



GENERAL ISSUES COMMITTEE

REPORT 13-009

9:30 a.m.

Wednesday, April 17, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Mayor R. Bratina – City Business
Councillor R. Powers – City Business
Councillor B. Clark – Illness
Councillor J. Farr – Vacation

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 13-009 AND RESPECTFULLY RECOMMENDS:

**1. Public Art Master Plan and Program Annual Update (PED13066) (City Wide)
(Outstanding Business List) (Item 5.1)**

That Report PED13066 respecting "Public Art Master Plan and Program Annual Update" be received.

**2. Main West Esplanade Business Improvement Area (BIA) – Proposed Budget
and Schedule of Payment for 2013 (PED13072) (Wards 1 and 2) (Item 5.2)**

- (a) That the 2013 Operating Budget for the Main West Esplanade Business Improvement Area (BIA) (attached as Appendix "A" to Report PED13072), in the amount of \$20,783, be approved;
- (b) That the levy portion of the Operating Budget for the Main West Esplanade Business Improvement Area (BIA), in the amount of \$6,942, be approved;

- (c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the requisite By-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2013 Budget as outlined in recommendation (b) of Report PED13072;
- (d) That the following schedule of payments for 2013 be approved:

April	\$3,471.00
July	\$1,735.50
October	\$1,735.50

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

3. Locke Street Business Improvement Area (BIA) – Revised Board of Management (PE11034(b)) (Ward 1) (Item 5.3)

That Lisa Dalia and Rob Bernacci be appointed to the Locke Street Business Improvement Area (BIA) Board of Management.

4. Memorandum of Understanding (MOU) with the Hamilton Port Authority (HPA) regarding Piers 7 and 8 (CM12015(a)) (Ward 2) (Outstanding Business List) (Item 7.2)

- (a) That Appendix “A” to Report CM12015(a) entitled “Memorandum of Understanding (“MOU”) Re: Long-Term Marina and Boat Storage Management Agreement & Piers 7-8 Lease Transfer & Partial Early Termination” between the City of Hamilton and the Hamilton Port Authority (HPA), be approved;
- (b) That the Mayor and City Manager be authorized and directed to execute the “Memorandum of Understanding (“MOU”) Re: Long-Term Marina and Boat Storage Management Agreement & Piers 7-8 Lease Transfer & Partial Early Termination”, between the City of Hamilton and the Hamilton Port Authority (HPA), in a form satisfactory to the City Solicitor;
- (c) That the Capital Funding for the proposed shoreline, wavebreak, and current boat slip replacement be approved in principle, and be allocated throughout the 2014, 2015, 2016 and 2017 Capital Budgets, with staff reporting back in 2013 on a financing strategy;
- (d) That staff be directed to seek out all funding options available including: direct and indirect City of Hamilton sources, public-private partnerships, as well as assessing other provincial or federal funding sources, and report back with options;

- (e) That the City Manager be directed to prepare a formal “*Management Agreement*”, for presentation to the General Issues Committee (GIC), between the City of Hamilton and the Hamilton Port Authority (HPA), respecting the Long-term Marina and Boat Storage Operations and the Piers 7 and 8 Lease Transfer and Partial Early Termination, based upon the terms, conditions and intent of the “*Memorandum of Understanding*” (“MOU”) (Appendix “A”), in a form satisfactory to the City Solicitor.

5. HECFI Transition Update (FCS13039) (City Wide) (Item 7.3)

That Report FCS13039 respecting “HECFI Transition Update” be received.

6. Re-Launch of the Citizen Engagement Project regarding City Services (CM13008) (City Wide) (Item 7.4)

That Report CM13008 respecting “Re-Launch of the Citizen Engagement Project regarding City Services” be received.

7. Hamilton Downtown Business Improvement Area (BIA) – 2012 Pedestrian Pilot Program and Gore Park Summer Promenade (PED13071) (Ward 2) (Outstanding Business Item)

- (a) That Report PED13071 respecting “Hamilton Downtown Business Improvement Area (BIA) – 2012 Pedestrian Pilot Program and Gore Park Summer Promenade” be received
- (b) That Report PED13071 be referred to the Grants Sub-Committee with the request that “Special Event Park Rental Fees” be included as part of the Community Partnership Program review.

