



GENERAL ISSUES COMMITTEE REPORT 15-011

AS AMENDED BY COUNCIL ON MAY 27, 2015

9:30 a.m.

Wednesday, May 20, 2015

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor M. Green (Chair)
Councillors A. Johnson, J. Farr, S. Merulla, C. Collins,
S. Duvall, T. Whitehead, D. Conley, M. Pearson, B. Johnson,
L. Ferguson, A. VanderBeek, R. Pasuta, J. Partridge

**Absent with
Regrets:** Councillor T. Jackson – Vacation

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 15-011 AND RESPECTFULLY RECOMMENDS:

1. Bell Canada Municipal Access Agreement (LS14001(a)/PW14006(a)) (City Wide) (Item 7.1)

That Report LS14001(a)/PW14006(a), respecting the Bell Canada Municipal Access Agreement, be received.

2. Development Application Approvals Process Review (PED15052/PW15042) (City Wide) (Item 7.2 formerly 8.12)

(a) That the Development Application Approvals Process Review, Phase 1: Scoping Exercise, as prepared by Ian Neville & Associates Inc. and attached as Appendix "A" to Report PED15052/PW15042, be received.

(b) That in coordination with the Open for Business Sub-Committee, staff be directed to develop a roadmap for the implementation of actions, identified in the Review, attached as Appendix "A" to Report PED15052/PW15042), as Phase 2 of this initiative, as well as actions and recommendations arising from the Open for Business Sub-Committee and Open for Business Action Plan.

Council – May 27, 2015

- 3. Hamilton Tax Increment Grant Program (HTIGP) – 290 Barton Street West, Hamilton (PED15053) (Ward 1) (Item 8.1)**
 - (a) That a Hamilton Tax Increment Grant Program (HTIGP) application submitted by 290 Barton Street West (Hamilton) Limited (Donald Husack), for the property at 290 Barton Street West, Hamilton, for a Hamilton Tax Increment Grant Program (HTIGP) grant estimated at \$319,897.42, over a maximum of a five-year period, and based upon the incremental tax increase attributable to the redevelopment of 290 Barton Street West, be authorized and approved in accordance with the terms and conditions of the Program; and,
 - (b) That the Mayor and City Clerk be authorized and directed to execute the Grant Agreement, attached as Appendix “A” to Report PED15053, in a form satisfactory to the City Solicitor.

- 4. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application (ERG 14-03), Penady (Stoney Creek) Ltd., 1310 South Service Road, Stoney Creek, ON (PED15061) (Ward 11) (Item 8.2)**
 - (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-14-06, submitted by Penady (Stoney Creek) Ltd. (c/o Mr. Calvin McCourt) on behalf of the owner of the property at 1310 South Service Road, Hamilton - 843803 Ontario Ltd. (Mr. Norman Kim) - for an ERASE Redevelopment Grant not to exceed \$910,300 the actual cost of the remediation, payable to 843803 Ontario Ltd. over a maximum of ten 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 the Loan Agreements together with any ancillary documentation required, to effect recommendation (a) of Report PED15061, in a form satisfactory to the City Solicitor; and,
 - (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any loan amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained.

5. Office Tenancy Assistance Program, McMaster University's Downtown Accelerator Program – 109 James Street North, Hamilton (PED15063) (Ward 2) (Item 8.3)

- (a) That a conditional forgivable loan commitment totalling \$25,000 for McMaster University, the tenant leasing office space at 109 James Street North, Hamilton, be authorized and approved under the Office Tenancy Assistance Program in accordance with the Program's terms and conditions;
- (b) That in order to earn forgiveness of the loan recommended in (a) above, McMaster University must occupy the space to which the loan was used for leasehold improvements for a 12 month period and, the forgiveness will not be prorated if McMaster University vacates the space prior to the 12 month period;
- (c) That the Mayor and City Clerk be authorized and directed to execute the Loan Agreement together with any ancillary documentation required, to effect recommendation (a) and (b) of Report PED15063, in a form satisfactory to the City Solicitor;
- (d) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any loan amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Office Tenancy Assistance Program, as approved by City Council, are maintained; and,
- (e) That Appendix "**FE**" to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the Office Tenancy Assistance Program, be deleted and replaced with the Program Description and Terms attached as Appendix "A" to Report PED15063.

6. Lease Renewal Agreement – Suite 300, 21 Hunter Street East, Hamilton (PED15066) (Ward 2) (Item 8.4)

- (a) That a Lease Renewal Agreement with Office Mortgage Investments Inc. (the "Landlord") for the space occupied by Public Health Services being Suite 300, 21 Hunter Street East, Hamilton (attached as Appendix "A" to Report PED15066), substantially based on the terms and conditions contained in attached Appendix "A" to Report 15-011 and such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development, be approved;

- (b) That the rents and any other costs related to the lease, including Real Estate and Legal Fees (\$4,790 to be credited to Account No. 45408-3560150200), be funded from Account No. 55358-791410; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute all necessary documents, respecting the Lease Renewal Agreement for Suite 300, 21 Hunter Street, Hamilton and in a form satisfactory to the City Solicitor.

7. Lease Agreement - Hamilton & District Soccer Association - 75 Balsam Avenue North (PW15036) (Ward 3) (Item 8.5)

- (a) That the City of Hamilton enter into a Lease Agreement, including subsequent renewals, with The Hamilton & District Soccer for the property known as 75 Balsam Avenue North (Tim Horton's Field), subject to the following terms:
 - (i) Property: Approximately 656.60 square feet, consisting of two offices (2W-331 and 2W-332) as outlined on Schedule A to Report PW15036. The space will be leased on an "as is" basis save an except that an entry door will be installed between both offices prior to Lease execution;
 - (ii) Term: Five (5) years commencing August 1, 2015 and terminating on July 31, 2020;
 - (iii) Renewal Options: The Lessee shall be entitled to extend the Lease for one (1) further term of five (5) years at market rates;
 - (iv) Early Termination: Either party shall have the option of early termination, without cause, at any time during the term of this lease, upon providing notice in writing within 180 calendar business days of the date of early termination;
 - (v) Rental Rate:
 - Year 1: \$16.50/sq. ft. gross (\$902.85 /month or \$10,833.90 /annum)
 - Year 2: \$16.75/sq. ft. gross (\$916.50 /month or \$10,998.05 /annum)
 - Year 3: \$17.25/sq. ft. gross (\$943.86 /month or \$11,326.35 /annum)
 - Year 4: \$17.50/sq. ft. gross (\$957.54 /month or \$11,490.50 /annum)
 - Year 5: \$18.00/sq. ft. gross (\$984.90 /month or \$11,818.80 /annum)Rental Rates are subject to HST;
- (b) That all rent be credited to account 46114 – 792284; and,

- (c) That the Mayor, General Manager of Public Works and the City Clerk be authorized and directed to execute the Lease, as well as, subsequent renewals in a form satisfactory to the City Solicitor.

8. UBER Review (PED15039) (City Wide) (Item 8.6)

That Report PED15039, respecting the UBER Review, be received.

9. Lease - GoodLife Fitness Centres Inc. - 101 York Boulevard, Hamilton (PW15037) (Ward 2) (Item 8.7)

- (a) That the City of Hamilton enter into a new lease agreement with GoodLife Fitness Centres Inc. for the property known as 101 York Boulevard (also known as First Ontario Centre), subject to the following terms:
 - (i) Property: 101 York Boulevard, located below the seating portion of the First Ontario Centre at the retail-mall level of Jackson Square Mall, comprising 2,823 square feet as shown on Appendix "A" attached to Report PW15037. The space will be leased on an "as is" basis;
 - (ii) Term: Five (5) years commencing May 1, 2015, and terminating on April 30, 2020;
 - (iii) Renewal Options: Provided that the Lease is in good standing a five year renewal option at market rates;
 - (iv) Early Termination: Both parties retain the right to terminate the lease without cause by providing the other party with 90 days notice in writing;
 - (v) Rental Rate:
 - Year 1: \$5.50/sq. ft. net (\$1,293.88 /month or \$15,526.50 /annum);
 - Year 2: \$5.61/sq. ft. net (\$1,319.75 /month or \$15,837.03 /annum);
 - Year 3: \$5.72/sq. ft. net (\$1,346.15 /month or \$16,153.77 /annum);
 - Year 4: \$5.84/sq. ft. net (\$1,373.07 /month or \$16,476.85 /annum);
 - Year 5: \$5.95/sq. ft. net (\$1,400.53 /month or \$16,806.39 /annum);
- (b) That all rent be credited to account 46083-791508; and,
- (c) That the Mayor, General Manager of Public Works and the City Clerk be authorized and directed to execute the lease and subsequent renewal options, respecting the Lease Agreement with GoodLife Fitness Centres Inc., 101 York Blvd., Hamilton, in a form satisfactory to the City Solicitor.

10. License Extension and Amending Agreement – Minister of Economic Development and Infrastructure – 330 Wentworth Street North, Hamilton (PW15038) (Ward 3) (Item 8.8)

- (a) That the City of Hamilton enter into a second license extension and lease amending agreement and subsequent renewals with Her Majesty the Queen in Right of Ontario as represented by the Minister of Economic Development, Employment and Infrastructure for the property known as 330 Wentworth Street North, subject to the following terms:
 - (i) Property: Approximately fifty (50) square feet, consisting of an office cubical for one inspector located on the 2nd floor of 330 Wentworth Street North. The space will be licensed on an “as is” basis;
 - (ii) Term: Three (3) years commencing February 1, 2015 and terminating on January 31, 2018;
 - (iii) Renewal Options: The Licensee shall be entitled to extend the License for two (2) further terms of three (3) years each at market rates;
 - (iv) Early Termination: The Licensee shall have the right to terminate the License with sixty days prior written notice of termination without penalty;
 - (v) Rental Rate:
 - Year 1 to 3: \$25.00/sq. ft. gross (\$104.17 /month or \$1,250.00 /annum);
- (b) That all rent be credited to account 45268 – 791226; and,
- (c) That the Mayor, General Manager of Public Works and the City Clerk be authorized and directed to execute the License Extension, Amending Agreement, as well as subsequent renewals, for the Minister of Economic Development and Infrastructure for 330 Wentworth Street North, Hamilton, in a form satisfactory to the City Solicitor.

11. Greater Bay Area Sub-committee Report 15-001, April 21, 2015 (Item 8.9)

(a) Selection of Co-Chairs

Council – May 27, 2015

- (i) That Councillor J. Partridge be appointed the City of Hamilton's Co-Chair of the Greater Bay Area Sub-Committee for the 2014-2018 term of City Council;
- (ii) That Councillor R. Craven be appointed the City of Burlington's Co-Chair of the Greater Bay Area Sub-Committee for the 2014-2018 term of City Council.

12. Revenue Generation and Cost Reduction Opportunities (FCS14069(a)) (City Wide) (Item 8.10)

- (a) That staff be directed to investigate the feasibility of Digital/LED based signage within the municipality on City of Hamilton owned lands and report to the General Issues Committee;
- (b) That staff be directed to investigate and report back to General Issues Committee on the potential revenue generation opportunities as they relate to the investment options of Municipal short term holdings; and,
- (c) That staff report back to the General Issues Committee with respect to resourcing the Revenue Generation Strategy.

13. Auchmar Non-Binding Request for Proposals (PED15072) (Ward 8) (Item 8.11)

- (a) That the Request for Proposals for The Use, Adaptive Re-Use, Conservation, and Management of the Auchmar Estate in the City of Hamilton (Contract Number C3-06-14) be terminated;
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to enter into negotiations for the sale of the land and buildings, legally described as Parts 2, 3, 4 and 5 on Plan 62R-15401, with a right of way over Part 1 on Plan 62R-15401, as shown in Appendix "A" attached to Report PED15072, in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 14-204 and substantially on terms and conditions outlined in Appendix "B" attached to Report PED15072, and any such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development Department;
- (c) That the Manager of Real Estate be authorized to retain the services of an independent qualified appraiser, in good standing with the Appraisal Institute of Canada, to establish a fair market value of the subject property;

- (d) That all costs, including legal, appraisal and real estate, be debited to 10005 – Revolving Fund-Historic Properties; and,
- (e) That the Manager of Real Estate be directed to report back to the General Issues Committee with any potential purchasers that have (i) substantially met the terms and conditions outlined in Appendix “B” attached to Report PED15072, and any such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development Department, and (ii) entered into an offer to purchase agreement with the City.
- (f) That, as part of the conditions for a potential Agreement of Purchase and Sale, staff be directed to include a clause that provides the City of Hamilton a first right of refusal, should the new property owner choose to subsequently re-sell the land and buildings, legally described as Parts 2, 3, 4 and 5 on Plan 62R-15401, with a right of way over Part 1 on Plan 62R-15401, currently known as the Auchmar Estate.

14. Business Improvement Area Advisory Committee, Report 15-004, April 14, 2015 (Item 8.13)

- (a) **HABIA Mobile App: Path Forward - Factor[E] Design Initiative (Item 4.1)**
 - (i) That staff be directed to work with Factor[E] Design Initiative to explore improvements that can be made to the “creator’s contribution section” of the HABIA Mobile App; and,
 - (ii) That the review of the HABIA Mobile App include the option of adding a way for individual BIA’s to integrate their information by Excel; and,
 - (iii) That a cost estimate for any changes to the HABIA Mobile App be obtained and, if the costs meet with the approval of the Urban Renewal Office, that the costs of the updates to the HABIA Mobile App be paid for by the Urban Renewal Office.

15. Grants Sub-Committee Report 15-001, May 8, 2015 (Item 8.14)

- (a) **APPOINTMENT OF CHAIR AND VICE CHAIR**
 - (i) That Councillor B. Johnson be appointed as Chair for the Grants Sub-Committee for the 2014-2018 term of Council; and,

- (ii) That Councillor L. Ferguson be appointed as Vice Chair for the Grants Sub-Committee for the 2014 – 2018 term of Council.

16. Grants Sub-Committee Report 15-002, May 15, 2015 (Item 8.15)

(a) 2015 City Enrichment Fund Recommendations (GRA15001) (City Wide) (Item 5.1)

- (i) That, the 2015 City Enrichment Fund recommended funding allocation, in the amount of \$5,359,272 (as outlined in the attached Appendix “B” to Report 15-011), as amended, be approved;
- (ii) That the following grants be approved contingent upon the applicant’s submission of completed 2015 application forms:
 - 1. St. Mary’s Church (CCH A-B29) – Group Dos Romeiros \$1,130;
 - 2. St. Mary’s Church (CCH A-B30) – Lady Fatima Candle Parade \$1,200;
 - 3. Mary’s Church (CCH A-B31) – Our Lady of Angels \$1,920;
 - 4. Stanislaus Church (CCH A-B32) – Corpus Christi Procession \$1,544; and,
 - 5. Stanislaus Church (CCH A-B33) – Easter Sunday Procession \$1,544;
- (iii) That the Grants for the following organizations with outstanding arrears with the City of Hamilton, as of December 31, 2014 be approved contingent upon the full settlement of such arrears:
 - 1. Matapa Music and Arts Organization (ART A-C2) - \$4,000 (funding recommendation); and,
 - 2. Hamilton Folk Arts Heritage Council (CCH A-A20) - \$57,750 (funding recommendation);
- (iv) That, for 2015 only, the amount of \$96,500 be transferred to the City Enrichment Fund Reserves (112230) for future grant-funding requirements;

- (v) That, for 2015 only, the total unallocated balance of \$46,508 within Sport and Active Lifestyles category be held for future grant requests; and that \$40,000 from the reserve be earmarked for capacity building workshops for City Enrichment Fund applicants and staff be directed to report back to Grants Sub-Committee for approval of the project scope, deliverables, and resource requirements;
- (vi) That, for 2015 only, \$73,735 be transferred from the City Enrichment Fund Reserves (112230) for increased funding requirements; and,
- (vii) That the amount of \$53,326, representing 1%, as per the approved formula in report FCS14024(b), be allocated to the Contingency budget, to fund any unexpected City Enrichment Fund requests.
- (viii) The recommended 2015 City Enrichment Fund grant for the Factory Media Centre, Annual Operations, in the amount of \$10,410, be approved (ART A-12).
- (ix) The recommended 2015 City Enrichment Fund grant for the Culture for Kids in the Arts, Annual Operations, in the amount of \$9,000, be approved.

(b) Hamilton Philharmonic Orchestra Grants for Hamilton Musicians (Item 4.1)

WHEREAS, the City of Hamilton has shown long-standing support for the development of local arts and theatre, and maintains an established annual grant program for arts and theatre benefitting Hamilton and surrounding communities;

AND WHEREAS, on January 8, 2014, Opera Hamilton unexpectedly issued a news release that it had ceased operations due to insufficient financial resources, leaving individuals and others unpaid for services;

AND WHEREAS, individuals who were left unpaid included orchestral musicians, and affected their households in part due to the limited average annual income of musicians of \$22,000;

AND WHEREAS, thirty-one musicians losses averaged \$638.01 each or approximately 1 ½ weeks' earnings, as a result of Opera Hamilton unexpectedly ceasing operations;

AND WHEREAS, the majority of the musicians who performed for Opera Hamilton also play for the Hamilton Philharmonic Orchestra;

AND WHEREAS, a one-time grant by the City for the musicians would aid their households and show City of Hamilton support for arts organizations and their need to attract musicians for performances;

AND WHEREAS, a good-will grant by the City does not oblige the City to satisfy debts of Opera Hamilton or debts of other organizations in future;

AND WHEREAS, the Hamilton Philharmonic Orchestra on behalf of the City of Hamilton, is willing and able to distribute grant moneys to the thirty-one individual musicians who were left unpaid by Opera Hamilton;

THEREFORE BE IT RESOLVED:

- (i) That the amount of \$19,778.40 be allocated from the contingency account of the City Enrichment Fund and granted to the Hamilton Philharmonic Orchestra for distribution by individual grants to the thirty-one musicians for the benefit of their households; and,
- (ii) That Hamilton Philharmonic Orchestra agrees to confirm eligibility and distribute the full grant monies on the basis of documentation supporting the losses.

17. Options respecting the Unanimous Stakeholders' Agreement known as Hamilton Realty Capital Inc. (Item 10.1)

That the General Manager of Planning and Economic Development be directed to analyze the options the City has with respect to the Unanimous Stakeholders' Agreement, known as Hamilton Realty Capital Inc., and report to the General Issues Committee by December 2, 2015.

18. Renovations to the Dalewood Recreation Centre (Item 10.2)

- (a) That staff be directed to enter into negotiations with the HWDSB, to execute a cost sharing contribution and license agreement with a term of 49 years and any other necessary agreements, for a new change room and a new hot water boiler at Dalewood Recreation Centre and at Dalewood Middle School in a form satisfactory to the City Solicitor with content acceptable to the General Manager of Public Works;
- (b) That the Mayor and City Clerk be authorized and directed to execute the cost sharing contribution and license agreement and any other necessary agreements between the City of Hamilton and the HWDSB;

- (c) That the General Manager of Public Works or designate be granted the delegated authority to approve any changes to the cost sharing contribution and license agreement between the City of Hamilton and the HWDSB and to execute any related or ancillary documentation as may be required to give effect thereto, in a form satisfactory to the City Solicitor; and,
- (d) That the funding shortfall of \$300,000 to tender construction for this project be funded as follows:
 - (i) \$100,000 from the Ward 1 Area Rating Reserve 108051 (previously designated); and,
 - (ii) \$200,000 from the Unallocated Capital Reserve 108020.

19. Memorandum of Local Amendment – Hamilton-Halton General Contractors Association and the United Brotherhood of Carpenters and Joiners of America, Local 18; and, the Corporation of the City of Hamilton (Item 10.3)

- (a) That the Memorandum of Local Amendment between the Hamilton-Halton General Contractors Association and the United Brotherhood of Carpenters and Joiners of America, Local 18; and, the Corporation of the City of Hamilton (attached hereto be approved; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute the Memorandum of Local Amendment between the Hamilton-Halton General Contractors Association and the United Brotherhood of Carpenters and Joiners of America, Local 18; and, the Corporation of the City of Hamilton (attached hereto), which has been prepared in a form satisfactory to the City Solicitor.

20. Open for Business Sub-Committee – Amendments to the Terms of Reference (Item 10.4)

That the Terms of Reference for the Open for Business Sub-Committee be amended by adding a representative from each of the following organizations to participate as ex-officio, non-voting key advisors:

- (i) The Hamilton-Halton Home Builders Association; and,
- (ii) The Hamilton, Flamborough and Stoney Creek Chambers of Commerce.

21. Gord McNulty, 2015 Canadian Aviation Historical Society (CAHS) Convention Committee, respecting the CAHS's 52nd National Convention and Annual General Meeting to be held June 17-21, 2015 in Hamilton (Item 6.1)

WHEREAS, The City of Hamilton will be the host city for the Canadian Aviation Historical Society (CAHS) National Convention and Annual General Meeting (AGM) from June 17-21, 2015;

WHEREAS, the last Canadian Aviation Historical Society convention held in Hamilton was 1984;

WHEREAS, there will be delegates from across Canada and the United States coming to Hamilton;

WHEREAS, there will be economic benefits to the City as a result of the convention; and,

WHEREAS, convention organizers have been coordinating with the Canadian Warplane Heritage Museum;

THEREFORE BE IT RESOLVED:

- (a) That financial support be provided towards the transportations costs related to the Canadian Aviation Historical Society convention and AGM in the amount of \$520; and,
- (b) That the costs for supporting the Canadian Aviation Historical Society be funded from Tax Stabilization Reserve (110046).

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

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

- (i) Added as Item 4.1 – Delegation Request submitted by Suzanne Mammel, Hamilton-Halton Homebuilders Association, respecting Report PED15052/PW15042 – Development Application Approvals Process Review (for the May 20, 2015 meeting)
- (ii) Added as Item 4.2 – Delegation Request submitted by Dave Barnett respecting Tourism in Hamilton (for the June 3, 2015 meeting) (no copy)

- (iii) Added as Item 4.3 – Delegation Request submitted by Robin McKee respecting the Preservation of the Auchmar Estate
- (iv) Item 6.1 – Supporting Documentation for the Delegation by Gord McNulty, 2015 Canadian Aviation Historical Society (CAHS) Convention Committee
- (v) Item 8.12 – Report PED15052/PW15042, respecting Development Application Approvals Process Review, as it has an accompanying presentation has been moved up on the agenda to Item 7.2. As well, if Committee wishes to discuss this report in further detail, we will need to move into Closed Session following the presentation.
- (vi) Added as Item 8.14 – Grants Sub-Committee Report 15-001, May 8, 2015
- (vii) Added as Item 8.15 – Grants Sub-Committee Report 15-002, May 15, 2015
- (viii) Item 9.1 – Council provided a disposition to this matter on April 8, 2015. Staff was provided with direction for a report to the Audit, Finance & Administration Committee (AF&A). Subsequently, the AF&A Committee referred the matter to the General Issues Committee. Therefore, this matter should not be before you at this time, but is on the GIC's Outstanding Business List, pending receipt of the requested staff report.
- (ix) Added as Item 10.1 – a Notice of Motion respecting Options respecting the Unanimous Stakeholders' Agreement known as Hamilton Realty Capital Inc.
- (x) Added as Item 10.2 – a Notice of Motion respecting Renovations to the Dalewood Recreation Centre
- (xi) Added as Item 10.3 – a Notice of Motion respecting Memorandum of Local Amendment – Hamilton-Halton General Contractors Association, the United Brotherhood of Carpenters and Joiners of America, Local 18; and, the Corporation of the City of Hamilton
- (xii) Added as Item 10.4 – A Notice of Motion respecting the Open for Business Sub-Committee – Amendments to the Terms of Reference
- (xiii) Added as Item 10.5 – A Notice of Motion respecting the City of Hamilton's Vision, Mission and Values on the City's Web Site

The agenda for the May 20, 2015 General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor L. Ferguson declared a conflict of interest, with respect to Item 8.6 – UBER Review (PED15039), as he has family members in the Taxi industry.

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

(i) May 6, 2015 (Item 3.1)

The Minutes of the May 6, 2015 meeting of the General Issues Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Suzanne Mammel, Hamilton-Halton Homebuilders Association, respecting Report PED15052/PW15042 – Development Application Approvals Process Review (Item 4.1)

The delegation request submitted by Suzanne Mammel, Hamilton-Halton Homebuilders Association, respecting Report PED15052/PW15042 – Development Application Approvals Process Review, was approved to appear at the May 20, 2015 meeting of the General Issues Committee.

(ii) Dave Barnett respecting Tourism in Hamilton (for the June 3, 2015 meeting) (Item 4.2)

The delegation request submitted by Dave Barnett, respecting Tourism in Hamilton, was approved.

(iii) Robin McKee respecting the Preservation of the Auchmar Estate (Item 4.3)

The delegation request submitted by Robin McKee, respecting the preservation of Auchmar, was approved to appear at the May 20, 2015 meeting of the General Issues Committee.

(e) PUBLIC HEARINGS / DELEGATIONS (Item 6)

(i) Gord McNulty, 2015 Canadian Aviation Historical Society (CAHS) Convention Committee, respecting the CAHS's 52nd National Council – May 27, 2015

**Convention and Annual General Meeting to be held June 17-21, 2015
in Hamilton (Item 6.1)**

Mr. McNulty addressed Committee respecting the Canadian Aviation Historical Society's 52nd Convention and Annual General Meeting to be held on June 17-14, 2015. Mr. McNulty's comments included, but were not limited to, the following:

- Hamilton will be the site of the 52nd National Convention and Annual General Meeting of the Canadian Aviation Historical Society.
- The 800 members of the CAHS make up an all-volunteer, registered charitable organization dedicated to promoting public awareness and preservation of Canada's unique and rich aviation heritage.
- The CAHS produces an award winning, quarterly publication called the CAHS Journal.
- The convention will attract experts in civilian and military aviation, authors, historians, photographers, researchers and more.
- The CAHS has 75 attendees coming from British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and Quebec.
- This year's convention has an added appeal of the Canadian Warplane Heritage Museum Skyfest on Father's Day.
- Alternative accommodation has been arranged for the attendees at Mohawk College and Residence Centre.
- CAHS is also offering a variety of merchandise themed "Hamilton 2015" for convention attendees.
- Mr. McNulty recognized and thanked Tourism Hamilton, and three generous event sponsors: the Royal Canadian Air Force Association based in Ottawa, and the Royal Canadian Air Force Office of Air Force History and Heritage at CFB Winnipeg.
- When asked by members of the Committee if there was anything that the CAHS needed from the City for this event, Mr. McNulty advised that they were hoping for the use of an HSR bus for the transportation and touring of the conference attendees.

The presentation, respecting the Canadian Aviation Historical Society's 52nd Convention and Annual General Meeting, was received.

(ii) Roman Sarachman, of the CFF Committee to Free Flamborough, to present a Petition respecting Ward Boundaries and a Petition respecting the Review of Amalgamation (Item 6.2)

Mr. Roman Sarachman, of the CFF Committee to Free Flamborough, provided a PowerPoint presentation, respecting the Petition regarding Ward Boundaries and the Petition regarding the Review of Amalgamation. Mr. Sarachman's presentation included, but was not limited to, the following:

- 2015 Implications for Flamborough
- New solutions for Flamborough are required to ensure a fair return for our tax dollars.
- Petition for Review of Amalgamation in Hamilton:
 - With over 1,000 signatures Flamborough is asking the Mayor and Council to endorse a review of amalgamation in Hamilton to outline the positive and negative issues since the 2000 annexation.
- Petition for Boundary Changes:
 - The old Hamilton ward boundaries remain the same today as they did before amalgamation.
 - Since amalgamation, all wards lost Aldermen or Councillors/Mayors; resulting in work overload for all present Councillors.
 - A ward boundary change is not the correct solution there are other alternatives.
 - With over 1,000 signatures Flamborough is asking the Mayor and Council to endorse alternative plans to resolve Councillor work load.

- Add more alderpersons to the mountain wards as well as more clerical help.
- Due to the anticipated growth in Glanbrook, Flamborough and Ancaster, consideration should be given to adding 1 Councillor in the suburbs for every new Councillor the Hamilton wards.
- No growth in Hamilton 2001 to 2006.
- The suburbs will have a population explosion in the next 10 years.
- Flamborough will have 17,000 more in its population in the next 10 years, as per school board study.
- With ward boundary changes, Flamborough's taxes will continue to climb year-after-year due to the imbalance of urban versus suburban councillors.
- 1,824 employees were added since Amalgamation.
- \$200 million was added to the annual budget.
- Adding Hamilton City Councillors will outvote the suburbs.
- We want to remind all Councillors and the Mayor that Flamborough wants a review to outline amalgamation costs, as they pertain to Hamilton and to the amalgamated wards.
- Keep boundaries the same or add equal number of Councillors to the suburbs.

The presentation and the petitions, respecting Ward Boundaries and the Review of Amalgamation, were received.

A full copy of the presentation is available on the City's website at www.Hamilton.ca or through the Office of the City Clerk.

(iii) Robin McKee respecting the Preservation of the Auchmar Estate (Item 4.3)

Mr. McKee addressed Committee, on behalf of the Mountain Heritage Society and the Friends of Auchmar, respecting the preservation of the Auchmar Estate. Mr. McKee's comments included, but were not limited to, the following:

- We believe that Auchmar should not be sold and should remain as a City asset.
- Auchmar is the heritage marvel of the Hamilton Mountain.
- We have public support to maintain Auchmar in public hands and it should be kept in public hands.
- If we sell Auchmar, we will lose it forever – selling it would be wrong.

The presentation by Robin McKee, respecting the preservation of the Auchmar Estate, was received.

(iv) Suzanne Mammel, Hamilton-Halton Homebuilders Association, respecting Report PED15052/PW15042 – Development Application Approvals Process Review (Item 6.4)

Suzanne Mammel, Hamilton-Halton Homebuilders Association, addressed Committee respecting Report PED15052/PW15042 – Development Application Approvals Process Review. Ms. Mammel's comments included, but were not limited to, the following:

- Residential construction is the largest employer within the City of Hamilton.
- The Hamilton-Halton Home Builders Association is in full support of Report PED15052/PW15042 – Development Application Approvals Process Review, and is interested in working with the City respecting this matter.

The presentation by Suzanne Mammel, Hamilton-Halton Homebuilders Association, addressed Committee respecting Report PED15052/PW15042 – Development Application Approvals Process Review, was received.

(f) STAFF PRESENTATIONS (Item 7)

(i) Bell Canada Municipal Access Agreement (MAA) (LS14001(a)/PW14006(a)) (City Wide) (Item 7.1)

Janice Atwood-Petkovski, City Solicitor, introduced Brian Duxbury, external legal counsel for this matter, and provided a brief overview of the

Bell Canada MAA matter. Mr. Duxbury provided a PowerPoint presentation respecting the status of the City's application before the CRTC. Mr. Duxbury's presentation included, but was not limited to, the following:

- Background:
 - City's previous MAA (2007) with Bell expired in November, 2012.
 - City gave notice to Bell that it would seek new MAA and would not renew old MAA.
 - Negotiations proceeded, but the City and Bell could not come to an agreement on the terms to be contained in the City's new MAA.
 - The City's proposed MAA terms and conditions are crafted to address problems and provide proper remedies for non-compliance issues with Bell.
 - The City seeks to include in its MAA: cost consequences for performance failures; a clear formula for allocating relocation costs; and, provisions for cost consequences for Bell if Bell fails to comply with the Agreement.
 - The City estimates Bell costs the City in the range of \$450,000 per year due to performance and non-compliance issues. When work around charges are considered, that annual figure increases significantly, in excess of \$1,000,000.
- Impact of Bell Failures – Why Exacting the MAA is Required:
 - City supporting Bell conduit system on the Kenilworth / Burlington project.
 - Bell does not have specific installation records for this site.
 - Bell is not responsible for all additional costs, but Bell's equipment installed over top of the City's infrastructure caused a significant financial impact to the City in the range of \$400,000.
 - The 2007 MAA provides no means to recover these funds – a new MAA is required to address these underlying and resulting issues.

- These Bell cabinets are in a non-approved location on Amberwood Drive, in front of St. Paul's Elementary School.
- The cabinets are in a sight-triangle and pose a safety hazard for pedestrians and drivers.
- Hamilton asked Bell to place the first cabinet in a different location in 2011.
- Despite being notified Bell did not remove the first cabinet. In 2012, Bell compounded its error by installing a second cabinet at the same location.
- As of April, 2015 (i.e. 4 years later) Bell has still not acted.
- The 2007 MAA provides no means to force Bell to act. A new MAA is required.
- Without the City's knowledge Bell used duct tape to affix its wires to the City's sidewalk at Bing Crescent.
- Councillor complaints brought the issue to the attention of staff.
- The City raised this issue in its Application to the CRTC to illustrate the types of difficulties experienced with Bell.
- Bell denied in its answer that it had even done any work in the area, but further investigation by the City has confirmed that Bell did in fact conduct works, including works related to the utility box at right hand side of photo (shown in the PowerPoint presentation).
- Despite hazards created by Bell, the City says Bell was slow to respond. A new MAA is required to address these types of issues and the problems, which give rise to such failures.

- Intervening Parties and Last Steps Taken:
 - Quebecor Media and MTS Allstream Inc. have intervened to lend support to the positions taken by Bell Canada in its Reply to the City's Application.
 - The Federation of Canadian Municipalities (FCM) has intervened to lend support to the positions taken by the City. The issues raised are of a national concern.

- The FCM's support signals a broad support by Canadian municipalities for the City's Application.
- The City of Calgary has been engaged by Telus (on behalf of a number of other telecommunications companies) in a CRTC process that raises some similar issues to those raised in the City of Hamilton's Application.
- January 9, 2015, the City's Application was filed with the CRTC.
- March 5, 2015 interventions and Answer from Bell Canada were received.
- Bell's Answer was largely non-responsive to the City's concerns, as expressed in its Application.
- Bell's Answer focused on a desire to engage in mediation and use the CRTC's approved Model MAA as a basis for further negotiations.
- Bell's Answer denied many of the factual underpinnings of the City's positions with respect to the terms and conditions of its proposed MAA.
- It was therefore required that the City's Reply to Bell's Answer be detailed, factually accurate and well evidenced.
- Reply submitted to the CRTC on April 15, 2015.
- Bell has not sought a further opportunity to respond to the City's Reply.
- Next Steps and Possible Courses of Action by the CRTC:
 - As Bell has raised the issues of mediation and the CRTC's Model MAA there are several possible courses of action, which may result before this matter is concluded:
 - The Commission could order the parties to submit to a period of CRTC staff-assisted mediation on any or all of the issues raised by either party;
 - The Commission could determine that a preliminary issue dealing with the legal import and effect of the CRTC's Model MAA requires an initial adjudication and could

invite further submissions (written and or oral) with respect to such an issue;

- The Commission could require the matter to proceed and be heard by the CRTC; or,
- The Commission could render a decision, or partial decision, with respect to any of the matters raised without further input from the parties.

The presentation, respecting the Bell Canada Municipal Access Agreement (LS14001(a)/PW14006(a), was received.

A full copy of the presentation is available on the City's website at www.Hamilton.ca or through the Office of the City Clerk.

(ii) Development Application Approvals Process Review (PED15052/PW15042) (City Wide) (Item 7.2 formerly 8.12)

Jason Thorne, General Manager of the Planning and Economic Development Department, provided a PowerPoint presentation to Committee, respecting the Development Application Approvals Process Review. Mr. Thorne's presentation included, but was not limited to, the following:

- 2011 – Open for Business Sub-Committee
- 2013 – Open for Business Action Plan
- 2014 – Review of Development Approvals Process
- Qualitative, Interview-Based Approach
- Findings are Intended to be Indicative / Directional
- Over 100 Interviews Held with a Variety of Stakeholders
- Streamlining the Process
- Better Technology
- Culture, Capacity and Leadership
- Relationship Between the City and the Development Industry

- Staff Capacity, Communications and Morale
- Progress
- Instill a strong sense of ownership and empowerment within City staff.
- Cultivate an investor friendly environment.
- Improve capacity through training, communications, engagement and support.

The presentation, respecting the Development Application Approvals Process Review (PED15052/PW15042), was received.

A full copy of the presentation is available on the City's website at www.Hamilton.ca or through the Office of the City Clerk.

(g) DISCUSSION ITEMS (Item 8)

(i) Auchmar Non-Binding Request for Proposals (PED15072) (Ward 8) (Item 8.11)

Sub-section (a) to Report PED15072, respecting Auchmar Non-Binding Requests for Proposals, which reads as follows, was deleted in its entirety and the balance of the resolution was re-lettered accordingly:

~~(a) That the Council direction for staff to proceed with the development of a comprehensive operational plan, based on the Proposed Use Concept Profile for the Auchmar Estate (Report PED12193) be rescinded.~~

For disposition of this matter, refer to Item 13.

(g) MOTIONS (Item 9)

(i) Establishment of an Annualized Audit of the Hamilton Police Services Board (Item 9.1)

This matter was withdrawn from the agenda, as noted in the Changes to the Agenda.

(h) NOTICES OF MOTION (Item 10)

Councillor J. Partridge introduced the following Notice of Motion:

(i) Options respecting the Unanimous Stakeholders' Agreement known as Hamilton Realty Capital Inc. (Item 10.1)

WHEREAS, the 10-year Unanimous Stakeholders Agreement for the public/private partnership known as Hamilton Realty Capital Inc. (the "Corporation") was signed on July 26, 2006;

AND WHEREAS, that Agreement will be up for extension, termination or modification in July of 2016;

AND WHEREAS, the General Issues Committee is aware that the Corporation has purchased the Cannon Knitting Mills and has been looking for viable development options for this facility;

THEREFORE BE IT RESOLVED:

That the General Manager of Planning and Economic Development be directed analyze the options the City has with respect to the Unanimous Stakeholders' Agreement known as Hamilton Realty Capital Inc., and report to the General Issues Committee by December 2, 2015.

The Rules of Order were waived to introduce a motion respecting Options respecting the Unanimous Stakeholders' Agreement known as Hamilton Realty Capital Inc.

For disposition of this matter, refer to Item 17.

Councillor A. Johnson introduced the following Notice of Motion:

(ii) Renovations to the Dalewood Recreation Centre (Item 10.2)

WHEREAS, there is a longstanding history of partnering with the Hamilton-Wentworth District School Board (HWDSB) for the benefit of the greater Hamilton community;

AND WHEREAS, Council approved, in principle, a multi-year capital project titled “New Dalewood Community Centre” totalling \$16.5 million, of which \$1.5 million has been approved to date;

AND WHEREAS, the City’s current 10-year capital financing plan is not sufficient to accommodate a “New Dalewood Community Centre”;

AND WHEREAS, the HWDSB and the City of Hamilton are planning renovations to the Dalewood Middle School (the School) and Dalewood Recreation Centre (the Recreation Centre) over the summer of 2015 and to share the costs of design and construction between the two entities;

AND WHEREAS, the HWDSB is preparing a construction tender to go out in May 2015 to include the City of Hamilton’s renovations. The HWDSB will be responsible for tendering the work and conducting the renovations. The City is solely responsible to pay for its share of the renovations. Renovations include the redevelopment of change rooms/washrooms and the installation of a new hot water boiler. The hot water boiler will be solely used by the City of Hamilton but will be installed on HWDSB property;

AND WHEREAS, the City of Hamilton’s renovations to Dalewood Recreation Centre are expected to cost the City of Hamilton \$1.537 million in construction costs, with \$1.237 million remaining as uncommitted in the Dalewood Community Centre capital project 7101354202, approved by Council as part of the budget process in 2013;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to enter into negotiations with the HWDSB, to execute a cost sharing contribution and license agreement with a term of 49 years and any other necessary agreements, for a new change room and a new hot water boiler at Dalewood Recreation Centre and at Dalewood Middle School in a form satisfactory to the City Solicitor with content acceptable to the General Manager of Public Works;
- (b) That the Mayor and City Clerk be authorized and directed to execute the cost sharing contribution and license agreement and any other necessary agreements between the City of Hamilton and the HWDSB;
- (c) That the General Manager of Public Works or designate be granted the delegated authority to approve any changes to the cost sharing contribution and license agreement between the City of Hamilton and the HWDSB and to execute any related or ancillary documentation as may be required to give effect thereto, in a form satisfactory to the City Solicitor;

- (d) That the funding shortfall of \$300,000 to tender construction for this project be funded as follows:
 - (i) \$100,000 from the Ward 1 Area Rating Reserve 108051 (previously designated); and,
 - (ii) \$200,000 from the Unallocated Capital Reserve 108020.

The Rules of Order were waived to introduce a motion respecting Renovations to the Dalewood Recreation Centre.

For disposition of this matter, refer to Item 18.

Councillor L. Ferguson introduced the following Notice of Motion:

- (iii) **Memorandum of Local Amendment – Hamilton-Halton General Contractors Association and the United Brotherhood of Carpenters and Joiners of America, Local 18; and, the Corporation of the City of Hamilton (Item 10.3)**
 - (a) That the Memorandum of Local Amendment between the Hamilton-Halton General Contractors Association and the United Brotherhood of Carpenters and Joiners of America, Local 18; and, the Corporation of the City of Hamilton (attached hereto be approved; and,
 - (b) That the Mayor and City Clerk be authorized and directed to execute the Memorandum of Local Amendment between the Hamilton-Halton General Contractors Association and the United Brotherhood of Carpenters and Joiners of America, Local 18; and, the Corporation of the City of Hamilton (attached hereto), which has been prepared in a form satisfactory to the City Solicitor.

The Rules of Order were waived to introduce a motion respecting Memorandum of Local Amendment – Hamilton-Halton General Contractors Association and the United Brotherhood of Carpenters and Joiners of America, Local 18; and, the Corporation of the City of Hamilton.

For disposition of this matter, refer to Item 19.

Mayor Eisenberger introduced the following Notice of Motion:

Council – May 27, 2015

(iv) Open for Business Sub- Committee – Amendments to the Terms of Reference (Item 10.4)

WHEREAS, the Development Application Approval Process Review process makes recommendations for improvements to enhance the development approval process as well as recommendations for longer term actions;

AND WHEREAS, the Open for Business Sub-Committee and staff are directed to develop a roadmap for the implementation of actions identified in the Review;

AND WHEREAS, part of those recommendations are focused on enhancing communication channels;

THEREFORE BE IT RESOLVED:

That the Terms of Reference for the Open for Business Sub-Committee be amended by adding a representative from each of the following organizations to participate as ex-officio, non-voting key advisors:

- (i) The Hamilton-Halton Home Builders Association; and,
- (ii) The Hamilton, Flamborough and Stoney Creek Chambers of Commerce

The Rules of Order were waived to introduce a motion respecting Amendments to the Terms of Reference for the Open for Business Sub-Committee.

For disposition of this matter, refer to Item 20.

Councillor Farr withdrew the following Notice of Motion:

(v) City of Hamilton's Vision, Mission and Values on the City's Web Site (Item 10.5)

WHEREAS; the new City of Hamilton web-site is complete and ready for launch;

AND WHEREAS; the City of Hamilton's Vision, Mission and Values are foundational;

THEREFORE BE IT RESOLVED:

Council – May 27, 2015

That the City of Hamilton's Web Redevelopment team be directed to display our Vision, Mission and Values in a prominent place on the City's home page with a link to the expanded Vision, Mission and Values Statement.

(i) GENERAL INFORMATION / OTHER BUSINESS (Item 11)

(i) Amendments to the Outstanding Business List (Item 11.1)

(Pearson/Conley)

That the following amendments to the General Issues Committee's Outstanding Business List be approved, as amended:

1. Proposed New Due Dates:

(aa) Item "C" – Study of a CIP for Creative Industries and Review of City Policies and By-laws
Current Due Date: March 30, 2015
Proposed New Due Date: October 21, 2015

(bb) Item "K" – Art Gallery of Hamilton Proposal to Fund Raise to Expand on City Owned Parking Garage – Engineer's Report
Current Due Date: No due date provided.
Outstanding since November 27, 2013
Proposed New Due Date: November 18, 2015

(cc) Item "N" – Fleet Service Delivery Review
Current Due Date: June 17, 2015
Proposed New Due Date: August 10, 2015

(dd) Item "O" – 2014 User Fees
Current Due Date: May 20, 2015
Proposed New Due Date: September 16, 2015

(ee) Item "W" – One Third Expense Allowance for Council
Current Due Date: March 30, 2015
Proposed New Due Date: August 10, 2015

(ff) Item "X" – McMaster University's Application to the Province of Ontario's Call for University Proposals for Major City Expansion
Current Due Date: June 17, 2015
Proposed New Due Date: July 6, 2015

(gg) Item "HH" – New Enforcement Service for Noise Complaints at Night, Thursdays to Saturdays (Pilot to begin in May 2015)

Council – May 27, 2015

Current Due Date: December 2, 2015
Proposed New Due Date: June 2016

(hh) Item “MM” - Feasibility and Options for Annual Base Funding for the Hamilton Waterfront Trust
Current Due Date: April 15, 2015
Proposed New Due Date: June 17, 2015

2. Be referred back to Clerks to be placed on a future GIC agenda:

(aa) Item “G” – Hamilton Harbour Remedial Action Plan/BARC
Current Due Date: No due date provided.
Outstanding since September 5, 2013
Proposed New Due Date: _____

(bb) Item “U” - Temporary Delegated Authority
Current Due Date: February 18, 2015
Proposed New Due Date: _____

3. To be considered complete and removed from the General Issues Committee’s Outstanding Business List:

(aa) Item “DD” – UBER Ride Sharing Review
(Addressed as Item 8.6 on this Agenda – PED15039)

(ii) Gun Shots in the City of Hamilton (Item 11.2)

The Mayor stated his very serious concerns respecting the recent gun fire in Hamilton, and advised that Hamilton Police Services are investigating the incident and are working diligently to provide a secure environment for residents.

The Mayor provided direction to legal staff with respect to this matter.

(j) PRIVATE & CONFIDENTIAL (Item 12)

12.1 Security Session for Council (no copy)

Committee moved into Closed Session, at 2:28 p.m., respecting Item 12.1, Security Session for Council, pursuant to Section 8.1, Sub-section (a) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (a) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to the security and property of the City.

There was nothing to report in Open Session.

(k) ADJOURNMENT (Item 13)

There being no further business, the General Issues Committee, adjourned at 3:54 p.m.

Respectfully submitted,

Councillor M. Green, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk