



GENERAL ISSUES COMMITTEE REPORT 21-009

9:30 a.m.

Wednesday, April 21, 2021

Due to COVID-19 and the closure of City Hall, this meeting was held virtually.

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

Absent: Councillor T. Whitehead – Leave of Absence

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 21-009, AND RESPECTFULLY RECOMMENDS:

**1. Labour Relations Activity Report and Analysis (2016-2020) (HUR21004)
(City Wide) (Item 7.1)**

That Report HUR21004, respecting the Labour Relations Activity Report and Analysis (2016-2020), be received.

**2. Court Security and Prisoner Transportation Program Agreement for 2021
(FCS210036) (City Wide) (Item 7.2)**

- (a) That the General Manager, Finance and Corporate Services, be authorized and directed to execute a Transfer Payment Agreement between the City of Hamilton and Her Majesty the Queen in Right of Ontario as represented by the Solicitor General with respect to the Provincial funding allocation for court security and prisoner transportation services for 2021, in a form satisfactory to the City Solicitor and the required annual financial report; and,
- (b) That the General Manager, Finance and Corporate Services, be authorized and directed to execute similar future agreements between the City of Hamilton and Her Majesty the Queen in Right of Ontario, as represented by the Solicitor General, in similar matters relating to the

Provincial funding allocation for court security and prisoner transportation services, in a form satisfactory to the City Solicitor and the required annual financial report.

**3. Hamilton Tax Increment Grant - 29 Severn Street, Hamilton (PED21066)
(Ward 2) (Item 10.1)**

- (a) That a Hamilton Tax Increment Grant Program application submitted by 2512260 Ontario Inc. (Graham McNally, Kevin McNally, Beth McNally), for the property at 29 Severn Street, Hamilton, estimated at \$55,656.45 over a maximum of a five(5) year period, and based upon the incremental tax increase attributable to the development of 29 Severn Street, Hamilton, be authorized and approved, in accordance with the terms and conditions of the Hamilton Tax Increment Grant Program;
- (b) That the Mayor and City Clerk be authorized and directed to execute the Grant Agreement, together with any ancillary documentation, required to give effect to the Hamilton Tax Increment Grant for 2512260 Ontario Inc. (Graham McNally, Kevin McNally, Beth McNally), for the property at 29 Severn Street, Hamilton, in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any Grant Amending Agreements, together with any ancillary amending documentation, if required, to give effect to the Hamilton Tax Increment Grant for 2512260 Ontario Inc. (Graham McNally, Kevin McNally, Beth McNally), for the property at 29 Severn Street, Hamilton, provided that the terms and conditions of the Hamilton Tax Increment Grant Program, as approved by City Council, are maintained.

4. School Board Properties Sub-Committee Report 21-001, April 12, 2021 (Item 10.2)

- (a) **Hamilton-Wentworth District School Board Property at 441 Old Brock Road, Flamborough (PED21068) (Ward 13) (Item 10.1)**
 - (i) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board that the City of Hamilton has no interest in acquiring its property located at 441 Old Brock Road, Flamborough, as shown on Appendix "A" attached to Report PED21068; and,
 - (ii) That staff be directed to advise the Hamilton-Wentworth District School Board of the City of Hamilton's site development

requirements, as identified in Appendix “B” attached to Report PED21068.

(b) Hamilton-Wentworth District School Board Property at 1886 Governor’s Road, Ancaster (PED21069) (Ward 12) (Item 10.2)

- (i) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board that the City of Hamilton has no interest in acquiring its property located at 1886 Governor’s Road, Ancaster, as shown on Appendix “A” attached to Report PED21069; and,
- (ii) That staff be directed to advise the Hamilton-Wentworth District School Board of the City of Hamilton’s site development requirements, as identified in Appendix “B” attached to Report PED21069.

(c) Hamilton-Wentworth District School Board Property at 1279 Seaton Road, Flamborough (PED21070) (Ward 13) (Item 10.3)

- (a) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board that the City of Hamilton has no interest in acquiring its property located at 1279 Seaton Road, Flamborough, as shown on Appendix “A” attached to Report PED21070; and,
- (b) That staff be directed to advise the Hamilton-Wentworth District School Board of the City of Hamilton’s site development requirements, as identified in Appendix “B” attached to Report PED21070.

(d) Hamilton-Wentworth District School Board Property at 1346 Concession 4 West, Flamborough (PED21071) (Ward 13)

- (i) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board that the City of Hamilton has no interest in acquiring its property located at 1346 Concession 4 West, Flamborough, as shown on Appendix “A” attached to Report PED21071; and,
- (i) That staff be directed to advise the Hamilton-Wentworth District School Board of the City of Hamilton’s site development requirements, as identified in Appendix “B” attached to Report PED21071.