8. Capital Projects Status and Closing Report as of December 31, 2012 (FCS12074(b)) (City Wide) (Item 8.2)

- (a) That the December 31st, 2012, Capital Projects’ Status and Projects’ Closing Report and the attached Appendices A, B, C, D, and E to Report FCS12074(b) for the Tax Levy and the Rate Supported capital projects be received;
- (b) That the General Manager of Finance & Corporate Services be directed to close the completed capital projects listed in Appendix B to Report FCS12074(b) in accordance with the Capital Closing Policy and that the net transfers be applied as listed below and as detailed by project in Appendix B to Report FCS12074(b):

Summary of Net Transfers

	\$ To(From)
<u>Dedicated Reserves/Projects</u>	
Roads, Bridges & Traffic Capital Reserve	(119,587)
Unallocated Capital Levy Reserve	194,645
Net Transfers	<u>75,058</u>

9. Tax and Rate Operating Budget Variance Report to December 31, 2012 (Unaudited) (FCS13036) (City Wide) (Item 8.3)

- (a) That the 2012 Best Start Child Care fee subsidy pressure of \$915,984 be funded from Best Start Reserve 112218;
- (b) That, in accordance with the “Budgeted Complement Control Policy”, the 2013 complement transfers, transferring complement from one department/division to another with no impact on the levy, as outlined in Appendix C to Report FCS13036 be approved;
- (c) That, subject to final audit, the Disposition of Year-End Surplus/Deficit be approved as follows:

DISPOSITION / RECONCILIATION OF YEAR-END SURPLUS/ (DEFICIT)	\$	\$
Corporate Surplus from Tax Supported Operations		\$ 3,411,767
Less: Disposition to Self-Supporting Programs & Agencies		\$ (633,539)
HECFI (Transfer from HECFI Reserve)	\$ 280,618	
Police (Transfer from Police Reserve)	\$ 286,491	
Library (Transfer to Library Reserves)	\$(1,200,648)	
Balance of Corporate Surplus		\$ 2,778,228
Less: Transfer to AODA WIP Account		\$ (89,920)
Less: Transfer for Ontario Summer Jobs Services		\$ (6,940)
Less: Transfer of Flamboro Slot Revenues to Flamboro Capital Reserve		\$ (118,225)
Less: Transfer for HECFI Transition Costs		\$ (2,400,000)
Less: Transfer to Tax Stabilization Reserve		\$ (163,143)
Balance of Tax Supported Operations		\$ 0
Corporate Surplus from Rate Supported Operations		\$ 12,273,555
Less: Transfer to the Rate Supported Reserves		\$(12,273,555)
Balance of Rate Supported Operations		\$ 0

10. Hamilton Waterfront Trust Update – GST Audit and Operating Losses (FCS12092(a)) (City Wide) (Item 8.4)

That Report FCS12092(a) respecting “Hamilton Waterfront Trust Update – GST Audit and Operating Losses” be received.

11. Corporate Service Delivery Review – Selection of Opportunities for Service Improvement (CM11009(c)/FCS11056(c)) (City Wide) (Item 8.5)

That additional work on the following Opportunities, based on the list of Opportunities presented in Appendix “A” to Report CM11009c/ FCS11056c, be reviewed for service improvement:

- (a) Fleet Management related opportunities be reviewed for potential savings or efficiencies and implementation requirements;
- (b) Information Services (IS) Governance be reviewed to assist the Service Delivery Strategy Team with the completion of an inventory and development of governance options;

12. Senior Advisory Committee – KPMG Option (SAC13004) (City Wide) (Item 8.6)

That Report SAC13004 respecting “Senior Advisory Committee – KPMG Option” be received.

13. Report 13-001 of the Pan Am Stadium Precinct Sub-Committee – March 26, 2013 (Item 8.7)

(a) Sale of Memorabilia – Ivor Wynne Stadium (PW 13023) (Ward 3)

That Report PW13023 respecting the “Sale of Memorabilia – Ivor Wynne Stadium be received.

(b) Pan Am Games Update #3 (City Wide)

That Pan Am Games Update #3 be received.

(c) Correspondence from Tom Atterton, Secretary,, Hamilton and District Labour Council CLC respecting the City of Hamilton Fare Wage Policy not being associated to the Pan Am Stadium Construction

That the correspondence from Tom Atterton, Secretary, Hamilton and District Labour Council CLC respecting "the City of Hamilton Fare Wage Policy not being applied to the Pan Am Stadium Construction", be received and referred to staff for a report back to the Pan Am Stadium Precinct Sub-Committee.

FOR THE INFORMATION OF COUNCIL:

CEREMONIAL ACTIVITIES

Deputy Mayor L. Ferguson performed the swearing-in ceremony for the following new Municipal Law Enforcement Officers and extended congratulations on behalf of the Committee:

Officer Shawn Kitto
Officer Ryan Powless
Officer Shawn McCloud
Officer John Bridgeman
Officer Colby Constant
Officer Jay Berberick
Officer Chris Nokes

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

- (i) Added Delegation Request from Christopher Cutler, on behalf of The Canadian Peace Organization – Hamilton Chapter, respecting the establishment of a Federal Department of Peace (Added as Item 4.3)
- (ii) Item 6.1 – Presentation by the Canadian Ballet Youth Ensemble Board of Directors has been postponed at the request of the organization.
- (iii) Added Notice of Motion respecting Resolution Urging the Federal Government to Establish a National Department of Peace (Added Item 10.1)

The agenda was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1)

The minutes of the General Issues Committee Meetings held on April 3 and 4, 2013, were approved as presented.

(d) DELEGATION REQUESTS

- (i) The delegation request from Maria Ahmed, McMaster University, respecting on-campus polling stations at McMaster University and Mohawk College, was approved;
- (ii) The delegation request from Joey Coleman respecting the Lobbyist Registry was approved. Mr. Coleman will be invited to attend the General Issues Committee meeting at which the report from the Accountability and Transparency Committee addressing this matter is to be presented;
- (iii) The delegation request from Christopher Cutler on behalf of The Peace Initiative – Hamilton Chapter, respecting the establishment of a Federal Department of Peace was approved.

(e) PUBLIC HEARINGS/DELEGATIONS

(i) Commodore Russell Perry, Royal Hamilton Yacht Club, respecting Agreement between the Hamilton Port Authority and the City of Hamilton (Item 6.2)

Russ Perry, Past Commodore, Royal Hamilton Yacht Club (RHYC) appeared before the Committee to speak to the proposed agreement between the City of Hamilton and the Hamilton Port Authority and to thank and acknowledge all staff who worked on this issue.

The Committee was distributed with a PowerPoint presentation which addressed the following:

- RHYC position
- What RHYC brings to Hamilton
- What is RHYC to Hamilton
- Community involvement
- Needs of Hamilton boaters
- The RHYC needs to grow
- What the RHYC is looking for
- What financial stability brings

- Future considerations
- Conclusion.

A copy of the presentation was submitted to the Clerk for the official record and is available for viewing on the City of Hamilton website.

The presentation from Russ Perry, Past Commodore, Royal Hamilton Yacht Club, respecting the Agreement between the Hamilton Port Authority and the City of Hamilton, was received.

(f) PRESENTATIONS

(i) Waterfront and Shoreline Initiative – Update (Item 7.1)

Chris Murray provided opening comments with respect to the waterfront and shoreline initiative and stated that the presentation will include update on exactly what is unfolding on land use, planning and other initiatives moving forward on the waterfront. Staff involved in the development of the waterfront were introduced.

Chris Phillips, Senior Advisor, and Anita Fabac, Senior Project Manager, Community Planning and Design, provided a PowerPoint presentation with respect to the waterfront and shoreline initiatives, including:

Waterfront and Shoreline

- Review of waterfront priorities: West Harbour Area, Confederation Park
- Waterfront and Shoreline – “Corporate Team: Structure
- Status update – current and on-going waterfront projects
- Hamilton’s Waterfront – Success over Time, including:
 - Bayfront Park
 - Piers 4 Park
 - 2000 West Harbour (Millennium Trail)
 - Environmental Sustainability
 - Hamilton Waterfront Trust
 - Catalyst for Waterfront Development
 - Pier 8
- The importance of the “Setting Sail” Secondary Plan
- Next Steps – Servicing Plan and Financing Strategy
- Timeline

Setting Sail

- What is it all about?
- Appeals to the Setting Sail Secondary Plan
- Public Realm

- Areas of change
- What's next for planning studies?

A copy of the presentation was submitted to the Clerk for the official record and is available for viewing on the City of Hamilton website.

The update respecting "Waterfront and Shoreline Initiative" was received.

(ii) Memorandum of Understanding (MOU) with the Hamilton Port Authority (HPA) regarding Piers 7 and 8 (CM12015(a)) (Ward 2) (Outstanding Business List) (Item 7.2)

Chris Phillips, Senior Analyst, provided a PowerPoint presentation with respect to the Memorandum of Understanding (MOU) for Piers 7 and 8 between the City of Hamilton and the Hamilton Port Authority, which addressed the following:

- Review of the August 13, 2012 GIC Direction
- Review main elements of the MOU
 - Termination of the Land-Lease on Piers 7 and 8
 - Marina Operations – Long-term Management Agreement
 - Slip Rentals
 - Boat Storage Facility
 - Capital Cost Allocation
 - Revenue Allocation
- Financial Implications
- Recommendations

A copy of the presentation was submitted to the Clerk for the official record and is available for viewing on the City of Hamilton website.

The update respecting "Memorandum of Understanding (MOU) with the Hamilton Port Authority (HPA) regarding Piers 7 and 8" was received.

Sub-section (b) was amended to include the words, "Mayor and" prior to the words, "City Manager.

The Amendment CARRIED.

Sub-section (c) was further amended as follows:

- (i) by adding the words, "in principle" following the word, "approved";
- (ii) by adding the words, "with staff reporting back in 2013 on a financing strategy" following the word, "Budgets".

The Amendment CARRIED.
The Main Motion, as amended, CARRIED.

(iii) HECFI Transition Update (Item 7.3)

John Hertel, Director of Enterprise Management and Revenue Generation, provided an update with respect to the HECFI Transition with the assistance of a PowerPoint presentation, and spoke to the following issues:

- Introduction
 - Maximizes return on investment for taxpayers
 - Fulfills community mandates
 - Optimizes economic stimulation
 - First 6 weeks has seen a volume of the expected “setting in” activities resolved, targeting end of May completion
- Governance
 - Facilities Management Team
 - Contract Management
- Financial Administration
- Personnel Impacts
- Short-term Personnel Issues

A copy of the presentation was submitted to the Clerk for the official record and is available for viewing on the City of Hamilton website.

The presentation respecting “HECFI Transition Update” was received

(iv) Re-Launch of the Citizen Engagement project regarding City Services (CM13008) (City Wide) (Item 7.4)

Paul Johnson, Director of Neighbourhood Development Strategies, provided a PowerPoint presentation with respect to the Re-launch of the citizen Engagement Project regarding City Services. The presentation addressed the following:

- Staff Team
- Planning Guidelines
- Audience
- City Approach
- Engaging About Services
- Development of Public Engagement Policy
- What Will We Learn
- Investments – External
- Internally-delivered Actions

- Desired Outcomes
- Why Evaluate?
- Evaluation – Review of Our Voice, Our Hamilton; Evaluation of Re-launched Project
- Next Steps: Timeline
- Council Role

A copy of the presentation was submitted to the Clerk for the official record and is available for viewing on the City of Hamilton website.

The presentation respecting “Re-Launch of the Citizen Engagement project regarding City Services” was received.

(g) DISCUSSION ITEMS

(i) Hamilton Downtown Business Improvement Area (BIA) – 2012 Pedestrian Pilot Program and Gore Park Summer Promenade (PED13071) (Ward 2) (Outstanding Business Item) (Item 8.1)

The following was added as sub-section (b):

- (b) That Report PED13071 be referred to the Grants Sub-Committee with the request that “Special Event Park Rental Fees” be included as part of the Community Partnership Program review.

The Amendment CARRIED and the Main Motion, as amended, CARRIED.

(ii) Corporate Service Delivery Review – Selection of Opportunities for Service Improvement (CM11009(c)/FCS11056(c)) (City Wide) (Item 8.5)

Staff was directed to report back to the General Issues Committee with the findings and recommendations for next steps.

(h) NOTICES OF MOTION

Councillor B. McHattie introduced the following Notice of Motion:

Resolution Urging the Federal Government to Establish a National Department of Peace

WHEREAS during the course of the 20th century, more than 100,000,000 people perished in wars, and continuing into the 21st century, violence seems to be an overarching theme in the world;

AND WHEREAS such conflict is often unquestionably seen as a reflection of the human condition;

AND WHEREAS the citizens of Hamilton have been, and are, adversely affected by war and violence, whether through the personal loss of loved ones, or through the diversion of public resources that could be used to promote and support healthier and more secure lives;

AND WHEREAS the City of Hamilton has declared itself a nuclear weapons-free zone;

AND WHEREAS the City of Hamilton is a member of the international organization Mayors for Peace;

AND WHEREAS the proposed Federal Department of Peace will benefit the City of Hamilton by working to support existing programs and developing new programs to address and reduce the number and frequency of incidents related to domestic violence, child and spousal abuse, school violence, gang violence, gun violence, and hate crimes;

AND WHEREAS promoting a culture of peace has been recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) through passage of a resolution declaring an International Decade for a Culture of Peace and Non-Violence for the Children 2001- 2010;

AND WHEREAS it is our collective responsibility to create institutions that foster the development of a culture of peace in our neighbourhoods, city and nation;

AND WHEREAS communities across North America have recently experienced tragic incidents of extreme violence.

NOW THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton hereby expresses support for legislation to establish a Federal Department of Peace, and urges our members of Parliament to support such legislation;
- (b) That this Department of Peace work collaboratively with the Department of National Defense to reduce violence domestically and promote peace internationally.

(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11.1)

(i) Outstanding Business Items List

- (a) The revised due date for the following item on the Outstanding Business List was approved:

Council – April 24, 2013

Item H: Removal of Fill from Toxic Contaminated Site at Hamilton Airport

Due Date: April 17, 2013

Revised Due Date: September 5, 2013

- (b) That the following item was deemed complete and removed from the Outstanding Business List:

Item V: Memorandum of Understanding between the City of Hamilton and the Hamilton Port Authority (Item 7.2)

(j) PRIVATE & CONFIDENTIAL

(i) Closed Session Minutes – April 3 and 4, 2013 (Items 12.1 and 12.2)

The Minutes of the Closed Session Meetings of the General Issues Committee held on April 3 and 4, 2013, were approved. These Minutes will remain confidential and restricted from public disclosure.

The Committee moved into closed session at 10:27 pursuant to sub-sections (e) and (f) of the City's Procedural By-law and Section 239(2) of the Municipal Act as the subject matters pertain to:

- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose,

respecting:

- 12.3 Proposed Settlement of OMB Appeals of Development Charges By-laws 09-143/09-144/11-173/11-174/11-175 – Hamilton Halton Homebuilders' Association and Losani Homes (1998) Ltd. – OMB File No's. DC090025 and DC11008.

The Committee reconvened in Open Session.

(ii) Proposed Settlement of OMB Appeals of Development Charges By-laws 09-143/09-144/11-173/11-174/11-175 – Hamilton Halton Homebuilders' Association and Losani Homes (1998) Ltd. – OMB File No's. DC090025 and DC11008. (Item 12.3)

Direction provided to staff in camera.

Report LS13009 respecting “Proposed Settlement of OMB Appeals of Development Charges By-laws 09-143/09-144/11-173/11-174/11-175 – Hamilton Halton Homebuilders’ Association and Losani Homes (1998) Ltd. – OMB File No’s. DC090025 and DC11008” was tabled pending a report at the April 24, 2013 meeting of Council.

(iii) Performance Review – Senior Management Team (Item 12.4)

The Performance Review – Senior Management Team, was deferred to a future meeting of the General Issues Committee.

(k) ADJOURNMENT

There being no further business, the Committee adjourned at 2:37 p.m.

Respectfully submitted

Councillor L. Ferguson
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk