

Appendix A Guide to City Council Minutes

**MINUTES OF THE COUNCIL
OF THE
CITY OF TORONTO**

**WEDNESDAY, JUNE 9, 1999,
THURSDAY, JUNE 10, 1999 AND
FRIDAY, JUNE 11, 1999**

City Council met in the Council Chamber, City Hall, Toronto.

CALL TO ORDER

- 6.1 Mayor Lastman took the Chair and called the Members to order.

The meeting opened with O Canada.

CONFIRMATION OF MINUTES

- 6.2 Councillor Pitfield, seconded by Councillor Walker, moved that the Minutes of the Council meetings held on the 13th, 14th and 15th days of April, 1999, and the 26th, 27th and 28th days of April, 1999, be confirmed in the form supplied to the Members, which carried.

PRESENTATION OF REPORTS

June 9, 1999:

- 6.3 Councillor Miller presented the following Reports for consideration by Council:

Report No. 8 of The Works and Utilities Committee,
Report No. 10 of The Strategic Policies and Priorities Committee,
Report No. 8 of The Urban Environment and Development Committee,
Report No. 9 of The Works and Utilities Committee,
Report No. 6 of The Community and Neighbourhood Services Committee,
Report No. 6 of The Corporate Services Committee,
Report No. 8 of The Economic Development Committee,
Report No. 6 of The Emergency and Protective Services Committee,

Report No. 8 of The Toronto Community Council,
Report No. 6 of The York Community Council,
Report No. 6 of The East York Community Council,
Report No. 7 of The Etobicoke Community Council,
Report No. 5 of The North York Community Council,
Report No. 6 of The Scarborough Community Council, and
Report No. 4 of The Audit Committee,

and moved, seconded by Mayor Lastman, that Council now give consideration to such Reports, which carried.

- 6.4 Councillor Miller, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 4 of The Board of Health,

and moved, seconded by Mayor Lastman, that, in accordance with the provisions of Section 44 of the Council Procedural By-law, Council now give consideration to such Report, which carried, more than two-thirds of Members present having voted in the affirmative.

June 11, 1999:

- 6.5 Councillor Chong presented the following Report for consideration by Council:

Report No. 7 of The Striking Committee,

and moved, seconded by Councillor Ashton, that Council now give consideration to such Report, which carried.

- 6.6 Councillor Chong, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 8 of The Striking Committee,

and moved, seconded by Councillor Ashton, that, in accordance with the provisions of Section 44 of the Council Procedural By-law, Council now give consideration to such Report, which carried, more than two-thirds of Members present having voted in the affirmative.

- 6.7 Councillor Kelly, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 6 of The Nominating Committee,

and moved, seconded by Councillor Ootes, that, in accordance with the provisions of Section 44 of the Council Procedural By-law, Council now give consideration to such Report, which carried, more than two-thirds of Members present having voted in the affirmative.

6.8 DECLARATIONS OF INTEREST

Councillor Augimeri declared her interest in Clause No. 4 of Report No. 10 of The Strategic Policies and Priorities Committee, headed "Smog Prevention and Reduction: Status Report and Work Plan", and in Notice of Motion J(17), moved by Councillor Jakobek, seconded by Councillor Fotinos, regarding a confidential communication with respect to the award of a contract for the supply of liquid chlorine, in that her husband is a shareholder in a company that deals with environmentally responsible goods.

Councillor Cho declared his interest in Clause No. 1 of Report No. 6 of The Corporate Services Committee, headed "Conditions of Employment - Council Staff Members", in that a member of his family is an employee in his office.

Councillor Gardner declared his interest in Clause No. 1 of Report No. 6 of The Corporate Services Committee, headed "Conditions of Employment - Council Staff Members", in that a member of his family is an employee in his office.

Councillor Jakobek declared his interest in Notice of Motion J (4), moved by Councillor Moeser, seconded by Councillor Duguid, respecting a proposal to name the baseball diamonds at East Point Park the "Ken Morrish Baseball Complex", in that the individual named is his father-in-law; and in Notice of Motion J(18), moved by Councillor Moeser, seconded by Councillor King, respecting a planning study of the Highland Creek Community regarding the suitability of self-storage unit facilities, in that the subject area is in close proximity to property owned by his in-laws.

Councillor Kelly declared his interest in Clause No. 1 of Report No. 6 of The Corporate Services Committee, headed "Conditions of Employment - Council Staff Members", in that a member of his family is an employee in his office.

Mayor Lastman declared his interest in Clause No. 22 of Report No. 6 of The Corporate Services Committee, headed "John Street Roundhouse - Trixtec Hahn Corporation - Proposal Report (Ward 24 - Downtown)", in that his son is a partner in the law firm which is acting on behalf of the developer; and in Clause No. 43 of Report No. 8 of The Toronto Community Council, headed "Operation of the 1999 Molson Indy Race - Exhibition Place (Trinity-Niagara)", in that he is a Member of the Board of Trustees of the Molson Indy.

Councillor Li Preti declared his interest in Clause No. 1 of Report No. 6 of The Corporate Services Committee, headed "Conditions of Employment - Council Staff Members", in that a member of his family is an employee in his office; and in Clause No. 33 of Report No. 5 of The North York Community Council, headed "Walkway Closure - West End of Tillingham Keep - North York Spadina", in that he resides in the Balmoral community wherein the walkway in question is located.

Councillor Mahood declared his interest in Clause No. 1 of Report No. 6 of The Corporate Services Committee, headed "Conditions of Employment - Council Staff Members", in that a member of his family is an employee in his office.

Councillor Pantalone declared his interest in Clause No. 1 of Report No. 6 of The Corporate Services Committee, headed "Conditions of Employment - Council Staff Members", in that a member of his family is an employee in his office.

Councillor Prue declared his interest in those portions of Clause No. 4 of Report No. 6 of The Community and Neighbourhood Services Committee, headed "Squeegee Diversion Strategy for Street-Involved Homeless Youth", and in Item (b), entitled "Toronto Youth Job Corps and Youth Outreach Toronto", embodied in Clause No. 8 of Report No. 6 of The Community and Neighbourhood Services Committee, headed "Other Items Considered by the Committee", pertaining to Human Resources Development Canada (HRDC), in that his wife is an employee of HRDC and is involved in determining grants that may be awarded to various groups, including the City of Toronto.

Councillor Shiner declared his interest in Clause No. 1 of Report No. 6 of The Corporate Services Committee, headed "Conditions of Employment - Council Staff Members", in that a member of his family is an employee in his office; and in Clause No. 22 of Report No. 5 of The North York Community Council, headed "Referral of Application for Zoning By-law and Official Plan Amendment and Site Plan Application - Quadrant Dental Technologies Inc. - 181 Finch Avenue West (UDZ-99-02 and DSP-99-007) - North York Centre", in that an associated Solicitor in the firm representing the applicant is representing Councillor Shiner on another matter.

CONSIDERATION OF REPORTS CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

6.9 The following Clauses were held by Council for further consideration:

Report No. 8 of The Works and Utilities Committee, Clause No. 1.

Report No. 10 of The Strategic Policies and Priorities Committee, Clauses Nos. 1, 2, 3, 4, 5, 7, 11, 17, 22, 23 and 24.

Report No. 8 of The Urban Environment and Development Committee, Clauses Nos. 1, 2, 3, 4, 7, 8, 14, 17, 18 and 19.

Report No. 9 of The Works and Utilities Committee, Clauses Nos. 1, 3 and 4.

Report No. 6 of The Community and Neighbourhood Services Committee, Clauses Nos. 1, 2, 3, 4, 5 and 6.

Report No. 6 of The Corporate Services Committee, Clauses Nos. 2, 3, 4, 5, 6, 8, 9, 10, 13, 21, 22, 25 and 28.

Report No. 8 of The Economic Development Committee, Clauses Nos. 3, 4, 6, 7 and 9.

Report No. 6 of The Emergency and Protective Services Committee, Clauses Nos. 1, 2 and 4.

Report No. 8 of The Toronto Community Council, Clauses Nos. 2, 3, 5, 12, 14, 28, 43, 44, 50, 57 and 58.

Report No. 6 of The East York Community Council, Clause No. 1.

Report No. 7 of The Etobicoke Community Council, Clause No. 18.

Report No. 5 of The North York Community Council, Clauses Nos. 3, 5, 17 and 28. (Clause No. 18 re-opened and amended.).

Report No. 6 of The Scarborough Community Council, Clauses Nos. 11, 13 and 16.

Report No. 4 of The Audit Committee, Clauses Nos. 2 and 5.

Report No. 7 of The Striking Committee, Clause No. 1.

Report No. 8 of The Striking Committee, Clauses Nos. 1 and 2.

The following Clauses which were held by Council for further consideration were subsequently adopted without amendment or further discussion:

Report No. 10 of The Strategic Policies and Priorities Committee, Clauses Nos. 5 and 24.

Report No. 8 of The Urban Environment and Development Committee, Clauses Nos. 1, 2, 14, and 19.

Report No. 6 of The Community and Neighbourhood Services Committee, Clauses Nos. 2, 3 and 6.

Report No. 6 of The Corporate Services Committee, Clauses Nos. 2, 6 and 10.

Report No. 8 of The Toronto Community Council, Clauses Nos. 14 and 44.

Report No. 4 of The Audit Committee, Clause No. 5.

Report No. 6 of The Nominating Committee, Clauses Nos. 1, 2, 3 and 4.

The Clauses not held by Council for further consideration were deemed to have been adopted by Council, without amendment, in accordance with the provisions of the Council Procedural By-law.

CONSIDERATION OF REPORTS CLAUSES WITH MOTIONS, VOTES, ETC.

6.10 Clause No. 3 of Report No. 8 of The Toronto Community Council, headed “Draft Sign By-law - 1 Dundas Street West et al (Eaton Centre)(Downtown)”.

Motion:

Councillor Rae moved that the Clause be amended by adding thereto the following:

“It is further recommended that the report dated June 8, 1999, from the Commissioner of Urban Planning and Development Services, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) the encroachment of Sign No. 17 and the associated stage described in the May 12, 1999, report of the Commissioner of Urban Planning and Development Services be approved by Council and that Metro By-law No. 118 be amended to permit an encroachment of up to 4.5 metres into the road allowance, at a height of not less than six metres above grade;
- (2) the City Solicitor be authorized to submit a Bill in Council to amend Metro By-law No. 118 to permit the encroachment of said Sign No. 17 and the associated stage;
- (3) the applicant make a separate application to the Commissioner of Works and Emergency Services for all aspects of the proposed encroachments and enter into the necessary legal agreements with respect to these encroachments and matters which may be required further to conditions of the Site Plan Approval of this development, all prior to the issuance of a building permit; and

- (4) the lease of rights including, but not limited to air rights, commercial uses and signage be reviewed by the Commissioner of Works and Emergency Services and be subject to a fair market rental determined by the Commissioner of Corporate Services and payable to the City of Toronto, Transportation Services Account, as of the installation date.' ”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

Deputy Mayor Ootes in the Chair.

6.11 Clause No. 43 of Report No. 8 of The Toronto Community Council, headed “Operation of the 1999 Molson Indy Race - Exhibition Place (Trinity-Niagara)”.

Motion:

Councillor Pantalone moved that the Clause be amended by adding thereto the following:

“It is further recommended that the report dated June 4, 1999, from the City Solicitor, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) authority be granted for the introduction of a separate Bill in Council in the form of the draft by-law attached which is complementary to the Bill “To temporarily stop up and close a portion of Lake Shore Boulevard West between Strachan Avenue and Ontario Drive” between 9:00 a.m. Thursday, July 15, 1999, to 11:59 p.m. Sunday, July 18, 1999, providing for an extension of the closure until 11:59 p.m., Monday, July 19, 1999;
- (2) the City Solicitor be authorized and instructed to register the by-law enacted by the separate Bill only in the event that the Sanctioning Body rules the track unsafe for the featured final race on Sunday, July 18, 1999, and it is necessary to hold it on Monday, July 19, 1999, as provided for in the agreement between Molstar Inc., Molson Breweries and The Board of Governors of Exhibition Place;

- (3) that stopping be prohibited on the streets set out in Recommendation No. (2) of the report (April 29, 1999) from Transportation Services on Monday, July 19, 1999, from 7 a.m. to 8 p.m., but enforced only in the event that the race is extended to Monday, July 19, 1999; and
- (4) in the event that any objection is received to the statutory notice of the closure by-laws authorized by this report and the report (April 29, 1999) from Transportation Services, Council authorize the City Clerk to arrange for the hearing of any deputations by Council at its meeting of July 6, 7 and 8, 1999.’ ”

Votes:

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

6.12 Clause No. 28 of Report No. 5 of The North York Community Council, headed “Zoning Amendment Application UDZ-98-20 - 1261075 Ontario Inc. (Tor-bel Group) - 906 Sheppard Avenue West - North York Spadina”.

Motion:

Councillor King, seconded by Councillor Moscoe, moved that the Clause be amended by striking out the recommendations embodied in the report dated May 6, 1999, from the Acting Director, Community Planning, North District, and inserting in lieu thereof the following recommendations embodied in the supplementary report dated June 1, 1999, from the Commissioner of Urban Planning and Development Services, to implement the recommendations of the North York Community Council to reduce the height of the mixed use building from seven storeys to six storeys (changes to the report dated May 6, 1999, from the Acting Director, Community Planning, North District are highlighted in bold):

“It is recommended that:

- (1) for the purpose of clarity, the Sheppard West/Dublin Secondary Plan be amended so as to allow a site specific policy for the property at 906 Sheppard Avenue West, to permit the stacking of density on the southern portion of the site, as long as the total density of the site does not exceed a FSI of 2;
- (2) the C1 zoning on the northern 29.3 metres of the site be amended to a R6 exception zone as shown on Schedule ‘E’ to the report dated May 6, 1999, with the following exceptions:
 - (a) the minimum lot area of 350 square metres;

- (b) the minimum front lot yard setbacks shall be 7.5 metres;
 - (c) the minimum rear lot yard setbacks shall be 7.5 metres; and
 - (d) for the corner lot, the side yard setbacks facing the street shall be 2 metres;
- (3) the C1 zoning on the southern portion of the site be amended to a C4 exception zone as shown on Schedule 'E' to the report dated May 6, 1999, with the following exceptions:
- (a) all of the uses in a C4 zone are permitted with the exception of medical office, restaurant and take-out restaurant;
 - (b) **the maximum gross floor area of 6740 square metres shall be permitted of which a maximum of 588 square metres may be used for non-residential purposes at grade;**
 - (c) the yard setback requirement shall be as set out on Schedule 'F', attached hereto;
 - (d) **the maximum height of the building shall be as shown on Schedule 'F', attached hereto; and**
 - (e) a 1.5 metre wide landscape strip shall be provided the length of the side lot line that abuts 247 Cocksfield Avenue;
- (4) the conditions of the Works and Emergency Services, Transportation Services as set out in Schedule 'I' to the report dated May 6, 1999;
- (5) the conditions of the Works and Emergency Services, Development Services as set out in Schedule 'J' to the report dated May 6, 1999;
- (6) the conditions of the Economic Development, Culture and Tourism, Policy and Planning Section, as set out in Schedule 'K' to the report dated May 6, 1999;
- (7) the conditions of the Medical Officer of Health, Environmental Health, as set out in Schedule 'L' to the report dated May 6, 1999;
- (8) prior to the enactment of a Zoning By-law, the applicant shall receive site plan approval for the mixed use building;
- (9) prior to the enactment of a Zoning By-law, a road closing by-law must be approved by City Council for the lands at the northeast corner of Sheppard

Avenue West and Wilson Heights Boulevard and the applicant shall have purchased the surplus lands from the City; and

- (10) prior to the enactment of a Zoning By-law, the applicant shall apply for and receive severance of the site into 1 block and 4 lots.”

Votes:

The motion by Councillor King, seconded by Councillor Moscoe, carried.

The Clause, as amended, carried.

6.13 **Clause No. 17 of Report No. 5 of The North York Community Council, headed “Parking Prohibitions - Coral Gable Drive, Verobeach Boulevard and Florida Crescent - North York Humber”.**

Motion:

Councillor Mammoliti moved that the Clause be amended by striking out Recommendation No. (5) embodied in the report dated May 14, 1999, from the Director, Transportation Services, District 3, and inserting in lieu thereof the following new Recommendation No. (5):

- “(5) prohibit parking from 9:00 a.m. to 4:00 p.m. on both sides of Coral Gable Drive (west leg), from the northerly limit of Florida Crescent (west leg) to a point 60 metres northerly thereof;”.

Votes:

The motion by Councillor Mammoliti carried.

The Clause, as amended, carried.

6.14 **Clause No. 17 of Report No. 8 of The Urban Environment and Development Committee, headed “Road Salt Environmental Impact Study and Reduction of Road Salt Use”.**

Motion:

Councillor Disero moved that the Clause be struck out and referred to the Works Committee for further consideration and the hearing of deputations, in accordance with the recommendation of the Works and Utilities Committee embodied in the communication dated May 19, 1999, from the City Clerk.

Vote:

The motion by Councillor Disero carried.

Councillor Jakobek in the Chair.

6.15 **Clause No. 2 of Report No. 10 of The Strategic Policies and Priorities Committee, headed “Resources for Access and Equity Functions and Final Recommendations of the Task Force on Community Access and Equity”.**

Motions:

- (a) Councillor Mihevc moved that the Clause be amended by adding thereto the following:

“It is further recommended that the report dated June 7, 1999, from the Chief Administrative Officer, be adopted.”

- (b) Councillor Chong moved that the Clause be amended by:

(1) striking out and referring Recommendation No. (2) of the Strategic Policies and Priorities Committee to the Chief Administrative Officer, with a request that he submit a report to the Policy and Finance Committee on the human resources and cost implications of the recommendations of the Task Force on Community Access and Equity, and providing clarification of the term “Employment Equity”, viz.:

“(2) the adoption of the Action Plan and Final Recommendations of the Task Force on Community Access and Equity appended to the report (May 27, 1999) from Councillor Joe Mihevc, Chair, Task Force on Community Access and Equity, with the exception of Recommendations Nos. (11) and (13);” and

- (2) adding thereto the following:

“It is further recommended that the report dated June 7, 1999, from the Chief Administrative Officer, be received.”

