



CITY COUNCIL MINUTES 13-001

5:00 p.m.

Wednesday, January 23, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

Mayor Bratina called the meeting to order and asked that Council take a moment to contemplate the constituents that they serve.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.9 Correspondence from The Azrieli Foundation respecting International Holocaust Remembrance Day

Recommendation: Be received.

5.10 Correspondence from Jim Kay respecting his resignation from the Hamilton Police Services Board

Recommendation: Be referred to the Selection Committee

5.11 Correspondence from George Nakamura respecting his resignation from the Hamilton Public Library Board

Recommendation: Be referred to the Selection Committee.

2. ADDED PRIVATE AND CONFIDENTIAL MATTER

10.1 Personal Matter about identifiable individuals

10.2 Personal Matter about identifiable individuals

3. NOTICES OF MOTION

8.2 Funding for the 91st Highlanders Athletic Association Indoor Games

(Pearson/Johnson)

That the agenda for the January 23, 2013 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor Pearson declared a conflict of interest with respect to Items 1 and 3 of Planning Committee Report 12-020 as she is involved in the rental housing industry.

Mayor Bratina declared a conflict of interest with respect to Item 7.2 as his family has had a lengthy relationship with the Serbian Orthodox Centre.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None

APPROVAL OF MINUTES

4.1 December 12, 2012

(Johnson/Pearson)

That the Minutes of the December 12, 2012, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Pearson/Clark)

That Council Communications 5.1 through 5.11 be approved, as amended, as follows:

5.1 Correspondence from Martin Dooley respecting transgendered accessed to washrooms and change rooms at the City of Hamilton's facilities.

Recommendation: Be received and referred to the General Manager of Community Services for appropriate action.

- 5.2 Correspondence from Jim Bradley, Minister, Ministry of the Environment, respecting the City of Hamilton's position with respect to the County of Oxford resolution regarding future landfill construction or approval.

Recommendation: Be received.

- 5.3 Correspondence from the Regional Municipality of Halton, respecting OMB Costs – Provincial Growth Plan.

Recommendation: Refer to the General Manager of Corporate Services for a Report back to the Audit Finance & Administration Committee.

- 5.4 Correspondence from Vern Nelligan respecting Property Standards Committee resignation.

Recommendation: Be referred to the Selection Committee

- 5.5 Correspondence from Scarfone Hawkins LLP, respecting Urban West Developments Inc.

Recommendation: Be received and referred to Staff for inclusion in the 2014 Development Charges By-law revision process.

- 5.6 Correspondence from the Ministry of the Environment respecting Application for Approval of Waste Disposal Sites.

Recommendation: Be referred to the General Manager of Planning and Economic Development and the Ward Councillor for discussion.

- 5.7 Correspondence from Cathy Ivanski respecting the voluntary pay policy of the Hamilton Street Railway (HSR).

Recommendation: Be received.

- 5.8 Correspondence from the Minister of Human Resources and Skills Development respecting Affordable Housing in the City of Hamilton.

Recommendation: Be received.

- 5.9 Correspondence from The Azrieli Foundation respecting International Holocaust Remembrance Day

Recommendation: Be received.

- 5.10 Correspondence from Jim Kay respecting his resignation from the Hamilton Police Services Board

Recommendation: Be referred to the Selection Committee

- 5.11 Correspondence from George Nakamura respecting his resignation from the Hamilton Public Library Board

Recommendation: Be referred to the Selection Committee.

CARRIED

(Collins/Merulla)

That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

SPECIAL PLANNING COMMITTEE REPORT 12-020

Deputy-Mayor Pearson relinquished the Chair to Mayor Bratina and refrained from consideration of this Report.

(Clark/Johnson)

That the Report 12-020 of the Special Planning Committee meeting be adopted and the information section received.

CARRIED

Deputy-Mayor Pearson assumed the Chair.

GENERAL ISSUES COMMITTEE 13-001
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- 1. Request for Proposal C11-12-12 – Consultant Services Required for the Citizen Engagement of Values-Based Infrastructure Management**

(McHattie/Farr)

That Item 1 of General Issues Committee Report 13-001 be amended by adding subsection (b) as follows:

- (b) That the names of the two former employees of Dialogue Partners Inc. be redacted from the proposal prior to it being released as a public document.

Amendment CARRIED

Main Motion as amended CARRIED

(Bratina/Jackson)

That Information Item (i)(iii) respecting Hamilton Entertainment and Convention Facilities Inc. (HECFI) Request For Proposals (RFP) Negotiations Update be lifted from the Information Section of General Issues Committee Report 13-001 to allow consideration of the following recommendation:

32. Hamilton Entertainment and Convention Facilities Inc. (HECFI) Request For Proposals (RFP) Negotiations Update

- (a) That staff be directed to include a transition period (the year 2013) in the Management Agreements with The Carmen's Group and Global Spectrum for the Management of the HECFI facilities;
- (b) That the Term of the Management Agreements for the HECFI facilities be extended to include the transition period;
- (c) That Global Spectrum be allowed to apply for up to \$110,000 in additional funding for any losses experience in the transition year upon providing proof of the loss through an Audited Financial Statement;
- (d) That The Carmen's Group Inc. be allowed to apply for up to \$663,000 in additional funding for any losses in the transition year upon providing proof of the loss through an Audited Financial Statement;
- (e) That the total costs associated with the HECFI transition year of 2013 not exceed the total 2012 Net Budget Levy.

CARRIED

(Powers/Partridge)

That Item 32 be referred back to the next appropriate General Issues Committee meeting for further discussion.

CARRIED

(McHattie/Collins)

That General Issues Committee Report 13-001 be TABLED to allow for deliberation with respect to Information Item (m)(iv) respecting Our Voice Our Hamilton. – Update during the Private and Confidential portion of the agenda.

The Tabling Motion CARRIED on the following standing recorded votes:

Yeas: Bratina, Pearson, Collins, Duvall, Jackson, Merulla, Morelli, Ferguson, Pasuta, McHattie, Powers and Whitehead
Total: 12
Nays: Clark, Johnson, Partridge
Total: 3
Absent: Farr
Total: 1

PLANNING COMMITTEE REPORT 13-001

9. Business Licensing Fee Review (PD01104(g)) (Item 8.6)

This Item CARRIED on the following votes:

Yeas: Bratina, Pearson, Collins, Farr, Duvall, Jackson, Merulla, Morelli,
Pasuta, McHattie, Powers Clark, Johnson, Partridge, and
Whitehead
Total: 15
Nays: Ferguson
Total: 1

(Farr/Morelli)

That the FIRST Report of the Planning Committee be adopted and the information section received.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 13-001

(Ferguson/Powers)

That the FIRST Report of the Public Works Committee be adopted, and the information section received.

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 13-001

(Clark/Johnson)

That the FIRST Report of the Audit, Finance & Administration Committee be adopted and the information section received.

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 13-001

(Whitehead/Duvall)

That the FIRST Report of the Emergency & Community Services Committee be adopted, and the information section received.

CARRIED

MOTIONS

- 7.1 The Hamilton Association of Business Improvement Areas (H.A.B.I.A.) Terms of Reference and Strategic Plan (PED11193) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15) (TABLED at the December 12, 2012 Council meeting)**

(Clark/Whitehead)

That Item 7.1 respecting the Hamilton Association of Business Improvement Areas (H.A.B.I.A.) Terms of Reference and Strategic Plan (PED11193) be referred to the General Issues Committee.

CARRIED

- 7.2 Objection to Liquor License Application The Serbian Orthodox Centre, 2545 Guyatt Road, Binbrook, Ontario**

Mayor Bratina relinquished the Chair to Deputy-Mayor Pearson and refrained from voting on this Item.

(Johnson/Pasuta)

Whereas, the Serbian Orthodox Center at 2545 Guyatt Road, Binbrook, Ontario has applied for a Liquor License;

And Whereas, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario's legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a license to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act;

And Whereas, there are documented past incidences with this establishment which have given rise to concerns;

Therefore, be it resolved:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application for The Serbian Orthodox Centre at 2545 Guyatt Road, Binbrook, Ontario as concerns have been brought to Council's attention in which the issuing of the license would not be in the best interest of the public.

CARRIED

7.3 Disbanding of the Gaming Facility Proposal Sub-Committee

(Whitehead/Duvall)

That the Gaming Facility Proposal Sub-Committee, established by Council on September 26, 2012 in approving Item 8 of General Issues Committee Report 12-025, be disbanded as the issue requires the full participation of the General Issues Committee.

CARRIED

7.4 Amendment to Item 6 of General Issues Committee Report 12-035

(Johnson/Pasuta)

That Item 6 of General Issues Committee Report 12-035 respecting License Renewal between City of Hamilton and Binbrook Agricultural Society (BAS), 2600 Highway 56, Binbrook Memorial Hall, approved by Council on December 12, 2012, be amended by deleting the year "2023" in sub-sections (a), (b) and (c) and replacing it with the year "2022" in lieu thereof, to read as follows:

6. License Renewal between City of Hamilton and Binbrook Agricultural Society (BAS), 2600 Highway 56, Binbrook Memorial Hall (PED12237) (Ward 11)

- (a) That an existing License Agreement between the City and the Binbrook Agricultural Society (BAS) for the premises commonly known as the Binbrook Memorial Hall, identified as Parcel "A" on Appendix "A" attached to Report PED12237, be renewed for a period of ten (10) years from January 1, 2013 to December 31, **2022**, with an option to renew for a further term of ten (10) years;
- (b) That a portion of the Binbrook Lion's Park, held by the City, identified as Parcel "B" on Appendix "A" attached to Report PED12237, be licensed to the Binbrook Agricultural Society for a period of three (3) days per annum for the purpose of facilitating the annual Binbrook Agricultural Fair through the years 2013 to **2022**, with the option to renew for a further term of ten (10) years;
- (c) That the premises identified as Parcel "C" on Appendix "A", attached to Report PED12237, be licensed to the Binbrook Agricultural Society for periodic parking for a term of ten (10) years from January 1, 2013 to December 31, **2022**, with an option to renew for a further term of ten (10) years;
- (d) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to complete the License Agreement for the subject lands, in accordance with the terms set out in Report PED12237 and with By-law 04-299;

- (e) That the Mayor, General Manager of Finance and Corporate Services and City Clerk be authorized and directed to execute the License in a form satisfactory to the City Solicitor.

CARRIED

7.5 Amendment to Item 8 of General Issues Committee Report 12-014

(Ferguson/Farr)

That Item 8 of General Issues Committee Report 12-014 respecting Public Health Services Accommodation and Consolidation within the Downtown Core (PED11134(d)/ FCS11063(d)/BOH11026(d)/CM11008(d)), approved by Council on May 23, 2012, be amended as follows:

- (a) By deleting the dates of May 1, 2014 and April 30, 2034 in sub-section (a)(i) and replacing them with the dates of June 1, 2014 and May 31, 2034 respectively;
- (b) By deleting dates of April 30, 2014 and May 1, 2014 in sub-section (a)(v) and replacing them with the dates of May 31, 2014 and June 1, 2014 respectively;
- (c) By adding the following as sub-sections (a)(vi) and (a)(vii) as follows:
 - (a)(vi) **Condition of Premises:** The leasehold improvements to the Premises will be completed by the Landlord at the Tenant's costs in accordance with the Tenant's plans. The Landlord will tender and submit bids from independent contractors to the Tenant for consultation prior to the selection of a contractor, to be hired by the Landlord for the completion of the improvements. The Landlord shall provide certificates of payment, as approved by an Architect, directly to the Tenant which shall be payable within thirty (30) days. The Landlord hereby confirms that it will eliminate its standard ten per cent (10%) supervision fee.
 - (a)(vii) **Improvement Allowance:** The Landlord shall provide an allowance to a maximum of Ten Dollars (\$10.00) per square foot plus applicable taxes for improvements to the premises.
- (d) By deleting the date of May 1, 2014 in sub-section (b) and replacing it with the date of June 1, 2014 in lieu thereof.
- (e) By deleting sub-section (e) in its entirety and replacing it with the following in lieu thereof:
 - (e) That Recommendations (a) through (d) are subject to the condition that prior to execution of the Agreement, the City and Yale Properties have executed Minutes of Settlement in the outstanding

litigation, in a form and content satisfactory to the Acting City Solicitor, in accordance with the terms set out herein.

to read as follows:

8. Public Health Services Accommodation and Consolidation within the Downtown Core (PED11134(d)/FCS11063(d)/BOH11026(d)/CM11008(d)) (Ward 2) (Item 7.1)

(a) That a new lease between the City of Hamilton (the "Tenant") and Second Real Property Limited, be approved, subject to the following terms and conditions:

(i) **Term:** Twenty (20) years, commencing **June 1, 2014** and terminating **May 30, 2034** with an option to renew for a further ten (10) years to 2044;

(ii) **Property:** Robert Thompson Building, 110 King Street West, Suites 200, 300 and 400, Hamilton, comprising a gross rentable area of 52,300 square feet;

(iii) **Rental Rate:** From the date of commencement, being May 1, 2014, the Base Rental rate shall be:

- (1) Years 1 to 4 at \$7.00 per square foot;
- (2) Years 5 to 8 at \$10.00 per square foot;
- (3) Years 9 to 14 at \$12.00 per square foot;
- (4) Years 15 to 20 at \$14.00 per square foot;

(iv) **Operating Costs:** The Tenant shall be responsible for its full proportionate share of operating costs and property taxes accruing to the premises. These costs are forecasted to be \$13.35 per square foot in 2012; and,

(v) **Early Occupancy:** Upon execution of the Lease the Tenant (City) will have access to the premises to undertake leasehold improvements from January 1, 2014 to **May 31, 2014** wherein the Tenant (City) shall not be required to pay rent both base and operation during the period. Should the improvements be completed prior to **June 1, 2014**, the Tenant shall be permitted to occupy the premises during said period, in which case the operating costs shall become payable.

(vi) **Condition of Premises:** The leasehold improvements to the Premises will be completed by the Landlord at the Tenant's costs in accordance with the Tenant's plans. The Landlord will tender and submit bids from independent contractors to the Tenant for consultation prior to the

selection of a contractor, to be hired by the Landlord for the completion of the improvements. The Landlord shall provide certificates of payment, as approved by an Architect, directly to the Tenant which shall be payable within thirty (30) days. The Landlord hereby confirms that it will eliminate its standard ten per cent (10%) supervision fee.

(vii) **Improvement Allowance:** The Landlord shall provide an allowance to a maximum of Ten Dollars (\$10.00) per square foot plus applicable taxes for improvements to the premises.

(b) That Legal Services be authorized and directed to prepare a by-law under Section 110 of the Municipal Act to propose the leased space to become a City Capital Facility, whereby the City would be exempt from paying Realty Taxes at this location commencing **June 1, 2014**;

(c) That all rent and operating costs be funded from Account 55358-677500 (Public Health Administration - Rent Office & Buildings);

(d) That the Mayor and City Clerk be authorized and directed to execute the Lease in a form satisfactory to the City Solicitor;

(e) That Recommendations (a) through (d) are subject to the condition that prior to execution of the Agreement, the City and Yale Properties have executed Minutes of Settlement in the outstanding litigation, in form and content satisfactory to the Acting City Solicitor, in accordance with the terms set out in Report LS12004(b).

CARRIED

7.6 Funding for the 91st Highlanders Athletic Association Indoor Games

(Powers/Pasuta)

That a grant, in the amount of \$32,500, be provided to the 91st Highlanders Athletic Association to assist with funding the rent and event costs, for the 87th Annual Hamilton Indoor Games being held at Copps Coliseum in February 2013; to be funded firstly from the 2012 Corporate surplus and secondly from the Tax Stabilization Reserve.

CARRIED

NOTICES OF MOTION

Councillor Merulla introduced the following Notice of Motion:

8.1 Supporting the StopGap Ramp Initiative

WHEREAS the StopGap Ramp Initiative is a Toronto-based program that provides free, non-permanent ramps to businesses with one-step-up-entries, which would otherwise exclude people who require no-step entries from accessing their services. StopGap's work brings attention to the many barriers that exist for people with disabilities. By using brightly coloured ramps, the need for accessible spaces in our communities stands out. The group has received support from Home Depot, which provided materials and volunteer labour;

AND WHEREAS the Ottawa Street BIA has volunteered to be the location for the pilot of the StopGap Initiative.

THEREFORE BE IT RESOLVED:

- (a) That the appropriate staff be directed to submit a report to the Audit, Finance & Administration Committee, in consultation with the Home Depot or other like suppliers and with the Advisory Committee for People with Disabilities (ACPD), as to how the StopGap Ramp Initiative can be supported by the City of Hamilton and incorporated into the City's implementation of the *Accessibility for Ontarians with Disabilities Act*
- (b) That the Ottawa Street BIA be used as a pilot location for the StopGap Ramp Initiative in the City of Hamilton.

Councillor Powers introduced the following Notice of Motion:

8.2: Funding for the 91st Highlanders Athletic Association Indoor Games

That a grant, in the amount of \$32,500, be provided to the 91st Highlanders Athletic Association to assist with funding the rent and event costs, for the 87th Annual Hamilton Indoor Games being held at Copps Coliseum in February 2013; to be funded firstly from the 2012 Corporate surplus and secondly from the Tax Stabilization Reserve.

(Powers/Pasuta)

That the rules of order be waived to allow the introduction of a motion respecting Funding for the 91st Highlanders Athletic Association Indoor Games.

CARRIED

For disposition of this Item refer to Item 7.6.

STATEMENT BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.

PRIVATE AND CONFIDENTIAL

(Partridge/Pearson)

That Council move into Closed Session to discuss confidential matters at 7:30 p.m. pursuant to Sections 8.1 (b) and 8 (f) of the City's Procedural By-law and Section 239 of the Municipal Act as the subject matters pertain to personal matters about identifiable individuals, including municipal or local board employees and also to receive advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

Committee reconvened in Open Session at 10:15 p.m.

10.1 Personal Matter about identifiable individuals

No recommendation to report.

10.2 Personal Matter about identifiable individuals

No recommendation to report.

10.3 Consultant Services for Citizen Engagement Contract Number C11-12-12

Direction was given to staff in Closed Session with nothing to report in Open Session.

(Collins/McHattie)

That General Issues Committee Report 13-001 be LIFTED from the table.

CARRIED

(Bratina/Partridge)

That the FIRST Report of the General Issues Committee be adopted, as amended, and the information section received.

CARRIED

(Merulla/Collins)

That the Committee of the Whole Rise and Report.

CARRIED

BY-LAWS

(Pearson/Clark)

That Bills No. 13-001 to 13-022 be passed, and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

Bill No.

- 001** To Amend By-law No. 01-215
Being a By-law To Regulate Traffic
Schedule 5 – Stop Control
- 002** To Amend By-law No. 01-215, as amended,
Being a By-law To Regulate Traffic
Schedule 5 – Stop Control
- 003** To Amend By-law No. 01-215, as amended,
Being a By-law To Regulate Traffic
Schedule 5- Stop Control
- 004** To Amend By-law No. 01-215
Being a By-law To Regulate Traffic
Schedule 5 – Stop Control
- 005** To Amend By-law No. 01-215
Being a By-law To Regulate Traffic
Schedule 5 – Stop Control
- 006** To Amend By-law No. 01-215
Being a By-law To Regulate Traffic
Schedule 5 – Stop Control
- 007** To Incorporate City Land
Designated as Part 2 on Plan 62R-19456 and part 2 on plan 62R-17856
Into King Street East
- 008** To Incorporate City Land
Designated as Part 5 and 11 on plan 62R-19277
into Waterbridge Street
- 009** To Incorporate City Land
Designated as Part 1 on Plan 62R-19429
Into MOONLIGHT COURT
- 010** Being a By-law to Permanently Close an Unassumed Portion of King Street Road
Allowance abutting 23 West Park Avenue, established by Registered Plan 904,
City of Hamilton, designated as Parts 1 and 2 on Plan 62R-18937
- 011** To Incorporate City Land
Designated as Parts 1 and 7 on Plan 62R-19277
into MUD STREET SERVICE ROAD

- 012** To Incorporate City Land Designated as Parts 8, 9, and 10 ON Plan 62R-19357 into REMBE AVENUE
- 013** To Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues for 2013
- 014** Removal of Part Lot Control Block 87, Registered Plan No. 62M-1180 and Blocks 53 and 54 of Registered Plan No. 62M-1148 "Paradise Meadows Phase 3"
- 015** Removal of Part Lot Control Block 86, Registered Plan No. 62M-1180 "Paradise Meadows Phase 3"
- 016** Being a By-law to Appoint a Treasurer and Deputy Treasurers and to Repeal By-laws No. 09-078 and No. 11-139
- 017** To Amend Zoning By-law No. 6593 Respecting Lands Located at 480 Stone Church Road East, in the City of Hamilton
- 018** Amend Zoning By-law No. 6593 Respecting Lands Located at 726 Upper Gage Avenue (Hamilton)
- 019** To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking
Schedule 5 – Parking Meters
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 9 – Alternate Side Parking
Schedule 10 – Alternate Side Parking
Schedule 12- Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 16 – Taxi Zones
- 020** To Amend Zoning By-law 05-200 Respecting Lands Located at 1925 Rymal Road East (Stoney Creek)
- 021** Being a By-law To Appoint a DRAINAGE SUPERINTENDANT for the City of Hamilton Pursuant to the DRAINAGE ACT, R.S.O. 1990
- 022** To Confirm Proceedings of Council

CARRIED

(Pearson/Partridge)

That, there being no further business, the City Council meeting be adjourned at 10:20 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini, B. Comm., AMCT
City Clerk
Office of the City Clerk