(e) Hamilton-Wentworth District School Board Property at 299 Barton Street, Stoney Creek (PED21082) (Ward 10) (Item 10.5)

- (a) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board that the City of Hamilton has no interest in acquiring its property located at 299 Barton Street, Stoney Creek, as shown on Appendix “A” attached to Report PED21082; and,
- (b) That staff be directed to advise the Hamilton-Wentworth District School Board of the City of Hamilton’s site development requirements, as identified in Appendix “B” attached to Report PED21082.

5. West Harbour Development Sub-Committee Report 21-001, April 13, 2021 (Item 10.3)

(a) Pier 8 Animation Program and Hamilton Waterfront Trust (HWT) (Discovery) Centre - Status Update (PED21090) (Ward 2) (Item 10.1)

- (i) That staff be directed to prepare a long-term strategy including an assessment of the existing conditions of the Hamilton Waterfront Trust (former Discovery) Centre building, the cost of existing operations, future capital requirements, planning approvals, parking requirements, real estate evaluations, market soundings, and other relevant due diligence, and report back to the West Harbour Development Sub-Committee identifying options for future uses of the property, as well as various ownership and/or operating models; and,
- (ii) That staff be directed to promote the availability of the Hamilton Waterfront Trust (former Discovery) Centre property for lease, on the following conditions, and report back to the West Harbour Development Sub-Committee:
 - (1) Any currently unoccupied and available space within and outside of the building;
 - (2) Suitable uses being restricted to permitted zoning/land use regulations, with a preference for outdoor year-round programming/animation, and a desire for variety, including some food and beverage;
 - (3) Minimum Term of 1-year and a Maximum Term of 5 years, with potential for options;

- (4) Structured on a Fully Net and Carefree basis; and,
 - (5) A portion of the space be available for some public meetings or events.
- (b) Amendment to the Project Management Agreement Between the City of Hamilton and the Hamilton Waterfront Trust (PW19090(a)) (Ward 2)
 - (i) That staff be authorized and directed to amend the Project Management Agreement between the City of Hamilton and the Hamilton Waterfront Trust to deliver the Piers 5 to 7 works to reflect the new total project cost of \$23.5M; and,
 - (ii) That the General Manager of Public Works be delegated the authority to sign any necessary amendments and ancillary agreements or documents to the Project Management Agreement between the City of Hamilton and the Hamilton Waterfront Trust, as it relates to the works at Piers 5 to 7, in a form satisfactory to the City Solicitor.

6. Red Hill Valley Parkway Inquiry Update (LS19036(d)) City Wide) (Item 10.4)

- (a) That Report LS19036(d), respecting the Red Hill Valley Parkway Inquiry Update, be received; and,
- (b) That Acting City Solicitor and external legal counsel be directed to explore options for financial support from the Province and apply for any such funding, as the Province is also a party to the Red Hill Valley Parkway Inquiry.

7. Motion - Disposition of the Biindigen Well Being Centre (Former St. Helen Catholic Elementary School Property at 785 Britannia) (Ward 4) (Item 14.2)

- (a) That the direction provided to staff in Closed Session, respecting the Motion regarding the Disposition of the Biindigen Well Being Centre (Former St. Helen Catholic Elementary School Property at 785 Britannia, Hamilton in Ward 4, be approved; and,
- (b) That the Motion respecting the Disposition of the Biindigen Well Being Centre (Former St. Helen Catholic Elementary School Property at 785 Britannia, Hamilton in Ward 4 remain confidential until completion of the real estate transaction, with the following exception:

- (i) That staff be authorized to share any information that may be necessary to give effect to the sale of the property, located at 785 Britannia Avenue, Hamilton.

8. Red Hill Valley Parkway Class Action Update (LS20014(a)) (City Wide) (Item 14.3)

That Report LS20014(a), respecting the Red Hill Valley Parkway Class Action Update, remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. ADDED COMMUNICATIONS

- 5.1 Correspondence from Viv Saunders respecting Item 5 of Item 10.2 - School Board Properties Sub-Committee Report 21-001, as it relates to the Hamilton-Wentworth District School Board Property at 299 Barton Street, Stoney Creek (PED21082) (Ward 10)

Recommendation: Be received and referred to consideration of Item 10.2.

6. ADDED DISCUSSION ITEMS

- 10.4 Red Hill Valley Parkway Inquiry Update (LS19036(d)) (City Wide)

14. ADDED PRIVATE & CONFIDENTIAL

- 14.3. Red Hill Valley Parkway Class Action Update (LS20014(a)) (City Wide)

Pursuant to Section 9.1, Sub-sections (e) and (f) of the City's Procedural By-law 21-021 and Section 239(2), Sub-sections (e) and (f) 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 municipality or

local board; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The agenda for the April 21, 2021 General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor J. P. Danko declared an interest to Item 10.2, respecting the School Board Properties Sub-Committee Report 21-001, April 12, 2021, as his wife is the Chair of the Hamilton-Wentworth District School Board.

