



## **General Issues Committee**

### **REPORT 11-018**

**9:30 a.m.**

**Monday, June 13, 2011**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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

**Absent with Regrets:** Councillor B. Clark – Personal  
Councillor B. McHattie – Illness  
Councillor M. Pearson – Vacation

**Also Present:** C.Murray, City Manager  
M. Zegarac, A/General Manager, Finance and Corporate  
Services  
G. Rae, A/General Manager, Public Works  
T. McCabe, General Manager, Planning & Economic  
Development  
V. Woodcox, A/General Manager, Community Services  
H. Hale Tomasik, Director, Human Resources and  
Organizational Development  
Dr. E. Richardson, Medical Officer of Health  
N. Everson, Director, Economic Development & Real Estate  
P. Barkwell, City Solicitor  
C. Biggs, Co-ordinator, Committee Services/Council/Budgets

### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 11-018 AND RESPECTFULLY RECOMMENDS:**

#### **1. Request for Funding – 200<sup>th</sup> Anniversary of the War of 1812 (Item 9.1)**

- (a) That \$2,000 be made available to the Ancaster 1812 Committee, through the Ancaster Township Historical Society, to support the development of 2011 public programming on a theme relating to the commemoration of the 200th anniversary of the War of 1812, to be sourced from capital account 7101058702;

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- (b) That staff be directed to develop and implement the guidelines for a one-time seed funding program for community collaboratives that include the local historical society to undertake public programming on a theme relating to the commemoration of the 200th anniversary of the War of 1812, to be sourced from capital account 7101058702.

**2. Verbal Updates respecting PFO Testing and Report on PFO's from the Ministry of the Environment (Items 7.2(a) and (b))**

That the verbal updates respecting PFO Testing and Report on PFO's from the Ministry of the Environment, be received.

**3. PFOs on City-owned Lands (Hamilton International/John C. Munro Airport) (Added Item 12.5)**

- (a) That the City of Hamilton exercise its first option under the Lease Agreement to retain an independent consultant to ensure that TradePort is meeting their environmental obligations under the law, or identify where it is not, the cost to be covered by TradePort;
- (b) That the City Solicitor be authorized and directed to retain its own independent consultant to review all environmental practices at the airport, including sediment analysis, looking at the age of contamination for potential litigation, and that the City Solicitor be directed to report back on the cost and source of funding of the review prior to retaining the consultant.

**4. Delegation Request from Dave Barnett, on behalf of Abuse Prevention & Awareness Campaign, to address the issues that foster child abuse in the City (Item 4.2)**

That the request from Dave Barnett on behalf of Abuse Prevention & Awareness Campaign, to address the issues that foster child abuse in the City, be received.

**5. Declaration of Surplus Property and Sale of Land to 1521130 Ontario Inc. (Anthony DiCenzo) – Block 77, Plan 62M-747, former Township of Glanford, now City of Hamilton (PED11118) (Ward 8) (Item 5.2)**

- (a) That a vacant parcel of land described as Block 77 on Plan 62M-747, as shown on Appendix "A" attached to Report PED11118, be declared surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299;

- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to sell the subject lands shown on Appendix "A" attached to Report PED11118, to the developer, 1521130 Ontario Inc. (Anthony DiCenzo), at the nominal consideration of \$2.00;
- (c) That the sale price of \$2.00 does not include the Harmonized Sales Tax (HST); should HST be applicable and collected by the City, that the amount be credited to Account No. 22828 009000 (HST Payable);
- (d) That the proceeds of the sale be deposited to Account No. 47702-3560150200 (Property Purchases and Sales);
- (e) That the following condition be included in the Offer to Purchase:

"The Purchasers acknowledge and agree that the lands being sold shall be included in the lands being dedicated as a public highway in the approved plan of subdivision.";
- (f) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance for this transaction in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following, if required:
  - (i) That the subject lands be declared surplus by inclusion of Report PED11118 to Council; and
  - (ii) That in accordance with the approved methods of giving Notice to the Public in the Real Property Sales Procedural By-law No. 04-299, Section 12(a)(6), sufficient notice to the public is given by way of Report PED11118 to City Council.

**6. 2011 Green Venture Base Funding and Authority to Enter into Agreement (PED11114) (City Wide) (Item 5.3)**

- (a) That the City of Hamilton renew its agreement to provide base funding for Hamilton-Wentworth Green Venture Incorporated (Green Venture) in the amount of \$40,000 per year for the 2011 budget year;
- (b) That Planning and Economic Development Department staff be authorized and directed to enter into agreements with Hamilton-Wentworth Green Venture Incorporated (Green Venture) to deliver projects to further Clean Air Hamilton strategic objectives, as outlined in individual project agreements, with each project agreement not to exceed \$20,000, and with the total value of the agreements not to exceed the funding approved in the annual budget process.

- 7. Hamilton-Wentworth Catholic District School Board (HWCDSB) Surplus Land located at 50 Greenhill Avenue, described as Part of Lots 1 and 2, Concession 5, former Township of Barton, now City of Hamilton (PED11110) (Ward 5) (Item 5.4)**
- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth Catholic District School Board (HWCDSB) that the City of Hamilton has no interest in acquiring the land located at 50 Greenhill Avenue, legally described as Part of Lots 1 and 2, Concession 5, former Township of Barton, now City of Hamilton, as shown on Appendix "A" attached to Report PED11110;
  - (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the HWCDSB of the City's requirements to the development of the site as outlined in the "Relevant Consultation" attached hereto as Appendix "A";
  - (c) That the Niagara Escarpment Commission be notified that the subject land is being declared surplus by HWCDSB;
  - (d) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to advise the HWCDSB of the need to provide all potential purchasers of the subject lands with the development commentary of the City and the NEC policies.
- 8. Request for Extension of Building Covenants from Heather Robson (Owner) of 908 Beach Boulevard, Hamilton (PED11109) (Ward 5) (Item 5.5)**
- (a) That a request to extend building covenants imposed by the City upon Heather Robson, owner of 908 Beach Boulevard, a building lot described as Part 5 on Plan 62R-17407, being all of PIN 17568-0215 (LT) and shown on Appendix "A" attached to Report PED11109, be approved;
  - (b) That the date for commencement of construction be extended from June 29, 2011 to June 29, 2012 and that the date for completion of construction be extended from June 29, 2012 to July 2, 2013;
  - (c) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

- 9. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-11-02 – Union Gas Limited, 420 Glover Road and 918 South Service Road, Stoney Creek (PED11099) (Ward 11) (Item 5.6)**
- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application (ERG-11-02), submitted by Union Gas Limited, owner of the property at 420 Glover Road and 918 South Service Road, Stoney Creek for an ERASE Redevelopment Grant not to exceed \$629,751.94, payable to Union Gas Limited over a maximum of ten (10) years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
  - (b) That the Mayor and City Clerk be authorized and directed to execute, on behalf of the City, the ERASE Redevelopment Grant Agreement Union Gas Limited, referred to in subsection (a) with respect to the redevelopment of 420 Glover Road and 918 South Service Road, Stoney Creek and all necessary associated documents, all in a form satisfactory to the City Solicitor.
- 10. City of Hamilton/Ministry of Transportation Dedicated Gas Tax Funding Agreement (FCS11055) (City Wide) (Item 5.7)**
- (a) That the Mayor and City Treasurer be authorized and directed to enter into an Agreement between the City of Hamilton and the Province of Ontario, related to the funding commitment made by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds For Hamilton's Public Transportation Program;
  - (b) That the Mayor and City Treasurer be authorized and directed to execute the Letter of Agreement attached hereto as Appendix "B";
  - (c) That the By-law attached as Appendix "C" to Report FCS11055 authorizing and directing the Mayor and City Treasurer to sign a Letter of Agreement between the City of Hamilton and the Province of Ontario with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program, be passed;
  - (d) That, upon being passed, a certified copy of the By-law together with a signed Letter of Agreement be forwarded to the Ministry of Transportation.

**11. Annual Re-enactment of the Battle of Stoney Creek Budget History (CS11058) (Ward 9) (Item 5.8)**

That Report CS11058 respecting Annual Re-enactment of the Battle of Stoney Creek Budget History, be received.

**12. Memorandum of Understanding with ServiceOntario (CM11010) (City Wide) (Item 5.9)**

- (a) That the City Manager be authorized and directed to enter into a non-legally binding Memorandum of Understanding (MOU) with the CEO/Deputy Minister of ServiceOntario to investigate and pursue inter-jurisdictional service partnerships;
- (b) That the City Manager report back to Council prior to the implementation of any joint initiatives.

**13. Air Quality Progress Report 2010 (Item 7.1)**

That the presentation from Dr. Brian McCarry, Chair of Clean Air Hamilton, respecting Air Quality Progress Report 2010, be received.

**14. Clean Air Hamilton 2010 Progress Report (PED11089) (City Wide) (Item 7.1)**

- (a) That the 2010 Clean Air Hamilton Progress Report, attached as Appendix "A" to Report PED11089, be received;
- (b) That Staff from the Planning & Economic Development, Public Health and Public Works Departments be directed to consider the recommendations of the Clean Air Hamilton Progress Report attached as Appendix "A" to PED11089 in health, land-use, transportation and quality of life projects, initiatives and activities that impact local air quality and climate change.

**15. Infrastructure Stimulus Projects Update (FCS09053(k)/PW110034(c)/CS100390(c)) (City Wide) (Item 8.2)**

- (a) That Report FCS09052(k)/PW10034(c)/CS10039(c) respecting Stimulus Infrastructure Projects Update, be received;

- (b) That a request be submitted for consideration to the Canada-Ontario Infrastructure Joint Committee to permit the Federal and Provincial funding commitment to be fully cash flowed by October 31, 2011 for ISF funded projects Westmount Recreation Centre # 2380 and Lower Stoney Creek Recreation Centre # 2296 that are not projected to be substantially completed by the revised substantial completion deadline of October 31, 2011, recognizing the City of Hamilton has previously committed to ensure the projects will be fully completed, albeit not by October 31, 2011;
- (c) That the motion in subsection (b) of report FCS0952(k)/PW10034(c)/CS10039(c) be forwarded to Prime Minister Harper, Premier McGuinty, Minister Lebel, Minister Chiarelli and Minister Mitchell to consider flexibility in the provision of stimulus funding to the City of Hamilton for ISF-funded projects Westmount Recreation Centre #2380 and Lower Stoney Creek Recreation Centre #2296;
- (d) That copies of report FCS09052(k)/PW10034(c)/CS10039(c) be forwarded to local MP's and MPP's.