- (c) Councillor Miller moved that the Clause be amended by adding to Recommendation No. (48) of the Action Plan and Final Recommendations of the Task Force on Community Access and Equity the words “and that a working group on employment equity be established as set out in Recommendation No. (21)(c)”, so that such Recommendation shall now read as follows:

“(48) that the City adopt an employment equity policy to achieve a workforce which reflects the population at all occupational levels of the City and that

a working group on employment equity be established as set out in Recommendation No. (21)(c).”

Deputy Mayor Ootes in the Chair.

- (d) Councillor Layton moved that the Clause be amended by adding the retro the following:

“It is further recommended that:

- (1) a copy of this Clause be forwarded to the Executive Committee of the Federation of Canadian Municipalities with a request that it be placed before the Standing Committee on Race Relations of the Federation of Canadian Municipalities and studied and compared with other best practice initiatives from other cities;
- (2) the Federation of Canadian Municipalities be advised that the City of Toronto assigns a high priority to this work; and
- (3) the Executive Committee of the Federation of Canadian Municipalities be requested to consider the inclusion of Councillors Faubert, McConnell, and Shaw on the membership of its Committee on Race Relations.”

Votes:

Adoption of motion (b) by Councillor Chong:

Yes - 23

Councillors: Altobello, Ashton, Balkissoon, Berger, Bossons, Brown, Chong, Disero, Flint, Fotinos, Gardner, Giansante, Holyday, Kelly, Kinahan, King, Lindsay Luby, Mammoliti, O'Brien, Ootes, Pitfield, Saundercook, Tzekas

No - 20

Councillors: Adams, Augimeri, Duguid, Filion, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Prue, Rae, Shaw, Silva, Sinclair, Walker

Carried by a majority of 3.

Deputy Mayor Ootes, having regard to the foregoing decision of Council, declared motions (a) and (c), by Councillors Mihevc and Miller, respectively, redundant.

Motion (d) by Councillor Layton carried.

Councillor Miller, with the permission of Council, requested that his motion (c) be referred to the Chief Administrative Officer.

Council concurred in the request by Councillor Miller.

The Clause, as amended, carried.

In summary, Council amended the Clause by:

- (1) striking out and referring Recommendation No. (2) of the Strategic Policies and Priorities Committee to the Chief Administrative Officer, with a request that he submit a report to the Policy and Finance Committee on the human resources and cost implications of the recommendations of the Task Force on Community Access and Equity, and providing clarification of the term "Employment Equity", viz.:
 - “(2) the adoption of the Action Plan and Final Recommendations of the Task Force on Community Access and Equity appended to the report (May 27, 1999) from Councillor Be Mihevc, Chair, Task Force on Community Access and Equity, with the exception of Recommendations Nos. (11) and (13);”;
and
- (2) adding thereto the following:

“It is further recommended that:

 - (a) a copy of this Clause be forwarded to the Executive Committee of the Federation of Canadian Municipalities with a request that it be placed before the Standing Committee on Race Relations of the Federation of Canadian Municipalities and studied and compared with other best practice initiatives from other cities;
 - (b) the Federation of Canadian Municipalities be advised that the City of Toronto assigns a high priority to this work;
 - (c) the Executive Committee of the Federation of Canadian Municipalities be requested to consider the inclusion of Councillors Faubert, McConnell, and Shaw on the membership of its Committee on Race Relations;
 - (d) the report dated June 7, 1999, from the Chief Administrative Officer, be received; and
 - (e) the following motion be referred to the Chief Administrative Officer:
Moved by Councillor Miller:

‘That Recommendation No. (48) of the Action Plan and Final Recommendations of the Task Force on Community Access and Equity be amended by adding thereto the words “and that a working group on employment equity be established as set out in Recommendation No. (21)(c)”, so that such Recommendation shall now read as follows:

“(48) that the City adopt an employment equity policy to achieve a workforce which reflects the population at all occupational levels of the City and that a working group on employment equity be established as set out in Recommendation No. (21)(c).” ’ ”

6.16 Clause No. 4 of Report No. 10 of The Strategic Policies and Priorities Committee, headed “Review and Harmonization of Environmentally Responsible Procurement”.

Motions:

- (a) Councillor Brown moved that the Clause be struck out and referred to the Administration Committee for consideration, with a request that all interested parties, including residents, representatives from labour, business, industry and research science, and those persons who appeared before the City Services Committee of the former City of Toronto Council in 1995 on the phasing out of the use of polyvinyl chloride (PVC) pipe, be invited to participate in the deliberations in this regard by appearing in deputation or submitting a communication to the Committee.
- (b) Councillor Layton moved that motion (a) by Councillor Brown be amended to provide that only that portion of the Clause pertaining to the issue of polyvinyl chloride (PVC) or plastics be referred to the Administration Committee for the hearing of deputations.

Vote:

Adoption of motion (a) by Councillor Brown:

Yes - 25

Councillors: Adams, Altobello, Brown, Davis, Disero, Feldman, Flint, Fotinos, Giansante, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, O’Brien, Ootes, Pitfield, Saundercook, Shaw, Silva, Sinclair, Tzekas

No - 12

Councillors: Bossons, Chong, Duguid, Filion, Jones, King, Layton, McConnell, Mihevc, Nunziata, Pantalone, Rae

Carried by a majority of 13.

Having regard to the foregoing decision of Council, motion (b) by Councillor Layton was not put to a vote.

6.17 **Clause No. 11 of Report No. 10 of The Strategic Policies and Priorities Committee, headed “Graffiti Transformation Program - 1999 Recommended Allocations”.**

Motion:

Councillor Augimeri moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Urban Planning and Development Services be requested to submit a report to the Planning and Transportation Committee on the feasibility of expanding the Graffiti Transformation Program to include some forms of vandalism.”

Votes:

The motion by Councillor Augimeri carried.

The Clause, as amended, carried.

Mayor Lastman in the Chair.

6.18 **Clause No. 17 of Report No. 10 of The Strategic Policies and Priorities Committee, headed “Street Tree Planting Application - Toronto Atmospheric Fund Ward 10 (North York Centre) and Ward 12 (North York Seneca Heights)”.**

Motion:

Councillor Augimeri moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Tree Advocate, in consultation with the Commissioner of Economic Development, Culture and Tourism, be requested to develop a prioritization process for tree planting projects which would permit all communities equal opportunity to access funds, and submit a report thereon to the Economic Development and Parks Committee.”

Votes:

The motion by Councillor Augimeri carried.

The Clause, as amended, carried.

6.19 **Clause No. 23 of Report No. 10 of The Strategic Policies and Priorities Committee, headed “Big City Mayors Caucus of the FCM - April 29, 1999 Saskatoon Meeting Report”.**

Motions:

- (a) Councillor Layton moved that the Clause be received and that Council also adopt the following recommendation:

“It is recommended that a copy of the Federation of Canadian Municipalities’ documents dated June 1999, entitled ‘National Housing Policy Options Paper - A Call for Action’ and ‘Draft National Housing Policy Options Paper - A Call for Action - Municipal Profiles’, respectively, submitted by Councillor Jack Layton, be forwarded to the Commissioner of Community and Neighbourhood Services for circulation to individuals and organizations deemed appropriate, with a request that such organizations consider endorsing the Policy Options Papers and convey their support to the federal government.”

- (b) Councillor McConnell moved that motion (a) by Councillor Layton be amended by adding thereto the following:

“and that Council also adopt the following recommendations:

‘It is recommended that:

- (1) City Council express its appreciation to Councillor Jack Layton for his leadership in placing the issue of homelessness on the national agenda, through the discussions at the Big City Mayors Caucus of the Federation of Canadian Municipalities; and
- (2) Council also extend its thanks to Mayor Mel Lastman for speaking on behalf of Council on this matter.’ ”

Votes:

Motion (a) by Councillor Layton, as amended by motion (b) by Councillor McConnell, carried.

The Clause, as amended, carried.

Deputy Mayor Ootes in the Chair.

Mayor Lastman in the Chair.

6.20 **Clause No. 28 of Report No. 8 of The Toronto Community Council, headed “Local Improvement - Private Lane South of St. Clair Avenue West, Extending Westerly from Spring Grove Avenue Between Premises Nos. 34 and 36 (Davenport)”.**

Motion:

Councillor Disero moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Corporate Services be directed to take all steps necessary to expropriate the property required for the public lane, as soon as possible.”

Votes:

The motion by Councillor Disero carried.

The Clause, as amended, carried.

6.21 **Clause No. 7 of Report No. 8 of The Urban Environment and Development Committee, headed “Various Amendments to Former Metropolitan Traffic By-laws”.**

Motion:

Councillor Shiner moved that the Clause be amended by striking out and referring the following entry in Appendix 1, entitled “Schedule VIII to Metropolitan Uniform Traffic By-law”, to the report dated April 26, 1999, from the Commissioner of Works and Emergency Services, to the North York Community Council for consideration:

“Sheppard Avenue East North Yonge Street and Anytime.”
(M.T. 28) Victoria Park Avenue

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

6.22 **Clause No. 21 of Report No. 6 of The Corporate Services Committee, headed “Goulding Estate”.**

Motion:

Councillor Pitfield moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Corporate Services be requested to include in the lease extension a provision that any option for a further renewal of the lease, between the Centre for Creative Ministries and the City of

Toronto for the Gouling Estate property, for an additional three years, rest with the City.”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

6.23 **Clause No. 50 of Report No. 8 of The Toronto Community Council, headed “Dogs Off-Leash Hours - Craigeigh Gardens and Ramsden Park”.**

Motion:

Councillor Adams moved that the Clause be amended by striking out and referring that portion of the Clause pertaining to Ramsden Park to the Commissioner of Economic Development, Culture and Tourism, with a request that a neighbourhood public meeting be held in accordance with Council’s guidelines for off-leash areas in City Parks, and a further report thereon be submitted to the Toronto Community Council.

Votes:

The motion by Councillor Adams carried.

The Clause, as amended, carried.

Deputy Mayor Ootes in the Chair.

6.24 **Clause No. 22 of Report No. 6 of The Corporate Services Committee, headed “John Street Roundhouse - TrizecHahn Corporation - Proposal Report (Ward 24 - Downtown)”.**

Motion:

Councillor Pantalone moved that the Clause be amended by adding thereto the following:

“It is further recommended that Council’s support of the Steam Whistle Brew Pub be subject to Council approval of any terms and conditions, financial or otherwise, of any lease.”

Votes:

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

6.25 **Clause No. 58 of Report No. 8 of The Toronto Community Council, headed “Other Items Considered by the Community Council”.**

Motion:

Councillor Jakobek moved that the Clause be received as information, subject to striking out and referring Item (d), entitled “Proposal by the Toronto Parking Authority to Replace Existing Illuminated Pedestal Signs With New Illuminated Ground Signs on 13 Parking Lots in the Former City of Toronto (All Wards in the former City of Toronto)”, embodied therein, back to the Toronto Community Council for further consideration.

Votes:

Adoption of motion by Councillor Jakobek:

Yes - 18 Mayor: Lastman Councillors: Adams, Ashton, Augimeri, Cho, Disero, Duguid, Flint, Giansante, Holyday, Jakobek, Layton, Lindsay, Luby, Minnan-Wong, Moeser, Ootes, Pantalone, Sinclair
No - 20 Councillors: Altobello, Berardinetti, Bossons, Bussin, Chow, Feldman, Johnston, Jones, Kinahan, Korwin-Kuczynski, Li Preti, Mammoliti, Nunziata, Pitfield, Prue, Rae, Shiner, Silva, Tzekas, Walker

Lost by a majority of 2.

The Clause was received as information.

Mayor Lastman in the Chair.

6.26 **Clause No. 3 of Report No. 8 of The Economic Development Committee, headed “Toronto-Rochester Fast Ferry Initiative and Lake Ontario Fast Ferry Corporation (LOFF) Project”.**

Motion:

Councillor Chow moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to consult with area residents, including those living on the Toronto Islands, regarding the implementation plan for this Ferry service.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

6.27 **Clause No. 2 of Report No. 4 of The Audit Committee, headed “Results of the City of Toronto Audit on the Toronto Police Service Metropolis Project and Response”.**

Motion:

Councillor Chow, seconded by Councillor Ashton, moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Toronto Police Services Board be requested to:

- (1) apply the recommendations of the City Auditor regarding Metropolis, to the ‘Occurrence Re-engineering Project’ and other information technology investments; and
- (2) submit a report to the Policy and Finance Committee on performance measurements that properly document costs and savings.”

Votes:

The motion by Councillor Chow, seconded by Councillor Ashton, carried.

The Clause, as amended, carried.

6.28 **Clause No. 4 of Report No. 8 of The Economic Development Committee, headed “Support for Community Festivals”.**

Motion:

Councillor Miller moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee, prior to any new fees being imposed on community festivals.”

Votes:

The motion by Councillor Miller carried.

The Clause, as amended, carried.

6.29 **Clause No. 4 of Report No. 8 of The Urban Environment and Development Committee, headed "F.G. Gardiner Expressway East Dismantling Project (Don River and East Toronto - Wards 25 and 26)".**

Deputy Mayor Ootes in the Chair.

Motions:

- (a) Councillor Jakobek moved that the Clause be amended to provide that the F.G. Gardiner Expressway East Dismantling Project be conditional on the entire Gardiner Expressway being torn down.
- (b) Councillor Pantalone moved that the Clause be amended in accordance with the recommendations of the City Solicitor embodied in the report dated June 7, 1999, from the City Solicitor.
- (c) Councillor Kelly moved that the Clause be amended by striking out the recommendations of the Urban Environment and Development Committee and inserting in lieu thereof the following:

"It is recommended that the entire length of the F.G. Gardiner Expressway East that is proposed to be taken down be retained and rehabilitated."
- (d) Councillor Cho moved that the Clause be struck out and referred to the Planning and Transportation Committee for further consideration, and the Commissioner of Works and Emergency Services be requested to:
 - (1) take all steps necessary to close down the eastern portion of the F.G. Gardiner Expressway East for two weeks and conduct a traffic/air quality study to determine the impact on the surrounding neighbourhood; and
 - (2) conduct a public meeting in the community, following the closure of the F.G. Gardiner Expressway East for the two-week period.

Adoption of referral motion (d) by Councillor Cho:

Yes - 9 Councillors: Altobello, Balkissoon, Berardinetti, Bussin, Cho, Jakobek, Lindsay Luby, Minnan-Wong, Moeser

No - 34

Councillors: Ashton, Augimeri, Bossons, Chong, Chow, Davis, Disero, Duguid, Feldman, Flint, Fotinos, Giansante, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saunderson, Shaw, Sinclair, Tzekas

Lost by a majority of 25.

(e) Councillor Johnston moved that:

(1) motion (b) by Councillor Pantalone be amended by adding thereto the words "subject to striking out Recommendation No. (6)(a) and inserting in lieu thereof the following new Recommendation No. (6)(a):

'(6)(a) direct that reconstruction of Lake Shore Boulevard include sufficient sound barriers on the north and south sides of Lake Shore Boulevard in the vicinity of Toronto Film Studios, the Showline Limited property located at 915 Lake Shore Boulevard East, and other film studios in the area, to prevent additional traffic noise from affecting film productions;'; and

(2) the Clause be amended by adding thereto the following:

"It is further recommended that the Executive Director and Chief Planner be requested to re-examine the proposal put forward by Mr. John Sewell respecting decking over the Gardiner Expressway in the Parkdale area and submit a report thereon to the Planning and Transportation Committee, as quickly as possible."

(f) Councillor Bussin, seconded by Councillor Jakobek, moved that the Clause be amended by:

(1) striking out Recommendation No. (1) embodied in the joint report from the General Manager, Transportation Services, and the Executive Director and Chief Planner, and inserting in lieu thereof the following:

"(1) that Toronto City Council support the 'Alternative Plan' for the dismantlement of the F.G. Gardiner Expressway East to ensure the efficient flow of traffic from the neighbourhoods of East Toronto, East York and Scarborough to the downtown core;"; and

(2) adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to:

- (a) direct the Transportation Services Division to:
 - (i) enter into further discussions with the Toronto Port Authority the Toronto Economic Development Corporation, railway companies and railway company clients on the feasibility of relocating the rail lines currently running along Lake Shore Boulevard East to the Don Roadway route as detailed in the Clause, and report on the progress of these discussions to Council, through the Planning and Transportation Committee; and
 - (ii) include the development of a light rapid transit line, unanimously endorsed by City Council during the debate on the Olympic bid early last year, as part of the transportation improvement planning for the East End of Toronto; and
- (b) submit a report to Council, through the Planning and Transportation Committee, on the feasibility of installing an alternate entry/exit route via Knox Avenue or Woodfield Road.”
- (g) Councillor Shiner moved that the Clause be amended by adding the following:

“It is further recommended that the Scarborough Expressway be completed and designated for ‘High Occupancy Vehicles’, including car pooling, public transit and truck traffic.”

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of motion (g) by Councillor Shiner, ruled such motion out of order.

Votes:

Adoption of motion (c) by Councillor Kelly:

Yes - 10 Councillors: Altobello, Berardinetti, Berger, Cho, Gardner, Holyday, Jakobek, Kelly, Mahood, Ootes

No - 40

Councillors: Adams, Augimeri, Balakissoon, Bossons, Bussin, Chong, Davis, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Giansante, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, O'Brien, Pantalone, Pitfield, Prue, Rae, Saundercook, Sgro, Shaw, Shiner, Silva, Sinclair

Lost by a majority of 30.