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

(i) April 7, 2021 (Item 4.1)

The Minutes of the April 7, 2021 General Issues Committee meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Correspondence from Viv Saunders respecting Item 5 of Item 10.2 - School Board Properties Sub-Committee Report 21-001, as it relates to the Hamilton-Wentworth District School Board Property at 299 Barton Street, Stoney Creek (PED21082) (Ward 10) (Item 5.1)

The correspondence from Viv Saunders respecting Item 5 of Item 10.2 - School Board Properties Sub-Committee Report 21-001, as it relates to the Hamilton-Wentworth District School Board Property at 299 Barton Street, Stoney Creek (PED21082) (Ward 10), was received and referred to consideration of Item 10.2.

(e) CONSENT ITEMS (Item 7)

(i) Business Improvement Area (BIA) Advisory Committee Minutes, March 23, 2021 (Item 7.3)

The Business Improvement Area (BIA) Advisory Committee Minutes, March 23, 2021 were received.

(f) STAFF PRESENTATIONS (Item 8)

(i) COVID-19 Verbal Update (Item 8.1)

Paul Johnson, General Manager of the Healthy & Safe Communities Department; and, Dr. Elizabeth Richardson, Medical Officer of Health, provided the update regarding COVID-19.

The verbal update regarding COVID-19 was received.

(g) DISCUSSION ITEMS (Item 10)

(i) West Harbour Development Sub-Committee Report 21-001, April 13, 2021 (Item 10.3)

- (a) The West Harbour Sub-Committee Report 21-001, was amended by lifting Information Item (d)(i), respecting Report PW19090(a) - Amendment to the Project Management Agreement Between the City of Hamilton and the Hamilton Waterfront Trust, from the Information Section and adding it as Item 2 to the Report, to read as follows:

2. Amendment to the Project Management Agreement Between the City of Hamilton and the Hamilton Waterfront Trust (PW19090(a)) (Ward 2)

That staff be directed to report back to the West Harbour Development Sub-Committee, after consultation with Hamilton Waterfront Trust, with information regarding changes to the scope of work to deliver the Piers 5-7 works given the increase in total project cost to \$23.5M that would justify the proposed increase in project management fees.

- (b) Item 2 of the West Harbour Sub-Committee Report 21-001, respecting Report PW19090(a) - Amendment to the Project Management Agreement Between the City of Hamilton and the Hamilton Waterfront Trust, was deleted in its entirety and replaced with the following in lieu thereof:

2. Amendment to the Project Management Agreement Between the City of Hamilton and the Hamilton Waterfront Trust (PW19090(a)) (Ward 2)

~~That staff be directed to report back to the West Harbour Development Sub-Committee, after consultation with Hamilton Waterfront Trust, with information regarding changes to the scope of work to deliver the Piers 5-7 works given the increase in total project cost to \$23.5M that would justify the proposed increase in project management fees.~~

- (a) *That staff be authorized and directed to amend the Project Management Agreement between the City of Hamilton and the Hamilton Waterfront Trust to deliver the Piers 5 to 7 works to reflect the new total project cost of \$23.5M; and,***
- (b) *That the General Manager of Public Works be delegated the authority to sign any necessary amendments and ancillary agreements or documents to the Project Management Agreement between the City of Hamilton and the Hamilton Waterfront Trust, as it relates to the works at Piers 5 to 7, in a form satisfactory to the City Solicitor.***

For disposition of this matter, please refer to Item 5.

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

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

The amendment to the General Issues Committee's Outstanding Business List was approved, as follows:

(1) Items to be Referred (Item 13.1.a.)

- (aa) Code of Conduct for Council-Appointed Citizen Members of External Boards and Agencies (Item 13.1.a.a.)**

Be referred to the Integrity Commissioner for inclusion in their Work Plan.

(ii) Protection of Privacy (Item 13.2)

Staff was directed to review all legislation regarding the protection of privacy, and report back to the General Issues Committee with a report that includes, but is not limited to, the scope and roles and responsibilities of each of the responsible parties (members of Council and staff).

(i) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – April 7, 2021 (Item 14.1)

- (a) The Closed Session Minutes of the April 7, 2021 General Issues Committee meeting were approved, as presented; and,
- (b) The Closed Session Minutes of the April 7, 2021 General Issues Committee meeting shall remain confidential.

Committee moved into Closed Session respecting Items 14.2 and 14.3, pursuant to Section 9.1, Sub-sections (c), (e) and (f) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (c), (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to 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; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(j) ADJOURNMENT (Item 14)

There being no further business, the General Issues Committee adjourned at 1:00 p.m.

Respectfully submitted,

Esther Pauls, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk