



General Issues Committee

MINUTES

9:30 a.m.

Monday, January 9, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Deputy Mayor R. Powers (Chair)
Mayor B. Bratina
Councillors B. Clark, C. Collins, S. Duvall, J. Farr,
B. McHattie, S. Merulla, B. Morelli, T. Jackson, B. Johnson,
J. Partridge, R. Pasuta, M. Pearson, T. Whitehead

Absent with Regrets: Councillor L. Ferguson – Vacation

Also Present: R. Rossini, General Manager, Finance and Corporate Services
B. Goodger, A/General Manager, Public Works
T. McCabe, General Manager, Planning & Economic Development
J. A. Priel, General Manager, Community Services
Dr. E. Richardson, Medical Officer of Health
H. Hale Tomasik, Executive Director, Human Resources
P. Barkwell, City Solicitor
C. Biggs, Co-ordinator, Committee Services/Council/Budgets

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

- 1. Hamilton Police Service Monthly Reports (PSB11-102 and PSB11-106) (Item 5.1)**

(Duvall/Jackson)

That Hamilton Police Service Monthly Reports PSB11-102 and PSB11-106 be received. **CARRIED**

2. **Waterdown Business Improvement Area (B.I.A.) Revised Board of Management (PED11013(d)) (Ward 15) (Item 5.2)**

(Duvall/Jackson)

That the following individual be appointed to the Waterdown B.I.A.'s Board of Management:

Troy Ganci

CARRIED

3. **Waterdown Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2012 (PED12005) (Ward 15) (Item 5.3)**

(Duvall/Jackson)

- a) That the 2012 Operating Budget for the Waterdown B.I.A. (attached as Appendix "A" to Report PED12005) be approved in the amount of \$102,668.00;
- b) That the levy portion of the Operating Budget for the Waterdown B.I.A. in the amount of \$102,000.00 be approved;
- c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2012 Budget as referenced in sub-section (b) above;
- d) That the following schedule of payments for 2012 be approved:

January	\$25,500.00
April	\$25,500.00
July	\$25,500.00
October	\$25,500.00

Note: Assessment appeals may be deducted from the levy payments.

CARRIED

4. **Stoney Creek Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2012 (PED12004) (Ward 9) (Item 5.4)**

(Duvall/Jackson)

- (a) That the 2012 Operating Budget for the Stoney Creek B.I.A. (attached as Appendix "A" to Report PED12004) be approved in the amount of \$26,400.00;
- (b) That the levy portion of the Operating Budget for the Stoney Creek B.I.A. in the amount of \$13,816.00 be approved;

(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2012 Budget as referenced in sub-section (b) above;

(d) That the following schedule of payments for 2012 be approved:

January	\$3,454.00
April	\$3,454.00
July	\$3,454.00
October	\$3,454.00

Note: Assessment appeals may be deducted from the levy payments.

CARRIED

5. Hamilton Downtown Property Improvement Grant Program – 232 Cannon Street East – HDPIGP09/01 (PED12011) (Ward 3) (Item 5.5)

(Duvall/Jackson)

(a) That the Hamilton Downtown Property Improvement Grant, as detailed within Report PED12011, be applied to 232 Cannon Street East as the development of the property is complete and the terms and conditions of the Program have been satisfied.

(b) That the Mayor and City Clerk be authorized and directed to execute the Agreement attached as Appendix “A” to Report PED12011. **CARRIED**

6. Community Policing Centre/Patrol Officer Office Relocation to the Hamilton Technology Centre in Flamborough (PSB11-112(a))

(Duvall/Jackson)

(a) That a Lease Agreement be entered into between the Police Services Board (Tenant) and the City of Hamilton (Landlord) for the purposes of providing a location for the HPS to operate a Community Policing Centre (CPC)/Patrol Officer office at the Hamilton Technology Park, 7 Innovation Drive, Flamborough, subject to the following terms and conditions:

Area: The lease is for two (2) suites. Suite #235 is approximately 278 square feet and is to be used as a patrol officer area. Suite #240 is approximately 706 square feet and is to be used as a Community Policing Centre.

Term: A period of one (1) year, commencing on December 1, 2011 and expiring November 30, 2012.

Rental Rate: The rental rate will be \$0.00 (zero dollars) per year.

- (b) That the Mayor and City Clerk be authorized and directed to execute the Lease Agreement and any and all ancillary documents in a form satisfactory to the City Solicitor. **CARRIED**

7. Community Policing Centre Relocation: Ottawa Street to Centre Mall (PSB11-111(a)) (Item 5.7)

(Duvall/Jackson)

- (a) That a Lease Agreement be entered into between the City of Hamilton (Tenant) and Redcliff Management Inc. (Landlord) for the purposes of providing a location for the Hamilton Police Service to operate a Community Policing Centre (CPC) located at 1275 Barton Street East, Unit U 03, Hamilton, subject to the following terms and conditions:

Area: Approximately 1,500 square feet of space for use as a Community Policing Centre/Crime Prevention Training Centre.

Term: A period of one (1) year, commencing on January 1, 2012 and expiring December 31, 2012.

Rental Rate: \$9,000 per annum plus HST and utilities. The payments will be made from Account #55358-376614.

- (b) That the Mayor and City Clerk be authorized and directed to execute the Lease Agreement and any and all ancillary documents in a form satisfactory to the City Solicitor. **CARRIED**

8. Collective Bargaining – Amalgamated Transit Union Local 107 (Item 12.6)

(Pearson/Johnson)

That the staff update with respect to Collective Bargaining – Amalgamated Transit Union Local 107, be received. **CARRIED**

9. Ron Neumann, Innovation Factory, respecting Request for \$50,000 in Operational Funding (Item 6.2)

(Jackson/Morelli)

That the presentation from Ron Neumann, Innovation Factory, respecting request for \$50,000 in operational funding, be received. **CARRIED**

10. Illegal Dumping, Litter and Escaped Waste (PW11052(b)) (City Wide) (Item 8.1(a))

(Clark/Whitehead)

- (a) That Report PW11052b respecting Illegal Dumping, Litter and Escaped Waste, be received;
- (b) That additional one-time resources to undertake spring clean-up activities, monitoring and follow-up in inaccessible areas at an upset cost of \$30,000 to be funded from the 2010 Waste Management Research & Development Capital Project ID 5121055137, be approved;
- (c) That waste collection amnesty days where up to 3 containers of waste may be set out be held the last full week of each month in addition to the weeks following Victoria Day, Thanksgiving Day and New Year's Day from April 2012 to March 2013;
- (d) That the item referring to the Illegal Dumping, Litter and Escaped Waste, recommendation (b) of Item 4 be removed from the Public Works Committee Outstanding Business List. **CARRIED as amended**

11. Report 11-007 of the Advisory Committee for Persons with Disabilities – December 13, 2011 (Item 8.4)

(i) Integrated Standards Sub-Committee Report – November 9, 2011

(Bratina/McHattie)

- (aa) That the request for a representative of the Advisory Committee for Persons with Disabilities to be appointed to sit on any working groups regarding the increased demand for EMS services be received;
- (bb) That the Director of Emergency Management Services be directed to attend a future meeting of the Advisory Committee for Persons with Disabilities to hear their concerns and advice. **CARRIED**

(ii) Built Environment Sub-Committee Report – December 5, 2011

(Clark/Morelli)

That every park and heartland (conservation and natural areas) that is built or reconstructed be made accessible to all persons, and in all cases where full accessibility cannot be achieved through use of the Barrier Free Design Guidelines 2006, staff consult with the Advisory Committee for Persons with Disabilities. **CARRIED**

(iii) Snow Removal Request**(Whitehead/Farr)**

That Municipal Law Enforcement and Public Works staff be directed to send a representative to an upcoming Advisory Committee for Persons with Disabilities meeting to assist in a discussion on snow clearing. **CARRIED**

12. Review of Various Communications from the Ontario Ombudsman respecting Closed Meeting Complaints (LS12001) (City Wide) (Item 12.7)**(Clark/Partridge)**

- (a) That Report LS12001 respecting Review of Various Communications from the Ontario Ombudsman respecting Closed Meeting Complaints, be received;
- (b) That the contents of Report LS12001 remain confidential as it contains advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (c) That the two letters of correspondence from the Ombudsman's Office dated December 28, 2011 respecting McMaster University and Hamilton Entertainment and Convention Facilities Inc. (File No. 242820-001) be referred to the City Clerk with the direction that they be included in the January 11, 2012 Council agenda. **CARRIED**

FOR THE INFORMATION OF COUNCIL:**(a) CHANGES TO THE AGENDA (Item 1)**

The Clerk advised of the following changes:

ADDED CONSENT ITEMS

- (i) Community Policing Centre/Patrol Officer Office Relocation to the Hamilton Technology Centre in Flamborough (PSB11-112(a)) (Added as Item 5.6)
- (ii) Community Policing Centre Relocation: Ottawa Street to Centre Mall (PSB11-111(a)) (Added as Item 5.7)

DELEGATION POSTPONED

- (iii) David Stephens respecting Relocation of Brian Timmis Stadium

ADDED PRIVATE AND CONFIDENTIAL

- (iv) Review of Various Communications from the Ontario Ombudsman respecting Closed Meeting Complaints (LS12001) (City Wide) (Added as Item 12.7)
- (v) Hamilton Farmers' Market – Contractual Matter (Added as Item 12.8) (No Copy)

(Pearson/Johnson)

That the agenda be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES**(Whitehead/Collins)**

That the Minutes of the December 12, 13 and 16, 2011 meetings of the General Issues Committee be approved as presented.

CARRIED

(d) PUBLIC HEARINGS/DELEGATIONS (Item 6)**Ron Neumann, Innovation Factory**

Ron Neumann, Executive Director of Innovation Factory, appeared before the Committee to request funding in the amount of \$50,000 for each of the next two years to assist with maximizing the work of the Innovation Factory. The Committee was distributed with a power point presentation which addressed the following:

- Who, What, Where and How
- Board of Directors and Partners
- Mission
- Program Resource Availability
- Key Relationships
- Tech Ecosystem
- Economic Gardening
- Clients and Map of Clients
- Other Statistics
- Working with SBEC
- What Other RIC's get
- Funding
- Innovation Factory Value Proposition Summary

A copy of the power point presentation is available for viewing on the City of Hamilton website.

(Whitehead/McHattie)

That the request for funding from Innovation Factory in the amount of \$50,000 on an annualized basis for each of the next two years be referred to the Planning Department for a report back as part of the budget process, such report to include, but not be limited to:

- (i) source of funding
- (ii) audited financial statements
- (iii) governance information, both with Innovation Factory and other jurisdictions with similar concepts;
- (iv) Conflict of Interest information
- (v) annual reports on outcomes and activities of Innovation Factory.

CARRIED

(e) PRESENTATION**(i) Public Health Services Accommodation – McMaster Health Campus (PED11134(b)/FCS11063(b)/BOH11026(b)) (Ward 2)**

Chris Phillips acknowledged and thanked all of the staff behind the scenes who have been working on this project to bring the issue to this point.

Mr. Phillips and Mike Zegarac, Director of Financial Planning and Policy, presented a power point presentation respecting the Public Health Services Accommodation which provided an overview and financial analysis, and included the following:

- Objectives and identification of critical issues
 - Issues addressed at the August 9 2011 GIC meeting
 - Impact of the McMaster Health Campus
 - Public Health Accommodation
 - McMaster Health Campus Critical Timelines – August 2011 to September, 2013
 - McMaster Health Campus Revised Critical Timelines – January, 2012 to Q4, 2013
 - Public Health Services Lease – 110 King Street West
 - Real Estate Assessment – 110 King Street West
 - HWDSB “swing-space” Leveraging Option
 - Summary of Recommendations
-
- Financial Analysis Objectives
 - Public Health Services Current Accommodations and Costs
 - Approved Accommodation Option
 - Updated Assumptions
 - Operating Cost Impact
 - Rent Escalation
 - One-time Capital Cost Impact

- Municipal Property Tax Rebate
- Financials Summary
- Mitigating Measures.

(Pearson/Partridge)

That the staff presentation respecting Public Health Services Accommodation be received. **CARRIED**

(Pearson/Farr)

That consideration of the recommendations contained in Report PED11134(b)/FCS11036(b)/BOH11026(b) respecting Public Health Services Accommodation – McMaster Health Campus, be deferred pending the receipt of an update from the City Solicitor in closed session respecting the City's litigation with Yale Properties. **CARRIED**

(f) DISCUSSION AGENDA

- (i) Illegal Dumping, Litter and Escaped Waste (PW11052(b)) (City Wide) (Item 8.1(a))**
- (ii) Illegal Dumping, Litter and Escaped Waste (PW11127(a)) (City Wide) (Item 8.1(b))**

(Jackson/Morelli)

That Reports PW11052(b) and PW11127(a) respecting Illegal Dumping, Litter and Escaped Waste, be lifted from the table. **CARRIED**

- (i) Illegal Dumping, Litter and Escaped Waste (PW11052(b)) (City Wide) (Item 8.1(a))**

(Clark/Pearson)

That sub-section (c) be deleted in its entirety and replaced with the following in lieu thereof:

- (c) That waste collection amnesty days where up to 3 containers of waste may be set out be held the last full week of each month in addition to the weeks following Victoria Day, Thanksgiving Day and New Year's Day from April 2012 to March 2013.**

The Amendment **CARRIED** on the following recorded vote:

Yeas: Powers, McHattie, Farr, Morelli, Merulla, Collins, Jackson, Duvall, Whitehead, Partridge, Pasuta, Pearson, Clark
 Total Yeas: 13
 Nays: Johnson
 Total Nays: 1
 Absent: Bratina, Ferguson
 Total Absent: 2

The Main Motion, as amended, **CARRIED** on the following recorded vote:

Yeas: Powers, McHattie, Farr, Morelli, Merulla, Collins, Jackson,
Duvall, Whitehead, Partridge, Pasuta, Pearson, Clark

Total Yeas: 13

Nays: Johnson

Total Nays: 1

Absent: Bratina, Ferguson

Total Absent: 2

**(ii) Illegal Dumping, Litter and Escaped Waste (PED11127(a)) (City Wide)
(Item 8.1(b))**

(Jackson/Merulla)

That Report PED11127(a) respecting Illegal Dumping, Litter and Escaped Waste, be referred back to the General Managers of Planning and Economic Development and Public Works to discuss options to mitigate costs and additional staff resources and to provide alternate sources to fund up-front costs. **CARRIED**

(iii) Budget Control Policy (FCS12010) (City Wide) (Item 8.2)

(Clark/Whitehead)

That Report FCS12010 respecting Budget Control Policy be referred back to staff to take into consideration the concerns expressed by the Committee relative to the transfer of budget resources between divisions within a Department of \$250,000, transfer of budget resources within a division and transfer of budget resources from one cost category to another cost category of \$250,000 or less within a Department, and report back to the next appropriate meeting of the General Issues Committee. **CARRIED**

**(iv) Budgeted Complement Control Policy (FCS12011) (City Wide)
(Item 8.3)**

(Whitehead/Partridge)

That Report FCS12011 respecting Budgeted Complement Control Policy be referred back to staff to take into consideration concerns relative to the actions outlined in the Policy which are at the discretion of the General Manager of the respective Department(s), and report back to the next appropriate meeting of the General Issues Committee. **CARRIED**

**(v) Public Health Services Accommodation – McMaster Health Campus
(PED11134(b)/FCS11063(b)/BOH11026(b)) (Ward 2) (Item 8.5)**

(Farr/Collins)

That Report PED11134(b)/FCS11-63(b)/BOH11026(b) respecting Public Health Services Accommodation – McMaster Health Campus, be referred back to staff with the following direction and report back to the General Issues Committee:

- (i) delete the \$210,000 tax rebate fees;
- (ii) negotiate for 52,300 square feet of space only;
- (iii) negotiate a better per foot deal with the Board in terms of the transitional time that they will be occupying space in the Robert Thomson Building. **CARRIED**

(vi) Lease Extension for Public Health Services – 35 King Street East/1 Hughson Street North, Hamilton – Park Place Real Estate Limited Partnership (PED12013) (Ward 2) (Item 8.6)

(Jackson/Whitehead)

That Report PED12013 respecting Lease Extension for Public Health Services – 35 King Street East/1 Hughson Street North, Hamilton – Park Place Real Estate Limited Partnership be brought back to the Committee in conjunction with Report PED11134(b)/FCS11-63(b)/BOH11026(b) respecting Public Health Services Accommodation – McMaster Health Campus. **CARRIED**

(vii) Velodrome Update – Verbal (No Copy) (Item 8.7)

The Committee received an update from Mayor Bratina, who reported that the Campaign Cabinet has been working with possible donors and is of the understanding that the matter is in the hands of that Cabinet and that they will be bringing advice to Committee in the near future.

(g) OTHER BUSINESS

(i) Outstanding Business List

(Pearson/Johnson)

That the revised due dates for the following items be approved:

- (i) Neighbourhood Development Strategy
Due Date: January 9, 2012
Revised Due Date: February 15, 2012

CARRIED

(h) PRIVATE & CONFIDENTIAL

(Pearson/Partridge)

That the Committee move into Closed Session at 9:40 a.m. pursuant to sub-section 8.1(d) of the City's Procedural By-law and Section 239.2(d) of the Municipal Act as the subject matter deals with labour relations or employee negotiations respecting the Collective Bargaining with Amalgamated Transit Union Local 107.

(Jackson/Merulla)

That the Committee reconvene at 10:35 a.m.

CARRIED

(i) **Collective Bargaining Update – Amalgamated Transit Union Local 107 (Item 12.6)**

See Item 8 for the disposition of this item.

(ii) **Closed Session Minutes – December 2, 8, 12, 13 and 16, 2011**

(Merulla/Whitehead)

(a) That the Minutes of the Closed Session Meetings of the General Issues Committee held on December 2, 8, 12, 13 and 16, 2011 be approved;

(b) That these Minutes remain confidential and restricted from public disclosure in accordance with the exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

CARRIED

(Farr/Merulla)

That the Committee move into Closed Session at 4:15 p.m. pursuant to sub-sections 8.1(a), (b) and (f) of the City's Procedural By-law and Sections 239.2(a), (b) and (f) of the Municipal Act as the subject matters pertain to:

(a) the security of the property of the City;

(b) personal matters about an identifiable individual, including City employees; and,

(f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose,

respecting "Review of Various Communications from the Ontario Ombudsman respecting Closed Meeting Complaints (Report LS12001)" and the Hamilton Farmers' Market – Contractual Matter and the City's litigation respecting Yale Properties.

CARRIED

(Jackson/Collins)

That the Committee reconvene in Open Session at 6:00 p.m.

CARRIED

(ii) **Review of Various Communications from the Ontario Ombudsman respecting Closed Meeting Complaints (Report LS12001) (Item 12.7)**

Pursuant to Sub-section 8.1(f) of the Procedural By-law and the Municipal Act for the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose,

Peter Barkwell outlined the contents of Report LS12001 respecting the Review of Various Communications from the Ontario Ombudsman respecting Closed Meeting Complaints.

See Item 12 for the disposition of this item.

(iii) Hamilton Farmers' Market – Contractual Matter (Item 12.8)

Pursuant to sub-sections 8.1(a), (b) and (f) of the City's Procedural By-law and Sections 239.2(a), (b) and (f) of the Municipal Act as the subject matters pertain to:

- (a) the security of the property of the City;
- (b) personal matters about an identifiable individual, including City employees; and,
- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose,

(Pearson/Partridge)

That the update provided by Joe-Anne Priel, General Manager of Community Services, respecting the Hamilton Farmers' Market – Contractual Matter, be received. **CARRIED**

(iv) Litigation with Yale Properties (Item 8.5)

Pursuant to Sub-section 8.1(f) of the Procedural By-law and the Municipal Act for the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(Merulla/Jackson)

That the verbal update from the City Solicitor with respect to the litigation with Yale Properties, be received. **CARRIED**

(Partridge/Pearson)

There being no further business, the Committee adjourned at 6:10 p.m.

Respectfully submitted

Councillor R. Powers
Deputy Mayor

Carolyn Biggs, Co-ordinator
Committee Services/Council/Budgets
January 9, 2012