**16. Green Roofs and Living Walls (PW11037) (City Wide) (Item 8.3)**

That Report PW11037 respecting Green Roofs and Living Walls, be received.

**17. B-Line Transit Project Assessment Process (PW11042) (City Wide) (Item 8.4)**

That Report PW11042 respecting B-Line Transit Project Assessment Process, be received.

**18. Service Delivery Review Plan (CM11009) (City Wide) (Item 8.5)**

- (a) That the Service Delivery Review Plan, with its timelines, resource requirements and deliverables, attached hereto as Appendix "C", be approved;
- (b) That the financial support for the Service Delivery Review in the amount of \$350,000 be approved and funded from the Working Fund General Reserve (112400) Service Delivery Review;
- (c) That the Service Delivery Review initiative report on progress and seek direction, input and approval regularly through the General Issues Committee of Council.

**19. Report 11-001 of the Pan Am Stadium Sub-Committee – June 1, 2011  
(Item 8.6)**

**(a) Appointment of Chair and Vice Chair**

That Councillor L. Ferguson and Councillor B. Morelli be appointed Co-Chairs of the Pan Am Stadium Sub-Committee.

**(b) Terms of Reference**

That the Terms of Reference, attached hereto as Appendix “D”, be approved.

**20. Hamilton-Wentworth District School Board (HWDSB) Surplus Land located at 155 Macassa Avenue, legally described as Concession 5, Lot 7 Barton, Hamilton (PED11082/CS11047) (Ward 6) (Item 12.3)**

- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to submit a bona fide offer to the Hamilton-Wentworth District School Board (HWDSB) to acquire the property (land only) identified in Appendix “A” attached to Report PED11082/CS11047, being the 2.59 acre parcel of land forming part of 155 Macassa Avenue, situated at the intersection of East 37<sup>th</sup> Street and Seventh Avenue, at fair market value, subject to severance and environmental investigations;
- (b) That the funding source be an area rated charge to the former City of Hamilton, Wards 1 to 8.
- (c) That the financial details of the acquisition remain confidential until the completion of the transaction, and that the balance of Report PED11082/, remain a confidential document and not be released as a public document
- (d) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Clerk.



**FOR THE INFORMATION OF COUNCIL:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Clerk advised of the following changes:

**CONSENT ITEMS**

The following report has been **withdrawn**:

- 5.1 Canadian Country Music Week – Application to Alcohol and Gaming Commission of Ontario (PED11092) (City Wide)

**PUBLIC DELEGATION WITHDRAWN**

- 6.1 Bruce Wood, President and CEO, and Mel Hawkrigg, Chairman of the Board, Hamilton Port Authority, to present update on Port Activity and progress of major initiatives

**ADDED STAFF PRESENTATIONS**

- 7.2(a) Verbal Update on PFO Testing – Public Health
- 7.2(b) Verbal Update – Ministry of the Environment Report on PFO's
- 7.3 Provincial Offences and Municipal Law Enforcement Workload Challenges (PED11122/LS11007/FCS11049) (City Wide) (Previously Item 8.1)

**DISCUSSION AGENDA**

- 8.6 Revised Report 11-001 of the Pan Am Stadium Sub-Committee

**ADDED PRIVATE & CONFIDENTIAL**

- 12.5 Potential Litigation – City-owned Lands at John C. Munro/Hamilton International Airport (Added as Item 12.5)

**(Ferguson/Partriddge)**

That the agenda be approved, as amended.

**CARRIED**

**(b) DECLARATIONS OF INTEREST (Item 2)**

None

**(c) APPROVAL OF PREVIOUS MINUTES (Item 3)**

On a motion, the following Minutes of the General Issues Committee, were approved as presented:

- (i) May 9, 2011
- (ii) May 10, 2011 (Special Meeting – Service Delivery/Financial Sustainability)
- (iii) May 12, 2011 (Special Meeting – Continuation of May 9 GIC)
- (iv) May 18, 2011 (Special Meeting – Liberty Energy)
- (v) May 19, 2011 (Special Meeting – Labour Relations Update)
- (vi) May 24, 2011 (Special Meeting – Labour Relations Update)

**(d) DELEGATION REQUESTS**

- (i) Delegation Requests from Don Jaffray and Sara Mayo, Social Planning and Research Council, respecting major findings from the new SPRC and United Way Report, “Hamilton’s Social Landscape”, and the social trends investigated (Item 4.1)**

On a motion, the request from Don Jaffray and Sara Mayo, Social Planning and Research Council, respecting major findings from the new SPRC and United Way Report, “Hamilton’s Social Landscape”, and the social trends investigated, was approved.

**(e) PRESENTATIONS**

- (i) Verbal Update on PFO Testing – Public Health (Item 7.2(a))  
Verbal Update – Ministry of the Environment Report on PFO’s (Item 7.2(b))**

On a motion, the Rules of Order were waived to allow the Committee to deal with these matters.

Rob Hall, Director, Health Protection, provided an update using power point to present results of PFOS and Glycols testing. The presentation included the following:

- What has been tested: 25 water wells tested for 13 variants of Perfluorochemicals, which includes PFOS; 3 different types of Glycols, which includes Propylene glycol; wells were selected in consultation with the MOE; 6 ponds and 1 swimming area have been tested for the same parameters; 5 ponds remain to be tested;
- What are acceptable levels of PFOS in drinking water
- What are the effects of exposure to PFC’s

- What are the results
- What does this mean
- Map showing locations of City of Hamilton Public Health Well and Irrigation Pond Sampling for PFOS and Propylene Glycol

The Committee requested that the information presented be shared with the Region of Niagara for information purposes.

A copy of the power point presentation was submitted to the Clerk for the public record.

On a motion, the presentation from Rob Hall, Director, Health Protection, respecting the update on PFO testing, was received.

Guy Paparella, Director of Growth Planning, provided information on the report prepared by the Ministry of the Environment (MOE) on PFOS in the Welland River and Lake Niapenco.

Mr. Paparella advised that meetings have been held with TradePort and the MOE. Tradeport has hired a consultant to seal off the pond before the end of the month, and are looking to develop a longer-term plan to deal with the pond and the ditch on the airport property in terms of remediation. The MOE is satisfied with this as long as progress is being made.

Mr. Paparella provided the Committee with some history in terms of previous ownership of the Airport prior to the City operating the Airport and then transferring the operation to TradePort in 1996.

Mr. Paparella's comments included, but were not limited to, the following, and responded to questions of the Committee:

- Environmental audit was done when Transport Canada transferred the Airport to the City; included many elements, but PFOS was not one of them in the environmental reports
- MOE is looking to resolve what is known
- Should another environmental audit be conducted because of changes i.e., 10 years since Airport was transferred; need to look at entire Airport and its impact on the community
- Suggested to TradePort in terms of an environmental study to determine if there are any components that might be of concern; however, suggestion dismissed
- Did the City, as landowner, have any idea that there was something wrong with the watershed or watercourses around the Airport; staff responded that they were not aware of any major concerns in dealings with the Conservation Authority (CA); was mentioned occasionally, but not a major focus until this situation came to light

- Members of the Committee expressed concern over the length of time it took and how the situation was brought to their attention
- Staff to provide information to Council members in terms of how this was communicated
- Need to have full discussion in terms of where to go from here respecting the PFOS issue and provide assurances to citizens and community as soon as possible
- Need to have chronology of events that led up to current situation and want to be kept informed of situation
- Is there a cost to remediate all the areas of concern? Pond and ditch remediation is in the area of \$20,000 to \$30,000 (temporary); long term goal is to clean out and get rid of substance; TradePort is picking up this cost; only two options – dredge and burn or bury; looking to consultant to come up with resolution; should know cost by the end of this month

Members of the Committee expressed their disappointment that representatives from the Ministry of the Environment were not in attendance at this meeting to respond to their questions and asked staff if an invitation was extended to them to attend today's meeting. Staff advised that throughout their meetings with MOE staff, they have indicated their willingness to attend a meeting with the Committee. However, as the report presented today is an interim report, they did not feel that their attendance would be required.

A copy of the MOE Report was submitted to the Clerk for the public record.

On a motion, the presentation from Guy Paparella respecting the Ministry of the Environment Report on PFOS, was received;

On a motion, staff was directed to extend an invitation to representatives from the Ministry of the Environment to attend a future meeting of the General Issues Committee to respond to questions of the Committee respecting PFOS.

**(aa) PFOS on City-owned Lands (Hamilton International/John C. Munro Airport) (Added Item 12.5)**

See Item 2 for the disposition of this item.

**(bb) Collective Bargaining Strategy (Item 12.4)**

Direction provided to staff In Camera.

**(ii) Clean Air Hamilton 2010 Progress Report (PED11089) (City Wide) (Item 7.1)**

Brian Montgomery, Air Quality and Climate Change Co-ordinator, introduced Dr. Brian McCarry, Chair of Clean Air Hamilton.

Dr. McCarry thanked all staff for their assistance in gathering information to complete the report. Dr. McCarry provided a power point presentation, which included the following:

- Background information – list of community-based initiatives, stakeholders
- Clean Air Hamilton Strategic Plan 2010-2013
- Clean Air Hamilton funding of \$80,000 and how funds are used, including programs
- Air quality activities in 2010 – overview of what is being done
- What is included in the 2010 Clean Air Hamilton Report
- Hamilton Air Quality Health Assessment, 2003
- Air Quality Information: decreases of 3 to 50% in levels of major air pollutants (except ozone) over past decade
- Comparisons of Hamilton's air quality to some Ontario cities and cities around the world
- Hamilton Air Monitoring Network
- Air Quality Index (AQI) vs Air Quality Health Index (AQHI)
- Poor air days and smog advisory days
- Climate Change and greenhouse gases in Hamilton
- Chapter 6: Urban Planning Linkages to Air Quality
- Upwind/Downwind Conferences 2010 and 2012
- Actions needed within the City
- Clean Air Hamilton's plans for the future

A copy of the presentation was submitted to the Clerk for the public record.

On a motion, the presentation from Dr. Brian McCarry respecting Air Quality Progress Report 2010, was received.

**(iii) Provincial Offences and Municipal Law Enforcement Workload Challenges (PED11122/LS11007/FCS11049) (City Wide) (Item 7.3)**

Power point presentation from Marty Hazell, Senior Director, Parking and By-law Enforcement, included:

- Transformation of Municipal Law Enforcement
  - 2007 – Operations review revealed dysfunctional Section; 48 recommendations to correct operational/management deficiencies
  - Operational Review coincided with management changeover in January, 2007 and Department Restructuring, effective June 1, 2007
  - December 2009 – Sub-Committee concluded (former) Standards & Licensing Section transformed; dismissed OBL Items
- Mayor changes included:
  - Instilling new workplace values
  - Implementing fundamental management practices
  - Organizational re-structuring
  - Establishing workforce priorities/service levels
  - Improved technology initiatives
- 800% increase by-law charges annually since 2007
- 500+ business licences since 2008
- increased revenue generating capacity (\$924,186)
- 200% increase in Animal Services charges
- contribution to quality of life and public health and safety
- improved effectiveness created challenges for PBS back-end support and for other supporting areas of Corporation

Power point presentation from Peter Barkwell, City Solicitor, included:

- Success rate on all charges – police, municipal law, building, fire
- Ticket Conviction Rate 2008 to 2010
- Charges to 2008 to 2010 – charges field by all enforcement agencies (primarily Police) have increased by 39.5% from 2008 to 2010
- MLE/AC 2008 to 2010 – 158% increase from 2008 to 2010; 10% increase projected for each of 2011 and 2012
- Police Charges 2008 to 2010 – 29% increase from 2008 to 2010; police project 15% increase over next three years (total 45% increase)
- Deeds/Corporate Searches 2008 to 2010 – 58% increase from 2008 to 2010
- Trial Requests 2008 to 2010 – 98% increase from 2008 to 2010
- Court Operating Hours – increased court time squeezed even more preparation and other out-of-court time for prosecutors and POA court administration, clerks and court reporters
- POA Revenues – 32.5% increase (gross)
- Police and MLE/AC – projected increase in charges and revenue line over last 3 years – revenues are tracking fairly parallel to number of charges; if resources cannot be increased, tracking will stop
- Charges per staff member in POA office and other municipalities
- Projection of 2010 to 2012 if anticipated charges are laid
- POA offices and MLE additional FTE's – outline of staff recommendations

- Additional staff costs
- Without increase in staff, charges will not get to trial in timely fashion; will create snowball affect

On a motion, Report PED11122/LS11007/FCS11049 respecting Provincial Offences and Municipal Law Enforcement Workload Challenges was referred for to the 2012 budget process for consideration.

Staff was directed to report back during the budget process on any revenue losses as a result of the referral of this item.

The Referral Motion **CARRIED** on the following Standing Recorded Vote:

Yeas: Bratina, Johnson, Collins, Duvall, Farr, Jackson, Merulla  
Total Yeas: 7  
Nays: Pasuta, Powers, Whitehead  
Total Nays: 3  
Absent: Clark, Ferguson, McHattie, Pearson, Morelli, Partridge  
Total Absent: 6

**(f) DISCUSSION AGENDA**

**(i) Service Delivery Review Plan (CM11009) (City Wide) (Item 8.5)**

Sub-section (b) **CARRIED** on the following vote:

Yeas: Bratina, Johnson, Farr, Jackson, Duvall, Whitehead, Partridge,  
Pasuta, Powers  
Total Yeas: 9  
Nays: Collins  
Total Nays: 1  
Absent: Clark, Ferguson, McHattie, Merulla, Morelli, Pearson  
Total Absent: 6

**(g) GENERAL INFORMATION/OTHER BUSINESS**

On a motion, the following items were removed from the Outstanding Business List:

- (i) Annual Re-enactment of the Battle of Stoney Creek (Item 5.8)
- (ii) Green Roofs and Living Walls (Item 8.3)
- (iii) Moratorium on Nuclear Power Plants
- (iv) City's Policy respecting Contracting with Parties involved in Litigation
- (v) City-wide Peak Oil Study – Employment Growth District
- (vi) Operational Oversight Committee
- (vii) International Year for Culture of Peace

- (viii) Multi-Stakeholder Fundraising Strategy for Flood Victims
- (ix) Specific mandate, governance structure, staffing and financial-legal funding model for a Hamilton Waterfront Development Corporation
- (x) Advisory Committee for Persons with Disabilities Report 09-007
- (xii) Area Rating Citizens Forum Membership Appointments
- (xiii) Golden Horseshoe Innovation Centre: Building an Entrepreneurial Community
- (xiv) Conservation Authorities – Legislation
- (xv) Wireless Cellular Services and Device Agreements
- (xvi) Greening of Municipal Parking Lots
- (xvii) Timelines for Social Awareness Campaign – Bottled Water

**(h) PRIVATE & CONFIDENTIAL**

**(i) Minutes of Closed Session Meetings**

On a motion, the Minutes of the Closed Session Meetings of the General Issues Committee held on May 9, 12, 19, 24 and June 2, 2011, were approved as presented. These Minutes will remain confidential and restricted from public disclosure in accordance with the exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

The Committee was advised that Item 12.2 respecting Joint Rapid Transit Maintenance and Storage Facility and Centralized Water and Wastewater Operations Centre is being withdrawn as new information has been provided to staff which will necessitate revisions to the report.

On a motion, the Committee moved into Closed Session at 11:00 a.m. pursuant to Sub-sections 8.1(d) and (e) of the City's Procedural By-law and the Municipal Act as the subject matters pertained to labour and/or employee negotiations respecting the Collective Bargaining Strategy and potential litigation respecting City-owned Lands (Hamilton International/ John C. Munro Airport).

On a motion, the Committee reconvened in Open Session at 1:50 p.m.

On a motion, the Committee moved into Closed Session at 4:55 p.m. pursuant to Sub-section 8.1(c) of the City's Procedural By-law and the Municipal Act as the subject matter pertained to the acquisition or disposition of City-owned land respecting and Hamilton-Wentworth District School Board Surplus Land located at 155 Macassa Avenue, legally described as Concession 5, Lot 7 Barton, Hamilton.

On a motion, the Committee reconvened in Open Session at 5:32 p.m.



- (iv) **Hamilton-Wentworth District School Board (HWDSB) Surplus Land located at 155 Macassa Avenue, legally described as Concession 5, Lot 7 Barton, Hamilton (PED11082/CS11047) (Ward 6) (Item 12.3)**

See Item 20 for the disposition of this item.

There being no further business, the Committee adjourned at 5:44 p.m.

Respectfully submitted

Councillor B. Johnson, Deputy Mayor  
General Issues Committee

Carolyn Biggs, Co-ordinator  
Committee Services/Council/Budgets  
June 13, 2011

## RELEVANT CONSULTATION

Pursuant to the City of Hamilton Real Property Sale Procedural By-law 04-299, the Real Estate Section circulated the request to all City Departments. The following comments were received:

### ***Legislative Approvals Section:***

"The subject property is designated as "Escarpment Protection Area" within the Niagara Escarpment Plan (NEP) and is located within the Niagara Escarpment Commission's (NEC) Development Control Area. As such, any development proposal for the subject lands would require the issuance of a Development Permit by the NEC. Staff advises that the subject circulation should be provided to the NEC for review and comment. Additionally, the purchaser should be advised of the subject lands' designation and applicable restrictions within the NEP.

The subject property is designated as "Urban Area" on Map No. 1, "Niagara Escarpment Plan Area" on Map No. 2, and "Escarpment Protection Area" on Map No. 3a within the Hamilton-Wentworth Regional Official Plan. Policy 1.5 outlines that proposals within the Niagara Escarpment Plan Area must meet the requirements of the Regional and Local Official Plan as well as the Niagara Escarpment Plan.

The property is designated "Open Space" on Schedule "A" – Land Use Concept in the Hamilton Official Plan.

The property is zoned "A/S-25" (Conservation, Open Space, Park and Recreation) District, Modified, in Hamilton Zoning By-law No. 6593. However, the zoning is superceded by Niagara Escarpment Commission Development Control."

### ***Development Engineering:***

"There is a municipal combined sewer and a municipal water main on Greenhill Avenue to service the subject lands."

### ***Community Planning:***

"There are no approved Secondary or Neighbourhood Plans for this application."

### ***Community Planning – Archaeology:***

"The subject property meets two of the 10 criteria used by the City of Hamilton and Ministry of Tourism and Culture for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) Along historic transportation routes.

Therefore, the school board is advised to make any prospective purchasers aware of the following:

The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances, and an archaeological assessment should be conducted prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Testing and Stage 4 Mitigation may be required as determined by the Ontario Ministry of Tourism and Culture. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism and Culture.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).”

***Cultural Heritage Landscapes:***

“The subject property is adjacent to King’s Forest Park, which is listed as a Cultural Heritage Landscape (CHL) in the City’s *Inventory of Buildings of Architectural and/or Historical Interest*. Any redevelopment of the subject lands involving any application(s) under the *Planning Act* may require the completion of a Heritage Impact Assessment to ensure that the redevelopment is in keeping with the character and scenic amenity of King’s Forest Park.”

***Community Services Department, Recreation Division:***

“The Recreation Department does not have an interest in this property.”

***Public Works Department:***

"Future purchasers must enter into an encroachment agreement with the City for the existing stairs and retaining wall, or if the property is to be redeveloped then all encumbrances must be removed."

***Environment & Sustainable Infrastructure – Landscape Architectural Service:***

"This is an irregularly shaped parcel of land which is less than half the size of a typical neighbourhood park. It is located within 400 metres from Rosedale Park where new playground equipment is planned for installation in 2011 which will allow Rosedale Park to serve a neighbourhood park function. This site would only service a small portion of the adjacent planning area based on an 800 metre walking distance. On this basis, Landscape Architectural Service has no interest in this site for park purposes."

***Building Services Division:***

"Our records indicate the last recognized use of this property to be a school.

All proposed development shall comply with the requirements of the I1 zone and are subject to the issuance of a building permit from this Division in the normal manner.

Demolition of the existing school, if proposed, is subject to the issuance of a demolition permit from this Division in the normal manner."

Ministry of  
Transportation

Office of the Minister

Ferguson Block, 3<sup>rd</sup> Floor  
77 Wellesley St. West  
Toronto, Ontario  
M7A 1Z8  
(416) 327-9200  
www.mto.gov.on.ca

Ministère des  
Transports

Bureau du ministre

Édifice Ferguson, 3<sup>e</sup> étage  
77, rue Wellesley ouest  
Toronto (Ontario)  
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May 20, 2011

His Worship Bob Bratina  
Mayor  
The City of Hamilton  
71 Main Street West  
Hamilton, Ontario  
L8P 4Y5

Dear Mayor Bratina:

**RE: Letter of Agreement between Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario (the "Ministry") and the City of Hamilton (the "Municipality") Related to Funding Provided by the Province of Ontario (the "Province") to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program (this "Letter of Agreement")**

---

This Letter of Agreement sets out the terms and conditions for the use of dedicated gas tax funds by municipalities for public transportation.

As the Province desires to increase public transportation ridership to support the development of strong communities, the Ministry maintains a Dedicated Gas Tax Funds for Public Transportation Program (the "program") under which two (2) cents of the existing provincial gas tax will be provided to municipalities for public transportation expenditures.

Any funding to the Municipality by the Ministry will be provided in accordance with the terms and conditions set out in this Letter of Agreement and the Dedicated Gas Tax Funds for Public Transportation Program – 2010/2011 Guidelines and Requirements (the "guidelines and requirements").

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5. The Municipality shall adhere to the reporting and accountability measures set out in the guidelines and requirements, and shall provide all requested documents to the Ministry.
6. The Municipality understands and agrees that the funding provided under this Letter of Agreement represents the full extent of the Ministry's and Province's financial contribution under the program and that no additional funds will be provided by either the Ministry or the Province for such purposes to the Municipality for the 2010/2011 program year.
7. The Ministry may terminate this Letter of Agreement at any time, without cause, upon giving at least sixty (60) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement without cause, it may cancel all further dedicated gas tax funds payments. Where the Ministry has terminated this Letter of Agreement under this Section, the Ministry may, after determining the Municipality's reasonable costs to terminate any binding agreement for any eligible public transportation service acquired or to be acquired with dedicated gas tax funds provided under this Letter of Agreement, provide the Municipality with additional funding to offset, in whole or in part, such costs. The additional funding may be provided only if there is an appropriation for this purpose, and in no event shall the additional funding result in the total funding under this Letter of Agreement exceeding the amount specified under Section 1.
8. If the Legislature fails to appropriate sufficient funds for the program, the Ministry may terminate this Letter of Agreement immediately by giving notice to the Municipality. In such instance the Ministry may cancel all further dedicated gas tax fund payments.
9. Any provisions, including those in the guidelines and requirements, which by their nature are intended to survive the termination or expiration of this Letter of Agreement, shall survive its termination or expiration.
10. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please secure the required signatures for the four enclosed copies of this Letter of Agreement and return two fully signed copies to:

Ministry of Transportation  
Division Services and Program Management Office  
27<sup>th</sup> Floor, Suite # 2702  
777 Bay Street,  
Toronto, Ontario  
M7A 2J8

Once the Ministry has received the signed copies together with a copy of the authorizing municipal by-law, the Ministry will make arrangements for the payment of the dedicated gas tax funds to the Municipality.

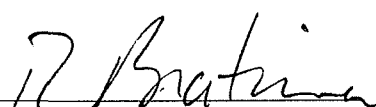
Yours sincerely,



Kathleen Wynne  
Minister of Transportation

I have read and understand the terms of this Letter of Agreement, as set out above, and by signing below I am signifying the Municipality's consent to be bound by these terms.

**The Corporation of the City of Hamilton**

Per:  Date: May 31/11  
Mayor

Per: \_\_\_\_\_ Date: \_\_\_\_\_  
Chief Financial Officer/Treasurer



## **Service Delivery Review Process Methodology:**

There are four components to Hamilton's Service Delivery Review plan:

### **1) Profile All Citizen Facing and Internal Services (4 months)**

Using a standardized methodology against a master list (agreed upon by Ontario's Regional Chief Administrative Officers and City Managers), profile all citizen facing and internal services with cost and set performance metrics. Build profiles for each service. In the profiles, build on the basic service inventories already completed and include additional information such as a description of the service, the audience, legislated versus discretionary assessment, service objectives, accountability, outputs, costs, efficiency and setting effectiveness measures. These profiles have multiple uses in addition to a service delivery review program – which can be the foundation for business plans (what businesses is the City in), a performance measurement system and an input into strategic and financial sustainability planning, as well as budgeting.

Steps:

- i) Confirm and Profile City Services
- ii) Identify Costs and Performance of City Services
- iii) Identify the Programs, Goals and Outcomes that the Services Support

Council should be involved in setting overall guiding principles for the work, setting broad targets as a lens to then review the service profiles and confirming the goals and outcomes for the organization.

### **2) Rank and Prioritize Service Delivery Opportunities for Improvement/Reduction or Elimination (5-8 months)**

A service delivery review process builds on the service profiles and examines all City services, at a very high level, to determine ways and means of improving the efficiency, effectiveness and/or quality of services delivered. The goal is typically to reduce service costs (improve efficiency). A key ingredient for a service delivery review is first understanding clearly and simply what services the City delivers – both citizen facing services and internal services. The outcome of a service review is a roadmap of more detailed service improvement initiatives with the greatest opportunities for cost savings and service efficiency gains. This is done through a systematic approach of examining the profiles along with other evidence (e.g. benchmarking information, past reviews, Council input, staff input, stakeholder and citizen input, Citizens First 6 data, peer reviews, internal SWOT assessment, etc.).

Steps:

- i) Identify Opportunities for Service Improvement, Reduction and Elimination
- ii) Qualify and Prioritize Opportunities for Service Improvement
- iii) Develop an Implementation Roadmap to Realize High Priority Service Improvements

- iv) Develop a Business Case for Implementing the Service Improvement Roadmap
- v) Seek Approval from Council for the Service Improvement Roadmap

Council should be involved in reviewing the opportunities for service improvement, reduction and elimination to qualify and prioritize the service improvements. Council should set the boundaries and the direction for which opportunities and business cases should be pursued and ultimately approve the roadmap prior to any implementation.

### **3) “Deep Dive” Service Delivery Reviews (Concurrent and Ongoing)**

There are two components to this work.

- i) SMT has committed to moving three in-depth service delivery reviews leading to measurable savings and service improvements. These are areas of the organization where there is sufficient information (from the 2009 service inventories and other work already undertaken) to advance these initiatives while working concurrently with the broader Service Delivery Review process. These three areas have varying degrees of the problems identified and solutions designed. Separate reports will be brought forward on the specific plans for these improvements.
- ii) Ranking and prioritizing service improvement opportunities (based on the results of the Service Delivery Review process and resulting service profiles) – a variety of business cases will be produced which will then require “deeper dives” to confirm and design an implementation plan. As with most organizations, only a few “deep dives” are done in a given year due a limited amount of change that an organization can manage and the resources required. “Deep dives” can be done through a variety or combination of means – e.g. through external consultants, internal project teams or internal audit.

Council would be asked to confirm and approve these detailed service improvement exercises. Council should also provide oversight in this stage of in-depth service delivery reviews.

### **4) Implementation of “Deep Dive” Reviews (Concurrent and Ongoing)**

For each “deep dive”, once the recommendations are approved, the organization is then tasked with implementation – to ensure the project goals are measured and met (ensure projected cost savings are met, service to citizens is improved, etc.). The SMT Work Plan identified three initiatives for implementation in 2011:

- i. Deliver and bring implementation of a 4 year web strategy;
- ii. Advance the call handling consolidation recommendations; and
- iii. Improve IT governance and create IT efficiencies.

Separate reports will be brought to Council for approval of the goals, resource requirements, timelines, expected outcomes, point of accountability, etc.

## Terms of Reference

### **PanAm – Hamilton Stadium Project 2011-2015 Pan Am Stadium Precinct Sub-committee**

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#### **1. Pan Am Stadium Precinct Sub-committee**

In January 2011, Hamilton City Council approved a site for the Pan Am Stadium, and through Report 11-004 respecting International Event Opportunities/2015 Pan Am Games Update created a Pan Am Stadium Subcommittee. The recommendation by Council stated "That the Mayor of his designate, and Councillors L Ferguson and B. Morelli be appointed as Council's liaison with the staff and stakeholders involved during the construction process."

##### **1.1 Purpose**

- (a) The purpose of the Pan Am Stadium Subcommittee is to provide advice, input and support for the new Pan Am stadium throughout the construction process.
- (b) To oversee the development of the Pan Am Stadium precinct

##### **1.1.1 Aims**

- To review and provide input on the preliminary stadium design and site concept plan;
- Provide support and assistance to the planning approvals process.
- To advise General Issues Committee and Council of progress and to receive feedback, advice, and direction, as appropriate;
- To assist the public with issues relevant to the detailed design and construction phase.

##### **1.2 Membership**

In addition to the two Councillors and one staff from the Mayor's Office, members of the Subcommittee are represented by a senior official. Representation on the committee is as follows:

- 2 Representatives from City of Hamilton Council (L. Ferguson & B. Morelli)
- 1 Representative – Mayor Bob Bratina or his designate
- 1 Representative from each of the following stakeholder groups:
  - Hamilton Tiger-Cats
  - Local Soccer Community
- The General Manager of Public Works will act as the Sub-committee's staff led. City staff from the Pan Am Initiative, Public Works, Recreation and Planning Departments and/or their consultant(s), will act as resources

- 1.2.1 At the discretion of the Committee, interest group representation could be considered.
- 1.2.1 A quorum shall be achieved when 50% + 1 of the membership body is present.
- 1.2.2 The Committee shall appoint Co-Chairs.
- 1.2.3 Decision-making will be based on the principle that each member has the right to express his/her opinion. Decisions should be reached on a consensus basis but when required will be made by a vote of greater than 50%.

### **1.3 Support Services**

- 1.3.1 The City shall provide for the administrative costs of operating the Committee, including the cost of meeting locations and clerical support services, but excluding members' salaries or mileage expenses.
- 1.3.2 The City shall provide the Committee with reasonable access to the project consultant(s) and City staff.

### **1.4 Meetings**

- 1.4.1 The Committee shall meet as necessary, but no less than four meetings shall be held per year.
- 1.4.2 The meetings will be scheduled at the call of the Chair.
- 1.4.3 The meetings shall be at locations designated by the Committee.

### **1.5 Minutes and Agenda**

- 1.5.1 The minutes of the Committee meetings shall be prepared by City staff or its consultant(s) and forwarded to Committee members within 14 days after a meeting.
- 1.5.2 The Chair shall propose the Committee agenda. The Chair may grant requests for discussion of items not on the agenda.

### **1.6 Amendments**

- 1.6.1 The Terms of Reference may be amended periodically by consensus of Committee.