEREAS the Provincial Orders resulting from the COVID-19 pandemic have had a significant impact on the music and performing arts sector;

WHEREAS the required closure of a number of venues that normally host such performances has negatively impacted artists as well as host organizations and venue operators;

WHEREAS the City's Economic Development Division's Business Impact Survey found that 71% of creative businesses reported that COVID had impacted their revenues by more than 50% and 36% of businesses in this sector have decreased employment by 100%;

WHEREAS temporarily repurposing a City-owned space to be used by the local performing arts industry provides an opportunity to support the performing arts sector during the COVID-19 recovery phase; and

WHEREAS in considering potential locations for such a use, the top level of the York Boulevard Parkade presents a number of benefits, including that it is currently under-utilized, it would not displace other users which may be the case for other public spaces such as parks, it is fully accessible, it allows for audience sizes to be controlled, and it does not have immediate surrounding sensitive land uses such as residential uses

THEREFORE, BE IT RESOLVED:

- (a) That staff from the Corporate Real Estate Office and Tourism and Culture Division, in consultation with Transportation Planning and Parking Division, be authorized and directed to initiate an open call to seek interest from potential Licensees to operate a small, temporary open-air performance space venue to be located on the underutilized top level of the York Boulevard Parkade located at 28 York Boulevard for the 2020 season, which would include organizing, scheduling and managing a small performance series program;
- (b) That the General Manager, Planning and Economic Development, or their designate, be authorized and directed to negotiate and execute a Licence Agreement, and any other necessary documents, on behalf of the City with the successful proponent (the "Licensee") for the use of the top level of the York Boulevard Parkade as a temporary open air performance space venue based substantially on the terms and conditions attached, with such other content satisfactory to the General Manager, Planning and Economic Development and in a form satisfactory to the City Solicitor
- (c) That the Tourism and Culture Division be authorized and directed to contribute to the initial start-up costs related to the creation of a temporary open-air

performance space venue at the York Boulevard Parkade to an upset limit of \$7,500, to be funded from the City's Economic Development Reserve; and

- (d) That Real Estate and Legal fees of \$1,500, associated with a Licence Agreement for the use of the York Boulevard Parkade as a temporary open-air performance space venue, be funded from the City's Economic Development Reserve and credited to Account No. 45408-812036 (Real Estate – Admin Recovery).

**Result: Motion CARRIED by a vote of 14 to 2, 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NO - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NO - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

### **6.3 Amendment to the Loan Agreement between the City of Hamilton and the Winona Peach Festival**

#### **(Pearson/Johnson)**

WHEREAS, Council at its meeting of March 29, 2017, approved Item 6 of the Audit, Finance & Administration Committee Report 17-004, which authorized the City of Hamilton to provide an interest free loan to the Winona Peach Festival to fund electrical upgrades at the City-owned Winona Park, in an amount not to exceed \$100,000, to be repaid in full over a period of ten years from the date of the loan advance;

WHEREAS, in May of 2017 the Winona Peach Festival entered into a loan agreement with the City of Hamilton to fund expenses for the updating of the electrical service within the City-owned Winona Park to comply with electrical safety regulations;

WHEREAS, this loan agreement requires annual payments of \$10,000 to be made to the City of Hamilton;

WHEREAS, restrictions designed to prevent the spread of the COVID-19 virus are in place limiting the gathering of large groups in public spaces;

WHEREAS, the Winona Peach Festival has determined that these restrictions will prevent them from holding the annual Winona Peach Festival Event in 2020; and,

WHEREAS, the Winona Peach Festival relies on the proceeds from the annual Winona Peach Festival Event to make the annual loan payment.

THEREFORE, IT BE RESOLVED:

That the Mayor and Clerk be authorized and directed to execute an amendment to the Loan Agreement, between the City of Hamilton and the Winona Peach Festival, for the funding of electrical upgrades at the City-owned Winona Park, to suspend the 2020 annual payment and extend the term of the Agreement for one year beyond the original date, in a form satisfactory to the General Manager of Finance and Corporate Services and the City Solicitor.

**Result: Motion CARRIED by a vote of 16 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

#### **6.4 Interim Continuation of the SoBi Bike Share Program**

**(Nann/Farr)**

WHEREAS Hamilton's award-winning SoBi bike share program is recognized as the one of the most successful bike share system in North America;

WHEREAS the Everyone Rides Initiative, Canada's first bike share equity program, provides access to bike share to those who cannot afford it, newcomers and those who need more support, such as the use of trikes;

WHEREAS 26,000 Hamiltonians use the SoBi Bike Share Program;

WHEREAS 600 new users have signed up to use SoBi since the COVID-19 pandemic began, up from 300 during the early weeks;

WHEREAS the World Health Organization recommends cycling as a safe mode of travel to maintain safe physical distancing and to encourage physical activity and mental health during the pandemic;

WHEREAS the SoBi Bike Share program is a vital part of our transportation network and complements HSR service, especially while capacity of buses is limited for physical distancing reasons;

WHEREAS the SoBi bike share program plays an essential role in our local economic recovery by enabling workers an affordable option to safely travel to and from work, as well as for residents to run errands or simply enjoy our beautiful city;

WHEREAS Uber unexpectedly announced its intention to unilaterally terminate its c agreement with the City to maintain the operations of SoBi effective June 1, 2020;

WHEREAS the termination of SoBi operations jeopardizes the safe mobility of thousands of Hamiltonians across the City during a health pandemic;

WHEREAS it remains the City's position that Uber has a contractual obligation to operate SoBi until February 2021, but if the City does not act now, the SoBi bike share bikes will cease operation effective June 1, 2020 because of this action by Uber;

THEREFORE BE IT RESOLVED:

- (a) That if Uber does not agree to honour its contractual agreement with the City to operate the SoBi Bike Share program until February 2021 without interruption of services and at no cost to the City:
  - (i) That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the interim operation of the SoBi Bike Share program effective June 1, 2020 and that the General Manager, Planning and Economic Development Department be authorized to negotiate, enter into and execute an Agreement and any ancillary documents required to give effect thereto with Hamilton Bike Share Inc., each in a form satisfactory to the City Solicitor;
  - (ii) That the City's contribution to the interim operation of the SoBi Bike Share program be limited to providing the existing and near term committed bikes and stations, at no cost to the operator, as well as a financial contribution up to a maximum of \$400,000;
  - (iii) Notwithstanding the Area Rating Special Capital Re-Investment Reserves Policy, that Council permit an exception to this policy and that funding to maintain the operation of the SoBi Bike Share infrastructure be provided as follows: \$150,000 from Ward 1 Special Capital Re-Investment Reserve Account (108051), \$100,000 from Ward 2 Special Capital Re-Investment

Reserve Account (108052), and \$150,000 from Ward 3 Special Capital Re-Investment Reserve (108053) Cycling Project Account (4661717124 /4031755820);

- (iv) That the City Solicitor be authorized and directed to take all necessary actions to pursue recovery of the full amount of the City of Hamilton's costs, expenses and damages arising from Uber's unilateral decision to cease bike share operations as of June 1, 2020.
- (b) That staff be directed to initiate a competitive procurement process with a goal of identifying a preferred long-term operator for the SoBi Bike Share program and report back to Council with the results of the procurement process prior to the end of 2020; and

***(c) That staff be directed to approach any private entity interested in offering operational bridge funding at this time.***

**Result: Motion DEFEATED by a vote of 8 to 8, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NO - Ward 4 Councillor Sam Merulla  
NO - Deputy Mayor Ward 5 Councillor Chad Collins  
NO - Ward 6 Councillor Tom Jackson  
NO - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
NO - Ward 15 Councillor Judi Partridge  
NO - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NO - Ward 12 Councillor Lloyd Ferguson  
NO - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Collins/Merulla)**

- (a) That staff be directed to pursue space currently owned by the City, or if that's not possible, pursue private sector space (rental/donated) for the storage of the bikes; and
- (b) That staff be directed to report back to Planning Committee with a plan, in terms of how the City will be storing the bikes.

**Result: Motion CARRIED by a vote of 9 to 7, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
NO - Ward 2 Councillor Jason Farr

NO - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
NO - Ward 8 Councillor John-Paul Danko  
NO - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NO - Ward 10 Councillor Maria Pearson  
NO - Ward 9 Councillor Brad Clark

**(Whitehead/Merulla)**

That the Rules of Order be waived to allow for the introduction of a reconsideration Motion, respecting the reconsideration of sub-section (b) of Item 6.4, Interim Continuation of the SoBi Bike Share Program.

**Result: Motion CARRIED by a 2/3's majority vote of 14 to 1, 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
NO - Ward 8 Councillor John-Paul Danko  
YES - 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  
YES - Ward 11 Councillor Brenda Johnson

**(Whitehead/Merulla)**

That Sub-section (b) of Item 6.4, Interim Continuation of the SoBi Bike Share Program, which was defeated by Council on May 27 and 28, 2020 and reads as follows, be reconsidered:

That staff be directed to initiate a competitive procurement process with a goal of identifying a preferred long-term operator for the SoBi Bike Share program and report back to Council with the results of the procurement process prior to the end of 2020.

**Result: Motion CARRIED by a 2/3's majority vote of 13 to 2, 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
NO - Ward 8 Councillor John-Paul Danko  
NO - 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  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Whitehead/Merulla)**

That staff be directed to initiate a competitive procurement process with a goal of identifying a preferred long-term operator for the SoBi Bike Share program and report back to Council with the results of the procurement process prior to the end of 2020.

**Result: Motion CARRIED by a vote of 14 to 1, 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
NO - 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  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>NOTICES OF MOTION</b>
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**7.1 Future of LaSalle Park**

Councillor Merulla introduced the following Notice of Motion:



WHEREAS, LaSalle Park, comprising approximately 51.5 acres of open space (35 ac.) and park/table land (16.5 ac.), was acquired by the City of Hamilton between 1912-1916;

WHEREAS, in 1958, Aldershot was annexed to the City of Burlington, yet the City of Hamilton continued ownership of LaSalle Park and the park was managed by the Hamilton Parks Board;

WHEREAS, between 1975 and 1983, the City of Burlington managed LaSalle Park under a joint management agreement;

WHEREAS, in 1983, the City of Burlington leased the Park from the City of Hamilton under the following terms:

- Term: forty (40) years, commencing Jan.1, 1983 and expiring Dec.31, 2022
- Annual Rent: \$1.00 (payable Aug.1 each year)
- Use: Exclusive right to maintain, operate, programme and manage LaSalle Park for the sole purpose of a public park and related parks uses - outdoor recreational activities and open to the public at all reasonable times at no charge to the public (with exception of Sailing Club)
- Improvements: Improvements or alterations to existing improvements require prior written consent of Hamilton, in its sole discretion
- Obligation: Burlington to maintain, operate, programme and manage LaSalle Park as its sole cost and expense
- Name: must continue as LaSalle Park
- Renewal: The Lease may be renewed for twenty-five (25) years and only by mutual agreement. There is no notice or exercise period;

and between 1993 and 1997, several amendments/consent agreements were entered into to address the rebuilding and restoration of the historic pavilion;

WHEREAS, the City of Burlington has from time to time expressed a desire to acquire LaSalle Park (barring that to renew the lease), but not at a price acceptable to the City of Hamilton; and,

WHEREAS, the current lease will expire on December 31, 2022 and the current event space operator of the pavilion within the park is seeking to book events beyond the expiry date of the lease;

THEREFORE BE IT RESOLVED:

That the Corporate Real Estate Office, in collaboration with other relevant divisions, be directed to undertake a review of the value and implications of alternative disposition (sell, lease, develop, operate) options for LaSalle Park, and report back to General Issues Committee.

### **7.3 Financial Impact of Declining Transit Revenues**

Councillor Collins introduced the following Notice of Motion:

WHEREAS it is estimated that transit ridership is currently down 70%, and

WHEREAS transit ridership fell 4% after the 2008 recession and 2019 ridership is relatively unchanged from 2008 ridership numbers, and

WHEREAS it is anticipated that recovery and post recovery transit ridership will be well below average annual pre-COVID levels for the foreseeable future, and

WHEREAS the decline in ridership will result in a significant loss in farebox and transit ridership revenue in 2020 and 2021, and

WHEREAS the Municipal Act requires municipalities to pass balanced budgets, thereby offsetting lost transit ridership revenues through the potential of an increase in tax levy, and

WHEREAS the City's Transit Area Rating formula is largely weighted to the former City of Hamilton, and

WHEREAS it is anticipated that the cost of declining transit revenues will be shifted primarily to the former City of Hamilton,

THEREFORE BE IT RESOLVED:

That staff be directed to provide a report to the General Issues Committee that summarizes the financial impact of declining transit revenues, and a list of options available to Council to temporarily offset the loss in 2021.

<b>STATEMENTS BY MEMBERS</b>
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Members of Council used this opportunity to discuss matters of general interest.

<b>PRIVATE &amp; CONFIDENTIAL</b>
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Council determined that discussion of Item 9.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

**9.1 Closed Session Minutes – May 20, 2020**

**(Partridge/Pearson)**

That the Closed Session Minutes dated May 20, 2020 be approved, as presented, and remain confidential.

**Result: Motion CARRIED by a vote of 16 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 - Deputy Mayor Ward 5 Councillor Chad Collins

YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Whitehead/Clark)**

That Council move into Closed Session respecting Items 9.2 and 9.3, pursuant to Section 8.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e), (f) and (k) 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; 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 City of a local board.

**Result: Motion CARRIED by a vote of 16 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**9.2 Appendix "A" to Report PED20109(a), Public Bike Share Transit Contract Update (Wards 1, 2, 3, 4, 5, and 13)**

**(Clark/Farr)**

(a) That the direction provided to staff in Closed Session, respecting Report PED20109(a) respecting Public Bike Share Transit Contract Update, be approved; and

- (b) That Appendix “A” to Report PED20109(a), remain confidential and not be released publicly.

**Result: Motion CARRIED by a vote of 15 to 1, 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
NO - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**9.3 Administrative Penalty System Online Payment Service (PED20110) (City Wide)**

**(Clark/Whitehead)**

- (c) That the direction provided to staff in Closed Session, respecting Report PED20110 respecting Administrative Penalty System Online Payment Service, be approved; and
- (d) That Report PED20110 and Appendix “A”, remain confidential and not be released publicly.

**Result: Motion CARRIED by a vote of 16 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

<b>COMMITTEE OF THE WHOLE - CONTINUED</b>
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#### **5.4 DISCUSSION ITEMS – CONTINUED**

**5.4 (f) Public Bike Share Transit Contract Update (PED20109(a))(Wards 1, 2, 3, 4,5, and 13)**

**(Farr/Nann)**

That Report PED20109(a), respecting Public Bike Share Transit Contract Update, be received.

**Result: Motion CARRIED by a vote of 16 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Collins/Merulla)**

That the Committee of the Whole Rise and Report.

**CARRIED**

<b>NOTICES OF MOTION - CONTINUED</b>
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#### **7.2 Interim Continuation of the SoBi Bike Share Program**

**(Nann/Farr)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Interim Continuation of the SoBi Bike Share Program.

**Result: Motion CARRIED by a 2/3's majority vote of 16 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

Refer to Item 6.4 for further disposition of this item.

<b>BY-LAWS</b>
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**(Collins/Merulla)**

That Bills No. 20-105 to 20-110, be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

- 105 To Establish City of Hamilton Land Described as Parts 3, 4, 5, 6, 7, 8, 10 & 11 on Plan 62R-15395 as Part of Kingsview Drive  
Ward: 9
- 106 Being a By-law to Permanently Close a Portion of a Fletcher Avenue, Hamilton, established by Registered Plan 452, in the City of Hamilton, subject to Instrument No. VM175601, being All of PIN 17571-0081 (LT), City of Hamilton  
Ward: 5
- 107 Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 1, Plan 62R-5283, being Part of PIN 17383-0144 (LT), City of Hamilton  
Ward: 11
- 108 Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Firstly: Part of Road Allowance between Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5283, being Part of the PIN 17383-0144 (LT), Secondly: Part Lot 20, Concession 7 in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Thirdly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 4 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)

Ward: 11

- 109 Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Firstly: Part of Road Allowance Between Lots 20 & 21, Concession 8, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 6 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Secondly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 8 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)

Ward: 11

- 110 To Confirm the Proceedings of City Council

**Result: Motion CARRIED by a vote of 15 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 - Deputy Mayor Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - 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  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Partridge/Pearson)**

That, there being no further business, City Council be adjourned at 1:20 a.m. on May 28, 2020.

**CARRIED**

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland  
City Clerk