Adoption of motion (a) by Councillor Jakobek:

Yes - 12

Councillors: Altobello, Balakissoon, Berardinetti, Berger, Bussin, Cho, Chong, Jakobek, Kelly, Mahood, Shaw, Silva

No - 38

Councillors: Adams, Augimeri, Bossons, Davis, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Gardner, Giansante, Holyday, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Sgro, Shiner, Sinclair

Lost by a majority of 26.

Adoption of Part (1) of motion (f) by Councillor Bussin, seconded by Councillor Jakobek:

Yes - 15

Councillors: Altobello, Balakissoon, Berardinetti, Berger, Bussin, Cho, Chong, Gardner, Jakobek, Kelly, Mahood, Minnan-Wong, Pitfield, Shaw, Silva

No - 37

Councillors: Adams, Augimeri, Bossons, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Giansante, Holyday, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Sgro, Shiner, Sinclair, Tzekas

Lost by a majority of 22.

Part (1) of motion (e) by Councillor Johnston carried.

Adoption of motion (b) by Councillor Pantalone, as amended:

Yes - 47

Councillors: Adams, Altobello, Augimeri, Balkissoon, Berardinetti, Bossons, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Gardner, Giansante, Holyday, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Sgro, Shiner, Silva, Sinclair, Tzekas

No - 5

Councillors: Berger, Jakobek, Kelly, Mahood, Shaw

Carried by a majority of 42.

Adoption of Part (2) of motion (e) by Councillor Johnston:

Yes - 37

Councillors: Adams, Augimeri, Berger, Cho, Chong, Chow, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Giansante, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Sgro, Shiner, Silva, Sinclair

No - 15

Councillors: Altobello, Balkissoon, Berardinetti, Bossons, Bussin, Davis, Gardner, Holyday, Jakobek, Kelly, Mahood, Mammoliti, O'Brien, Shaw, Tzekas

Carried by a majority of 22.

Part (2) of motion (f) by Councillor Bussin, seconded by Councillor Jakobek, carried.

Adoption of Clause, as amended:

Yes - 44

Councillors: Adams, Augimeri, Balkissoon, Berardinetti, Bossons, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Gardner, Giansante, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Sgro, Shiner, Silva, Sinclair, Tzekas

No - 8
Councillors: Altobello, Berger, Bussin, Holyday, Jakobek, Kelly, Mahood,
Shaw

Carried by a majority of 36.

In summary, Council amended the Clause:

- (1) in accordance with the report dated June 7, 1999, from the City Solicitor, subject to striking out Recommendation No. (6)(a) and inserting in lieu thereof the following new Recommendation No. (6)(a):

“(6)(a) direct that reconstruction of Lake Shore Boulevard include sufficient sound barriers on the north and south sides of Lake Shore Boulevard in the vicinity of Toronto Film Studios, the Showline Limited property located at 915 Lake Shore Boulevard East, and other film studios in the area, to prevent additional traffic noise from affecting film productions;”

so the recommendations embodied in such report shall now read as follows:

“The amendments proposed by Mr. Stanley M. Makuch, Cassels Brock & Blackwell, in his communication (May 17, 1999) which were adopted by the Urban Environment and Development Committee be deleted and replaced with the following recommendations which have been developed in consultation with Mr. Makuch:

- (1) that Recommendation No. (3) be amended by adding the words ‘such expenditure to be made upon the direction of the Toronto Film and Television Office in consultation with representatives of the Toronto Film Industry who include a Toronto Film Studios representative, and the Commissioner of Works and Emergency Services’, so as to read:

‘(3) direct the Commissioner of Works and Emergency Services to hold \$100,000.00 in reserve for a Film Industry awareness campaign to address the concerns raised by the Film Industry, such expenditure to be made upon the direction of the Toronto Film and Television Office in consultation with representatives of the Toronto Film Industry who include a Toronto Film Studios representative and with the Commissioner of Works and Emergency Services;’;

- (2) adding the following Recommendations Nos. (4), (5) and (6):

‘(4) direct appropriate City officials, to include in all contracts for all phases of the demolition of the Expressway and the reconstruction of Lake Shore Boulevard, the performance-based noise and vibration

specifications and the working protocol for the demolition and construction as contained in a report prepared by S. S. Wilson Associates, Consulting Engineers, being Report No. W96-10-(97) entitled "Special Provision for the Control of Construction Noise-Specifications; F.G. Gardiner Expressway East Dismantling; the Municipality of Metropolitan Toronto" and dated June 25, 1998, amended as follows:

- (i) add a requirement to section 3.c., for the Contractor to provide fax numbers in addition to telephone numbers;
- (ii) revise the last sentence of the last paragraph in section 5, located at the top of page 4, to read as follows:

"The Contractor shall immediately cease use of all equipment within 200 metres of the location identified by the complainant as the likely source of the noise, and shall cooperate by allowing inspection and testing of any equipment likely to have caused the noise. Work shall not commence until the Contract Administrator is certain that the work will conform with the Special Provisions for the Control of the Construction Noise - Specifications and all other relevant contract provisions.";

- (iii) revise the first sentence in section 7, at the top of page 5, as follows:

"The Contractor agrees that in the event of noise complaints being filed (either verbally or in writing) with any person employed by the Contractor and referred to in section 3.c. above, by occupants of the nearby buildings, the work shall be stopped immediately until such time as noise control measures are implemented to the satisfaction of the Contract Administrator."; and

- (iv) revise the last sentence on page 5 to read as follows:

"These Schedules form part of this Contract and are not to be exceeded without the express consent of the respective TV/Film Studios.";

Further, additional specifications upon which contracts will be tendered shall take into account the concerns of the Film Industry and the site-specific concerns of Toronto Film Studios and shall include:

- (v) requirements that Contractors limit all noise related to the construction of Lake Shore Boulevard and the demolition of the Expressway to levels no greater than the existing peak period ambient noise levels as identified in the report prepared by S. S. Wilson Associates, Consulting Engineers, or as otherwise agreed to by City officials and by Toronto Film Studios Acoustical Consultants;
- (vi) a provision that contractors cease work within fifteen minutes of being notified by a designated City official that the designated Toronto Film Studios official has advised that the work significantly interferes with filming at the Toronto Film Studios, and providing that the City official will notify the contractor immediately upon being notified by Toronto Film Studios and that the parties will then meet immediately to resolve the complaint;
- (vii) demolition within 200 metres of Toronto Film Studios will only occur during the months of December to March inclusive;
- (viii) reasonable contract specifications to ensure that the demolition or reconstruction does not interfere with the Toronto Film Industry's ability to obtain bonding for production deadlines;
- (ix) a provision that the storage of equipment and materials cannot occur on either side of Lake Shore Boulevard within 200 metres of a film studio;
- (x) reasonable contract specifications respecting dust control, as determined by appropriate City officials in consultation with the Toronto Film Industry and Toronto Film Studios in particular;
- (xi) a provision that truck access from Lake Shore Boulevard to the Toronto Film Studios property will not be obstructed except at times approved by a designated Toronto Film Studios representative, unless an alternate access to the south access point of the Toronto Film Studios property is provided that is satisfactory to Toronto Film Studios; and
- (xii) a provision whereby the contractor and the City acknowledge that Toronto Film Studios is relying reasonably on all noise provisions in all contracts relating to the construction or demolition in order to ensure its uninterrupted and continued

operation, and furthermore acknowledge that Toronto Film Studios is entitled to any legal remedy for breach of such provisions including injunctive relief and damages based on such reasonable reliance;

- (5) respecting existing railway lines,
 - (a) direct that the reconstruction not allow the existing railway line owned by TEDCO to be relocated to the north side of Lake Shore Boulevard east of Carlaw and provide that all railway crossings to be reconstructed be controlled by signal lights and bells;
 - (b) City officials be instructed to take all necessary actions to negotiate and enter into no-whistle-blowing agreements with the railways in respect of all reconstructed rail crossings; and
 - (c) in the event there is a significant increase in rail traffic to the Port Lands in the future, the City shall undertake a study to determine the feasibility of alternative railway routes to serve the port area, and the Toronto Film Industry will be consulted in this regard;
- (6)
 - (a) direct that reconstruction of Lake Shore Boulevard include sufficient sound barriers on the north and south sides of Lake Shore Boulevard in the vicinity of Toronto Film Studios, the Showline Limited property located at 915 Lake Shore Boulevard East, and other film studios in the area, to prevent additional traffic noise from affecting film productions;
 - (b) that, subject to any relevant provisions of the Municipal Act, surplus lands adjacent to Lake Shore Boulevard in the vicinity of the demolition and construction, be offered to adjacent property owners for purchase after taking into account planting, pedestrian/bicycle routes, sound barriers and any other municipal requirements; and
 - (c) direct the Commissioner of Works and Emergency Services and all other City officials to make reasonable efforts to consult with the Toronto Film Industry and Toronto Film Studios in particular, and to protect the film industry in general, and Toronto Film Studios in particular, from any and all adverse effects resulting from the demolition and reconstruction.'; and

(2) by adding thereto the following:

“It is further recommended that:

(a) the Commissioner of Works and Emergency Services be requested to:

(i) direct the Transportation Services Division to:

(1) enter into further discussions with the Toronto Port Authority, the Toronto Economic Development Corporation, railway companies and railway company clients on the feasibility of relocating the rail lines currently running along Lake Shore Boulevard East to the Don Roadway route as detailed in the Clause, and report on the progress of these discussions to Council, through the Planning and Transportation Committee; and

(2) include the development of a light rapid transit line, unanimously endorsed by City Council during the debate on the Olympic bid early last year, as part of the transportation improvement planning for the East End of Toronto; and

(ii) submit a report to Council, through the Planning and Transportation Committee, on the feasibility of installing an alternate entry/exit route via Knox Avenue or Woodfield Road; and

(b) the Executive Director and Chief Planner be requested to re-examine the proposal put forward by Mr. John Sewell respecting decking over the Gardiner Expressway in the Parkdale area and submit a report thereon to the Planning and Transportation Committee, as quickly as possible.”

6.30 Clause No. 28 of Report No. 6 of The Corporate Services Committee, headed “Actuarial Valuation Results - The Metropolitan Toronto Pension Plan and the Metropolitan Toronto Police Benefit Fund”.

Motion:

Councillor Gardner moved that the Clause be amended by striking out and referring Recommendations Nos. (2) and (3) embodied in the report dated May 11, 1999, from the Chief Financial Officer and Treasurer, to the Toronto Police Services Board for consideration and report thereon to Council, through the Administration Committee, viz.:

“(2) an employee and employer contribution holiday be granted in the Metropolitan Toronto Police Benefit Fund for the period January 1, 1999, to

December 31, 2000, with the plan to review and report annually on the feasibility of extending the contribution holiday; and

- (3) the basic percentage for spousal survivor pensions in the Metropolitan Toronto Police Benefit Fund be increased to 66 2/3 percent from 60 percent for all active members, effective July 1, 1998;”.

Votes:

The motion by Councillor Gardner carried.

The Clause, as amended, carried.

6.31 **Clause No. 5 of Report No. 5 of The North York Community Council, headed “Request to Licence - Parkland Aircraft Noise Monitoring System - Acacia Avenue - North York Humber”.**

Motion:

Councillor Feldman moved that the Clause be struck out and referred back to the North York Community Council for further consideration and the hearing of depositions.

Vote:

The motion by Councillor Feldman carried.

6.32 **Clause No. 5 of Report No. 8 of The Toronto Community Council, headed “Appeal of Denial of Application for Boulevard Cafe - 785 Carlaw Avenue (Convenience Address for 560 Danforth Avenue)(Don River)”.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Rae moved that Council adopt the following recommendation:

“It is recommended that the application for a boulevard cafe fronting 785 Carlaw Avenue be approved, subject to the applicant complying with the criteria set out in § 313-36 of the Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code.”

Vote:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

6.33 **Clause No. 1 of Report No. 6 of The Emergency and Protective Services Committee, headed “Status Report Concerning Establishment of a Fourth Collision Reporting Centre”.**

Motion:

Councillor Jakobek moved that the Clause be struck out and referred to the Policy and Finance Committee for a financial evaluation.

Vote:

The motion by Councillor Jakobek carried.

6.34 **Clause No. 4 of Report No. 6 of The Emergency and Protective Services Committee, headed “ ‘Cardiac Safe City’ Program”.**

Motion:

Councillor Adams moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) Council authorize and direct the Chief Financial Officer and Treasurer to establish a trust account on behalf of the Toronto Ambulance ‘Cardiac Safe City Program’, to receive all private sector contributions to this Program so that these funds are available to advance the Cardiac Safe City Program; and
- (2) the Commissioner of Corporate Services be requested to submit a report to the July 1999 meeting of the Administration Committee on the reasons for the delay in the start-up of the Public Access Defibrillation Program at City Hall and Nathan Phillips Square, as the seat of City government, and the steps being taken to ensure Council’s policy for a quick start of this Program is implemented no later than September 1, 1999.”

Votes:

The motion by Councillor Adams carried.

The Clause, as amended, carried.

6.35 **Clause No. 8 of Report No. 8 of The Urban Environment and Development Committee, headed “Road Modifications Required for Private Sector - Various Locations (Black**

Creek, North York Spadina, Seneca Heights and Scarborough Agincourt - Wards 7, 8, 12 and 17)”.

Motion:

Councillor Augimeri moved that the Clause be amended:

- (1) to provide that the centre median modifications on Keele Street at Pond Road be subject to substantive landscaping treatment on the medians, within the limits of this project, the cost of such landscaping to be borne by the applicant; and
- (2) by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to determine the type and design of the landscaping in consultation with the community.”

Votes:

The motion by Councillor Augimeri carried.

The Clause, as amended, carried.

6.36 Clause No. 4 of Report No. 6 of The Corporate Services Committee, headed “Late Agenda Items for Committee and Council Meetings”.

Motion:

Deputy Mayor Ootes, with the permission of Council, moved that the Clause be struck out and referred to the Administration Committee for further consideration.

Vote:

The motion by Deputy Mayor Ootes carried.

6.37 Clause No. 4 of Report No. 6 of The Community and Neighbourhood Services Committee, headed “Squeegee Diversion Strategy for Street-Involved Homeless Youth”.

Motion:

Councillor Augimeri moved that the Clause be amended by inserting the words “and Vice Chair”, after the word “Chair” in Recommendation (a) of the Community and Neighbourhood Services Committee, so that the recommendations of the Committee shall now read as follows:

“The Community and Neighbourhood Services Committee recommends the adoption of the following report (May 3, 1999) from the Commissioner of Community and Neighbourhood Services, subject to:

(a) adding the following new Recommendation No. (4):

‘(4) discussions be initiated with the Chair and Vice Chair of the Toronto Police Services Board and the Chief of Police to look at innovative ideas to deal with the squeegee diversion strategy that would include, but not be limited to, the use of the auxiliary police wherever possible;’ and

(b) renumbering the original Recommendation No. (4) accordingly.”.

Votes:

The motion by Councillor Augimeri carried.

The Clause, as amended, carried.

6.38 Clause No. 7 of Report No. 10 of The Strategic Policies and Priorities Committee, headed “Housing First Policy for Surplus City-owned Property”.

Motion:

Councillor Gardner moved that the Clause be amended by adding thereto the following:

“It is further recommended that, as a matter of policy, whenever City land or funding is used to lever below market rents in housing projects, applicants for that housing be drawn from social housing waiting lists or from the shelter system.”

Votes:

The motion by Councillor Gardner carried.

The Clause, as amended, carried.

6.39 Clause No. 3 of Report No. 6 of The Corporate Services Committee, headed “Administrative and Underwriting Services for Employee Benefits”.

Motion:

Councillor Miller moved that consideration of this Clause be deferred to the next regular meeting of City Council to be held on July 6, 1999.

Vote:

The motion by Councillor Miller carried.

6.40 **Clause No. 5 of Report No. 6 of The Community and Neighbourhood Services Committee, headed “Ontario Works Demonstration Projects”.**

Motions:

- (a) Councillor Mammoliti moved that the Clause be amended by striking out the recommendation of the Community and Neighbourhood Services Committee and inserting in lieu thereof the following:

“It is recommended that Council accept the Learning Enrichment Foundation’s proposed model for Ontario Works principles and the Commissioner of Community and Neighbourhood Services be directed to negotiate with the Province of Ontario, the Learning Enrichment Foundation and a Council Reference Group, made up of two Members of Council, with a mandate to achieve a compromise that meets provincial guidelines and begins without delay.”

Councillor Fotinos in the Chair.

Deputy Mayor Ootes in the Chair.

- (b) Councillor Duguid moved that the Clause be amended by:
- (1) deleting Recommendation No. (3) embodied in the report dated May 5, 1999, from the Commissioner of Community and Neighbourhood Services, and inserting in lieu thereof the following new Recommendation No. (3):

“(3) the Commissioner of Community and Neighbourhood Services be requested to submit a report to the Community Services Committee outlining actions that can be implemented to accelerate the evaluation of the current blended model demonstration projects;”;

and
 - (2) adding thereto the following:

“It is further recommended that:

 - (1) Council urge the Province of Ontario to commit to funding an expansion of the new blended model projects based on the shared 80/20 provincial/municipal funding model for the Ontario Works Program to ensure that the City of Toronto does not risk assuming 100 percent of the costs of these projects;
 - (2) subject to concurrence from the Province of Ontario on proceeding with a second phase of the Ontario Works Demonstration Projects,

the Commissioner of Community and Neighbourhood Services be requested to communicate with the Learning Enrichment Foundation and the other 38 agencies which currently have contracts in the Ontario Works Program regarding the 'Request for Proposal Process' necessary for the second phase of this program; and

- (3) the Commissioner of Community and Neighbourhood Services be requested to urge the Province of Ontario to provide additional funding to increase the supply of child care subsidy spaces required to meet the client needs of the Ontario Works Demonstration Projects."

- (c) Councillor Moscoe moved that motion (a) by Councillor Mammoliti be amended by inserting after the word "principles", the words "conditional on negotiating a satisfactory agreement with the Learning Enrichment Foundation with respect to:

- (1) single year funding;
- (2) an acceptable client base; and
- (3) the availability of sufficient child care spaces to meet client needs."

Votes:

Motion (c) by Councillor Moscoe carried.

Adoption of motion (a) by Councillor Mammoliti, as amended:

<p>Yes - 8 Councillors: Berger, Fotinos, Holyday, Li Preti, Mammoliti, Moscoe, Nunziata, O'Brien</p>
<p>No - 31 Mayor: Lastman Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bossons, Chong, Chow, Disero, Duguid, Feldman, Flint, Giansante, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mahood, McConnell, Mihevc, Moeser, Ootes, Pantalone, Pitfield, Prue, Saundercook, Walker</p>

Lost by a majority of 23.

Part (1) of motion (b) by Councillor Duguid carried.

Part (2) of motion (b) by Councillor Duguid carried.

The Clause, as amended, carried.

6.41 **Clause No. 18 of Report No. 8 of The Urban Environment and Development Committee, headed “Urban Planning and Development Services Department - Staff Resources”.**

Motions:

- (a) Councillor Bossons moved that the Clause be amended by adding thereto the following:

“It is further recommended that Recommendation No. (1) of the Budget Committee embodied in the communication dated June 1, 1999, from the City Clerk, be adopted, subject to deleting therefrom the words ‘on a contract basis to a maximum of one year’, so that such recommendation shall now read as follows:

‘The Budget Committee on June 1, 1999, recommended to City Council:

- (1) the adoption of the recommendations of the Urban Environment and Development Committee embodied in the report (May 18, 1999) from the City Clerk, subject to adding the following:

“(1) that the additional staff be hired; and

(2) that the additional funding be from the contingency account.”’ ”

- (b) Councillor Holyday moved that the Clause be amended by striking out the recommendations of the Urban Environment and Development Committee and inserting in lieu thereof the following:

“It is recommended that the report dated May 11, 1999, from the Commissioner of Urban Planning and Development Services, be adopted.”

- (c) Councillor Silva moved that the Clause be amended by adding thereto the following

“It is further recommended that the Commissioner of Urban Planning and Development Services, in consultation with the appropriate City Departments, be requested to submit a report to the Planning and Transportation Committee in the fall of 1999 on a streamlined process for the fast-tracking of applications.”

Votes:

Adoption of motion (b) by Councillor Holyday:

<p>Yes - 6 Councillors: Chong, Holyday, Kelly, Mahood, O'Brien, Sgro</p>
<p>No - 36 Mayor: Lastman Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Bossons, Chow, Disero, Feldman, Flint, Fotinos, Gardner, Johnston, Jones, Kinahan, King, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Silva, Sinclair, Walker</p>

Lost by a majority of 30.

Adoption of motion (a) by Councillor Bossons:

<p>Yes - 34 Councillors: Adams, Altobello, Augimeri, Berardinetti, Berger, Bossons, Chong, Chow, Disero, Feldman, Flint, Fotinos, Gardner, Johnston, Jones, Kinahan, King, Layton, Li Preti, Mahood, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Prue, Rae, Saundercook, Sgro, Shaw, Silva, Sinclair, Walker</p>
<p>No - 9 Mayor: Lastman Councillors: Ashton, Davis, Holyday, Kelly, Lindsay Luby, O'Brien, Ootes, Pitfield</p>

Carried by a majority of 25.

Motion (c) by Councillor Silva carried.

The Clause, as amended, carried.

6.42 Clause No. 1 of Report No. 6 of The East York Community Council, headed "Provision of Litter Bins with Advertising in East York".

Motions:

- (a) Councillor Saundercook moved that the Clause be amended in accordance with the following recommendations embodied in the report dated June 3, 1999, from the Commissioner of Works and Emergency Services:

"It is recommended that:

- (1) the Request for Proposals for the replacement of existing litter bins with new bins with advertising that is to be issued, in accordance with the terms of reference adopted as amended by Council, include all existing street allowance litter bin locations within the City except the Community Council areas of Scarborough and Etobicoke, Ward 19 - High Park, Ward 23 - Midtown and the Bloor-Yorkville Business Improvement Area; and
- (2) Council approve all the recommendations of the Community Councils, with the exception of Recommendations Nos. (3) and (4) of Toronto Community Council which would result in increased costs to service the additional bin locations.”

- (b) Councillor Bossons moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee outlining a plan for the reallocation of the existing litter bins which will become available, including the financial implications.”

Votes:

Motion (a) by Councillor Saundercook carried.

Motion (b) by Councillor Bossons carried.

The Clause, as amended, carried.

6.43 Clause No. 3 of Report No. 5 of The North York Community Council, headed “Provision of Litter Bins with Advertising”.

Motions:

- (a) Councillor Saundercook moved that the Clause be amended in accordance with the following recommendations embodied in the report dated June 3, 1999, from the Commissioner of Works and Emergency Services:

“It is recommended that:

- (1) the Request for Proposals for the replacement of existing litter bins with new bins with advertising that is to be issued, in accordance with the terms of reference adopted as amended by Council, include all existing street allowance litter bin locations within the City except the Community Council areas of Scarborough and Etobicoke, Ward 19 - High Park, Ward 23 - Midtown and the Bloor-Yorkville Business Improvement Area; and

(2) Council approve all the recommendations of the Community Councils, with the exception of Recommendations Nos. (3) and (4) of Toronto Community Council which would result in increased costs to service the additional bin locations.”

(b) Councillor Bossons moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee outlining a plan for the reallocation of the existing litter bins which will become available, including the financial implications.”

Votes:

Motion (a) by Councillor Saundercook carried.

Motion (b) by Councillor Bossons carried.

The Clause, as amended, carried.

6.44 Clause No. 13 of Report No. 6 of The Scarborough Community Council, headed “Provision of Litter Bins with Advertising”.

Motions:

(a) Councillor Saundercook moved that the Clause be amended in accordance with the following recommendations embodied in the report dated June 3, 1999, from the Commissioner of Works and Emergency Services:

“It is recommended that:

(1) the Request for Proposals for the replacement of existing litter bins with new bins with advertising that is to be issued, in accordance with the terms of reference adopted as amended by Council, include all existing street allowance litter bin locations within the City except the Community Council areas of Scarborough and Etobicoke, Ward 19 - High Park, Ward 23 - Midtown and the Bloor-Yorkville Business Improvement Area; and

(2) Council approve all the recommendations of the Community Councils, with the exception of Recommendations Nos. (3) and (4) of Toronto Community Council which would result in increased costs to service the additional bin locations.”

(b) Councillor Bossons moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee outlining a plan for the reallocation of the existing litter bins which will become available, including the financial implications.”

Votes:

Motion (a) by Councillor Saundercook carried.

Motion (b) by Councillor Bossons carried.

The Clause, as amended, carried.

6.45 **Clause No. 57 of Report No. 8 of The Toronto Community Council, headed “Provision of Litter Bins With Advertising”.**

Motions:

- (a) Councillor Saundercook moved that the Clause be amended in accordance with the following recommendations embodied in the report dated June 3, 1999, from the Commissioner of Works and Emergency Services:

“It is recommended that:

- (1) the Request for Proposals for the replacement of existing litter bins with new bins with advertising that is to be issued, in accordance with the terms of reference adopted as amended by Council, include all existing street allowance litter bin locations within the City except the Community Council areas of Scarborough and Etobicoke, Ward 19 - High Park, Ward 23 - Midtown and the Bloor-Yorkville Business Improvement Area; and
- (2) Council approve all the recommendations of the Community Councils, with the exception of Recommendations Nos. (3) and (4) of Toronto Community Council which would result in increased costs to service the additional bin locations.”

- (b) Councillor Bossons moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee outlining a plan for the reallocation of the existing litter bins which will become available, including the financial implications.”

Votes:

Motion (a) by Councillor Saundercook carried.

Motion (b) by Councillor Bossons carried.

The Clause, as amended, carried.

6.46 **Clause No. 3 of Report No. 9 of The Works and Utilities Committee, headed “Pilot Project for Wine Bottle Return System”.**

Motions:

- (a) Councillor Mihevc moved that the Clause be amended by adding thereto the following:

“It is further recommended that representatives of Canadian Union of Public Employees Local No. 416 be included in the discussions concerning the design of the refillable wine bottle collection pilot project.”

- (b) Councillor Saundercook moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on reverse vending machines.”

Votes:

Motion (a) by Councillor Mihevc carried.

Motion (b) by Councillor Saundercook carried.

The Clause, as amended, carried.

6.47 **Clause No. 7 of Report No. 8 of The Economic Development Committee, headed “Permits for Portrait Artists”.**

Motions:

- (a) Councillor Mihevc moved that the Clause be struck out and referred to the Commissioner of Works and Emergency Services for report thereon to the Economic Development and Parks Committee.

- (b) Councillor Moscoe moved that motion (a) by Councillor Mihevc be amended by adding thereto the words “such report to also address the feasibility of charging the same fees for portrait artist permits as those being charged for filming permits”.

Votes:

Motion (b) by Councillor Moscoe carried.

Motion (a) by Councillor Mihevc, as amended, carried.

6.48 **Clause No. 3 of Report No. 8 of The Urban Environment and Development Committee, headed “Reinvesting in Toronto: What the Competition is Doing”.**

Motion:

Councillor Bossons moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Urban Planning and Development Services be requested to provide to the City Clerk, for distribution with Mr. Joe Berridge’s report, entitled ‘Reinvesting in Toronto: What the Competition is Doing’, cost estimates of the infrastructure and social services required in the City of Toronto.”

Votes:

The motion by Councillor Bossons carried.

The Clause, as amended, carried.

6.49 **Clause No. 2 of Report No. 8 of The Toronto Community Council, headed “Urban Design Guidelines for Railway Lands Central and West (Downtown)”.**

Motion:

Councillor Layton moved that the Clause be amended by adding thereto the following:

“It is further recommended that the following additional members be appointed to the Urban Design Task Force listed in Appendix B:

- a representative of the Toronto District Heating Corporation;
- a representative of the Toronto Hydro Corporation;
- a representative of the Toronto Environmental Alliance;
- a member of the Environmental Task Force Sustainable Energy Sub-Committee; and
- the Chair of the Environmental Task Force, or his designate.”

Votes:

The motion by Councillor Layton carried.

The Clause, as amended, carried.

6.50 **Clause No. 18 of Report No. 7 of The Etobicoke Community Council, headed “Appeal to Ontario Municipal Board - Nazeer S. Bishay 22 Kingsview Boulevard - File No. Z-2252 (Kingsway-Humber)”.**

Motion:

Councillor Giansante moved that the Clause be amended by adding to the end of the recommendation embodied in the report dated May 18, 1999, from the City Clerk, the words "or take such settlement action as is expedient", so that such recommendation shall now read as follows:

"It is recommended that the firm of Reble, Ritchie, Green & Ketcheson and appropriate staff be authorized to attend an Ontario Municipal Board hearing on June 14, 1999, in defense of the City's refusal of an application for a site specific amendment to the Second Density Residential (R2) zoning to legalize a two-storey, single detached residential dwelling at 22 Kingview Boulevard or take such settlement action as is expedient."

Votes:

The motion by Councillor Giansante carried.

The Clause, as amended, carried.

- 6.51 **Clause No. 16 of Report No. 6 of The Scarborough Community Council, headed "Shell Canada Appeal to Ontario Municipal Board of Council's Refusal to Permit the Addition of a Drive-Through Window and Retail Component to an Existing Gas Station on the Northwest Corner of Brimley Road and Sheppard Avenue East, Ward 17 - Scarborough Agincourt".**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Mahood moved that Council adopt the following recommendation:

"It is recommended that the City Solicitor be directed to appear at the Ontario Municipal Board in support of a Zoning By-law for the Shell station site which provides for automotive uses and retail sales, including on-site food preparation for consumption off-site, but excludes a drive-through pick-up window."

Votes:

The motion by Councillor Mahood carried.

The Clause, as amended, carried.

- 6.52 **Clause No. 12 of Report No. 8 of The Toronto Community Council, headed "Boulevard Cafe - Montclair Avenue Flank of 390 Spadina Road (Midtown)".**

Motion:

Councillor Adams moved that the Clause be struck out and referred back to the Toronto Community Council for further consideration and the hearing of depositions; and the Manager of Right of Way Management, Transportation Services, District 1, Works and Emergency Services, be requested to direct the applicant to cease and desist from operating the boulevard cafe forthwith, pending a Council decision on the applicant's 1999 licence application.

Vote:

The motion by Councillor Adams carried.

6.53 **Clause No. 22 of Report No. 10 of The Strategic Policies and Priorities Committee, headed "1999 Operating Budget - Follow Up Items".**

Motion:

Councillor Adams moved that the Clause be amended by deleting Recommendations Nos. (1)(a) and (b) embodied in the report dated May 27, 1999, from the Chief Financial Officer and Treasurer, and inserting in lieu thereof the following:

“(1) that Recommendation No. (214) embodied in Clause No. 1 of Report No. 8 of The Strategic Policies and Priorities Committee, be amended to read as follows, and that such recommendation, as so amended, be adopted:

“(214) With respect to the report dated April 8, 1999, “Policy on Interest Paid on Assessment Appeal Refunds Financial Implications of Interest Paid on Pr ime”, from the Chief Financial Officer and Treasurer, the said report incorporating the following recommendations be adopted;

- (i) the interest on assessment appeal refunds for 1997 and prior tax years be calculated based on the policies and rates that existed in each of the former area municipalities at that time;
- (ii) that the rate of interest to be paid by the City of Toronto on assessment appeal refunds relating to the 1998 tax year and onward, from one month from the date the Notice of Decision from the Assessment Review Board is received by the City, to the date of refund, be set at the average rate paid by the banks as listed on Schedule 1 of the Bank Act on one-year GICs as determined by the Chief Financial Officer and Treasurer, from time to time;
- (iii) that the Province of Ontario be requested to pay interest on assessment appeal refunds for 1998 and onward, from the

date of overpayment to the date of the Notice of Decision from the Assessment Review Board, and that the rate of interest to be paid at the same rate of interest set by the City;

- (iv) that By-law No. 29097 of the former City of North York, which allows for the payment of interest on assessment appeal refunds for properties in the former City of North York, be amended to reflect the changes as set out in Recommendations Nos. (ii) and (iii) above;
- (v) that the former City of Toronto's Municipal Code be amended to provide that any overpayments made on, or after, January 1, 1998, which are eligible for assessment appeal refunds, shall have the interest applied from one month from the date that the Notice of Decision is received from the Assessment Review Board by the City; and
- (vi) that the City Solicitor be authorized to submit the necessary by-law to give effect to these recommendations.' ”

Votes:

The motion by Councillor Adams carried.

The Clause, as amended, carried.

6.54 **Clause No. 4 of Report No. 9 of The Works and Utilities Committee, headed “Cleaning and Cement Mortar Lining of Existing Water Mains at Various Locations Within District 4 - Contract No. SC9984WS Phase II, Tender No. 48-1999 (Scarborough Bluffs and Scarborough City Centre)”.**

Motions:

- (a) Councillor Silva moved that the Clause be amended to provide that the contract be awarded to the lowest bidder, Uniflo Construction.
- (b) Councillor Li Preti moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the Community Councils, for subsequent submission to the Works Committee, outlining comparisons of water flow and pressure, indicating the before and after measurements on an average day upon completion of a project; such report to also address the rusty water conditions and associated improvements realized at the end of the project.”

Votes:

Adoption of motion (a) by Councillor Silva:

Yes - 17 Councillors: Altobello, Augimeri, Chow, Disero, Fotinos, Jakobek, Korwin-Kuczynski, Layton, Li Preti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Silva
No - 18 Councillors: Adams, Berardinetti, Bossons, Chong, Duguid, Flint, Giansante, Holyday, Johnston, Jones, Kelly, King, Moeser, O'Brien, Ootes, Saundercook, Shiner, Tzekas

Lost by a majority of 1.

Motion (b) by Councillor Li Preti carried.

The Clause, as amended, carried.

6.55 **Clause No. 1 of Report No. 6 of The Community and Neighbourhood Services Committee, headed "Eviction Prevention Strategies".**

Motions:

- (a) Councillor Chong moved that the Clause be amended by adding thereto the following:

"It is further recommended that the Commissioner of Community and Neighbourhood Services be requested to include in her service review, an evaluation of any potential duplication of services performed by the Ontario Rental Housing Tribunal and the Federation of Metro Tenants' Associations."

- (b) Councillor McConnell moved that the Clause be amended by adding thereto the following:

"It is further recommended that the Commissioner of Community and Neighbourhood Services be requested to include in her report, anecdotal information on whether or not there is duplication of services and by what means Council can ensure that the decisions that come forward from the Ontario Rental Housing Tribunal do not adversely affect tenants."

- (c) Councillor Bossons moved that motion (a) by Councillor Chong be amended to provide that the Commissioner of Community and Neighbourhood Services include

in her report an evaluation of the services rendered to tenants by the Ontario Rental Housing Tribunal.

- (d) Councillor Mihevc moved that motions (a), (b) and (c), by Councillors Chong, McConnell and Bossons, respectively, be referred to the Commissioner of Community and Neighbourhood Services for report thereon to the Community Services Committee.

Votes:

Motion (d) by Councillor Mihevc carried.

Adoption of Clause, as amended:

<p>Yes - 37 Councillors: Adams, Altobello, Ashton, Augimeri, Balakrishnan, Berardinetti, Bossons, Bussin, Chow, Disero, Duguid, Filion, Flint, Fotinos, Giansante, Holyday, Johnston, Jones, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Saundercook, Shiner</p>
<p>No - 0</p>

Carried, without dissent.

6.56 Clause No. 9 of Report No. 6 of The Corporate Services Committee, headed "Sale of Surplus Spadina Project Property at 205 Ava Road (Ward 28 - York Eglinton)".

Having regard that the Clause was submitted without recommendation:

Motions:

- (a) Councillor Lindsay Luby moved that Council adopt the following recommendations:

"It is recommended that:

- (1) the report dated April 6, 1999, from the Commissioner of Corporate Services, as amended by the report dated May 6, 1999, from the Commissioner of Corporate Services, be adopted, viz.:

- (1) the offer to purchase the property at 205 Ava Road submitted by Ms. Francine-Deena Cooper in the amount of \$300,000.00, not be accepted;

- (2) authority be granted for either of the Commissioner of Corporate Services or the Executive Director of Facilities and Real Estate to sign back and submit a counter-offer to Ms. Cooper at a sale price of \$330,000.00, which counter-offer shall be irrevocable by the City until June 21, 1999, but otherwise on the same terms and conditions as the offer made by Ms. Cooper, save and except that:
 - (a) the condition related to financing shall be struck out;
 - (b) a condition be included that Ms. Cooper provide on or before June 28, 1999, an acknowledgement, agreement and release (in a form satisfactory to and provided by the City Solicitor), recognizing that the City is entitled to restore the fence at the rear of the property to its proper lot line as shown as Part 3 on Plan 64R-15564, and quitting claim as of the closing date to any right, title or interest she may have in any lands adjoining or adjacent to Part 3 on Plan 64-15564; and
 - (c) the closing date be amended to July 21, 1999;
- (3) if Ms. Cooper accepts the City's counter-offer, then it is further recommended that:
 - (a) the requirement embodied in Clause No. 14 of Report No. 27 of the former Metropolitan Management Committee adopted on September 28, 1994, regarding the minimum required deposit of 10 percent of the purchase price, be waived;
 - (b) authority be granted to direct a portion of the sale proceeds on closing to fund the outstanding balance of Costing Unit No. OCA700CA2470; and
 - (c) the City Solicitor be authorized and directed to take the appropriate action, in conjunction with Province of Ontario officials and/or agents, to complete the transaction and he be further authorized to amend the closing date to such earlier or later date as he considers reasonable;
- (4) in the event Ms. Cooper does not accept the City's counter-offer, the property be listed for sale through the Toronto Real Estate Board Multiple Listing Service subject to the existing tenancy; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.';

- (2) Mr. Jack Cooper be added as a purchaser of 205 Ava Road, if deemed necessary for financing purposes; and
- (3) the report dated April 16, 1999, from the Commissioner of Corporate Services, be received.”
- (b) Councillor Mihevc moved that motion (a) by Councillor Lindsay Luby be amended to provide that the purchase price for 205 Ava Road be \$300,000.00.

Votes:

Adoption of motion (b) by Councillor Mihevc:

<p>Yes - 11 Councillors: Adams, Ashton, Augimeri, Chow, Gardner, Johnston, Jones, Layton, Mihevc, Moscoe, Pantalone</p>
<p>No - 21 Councillors: Altobello, Bossons, Cho, Duguid, Flint, Fotinos, Giansante, Holyday, Kelly, King, Lindsay Luby, Mahood, Minnan-Wong, Moeser, O'Brien, Ootes, Pitfield, Rae, Shiner, Silva, Sinclair</p>

Lost by a majority of 10.

Adoption of motion (a) by Councillor Lindsay Luby, without amendment:

<p>Yes - 33 Councillors: Adams, Altobello, Ashton, Augimeri, Bossons, Cho, Chow, Duguid, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, King, Layton, Lindsay Luby, Mahood, Mihevc, Minnan-Wong, Moeser, Moscoe, O'Brien, Ootes, Pantalone, Pitfield, Rae, Shiner, Sinclair, Silva</p>
<p>No - 0</p>

Carried, without dissent.

The Clause, as amended, carried.

6.57 Clause No. 6 of Report No. 8 of The Economic Development Committee, headed “Police Reference Checks and the Hiring Process”.

Motion:

Councillor Shiner, seconded by Councillor Chow, moved that the Clause be amended by striking out the recommendations of the Economic Development Committee and inserting in lieu thereof the following:

“It is recommended that:

- (1) Recommendations Nos. (1), (2), (5) and (6) embodied in the report dated April 15, 1999, from the Executive Director, Human Resources, be adopted, viz.:

‘It is recommended that:

- (1) authority be granted for the City of Toronto to enter into an agreement with the Toronto Police Service to conduct a police reference check as the final stage in the hiring process where primary employment or volunteer duties involve working directly with children, youth and/or other vulnerable populations as required;
 - (2) the policy to conduct a police reference check as outlined in Recommendation No. (1) be implemented in the Parks and Recreation Services Division of the Economic Development, Culture and Tourism Department as a first step in implementing the policy city-wide where appropriate;
 - (5) the appropriate City Officials be authorized and directed to take the necessary actions to give effect thereto; and
 - (6) a further report be submitted by the Executive Director of Human Resources, in consultation with the City Solicitor, with respect to the issues of police reference checks on current employees who work with children, youth and vulnerable adults’;
- (2) the following motion be adopted:

‘**WHEREAS** a police reference check was not a condition of employment with the City of Toronto for most existing staff; and

WHEREAS the Municipal Freedom of Information and Protection of Privacy Act, Section 28(2), permits government institutions to collect personal information, if such collection is expressly authorized by statute; and

WHEREAS the City has a number of programs which provide services to vulnerable populations and wishes to ensure all possible steps are taken to guard against abuse;

NOW THEREFORE BE IT RESOLVED THAT the Province of Ontario be requested to enact special legislation to permit the City of Toronto to conduct police reference checks on existing staff who are currently working with children, youth and/or other vulnerable populations,;

- (3) in the interim, there be no charges from the Toronto Police Services Board to the City of Toronto or by the City of Toronto and/or the Toronto Police Services Board to prospective and existing employees, volunteers and non-profit organizations;
- (4) existing staff whose primary employment involves working directly with children and who are willing to provide a reference check, be allowed to do so, at no cost to the staff member;
- (5) Recommendations Nos. (3) and (4) embodied in the report dated April 15, 1999, from the Executive Director, Human Resources, be referred to the Economic Development and Parks Committee for consideration, viz.:
 - ‘(3) prospective employees bear half of the cost of the police reference check, with the other half being borne by the Parks & Recreation Services Division of the City; and
 - (4) the City pays the cost of conducting police reference checks on volunteers;’; and
- (6) the following motion be referred to the Economic Development and Parks Committee for consideration:

Moved by Councillor Shiner:

‘It is recommended that the Toronto Police Services Board perform the reference checks for the City and advise the Commissioner of Economic Development, Culture and Tourism of the overtime hours incurred, together with the cost of such overtime, and the Commissioner of Economic Development, Culture and Tourism be requested to submit a report thereon to the Economic Development and Parks Committee.’ ”

Votes:

The motion by Councillor Shiner, seconded by Councillor Chow, carried.

The Clause, as amended, carried.

Councillor Gardner requested that his opposition to the foregoing Clause be noted in the Minutes of this meeting.

6.58 **Clause No. 3 of Report No. 10 of The Strategic Policies and Priorities Committee, headed “Smog Prevention and Reduction: Status Report and Work Plan”.**

Motions:

- (a) Councillor Layton moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

- A. (1) Chapter 212 (with set fines) be enforced within the limits of the former City of Toronto in combination with enforcement of By-law No. 673-1998 by way of certificate of offence and summons under Part 1 of the Provincial Offences Act in the areas of the new City, other than in the geographical region of the former City of Toronto, until such time as the set fines for By-law No. 673-1998 have been established;
- (2) enforcement be conducted by staff from Municipal Licensing and Standards and Parking Enforcement Officers;
- (3) the Chief of Police be requested to allocate police officers and cadets to enforce the by-laws, especially during smog days; and
- (4) enforcement be on a complaint basis and be pro-active on smog days;
- B. Councillor Layton’s Recommendation No. (4), embodied in his report dated June 1, 1999, be adopted, subject to striking out the phrase “That staff be directed to” and substituting the phrase “That a report be brought to the July Council meeting about how staff can”; and adding the phrase “the vehicle is required for the employee’s work”, so that such recommendation shall now read as follows:

- (4) That a report be brought forward to the July Council meeting on how staff can immediately implement an employee parking policy for City Hall and all other work locations so that free commuting spaces become pay for parking, unless free parking is required because of a disability, contractual obligations, an occupational health and safety concern or the vehicle is required for the employee’s work; and that the Parking Authority of Toronto be responsible for the

administration of the City Hall commuter spaces and a system be developed for other sites;”;

- C. the Medical Officer of Health and the Chief Administrative Officer secure from the Budget Committee resources to create a smog response team to speed up the implementation of the Smog Plan adopted by Council in May 1998, and instigate any other initiatives that will reduce smog; and
- D. the report dated June 7, 1999, from the Chief Administrative Officer be adopted.”
- (b) Councillor Moeser moved that:
- (1) Recommendation No. (4) embodied in the report dated June 1, 1999, from Councillor Jack Layton, be referred to the Office Consolidation Sub-Committee for further consideration and report thereon to the Administration Committee; and
 - (2) Part B of motion (a) by Councillor Layton be referred to the Office Consolidation Sub-Committee.
- (c) Councillor King moved that the Clause be amended by adding thereto the following
- “It is further recommended that the Medical Officer of Health be requested to prepare a one-page Notice advising the public on how best to respond to Smog Alerts, and that such Notice be sent out with the next water bill.”
- (d) Councillor Adams moved that the Clause be amended by:
- (1) inserting in Recommendation No. (8) embodied in the report dated May 18, 1999, from the Chief Administrative Officer, the words “and Nanticoke Generating Station” after the words “Lakeview Generating Station”, so that such recommendation shall now read as follows:

“(8) City Council request Ontario Hydro to adopt emergency measures which would provide for the reduction of power generation at the Lakeview Generating Station and Nanticoke Generating Station during smog alert days;”;
 - (2) adding thereto the following:

“It is further recommended that the Chief Administrative Officer be requested to submit a report to Council in July or September, through the Policy and Finance Committee, on the feasibility of providing free Toronto

Transit Commission tokens or tickets to City staff for use on public transit on Smog Alert days.”

- (e) Councillor Pantalone moved that:
- (1) motion (c) by Councillor King be referred to the Chief Administrative Officer for report thereon to City Council for its meeting to be held on July 6, 1999; and
 - (2) Part B of motion (a) by Councillor Layton be referred to the Chief Administrative Officer for report thereon to the Administration Committee.
- (f) Councillor Fotinos moved that the Clause be amended by adding thereto the following:
- “It is further recommended that the Environmental Task Force be requested to begin looking at options pursued in other countries, such as the feasibility of a plan that would exclude vehicles from the downtown core on alternate days of the week, based on an even and odd licence plate system.”
- (g) Councillor Shiner moved that the Clause be amended by adding thereto the following:
- “It is further recommended that City Councillors’ cars not be made available or used on smog alert days.”
- (h) Councillor Mihevc moved that motion (g) by Councillor Shiner be amended by adding thereto the words “and further, that the Chief Administrative Officer be requested to submit a report to the Administration Committee on the use of the Council drivers if this directive is implemented”.
- (i) Councillor Mahood moved that Parts B, C and D of motion (a) by Councillor Layton, and motions (b), (c), (d), (e), (f), (g) and (h), by Councillors Moeser, King, Adams, Pantalone, Fotinos, Shiner and Mihevc, respectively, be referred to the Chief Administrative Officer.

Councillor Pantalone, with the permission of Council, withdrew Part (1) of his motion (e).

Votes:

Adoption of motion (i) by Councillor Mahood:

<p>Yes - 23 Councillors: Altobello, Ashton, Berardinetti, Bossons, Cho, Chong, Feldman, Flint, Gardner, Giansante, Holyday, Johnston, Kelly, Korwin-Kuczynski, Li Preti, Mahood, Mammoliti, Moeser, Nunziata, Ootes, Pitfield, Shiner, Sinclair</p>
<p>No - 16 Councillors: Adams, Augimeri, Chow, Disero, Duguid, Fotinos, Jakobek, Jones, King, Layton, Lindsay Luby, Mihevc, Moscoe, O'Brien, Pantalone, Saundercook</p>

Carried by a majority of 7.

Part A of motion (a) by Councillor Layton carried.

The Clause, as amended, carried.

6.59 Clause No. 25 of Report No. 6 of The Corporate Services Committee, headed "Voting and Vote-Counting System - Municipal Elections".

Motion:

Councillor Walker moved that the Clause be struck out and referred to the Administration Committee for further consideration.

Vote:

Adoption of referral motion by Councillor Walker:

<p>Yes - 5 Councillors: Johnston, Korwin-Kuczynski, Li Preti, Mahood, Walker</p>
<p>No - 31 Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Cho, Chong, Chow, Disero, Duguid, Feldman, Fotinos, Gardner, Holyday, Jakobek, Jones, Kelly, King, Lindsay Luby, Mammoliti, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Prue, Rae, Saundercook, Shiner, Sinclair</p>

Lost by a majority of 26.

Motion:

Councillor Walker moved that the Clause be amended by adding thereto the following:

“It is further recommended that the City Clerk be requested to submit a report to the Administration Committee on the types of ballots that could be utilized to more clearly identify the candidates by the equipment, including numbers or pictures beside the candidates’ name, to name two.”

Votes:

Adoption of motion by Councillor Walker:

Yes - 29 Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Cho, Chong, Chow, Duguid, Feldman, Fotinos, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moscoe, O’Brien, Pantalone, Rae, Saundercook, Sinclair, Walker
No - 11 Councillors: Disero, Filion, Gardner, Jakobek, Kelly, King, Moeser, Nunziata, Ootes, Prue, Shiner

Carried by a majority of 18.

Adoption of Clause, as amended:

Yes - 38 Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Cho, Chong, Chow, Disero, Duguid, Filion, Fotinos, Gardner, Holyday, Jakobek, Johnston, Jones, Kelly, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moeser, Moscoe, Nunziata, O’Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Shiner, Sinclair
No - 1 Councillor: Walker

Carried by a majority of 37.

6.60 Clause No. 1 of Report No. 8 of The Striking Committee, headed “Resignation from the Toronto Zoo, Board of Management”.

Motions:

- (a) Councillor Adams moved that the Clause be amended by adding thereto the following:
- “It is further recommended that:
- (1) the membership of the Toronto Zoo Board of Management be increased from nine to eleven members and that authority be granted for the introduction of the necessary Bill in Council to give effect thereto; and
 - (2) Councillor Ron Moeser be appointed to the Toronto Zoo Board of Management for the period ending November 30, 2000, or until his successor is appointed.”
- (b) Councillor Lindsay Luby moved that the Clause be amended by adding thereto the following:
- “It is further recommended that an additional Member of Council and an additional representative of the Zoological Society be appointed to the Toronto Zoo Board of Management in order to maintain the current ratio of political/citizen appointments.”

The City Solicitor advised that Council may change the membership of the Board by by-law.

Votes:

Waive subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law to permit consideration of Part (1) of motion (a) by Councillor Adams at this meeting of Council:

Yes - 32

Councillors: Adams, Altobello, Berardinetti, Cho, Chow, Disero, Diguide, Feldman, Flint, Fotinos, Gardner, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Mihvec, Moeser, Moscoe, Nunziata, Pantalone, Pitfield, Prue, Saundercook, Shiner, Sinclair, Tzekas

No - 9

Councillors: Ashton, Augimeri, Bossons, Chong, Layton, McConnell, O'Brien, Ootes, Rae

Carried, more than two-thirds of Members present having voted in the affirmative.

Adoption of Part (1) of motion (a) by Councillor Adams and motion (b) by Councillor Lindsay Luby:

Yes - 35
Councillors: Adams, Altobello, Ashton, Berardinetti, Bossons, Chong, Chow, Disero, Duguid, Feldman, Flint, Fotinos, Gardner, Holyday, Jakobek, Johnston, Kelly, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Mihevc, Moeser, Moscoe, Nunziata, O'Brien, Pantalone, Pitfield, Prue, Saundercook, Shiner, Silva, Sinclair, Tzekas

No - 6
Councillors: Augimeri, Jones, Layton, McConnell, Ootes, Rae

Carried by a majority of 29.

Adoption of Part (2) of motion (a) by Councillor Adams:

Yes - 42
Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Cho, Chong, Chow, Disero, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shiner, Silva, Sinclair, Tzekas

No - 1
Councillor: Johnston

Carried by a majority of 41.

Adoption of Clause, as amended:

Yes - 39
Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Cho, Chow, Disero, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Saundercook, Shiner, Silva, Sinclair, Tzekas

No - 2
Councillors: Bossons, Rae

Carried by a majority of 37.

6.61 **Clause No. 1 of Report No. 8 of The Works and Utilities Committee, headed “License Agreement for Performance Management Software to be Implemented under the Works Best Practices Program”.**

Motion:

Councillor Feldman moved that consideration of this Clause be deferred to the next regular meeting of City Council to be held on July 6, 1999.

Vote:

The motion by Councillor Feldman carried.

6.62 **Clause No. 1 of Report No. 9 of The Works and Utilities Committee, headed “Harmonized Residential Water Service Connection Repair Program”.**

Motions:

- (a) Councillor Pitfield moved that the Clause be amended by adding thereto the following:

“It is further recommended that in the years 2000 and beyond, the allocation of funds under the approved budgets for water service repairs for residential connections be distributed equitably across the City of Toronto, based on the number of requests for water service repairs which qualify for replacement under this program.”

- (b) Councillor Moscoe moved that the Clause be amended by adding thereto the following:

“It is further recommended that priority be given to those homeowners who have applied for improvements in 1996, 1997, 1998, and up to June 30, 1999, and who now qualify for this program as a result of the policy change.”

Vote be now taken:

Councillor Saundercook, with the permission of Council, moved that, in accordance with subsection 37(e) of the Council Procedural By-law, the vote be now taken, the vote upon which was taken as follows:

Yes - 26 Councillors: Altobello, Augimeri, Berardinetti, Bossons, Cho, Chong, Disero, Duguid, Flint, Fotinos, Giansante, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mihevc, Moeser, Pantalone, Pitfield, Prue, Rae, Saundercook, Silva, Sinclair
No - 14 Councillors: Adams, Ashton, Chow, Feldman, Kinahan, King, Layton, McConnell, Minnan-Wong, Moscoe, O'Brien, Ootes, Shiner, Tzekas

Lost, less than two-thirds of Members present having voted in the affirmative.

Motions:

- (c) Councillor Shiner moved that motion (a) by Councillor Pitfield be amended to provide that the allocation of funds be on a per capita basis.
- (d) Councillor Layton moved that motions (a), (b) and (c), by Councillors Pitfield, Moscoe and Shiner, respectively, be referred to the Commissioner of Works and Emergency Services for report thereon to the Works Committee, as soon as possible.

Votes:

Adoption of referral motion (d) by Councillor Layton:

Yes - 30 Councillors: Adams, Altobello, Ashton, Berardinetti, Bussin, Cho, Chong, Chow, Disero, Duguid, Filion, Fotinos, Giansante, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Moeser, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Silva, Sinclair
No - 10 Councillors: Augimeri, Bossons, Feldman, Flint, Holyday, Jones, Moscoe, O'Brien, Shiner, Tzekas

Carried by a majority of 20.

The Clause, as amended, carried.

6.63 Clause No. 18 of Report No. 5 of The North York Community Council, headed "Residential Water Service Repair Program".

Motion to Re-open:

Councillor Saundercook, with the permission of Council, moved that, in accordance with Section 46 of the Council Procedural By-law, this Clause be re-opened for further consideration, the vote upon which was taken as follows:

<p>Yes - 33 Mayor: Lastman Councillors: Altobello, Ashton, Balkissoon, Bossons, Bussin, Cho, Chong, Chow, Davis, Duguid, Fotinos, Gardner, Giansante, Holyday, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mahood, McConnell, Mihevc, Moeser, Moscoe, O'Brien, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw</p>
<p>No - 9 Councillors: Berger, Feldman, Flint, Jakobek, Jones, Mammoliti, Minnan-Wong, Nunziata, Shiner</p>

Carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Augimeri moved that the Clause be struck out and referred to the Commissioner of Works and Emergency Services for further consideration; and the Commissioner of Works and Emergency Services be requested to submit a report, through the Community Councils, to the Works Committee, on how the City could provide a water service upgrade from the City's property line to the meter, at no cost to the homeowner.

Vote:

The motion by Councillor Augimeri carried.

6.64 Notices of Motions I(2)(a) and I(2)(b), and Clause No. 1 of Report No. 7 of The Striking Committee, headed "Appointments to the Toronto Transit Commission".

Motion:

Councillor Moscoe, with the permission of Council, moved that:

- (1) any time set aside for consideration of this matter be permitted in consultation with the Mayor and the Clerk and be adjusted so that my Solicitor, Mr. Rust-D'Eye can be present when Notice of Motion I(2)(a) is being considered;
- (2) Mr. George Rust-D'Eye be permitted to answer questions from Members of Council regarding his legal opinion of May 11, 1999, which has been appended to the Notice of Motion; and
- (3) Council be provided with the following information today (June 9, 1999):

- (a) the letter of May 25, 1999, from Councillor Case Ootes to Minister Leach to which the Minister's response of May 31, 1999, is appended; and
- (b) the Transition Team's comments on the Toronto Transit Commission (TTC), along with any motions adopted by City Council or Metropolitan Council pertaining to these comments and/or recommendations.

Vote:

Adoption of Part (1) of the foregoing motion by Councillor Moscoe:

Yes - 34 Councillors: Adams, Ashton, Augimeri, Balkissoon, Berardinetti, Bossons, Brown, Bussin, Cho, Chong, Chow, Duguid, Feldman, Flint, Gardner, Holyday, Johnston, Jones, Kinahan, Layton, Li Preti, Mammoliti, McConnell, Mihevc , Miller, Minnan-Wong, Moscoe, O'Brien, Pantalone, Prue, Shaw, Shiner, Tzekas, Walker
No - 19 Mayor: Lastman Councillors: Altobello, Berger, Disero, Giansante, Lindsay Luby, Jakobek, Kelly, King, Korwin-Kuczynski, Mahood, Moeser, Nunziata, Ootes, Pitfield, Rae, Saundercook, Silva, Sinclair

Carried by a majority of 15.

Adoption of Part (2) of the foregoing motion by Councillor Moscoe:

Yes - 28 Councillors: Adams, Augimeri, Brown, Bussin, Cho, Chong Chow, Flint, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Prue, Shaw, Shiner, Tzekas, Walker
No - 25 Mayor: Lastman Councillors: Altobello, Ashton, Balkissoon, Berardinetti, Berger, Bossons, Disero, Duguid, Feldman, Gardner, Giansante, Jakobek, Kelly, Kinahan, King , Lindsay Luby, Mahood, Moeser, O'Brien, Ootes, Rae, Saundercook, Silva, Sinclair

Carried by a majority of 3.

Adoption of Part (3) of the foregoing motion by Councillor Moscoe:

<p>Yes - 40 Councillors: Adams, Altobello, Ashton, Augimeri, Balkissoon, Berger, Brown, Bussin, Cho, Chong, Chow, Duguid, Feldman, Holyday, Jakobek, Johnston, Jones, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Shaw, Shiner, Sinclair, Tzekas, Walker</p>
<p>No - 13 Mayor: Lastman Councillors: Berardinetti, Bossons, DiSera, Flint, Gardner, Giansante, Kelly, Kinahan, Pitfield, Rae, Saundercook, Silva</p>

Carried by a majority of 27.

Deputy Mayor Ootes, during the morning session of the meeting on June 9, 1999, proposed that Council vary the order of its proceedings to consider Notices of Motions I(2)(a) and I(2)(b) at 3:00 p.m., on Wednesday, June 9, 1999.

Council concurred in the proposal by Deputy Mayor Ootes.

Deputy Mayor Ootes called upon Notices of Motions I(2)(a) and I(2)(b) appearing on the Order Paper, as follows:

(2)(a) **Moved by:** **Councillor Ashton**

Seconded by: **Councillor Korwin-Kuczynski**

“**WHEREAS** City Council in January, 1998, in appointing Members of Council to the Toronto Transit Commission, also requested the Province of Ontario to enact legislation to reduce the term of office for appointments to the Toronto Transit Commission from three years to 18 months; and

WHEREAS Section 105(1) of the Council Procedural By-law states, in part as follows:

‘105. (1) In the absence of a decision by the council to the contrary or to terminate an appointment, Members appointed by the Council to Committees, agencies, boards, commissions or other bodies, ... shall be for a period of eighteen (18) months, or the terms set out in such appointments, and until their successors are appointed unless otherwise provided by law’; and

WHEREAS City Council has attempted, wherever possible, to adhere to the 18-month term for Councillor appointments; and

WHEREAS regulation 214/96, issued under the Municipal Act, would allow Toronto City Council to make certain changes to local boards by by-law, including the term of office for members of the board; and

WHEREAS the recent decision of the Superior Court of Justice in considering the ward boundaries issue held that, in interpreting provisions of the City of Toronto Act, 1997, the general powers granted by the Municipal Act were available to the City of Toronto unless there was an express reservation or exception, and consequently legislation is not required to change the term of office of appointments to the Toronto Transit Commission;

NOW THEREFORE BE IT RESOLVED THAT City Council revise the term of office for the Members of Council appointed to the Toronto Transit Commission from 3 years to 18-months and that the term of office for those Members of Council appointed to the Toronto Transit Commission by City Council on January 2, 6, 8 and 9, 1998, be amended to expire on June 13, 1999, and until their successors are appointed;

AND BE IT FURTHER RESOLVED THAT City Council refer the matter of appointments to the Toronto Transit Commission to the Striking Committee, and that the Striking Committee hold a Special meeting, prior to the end of the June 9, 10 and 11, 1999, meeting of City Council, and submit its recommendations thereon directly to that meeting of Council;

AND BE IT FURTHER RESOLVED THAT following approval of the foregoing recommendations, that Members of Council be requested to immediately notify the City Clerk if they are interested in being considered for appointment to the Toronto Transit Commission;

AND BE IT FURTHER RESOLVED THAT consistent with City Council Standing Committee appointments, a simple majority of Council be required to approve appointments to the Toronto Transit Commission;

AND BE IT FURTHER RESOLVED THAT authority be granted for the introduction of any necessary bill in Council to give effect to the foregoing;

AND BE IT FURTHER RESOLVED THAT City Council give consideration to this motion in sufficient time at its June 9, 1999, meeting to permit the Striking Committee to hold such Special meeting and submit its recommendations for appointments to the Toronto Transit Commission for consideration at such meeting of City Council.”

(2)(b) **Moved by:** **Councillor Sinclair**

Seconded by: **Councillor Duguid**

“**NOW THEREFORE BE IT RESOLVED THAT** the Notice of Motion moved by Councillor Ashton, seconded by Councillor Korwin-Kuczynski, be amended by:

(1) adding thereto the following new Recital:

‘**WHEREAS** the inclusion of a citizen component in our key Agencies, Boards and Commissions has generally worked well over the years and has given these groups a better depth and balance, all to the benefit of the City of Toronto and its citizens;’; and

(2) adding thereto the following new Operative Paragraph:

‘**AND BE IT FURTHER RESOLVED THAT** the appointees to the Toronto Transit Commission for the period commencing June 14, 1999, include citizens.’ ”

Council also had before it, during consideration of Notices of Motions I(2)(a) and I(2)(b), the following communications, copies of which are on file in the office of the City Clerk:

- (i) (May 11, 1999) from Mr. George H. Rust-D’Eye, Weir and Foulds, Barristers and Solicitors, addressed to Councillor Moscoe, responding to a request for advice respecting what lawful action, if any, City Council could take to shorten or otherwise alter his term of office or terminate his appointment to the Toronto Transit Commission; and advising that, in his opinion, City Council does not have the power to effect the termination or alteration of his three-year term of office as a member of the Toronto Transit Commission, whether by direct action for that purpose or by purporting to shorten or terminate the term of his appointment, and any attempt to do so would be unlawful and of no effect;
- (ii) (May 25, 1999) from Councillor Ootes, addressed to the Minister of Municipal Affairs and Housing, requesting advice on whether City Council has the authority to change the term of office of members of the Toronto Transit Commission;
- (iii) (May 31, 1999) from the Minister of Municipal Affairs and Housing, addressed to Councillor Ootes, in response to his enquiry regarding City Council’s authority to change the term of office and method of appointment of members of the Toronto Transit Commission; and advising that, under the Municipal Act the City of Toronto is a municipality like any other, and is entitled to use the provisions of the Municipal Act when it considers it appropriate; and

- (iv) (June 9, 1999) from Mr. George H. Rust-D'Eye, Weir and Foulds, Barristers and Solicitors, addressed to the Mayor and Members of Council, advising that Councillor Moscoe had retained him to provide legal advice and assistance with respect to the proposal by City Council to change the term of office and method of appointment of members to the Toronto Transit Commission; and further advising that Council does not have the legal power to unilaterally terminate the term of office of Councillor Moscoe and, should Council purport to take action, whether by "amendment", "revision" or otherwise, to effect that purpose, Councillor Moscoe will have no alternative but to seek recourse to the Superior Court of Ontario for the purpose of having this issue determined.

Council also had before it, during consideration of the foregoing Motions, as requested by Councillor Moscoe, the following documents, copies of which are on file in the office of the City Clerk:

- (i) an extract of the Final Report of the Toronto Transition Team (December 1997) respecting the Toronto Transit Commission;
- (ii) an extract of a communication (January 15, 1999) from the City Clerk, outlining, in part, the decision of City Council on January 2, 6, 8 and 9, 1998, to refer certain matters relating to the Toronto Transit Commission to the Special Committee to Review the Final Report of the Toronto Transition Team;
- (iii) communication (December 17, 1997) from the General Secretary, Toronto Transit Commission, advising that the Commission, at its meeting held on December 17, 1997, considered a motion which recommended that the Toronto Transit Commission under the new City of Toronto be expanded to 11 Council Members in order to retain a 20 percent representation of Council; and referred such motion to the Striking Committee for consideration; and
- (iv) an extract of Clause No. 1 of Report No. 1 of The Striking Committee, headed "Appointment of Members of Council to Standing Committees, Other Committees and Task Forces, Special Purpose Bodies and Special Positions", which was adopted, as amended, by Council on January 2, 6, 8 and 9, 1998, respecting the Toronto Transit Commission.

Council also had before it, during consideration of Notices of Motions I(2)(a) and I(2)(b), a confidential report dated June 8, 1999, from the City Solicitor, reporting, as requested by Council, on the issue of Council's authority to change appointments to the Toronto Transit Commission. (See Attachment No. 1.)

Motions:

- (a) Councillor Fotinos moved that Motion I(2)(a) be amended:
- (1) to provide that the first Operative Paragraph shall now read as follows:
- “**NOW THEREFORE BE IT RESOLVED THAT** City Council revise the term of office for Members of Council appointed to the Toronto Transit Commission from three years to eighteen months;” and
- (2) by deleting the second and third Operative Paragraphs and inserting in lieu thereof the following:
- “**AND BE IT FURTHER RESOLVED THAT** City Council expand the membership of the Toronto Transit Commission by two, to provide for the appointment of two additional Members of Council to be selected from the female Members of Council, and the City Clerk be requested to poll the Members of Council by 12:00 noon on June 10, 1999, to determine their respective interest in serving on the Toronto Transit Commission; and that the names of interested Members of Council be forwarded to the Striking Committee for consideration at a Special Meeting to be convened, prior to the end of Council, for report thereon to Council at this meeting and, further that until the new term of office comes into effect, the term of office for the two additional appointments by Council be for the balance of this term of Council.”
- (b) Councillor Flint moved that Motion I(2)(a) be amended to provide that the first Operative Paragraph shall now read as follows:
- “**NOW THEREFORE BE IT RESOLVED THAT** City Council revise the term of office for Members of Council appointed to the Toronto Transit Commission from three years to eighteen months, such revised term of office to take effect with the next term of Council commencing on December 1, 2000, and, in the interim, City Council request the Minister of Municipal Affairs and Housing to clarify the legislation in this regard;”.
- (c) Councillor Jones moved that Motion I (2)(a) be amended by adding thereto the following new Operative Paragraph:
- “**AND BE IT FURTHER RESOLVED THAT**, effective the next term of Council, the Toronto Transit Commission be composed of six (6) Members of Council, five (5) citizen appointees and one (1) union representative, so that the Commission shall comprise twelve (12) persons.”

- (d) Councillor Sinclair moved that Motion I(2)(b) and motion (c) by Councillor Jones be referred to the Mayor for consideration as part of the review of Agencies, Boards and Commissions.

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the provisions of the Council Procedural By-law pertaining to appointments, ruled that the words “to be selected from the female Members of Council” embodied in Part (2) of motion (a) Councillor Fotinos, were out of order and would, therefore, be deleted from such motion.

- (e) Councillor McConnell moved that Part (2) of motion (a) by Councillor Fotinos be amended by adding thereto the words “that Council, when considering these additional appointments, give due consideration to appointing women Members of Council”.

Votes:

Adoption of motion (d) by Councillor Sinclair:

Yes - 29 Councillors: Adams, Augimeri, Berardinetti, Bussin, Chow, Disero, Duguid, Feldman, Fotinos, Gardner, Johnston, Kelly, Kinahan, King, Li Preti, Lindsay Luby, Mahood, Mihevc, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Saundercook, Silva, Sinclair, Tzekas
No - 20 Mayor: Lastman Councillors: Altobello, Ashton, Bossons, Brown, Chong, Davis, Filion, Flint, Giansante, Holyday, Jones, Korwin-Kuczynski, McConnell, Miller, Moeser, Pitfield, Rae, Shaw, Walker

Carried by a majority of 9.

Motion (e) by Councillor McConnell carried.

Adoption of motion (a) by Councillor Fotinos, as amended:

<p>Yes - 43 Mayor: Lastman Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bossons, Brown, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Gardner, Giansante, Johnston, Kelly, Kinahan, King Layton, Li Preti, Lindsay Luby, Mahood, McConnell, Mihevc, Miller, Minna n-Wong, Moe ser, Nunzia ta, O'Bri en, Oote s, Pantalone, Pitfield, Rae, Sa undercook, Shaw, Shiner, Silva, Sinclair, Tzekas</p>
<p>No - 8 Councillors: Adams, Bussin, Holyday, Jones, Korwin-Kuczynski, Moscoe, Prue, Walker</p>

Carried by a majority of 35.

Adoption of the following portion of motion (b) by Councillor Flint:

“such revised term of office to take effect with the next term of Council commencing on December 1, 2000, and, in the interim, City Council request the Minister of Municipal Affairs and Housing to clarify the legislation in this regard;”

<p>Yes - 27 Councillors: Adams, Ashton, Augimeri, Brown, Bussin, Chow, Duguid, Filion, Flint, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Mahood, McConnell, Mi hevc, Miller, Mos coe, Pantalone, Pitfield, Prue, Rae, Shaw, Shiner, Tzekas, Walker</p>
<p>No - 24 Mayor: Lastman Councillors: Altobello, Be rardinetti, Bossons, Chong , Davis, Disero, Feldman, Fotinos, Gardner, Giansante, Holyday, Kelly, King, Li Preti, L indsay L uby, Mi nnan-Wong, Moeser, Nunz iata, O'Brien, Ootes, Sa undercook, Silva, Sinclair</p>

Carried by a majority of 3.

Motion I(2)(a), as amended, carried.

In summary, Council adopted Motion I(2)(a), subject to:

- (1) deleting the first, second and third Operative Paragraphs and inserting in lieu thereof the following:

“NOW THEREFORE BE IT RESOLVED THAT City Council revise the term of office for Members of Council appointed to the Toronto Transit Commission from three years to eighteen months, such revised term of office to take effect with the next term of Council commencing on December 1, 2000, and, in the interim, City Council request the Minister of Municipal Affairs and Housing to clarify the legislation in this regard;

AND BE IT FURTHER RESOLVED THAT City Council expand the membership of the Toronto Transit Commission by two, to provide for the appointment of two additional Members of Council, and the City Clerk be requested to poll the Members of Council by 12:00 noon on June 10, 1999, to determine their respective interest in serving on the Toronto Transit Commission; that the names of interested Members of Council be forwarded to the Striking Committee for consideration at a Special Meeting to be convened, prior to the end of Council, for report thereon to Council at this meeting; that Council, when considering these additional appointments, give due consideration to appointing women Members of Council; and, further that until the new term of office comes into effect, the term of office for the two additional appointments by Council be for the balance of this term of Council;”;

- (2) adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the following motions be referred to the Mayor for consideration as part of the review of Agencies, Boards and Commissions:

- (i) Notice of Motion (2)(b):

Moved by: Councillor Sinclair

Seconded by: Councillor Duguid

‘NOW THEREFORE BE IT RESOLVED THAT the Notice of Motion moved by Councillor Ashton, seconded by Councillor Korwin-Kuczynski, be amended by:

- (1) adding thereto the following new Recital:

“WHEREAS the inclusion of a citizen component in our key Agencies, Boards and Commissions has generally worked well over the years and has given these groups a better depth and balance, all to the benefit of the City of Toronto and its citizens;”;

- (2) adding thereto the following new Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** the appointees to the Toronto Transit Commission for the period commencing June 14, 1999, include citizens.”; and

(ii) Moved by Councillor Jones:

‘**AND BE IT FURTHER RESOLVED THAT**, effective the next term of Council, the Toronto Transit Commission be composed of six (6) Members of Council, five (5) citizen appointees and one (1) union representative, so that the Commission shall comprise twelve (12) persons.’”

Clause No. 1 of Report No. 7 of The Striking Committee, headed “Appointments to the Toronto Transit Commission”.

Motions:

(a) Councillor Moscoe moved that:

- (1) the following Members of Council who have indicated to the City Clerk by 12:00 noon, on Wednesday, June 10, 1999, an interest in being appointed to the Toronto Transit Commission be placed on a ballot and Council vote by written ballot to select their appointees:
 - Councillor Adams
 - Councillor Brown
 - Councillor Disero
 - Councillor Holyday
 - Councillor Johnston
 - Councillor Jones
 - Councillor King
 - Councillor Lindsay Luby;
- (2) the two nominees who receive the highest number of votes and who have achieved the required number of votes shall be declared elected;
- (3) in the event that one or more of the candidates does not receive the required number of votes, the name with the lowest number of votes shall be dropped and subsequent ballots be taken until two of the candidates have been elected; and
- (4) candidates be given up to three minutes to address the Council, if they wish, and they be permitted to answer questions.

Councillor Disero, with the permission of Council, advised the Council that she did not wish to be nominated for a position on the Toronto Transit Commission.

Point of Privilege:

Councillor Miller, rising on a point of privilege, advised the Council that motion (a) by Councillor Fotinos with respect to Notices of Motions I(2)(a) and I(2)(b), as reported out by the City Clerk and voted on by Council, did not reflect the actual motion originally written out and moved by Councillor Fotinos, and, therefore, the privilege of Members of Council had been violated.

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having been advised that the motion by Councillor Fotinos, as reported out by the City Clerk, was signed by the Councillor and distributed to all Members of Council prior to the vote, ruled that the motion, as reported out by the City Clerk and voted on by Council, was properly before Council.

Councillor Miller challenged the ruling of the Deputy Mayor.

Vote to uphold ruling of Deputy Mayor:

Yes - 31 Mayor: Lastman Councillors: Altobello, Ashton, Balkissoon, Berger, Bossons, Cho, Chong Davis, Disero, Duguid, Flint, Fotinos, Gardner, Giansante, Holyday, Kinahan, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, Mammoliti, Moeser, Nunziata, Ootes, Pitfield, Saundercook, Sgro, Silva, Tzekas
No - 19 Councillors: Adams, Augimeri, Bussin, Chow, Filion, Jakobek, Johnston, Jones, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Pantalone, Prue, Rae, Shaw, Shiner, Walker

Carried by a majority of 12.

Deputy Mayor Ootes requested that each nominee advise the Council if they wished to stand for election.

Councillors Adams, Brown, Holyday, Johnston, Jones, King and Lindsay Luby, in turn, advised the Council that they wished to stand for election.

Motions:

- (b) Councillor Davis moved that:
- (1) Part (4) of motion (a) by Councillor Moscoe be amended by deleting the words “and they be permitted to answer questions”; and
 - (2) the two positions for appointment to the Toronto Transit Commission be identified as Position 1 and Position 2, and that Members be nominated to those individual positions.
- (c) Councillor Mahood moved that Part (2) of motion (a) by Councillor Moscoe be amended by deleting the words “the required number of votes” and inserting in lieu thereof the words “majority of Council”.

Vote:

Adoption of Part (1) of motion (b) by Councillor Davis:

<p>Yes - 23 Mayor: Lastman Councillors: Balkissoon, Berardinetti, Bussin, Davis, Disero, Duguid, Flint, Fotinos, Gardner, Jakobek, Jones, Kelly, King, Li Preti, Mammoliti, Minnan-Wong, Moeser, Nunziata, Pitfield, Rae, Sgro, Silva</p>
<p>No - 30 Councillors: Adams, Altobello, Ashton, Augimeri, Berger, Bossons, Cho, Chong, Chow, Filion, Giansante, Holyday, Johnston, Kinahan, Korwin-Kuczynski, Layton, Lindsay, Luby, Mahood, McConnell, Mihevc, Miller, Moscoe, Ootes, Pantalone, Prue, Saundercook, Shaw, Shiner, Tzekas, Walker</p>

Lost, by a majority of 7.

Part (2) of motion (b) by Councillor Davis lost.

The City Solicitor advised the Council that the decision of Council in regard to the appointment of Members of Council to the Toronto Transit Commission would require a majority of Members present and voting.

Having regard to the advice of the City Solicitor, motion (c) by Councillor Mahood was not put to a vote.

Motion:

- (d) Councillor Shiner moved that Councillor Mammoliti be nominated for appointment to the Toronto Transit Commission.

Councillor Mammoliti, with the permission of Council, advised the Council that he did not wish to be nominated for a position on the Toronto Transit Commission.

Votes:

Part (1) of motion (a) by Councillor Moscoe, subject to deleting the name Councillor Disero who had indicated that she did not wish to be nominated, carried.

Having regard to the advice of the City Solicitor, Part (2) of motion (a) by Councillor Moscoe was declared redundant.

Part (3) of motion (a) by Councillor Moscoe carried.

Part (4) of motion (a) by Councillor Moscoe carried.

Ballot:

Deputy Mayor Ootes advised the Council that the following Members, including those Members recommended by the Striking Committee, are nominated for appointment to the Toronto Transit Commission:

Councillor Adams;
Councillor Brown;
Councillor Holyday;
Councillor Johnston;
Councillor Jones;
Councillor King; and
Councillor Lindsay Luby.

The Deputy Mayor suggested that Council now proceed with the appointment of two Members of Council to the Toronto Transit Commission by written ballot.

At the request of Council, the City Clerk tallied the results of the election by ballot, the voting being as follows:

For Councillor Adams:

Councillors: Adams, Augimeri, Minnan-Wong, Shiner, Tzekas, Walker - 6.

For Councillor Brown:

Councillor: Minnan-Wong - 1.

For Councillor Holyday:

Councillor: Holyday - 1.

For Councillor Johnston:

Councillors: Adams, Bussin, Chow, Filion, Jakobek, Johnston, Jones, Layton, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Prue, Rae, Shaw, Shiner, Tzekas, Walker - 19.

For Councillor Jones:

Councillors: Augimeri, Bussin, Chow, Filion, Flint, Giansante, Johnston, Jones, Kinahan, Layton, McConnell, Mihevc, Miller, Moscoe, Prue, Rae, Shaw - 17.

For Councillor King:

Mayor: Lastman.

Councillors: Altobello, Ashton, Balkissoon, Berardinetti, Berger, Bossons, Cho, Chong, Davis, Disero, Duguid, Flint, Fotinos, Gardner, Holyday, Kelly, Kinahan, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, Mammoliti, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Saundercook, Sgro, Silva - 32.

For Councillor Lindsay Luby:

Mayor: Lastman.

Councillors: Altobello, Ashton, Balkissoon, Berardinetti, Berger, Bossons, Cho, Chong, Davis, Disero, Duguid, Fotinos, Gardner, Giansante, Jakobek, Kelly, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Saundercook, Sgro, Silva - 30.

Deputy Mayor Ootes informed the Council that Councillors King and Lindsay Luby, having received a majority of votes of those Members of Council present, are appointed to the Toronto Transit Commission, as recommended by the Striking Committee, and, therefore, the Clause was adopted, without amendment.

Point of Privilege:

Councillor Moscoe, rising on a point of privilege, advised the Council that he had read the opinion of his Solicitor and intends to seek injunctive relief in regard to the appointments of Members of Council to the Toronto Transit Commission; requested that Council take no further action on such appointments until the Courts have had an opportunity to review the matter; and further requested the City Clerk to note this statement in the Minutes of the meeting.

IN-CAMERA MEETING SESSIONS OF THE COMMITTEE OF THE WHOLE

June 9, 1999:

- 6.65 Mayor Lastman moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(2), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Ootes

Seconded By: Mayor Lastman

“**WHEREAS** the Chief Administrative Officer has identified a personnel matter that must be resolved as soon as possible;

NOW THEREFORE BE IT RESOLVED THAT City Council resolve itself into Committee of the Whole in-camera to consider this matter; and that this matter be considered at 2:00 o'clock p.m. on Wednesday, June 9, 1999.”

Vote:

The Motion was adopted, without amendment.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 2:50 p.m. to meet privately in the Council Chamber to consider the confidential report dated June 9, 1999, from the Chief Administrative Officer, pertaining to a personnel matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened at 5:10 p.m. as Council and met in public session in the Council Chamber.

Deputy Mayor Ootes took the Chair and called the Members to order.

Motions:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

- (a) Moved by Councillor Berardinetti:

“That Council adopt the following recommendations:

‘It is recommended that:

- (i) the confidential report dated June 9, 1999, from the Chief Administrative Officer, embodying the following recommendations, be adopted:

“It is recommended that:

- (1) the leaving arrangement for Margaret Rodrigues, Commissioner of Corporate Services, in accordance with the terms of her employment contract with the City of Toronto, be approved;
 - (2) By-law No. 37-1998 be repealed insofar as it relates to the appointment of Margaret Rodrigues, Commissioner of Corporate Services;
 - (3) an external search be initiated by the Chief Administrative Officer to fill the position of Commissioner of Corporate Services;
 - (4) a selection panel, consisting of the Mayor or his designate, the Deputy Mayor, the Chair of the Administration Committee, two other Members of Council to be appointed by Council, and the Chief Administrative Officer, be established;
 - (5) the recommendations of the selection panel be submitted to the Administration Committee and Council;
 - (6) in the interim, the Chief Administrative Officer take responsibility for the Corporate Services Department until such time as a recommendation on the appointment of an Acting Commissioner of Corporate Services is made to City Council for approval;
 - (7) leave be granted to introduce any necessary bill in Council; and
 - (8) the appropriate City Officials be authorized to take any necessary action to give effect thereto.”; and
- (ii) Councillors Miller and O'Brien be appointed to the selection panel.’ ”

(b) Moved by Councillor Altobello:

“That Part (ii) of motion (a) by Councillor Berardinetti be amended by adding the name ‘Councillor Bussin’.”

(c) Moved by Councillor Adams:

“That Part (i) of motion (a) by Councillor Berardinetti be amended by adding thereto the words, ‘subject to deleting Recommendation No. (4) and inserting in lieu thereof the following new Recommendation No. (4):

‘(4) a selection panel, consisting of the members of the Administration Committee, and Councillors Disero, Jakobek, Layton and O’Brien, be established;’.”

(d) Moved by Councillor Moeser:

“That motion (c) by Councillor Adams be amended by adding to amended Recommendation No. (4) the words ‘and the quorum of the selection panel be 50 percent of the membership of the Administration Committee’.”

(e) Moved by Councillor Saundercook:

“That:

(1) Part (i) of motion (a) by Councillor Berardinetti be amended adding thereto the words ‘subject to amending Recommendation No. (3) by inserting the words “and internal”, after the words “an external”, so that Recommendation No. (3) shall now read as follows:

‘(3) an external and internal search be initiated by the Chief Administrative Officer to fill the position of Commissioner of Corporate Services;’; and

(2) Council also adopt the following recommendation:

‘It is further recommended that the City Clerk be instructed to convey to Ms. Rodrigues, the following message from this Council:

“This Council offers the most sincere thank you to Margaret Rodrigues. She has done an extremely good job through this amalgamation process, as well as all the other daily tasks to which she had to attend. We wish her well in the future and in all her endeavours.” ’ ’ ”

Votes:

Adoption of Part (2) of motion (e) by Councillor Saundercook:

<p>Yes - 49 Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Brown, Bussin, Chong, Chow, Davis, Disero, Duguid, Filion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker</p>
<p>No - 1 Councillor: Minnan-Wong</p>

Carried by a majority of 48.

Part (1) of motion (e) by Councillor Saundercook carried.

Motion (d) by Councillor Moeser carried.

Adoption of motion (c) by Councillor Adams, as amended, as it pertains to the selection panel being the Administration Committee:

<p>Yes - 46 Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Brown, Bussin, Chong, Davis, Disero, Duguid, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, McConnell, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker</p>
<p>No - 5 Councillors: Chow, Filion, Kinahan, Mammoliti, Mihevc</p>

Carried by a majority of 41.

Adoption of motion (c) by Councillor Adams, as amended, as it pertains to the appointment of Councillor Jakobek to the selection panel:

Yes - 32 Councillors: Adams, Altobello, Ashton, Berardinetti, Bussin, Chong, Davis, Disero, Duguid, Filion, Flint, Fotinos, Gardner, Holyday, Jakobek, Kelly, King, Li Preti, Lindsay Luby, Mahood, Mammoliti, Minnan-Wong, Moeser, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Shaw, Silva, Sinclair, Tzekas
No - 18 Councillors: Augimeri, Bossons, Chow, Giansante, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Prue, Rae, Saundercook, Shiner, Walker

Carried by a majority of 14.

Adoption of motion (c) by Councillor Adams, as amended, as it pertains to the appointment of Councillor O'Brien to the selection panel:

Yes - 48 Mayor: Lastman Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Brown, Bussin, Chong, Chow, Davis, Disero, Duguid, Filion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Shaw, Shiner, Silva, Sinclair, Walker
No - 4 Councillors: Johnston, Jones, Saundercook, Tzekas

Carried by a majority of 44.

Adoption of motion (c) by Councillor Adams, as amended, as it pertains to the appointment of Councillor Disero to the selection panel:

<p>Yes - 47 Mayor: Lastman Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Brown, Bussin, Chong, Chow, Davis, Disero, Duguid, Filion, Flint, Fotinos, Gardner, Holyday, Jakobek, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker</p>
<p>No - 4 Councillors: Giansante, Johnston, Jones, Saundercook</p>

Carried by a majority of 43.

Adoption of motion (c) by Councillor Adams, as amended, as it pertains to the appointment of Councillor Layton to the selection panel:

<p>Yes - 43 Mayor: Lastman Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Bussin, Chong, Davis, Disero, Duguid, Filion, Flint, Fotinos, Gardner, Holyday, Jakobek, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker</p>
<p>No - 7 Councillors: Chow, Giansante, Johnston, Jones, Mahood, Mammoliti, Saundercook</p>

Carried by a majority of 36.

Having regard to the foregoing decisions of Council, Part (ii) of motion (a) by Councillor Berardinetti and motion (b) by Councillor Altobello, were not put to a vote.

Adoption of Part (i) of motion (a) by Councillor Berardinetti, as amended:

Yes - 43 Mayor: Lastman Councillors: Adams, Altobello, Ashton, Berardinetti, Bussin, Chong, Chow, Davis, Disero, Duguid, Filion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, Mihevc, Minnan-Wong, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker
No - 6 Councillors: Augimeri, Bossons, Layton, Mammoliti, McConnell, Moscoe

Carried by a majority of 37.

In summary, Council adopted the confidential report dated June 9, 1999, from the Chief Administrative Officer, subject to:

- (1) amending Recommendation No. (3) by inserting the words "and internal", after the words "an external"; and
- (2) striking out Recommendation No. (4) and inserting in lieu thereof the following new Recommendation No. (4):

“(4) a selection panel, consisting of the members of the Administration Committee, and Councillors Disero, Jakobek, Layton and O'Brien, be established, and the quorum of the selection panel be 50 percent of the membership of the Administration Committee;”

so that the recommendations embodied in such report shall now read as follows:

“It is recommended that:

- (1) the leaving arrangement for Margaret Rodrigues, Commissioner of Corporate Services, in accordance with the terms of her employment contract with the City of Toronto, be approved;
- (2) By-law No. 37-1998 be repealed insofar as it relates to the appointment of Margaret Rodrigues, Commissioner of Corporate Services;
- (3) an external and internal search be initiated by the Chief Administrative Officer to fill the position of Commissioner of Corporate Services;

- (4) a selection panel, consisting of the members of the Administration Committee, and Councillors Disero, Jakobek, Layton and O'Brien, be established, and the quorum of the selection panel be 50 per cent of the membership of the Administration Committee;
- (5) the recommendations of the selection panel be submitted to the Administration Committee and Council;
- (6) in the interim, the Chief Administrative Officer take responsibility for the Corporate Services Department until such time as a recommendation on the appointment of an Acting Commissioner of Corporate Services is made to City Council for approval;
- (7) leave be granted to introduce any necessary bill in Council; and
- (8) the appropriate City Officials be authorized to take any necessary action to give effect thereto."

Council also adopted the following recommendation:

"It is further recommended that the City Clerk be instructed to convey to Ms. Rodrigues, the following message from this Council:

'This Council offers the most sincere thank you to Margaret Rodrigues. She has done an extremely good job through this amalgamation process, as well as all the other daily tasks to which she had to attend. We wish her well in the future and in all her endeavours.'

June 10, 1999:

6.66 Clause No. 1 of Report No. 10 of The Strategic Policies and Priorities Committee, headed "Incorporation of the Toronto Hydro Corporation".

Motion:

Deputy Mayor Ootes, at 5:58 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Clause No. 1 of Report No. 10 of The Strategic Policies and Priorities Committee, in accordance with the provisions of the Municipal Act.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 6:06 p.m. to meet privately in the Council Chamber to consider Clause No. 1 of Report No. 10 of The Strategic Policies and Priorities Committee, headed "Incorporation of the Toronto Hydro Corporation", in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 7:37 p.m., and met in public session in the Council Chamber.

Deputy Mayor Ootes took the Chair and called the Members to order.

Motions:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

(a) Moved by Councillor Adams:

"That the Clause be amended by adding thereto the following:

'It is further recommended that City Council provide the following additional directions to the Board of Directors of the Toronto Hydro Corporation:

"That:

- (1) Toronto Hydro's retail company offer a variety of energy purchase programs which provide opportunities for consumers to purchase clean or green electricity and energy efficiency services;
- (2) the retail company's marketing strategy encourage the use of clean or green energy;
- (3) the business plan of Toronto Hydro include a strategy to reduce the company's reliance on energy generation which emits CO², SO² and NO^x;
- (4) Ontario Power Generation, the current primary supplier of electricity for Toronto Hydro, be encouraged to make available a choice of electricity sources which are clean or green, so that Toronto Hydro can buy clean power, especially on smog days; and
- (5) Toronto Hydro purchase clean power on smog days, regardless of price, up to a maximum premium of 50 percent above market rates,

when this choice is available to meet its default supply demand on smog days.” ’ ”

(b) Moved by Councillor Disero:

“That:

- (1) motion (a) by Councillor Adams be referred to the Chief Administrative Officer for report thereon to the Policy and Finance Committee by September 1999; and
- (2) the Clause be amended by:
 - (a) deleting Recommendation No. (1)(i) of the Strategic Policies and Priorities Committee embodied in the confidential communication dated June 1, 1999, from the City Clerk; and
 - (b) adding thereto the following:

‘It is further recommended that:

- (i) the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee on the potential avenues, such as conditions on licences issued by the Ontario Energy Board, that could be undertaken by the City to accomplish the City’s environmental goals with the other electricity providers; and
- (ii) Council express its appreciation to the staff of the Chief Administrator’s Office and other Departmental staff involved with this matter for their exemplary work in this regard.’ ”

(c) Moved by Councillor Moscoe:

“That the Clause be amended by adding thereto the following:

‘It is further recommended that any hydro programs with respect to telecommunications and telecommunications access agreements be coordinated with the Chief Administrative Officer, through the Telecommunications Steering Committee.’ ”

(d) Moved by Councillor Pantalone:

“That the Clause be amended by adding thereto the following:

‘It is further recommended that the Board of Directors of Toronto Hydro be requested to submit a report to Council, through the Policy and Finance Committee, by September 1999, on:

- (1) how it is addressing the need, not only in an “ice storm” eventuality, but also on the general need, for underground wiring in older parts of the City, and
- (2) the capital requirements and projected all locations for such purpose.’ ”

(e) Moved by Councillor Layton:

“That the Clause be amended by adding thereto the following:

‘It is further recommended that the Chief Administrative Officer and the Board of Directors of the Toronto Hydro Corporation be requested to submit a joint report to the Works Committee on Toronto Hydro’s planned approach to achieve deep lake water cooling and an integrated district cooling system for Toronto.’ ”

(f) Moved by Councillor Kinahan:

“That the Clause be amended by adding thereto the following:

‘It is further recommended that the Board of Directors of the Toronto Hydro Corporation be directed to:

- (1) examine the issue of harmonization of rates across the new City, specifically as it relates to whether any changes to the harmonization policy adopted by the former Hydro Corporation should be made, with a view to phasing in that harmonization over a time frame similar to that adopted by the new City with respect to water rates, user fees and snow removal services; and
- (2) report thereon to the Policy and Finance Committee by September 1999.’ ”

Votes:

Part (1) of motion (b) by Councillor Disero carried.

Part (2)(a) of motion (b) by Councillor Disero carried.

Part (2)(b)(i) of motion (b) by Councillor Disero carried.

Motion (c) by Councillor Moscoe carried.

Motion (d) by Councillor Pantalone carried.

Motion (f) by Councillor Kinahan carried.

Motion (e) by Councillor Layton carried.

Part (2)(b)(ii) of motion (b) by Councillor Disero carried.

Adoption of Clause, as amended:

<p>Yes - 33 Councillors: Altobello, Ashton, Berardinetti, Berger, Bossons, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Giansante, Holyday, Kelly, Kinahan, Korwin-Kuczynski, Li Preti, McConnell, Mihevc, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Shiner, Sinclair, Silva</p>
<p>No - 0</p>

Carried, without dissent.

In summary, Council amended the Clause by:

- (a) deleting Recommendation No. (1)(i) of the Strategic Policies and Priorities Committee embodied in the confidential communication dated June 1, 1999, from the City Clerk, viz.:

“(i) amending Section (2.2) (b) to read as follows:

‘(2.2)(b) the Shareholder’s income stream from Toronto Hydro be comparable to the Shareholder’s estimated financial value as determined by an independent financial evaluation from time-to-time.’”;

so that the recommendations of the Strategic Policies and Priorities Committee shall now read as follows:

“The Strategic Policies and Priorities Committee recommends:

- (1) the adoption of the confidential report (May 20, 1999) from the Chief Administrative Officer, subject to the following amendments to Appendix 1, entitled ‘City of Toronto, Shareholder Direction Relating to Toronto Hydro Corporation’, embodied in the aforementioned confidential report:
 - (ii) amending Section 2.3 by adding thereto the following additional principle:
 - ‘2.3 (i) that Toronto Hydro will operate in a manner which will protect and enhance the City’s urban forest.’; and
 - (iii) amending Section 7.1 to read as follows:
 - ‘7.1 The Board will use its best efforts to ensure that Toronto Hydro meets the financial performance standards set out in this Article 7.’; and
- (2) that the Business Plan for Toronto Hydro Services address:
 - (i) the level of risk of this venture;
 - (ii) the expected subsidies from Toronto Hydro to Toronto Hydro Services for start up costs; and
 - (iii) the point in time when the one-third dividend from Toronto Hydro will cease.’; and
- (b) adding thereto the following:

“It is further recommended that:

- (1) the Board of Directors of Toronto Hydro be requested to submit a report to Council, through the Policy and Finance Committee, by September 1999, on:
 - (i) how it is addressing the need, not only in an ‘ice storm’ eventuality, but also on the general need, for underground wiring in older parts of the City, and
 - (ii) the capital requirements and projected allocations for such purpose;

- (2) the Board of Directors of the Toronto Hydro Corporation be directed to:
 - (i) examine the issue of harmonization of rates across the new City, specifically as it relates to whether any changes to the harmonization policy adopted by the former Hydro Corporation should be made, with a view to phasing in that harmonization over a time frame similar to that adopted by the new City with respect to water rates, user fees and snow removal services; and
 - (ii) report thereon to the Policy and Finance Committee by September 1999;
- (3) any hydro programs with respect to telecommunications and telecommunications access agreements be co-ordinated with the Chief Administrative Officer, through the Telecommunications Steering Committee;
- (4) the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee on the potential avenues, such as conditions on licences issued by the Ontario Energy Board, that could be undertaken by the City to accomplish the City's environmental goals with the other electricity providers;
- (5) the Chief Administrative Officer and the Board of Directors of the Toronto Hydro Corporation be requested to submit a joint report to the Works Committee on Toronto Hydro's planned approach to achieve deep lake water cooling and an integrated district cooling system for Toronto;
- (6) Council express its appreciation to the staff of the Chief Administrator's Office and other Departmental staff involved with this matter for their exemplary work in this regard; and
- (7) the following motion be referred to the Chief Administrative Officer for report thereon to the Policy and Finance Committee by September 1999:

Moved by Councillor Adams:

'That the Clause be amended by adding thereto the following:

"It is further recommended that City Council provide the following additional directions to the Board of Directors of the Toronto Hydro Corporation:

'That:

- (1) Toronto Hydro's retail company offer a variety of energy purchase programs which provide opportunities for consumers to purchase clean or green electricity and energy efficiency services;
- (2) the retail company's marketing strategy encourage the use of clean or green energy;
- (3) the business plan of Toronto Hydro include a strategy to reduce the company's reliance on energy generation which emits CO², SO² and NO^x;
- (4) Ontario Power Generation, the current primary supplier of electricity for Toronto Hydro, be encouraged to make available a choice of electricity sources which are clean or green, so that Toronto Hydro can buy clean power, especially on smog days; and
- (5) Toronto Hydro purchase clean power on smog days, regardless of price, up to a maximum premium of 50 percent above market rates, when this choice is available to meet its default supply demand on smog days.'''''

June 11, 1999:

6.67 **Clause No. 8 of Report No. 6 of The Corporate Services Committee, headed "539 Queens Quay West - Spadina Quay Marina (Marina) (Ward 24 - Downtown)".**

Motion:

Deputy Mayor Ootes, at 5:05 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Clause No. 8 of Report No. 6 of The Corporate Services Committee, in accordance with the provisions of the Municipal Act.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 5:07 p.m. to meet privately in the Council Chamber to consider Clause No. 8 of Report No. 6 of The Corporate Services Committee, headed "539 Queens Quay West - Spadina Quay Marina (Marina) (Ward 24 - Downtown)", in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 5:30 p.m., and met in public session in the Council Chamber.

Deputy Mayor Ootes took the Chair and called the Members to order.

Motion:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that the following motion had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

Moved by Councillor Kelly:

“That the Clause be amended by striking out the recommendation of the Corporate Services Committee and inserting in lieu thereof the following:

‘It is recommended that the Toronto Port Authority be the preferred assignee and the Commissioner of Corporate Services be requested to take the necessary action to give effect thereto.’ ”

Vote:

Adoption of motion by Councillor Kelly:

Yes - 2 Councillors: Jakobek, Kelly
No - 38 Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Bussin, Cho, Chong, Chow, Disero, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Holyday, Johnston, Jones, King, Korwin-Kuczynski, Layton, Lindsay, Luby, McConnell, Mihevc, Minnan-Wong, Moeser, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Silva, Sinclair, Tzekas

Lost by a majority of 36.

Adoption of Clause, without amendment:

Yes - 40 Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Bussin, Cho, Chong, Chow, Disero, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Holyday, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moeser, Moscoe, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Silva, Sinclair, Tzekas
No - 2 Councillors: Jakobek, Kelly

Carried by a majority of 38.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

Notices of Motions under Item I:

6.68 Deputy Mayor Ootes called upon Notice of Motion I(1) appearing on the Order Paper, as follows:

Moved by: Councillor Duguid

Seconded by: Councillor Ashton

“**WHEREAS** City Council at its Special Meeting held on April 26, 27 and 28, 1999, adopted, as amended, Clause No. 1 of Report No. 8 of The Strategic Policies and Priorities Committee, headed ‘1999 Operating Budget’, and in so doing adopted the following recommendations pertaining to the remuneration paid to Members of the Toronto and Region Conservation Authority:

‘Council (EE):

- (133) (a) the Council budget be adjusted by \$16,000.00 to reflect recommended limitations to Toronto Conservation Authority remuneration;
- (b) the by-law in respect to Councillors’ salaries be changed to the normal set amount minus the amount received from ABCs and the Toronto and Region Conservation Authority;
- (c) the Toronto and Region Conservation Authority, through City Council, be requested to review their policy of per diem and mileage allowance to its Board Members and report back to

the Budget Committee in that regard prior to the 2000 Operating Budget process;

- (d) the Councillors' salary budget be adjusted in the event that the salary draw be reduced; and
- (e) the by-law in respect to Councillors' salaries be changed to the normal set amount minus the amount received from Agencies Boards and Commissions and the Toronto and Region Conservation Authority, and that it be done in a way so that it does not impact the Councillor's pension;

Toronto and Region Conservation Authority (HH):

- (140) the by-law in respect to Councillors' salaries be changed to the normal set amount minus the amount received from Agencies Boards and Commissions and the Toronto and Region Conservation Authority, and that it be done in a way so that it does not impact the Councillor's pension;
- (141) the Toronto and Region Conservation Authority, through the City Council, be requested to review its policy of per diem and mileage allowance to its Board Members and report back to the Budget Committee in that regard prior to the 2000 Operating Budget process; and
- (142) the Councillors' salary budget be adjusted in the event that the salary draw be reduced; and

WHEREAS Council also requested the City Solicitor to submit a report to the Administration Committee on the legal implications of Recommendation No. (140);

NOW THEREFORE BE IT RESOLVED THAT in accordance with Section 46 of the Council Procedural By-law, Clause No. 1 of Report No. 8 of The Strategic Policies and Priorities Committee, headed '1999 Operating Budget', be re-opened for further consideration, only insofar as it pertains to the above recommendations;

AND BE IT FURTHER RESOLVED THAT Recommendations Nos. (133)(a), (b), (c), (d) and (e), and (140), (141) and (142) of the Strategic Policies and Priorities Committee, and the additional request for a report from the City Solicitor be deleted."

Vote:

Adoption of first Operative Paragraph embodied in Motion I(1):

Yes - 28 Councillors: Adams, Augimeri, Balkissoon, Berardinetti, Berger, Bossons, Bussin, Cho, Chong, Davis, Duguid, Filion, Flint, Fotinos, Gardner, Johnston, King, Layton, McConnell, Miller, Minnan-Wong, Moscoe, O'Brien, Ootes, Pitfield, Prue, Saundercook, Shaw
No - 13 Councillors: Disero, Feldman, Jakobek, Kinahan, Korwin-Kuczynski, Li Preti, Mahood, Mihevc, Nunziata, Pantalone, Rae, Silva, Tzekas

Carried, more than two-thirds of Members present having voted in the affirmative.

Consideration of the balance of Motion (1) was deferred to the next regular meeting of City Council to be held on July 6, 1999. (See Minute No. 6.85.)

Notices of Motions under Item J:

6.69 Councillor Moscoe, with the permission of Council, withdrew the following Notice of Motion J(1):

Moved by: Councillor Moscoe

Seconded By: Councillor Saundercook

“**WHEREAS** City Council at its meeting held on November 25, 26 and 27, 1998, adopted, as amended, Clause No. 1 of Report No. 13 of The Emergency and Protective Services Committee, headed ‘Final Report of the Task Force to Review the Taxi Industry’; and

WHEREAS City Council at its meeting held on March 4, 1999, adopted By-law No. 84-1999, to initiate a reform of the taxi industry; and

WHEREAS one of the cornerstones of the taxi reform package was to limit the age of vehicles to a maximum of five years; and

WHEREAS the City granted an exception for vehicles powered by natural gas which could remain on the road for an extra two years; and

WHEREAS there was no apparent reason to single out one type of alternative to fuel, particularly when the fuel of choice for taxis is propane; and

WHEREAS an exception for any type of fuel flies in the face of the objective of ensuring that the public is serviced by cars in a good state of repair and undermines the taxi reform; and

WHEREAS it appears that few, if any, taxis have opted to convert to natural gas;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with Section 46 of the Council Procedural By-law, Clause No. 1 of Report No. 13 of The Emergency and Protective Services Committee, headed 'Final Report of the Task Force to Review the Taxi Industry', as it pertains to the age exemption of vehicles powered by natural gas, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT By-law No. 84-1999 be amended to delete the age exemption for taxis powered by natural gas;

AND BE IT FURTHER RESOLVED THAT the exemption apply to those few vehicles that have been converted to natural gas as of the date of the passage of By-law No. 84-1999, and that they be grandfathered accordingly."

- 6.70 Councillor Korwin-Kuczynski moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion (3), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Ashton

"**WHEREAS** the provisions of the Public Libraries Act require City Council to appoint Members of Council to the Toronto Public Library Board for a three-year term; and

WHEREAS, in accordance with the provisions of the subsection 105(1) of the Council Procedural By-law, City Council makes appointments to committees, agencies, boards and other bodies for a period of eighteen months, unless required otherwise; and

WHEREAS it would be desirable for Council to take a consistent approach with its appointments to committees, agencies, boards and other bodies; and

WHEREAS City Council has previously requested the Province of Ontario to enact legislation to reduce the term of office for Members of Council appointed to the Board from three years to eighteen months;

NOW THEREFORE BE IT RESOLVED THAT City Council again request the Province of Ontario to enact the necessary legislation to reduce the term of office for

appointments of Members of Council to the Toronto Public Library Board from three years to 18 months.”

Motion:

Councillor Korwin-Kuczynski moved that consideration of Motion J(3) be deferred to the next regular meeting of City Council to be held on July 6, 1999.

Vote:

The motion by Councillor Korwin-Kuczynski carried.

- 6.71 Councillor Moeser moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(4), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Moeser

Seconded by: Councillor Duguid

“**WHEREAS** Ken Morrish is celebrating his 80th birthday; and

WHEREAS Ken Morrish has served the public for many years; and

WHEREAS the community would like to recognize Ken’s years of service and devotion to the community; and

WHEREAS the new baseball complex at East Point Park was the result of Ken’s hard work and persistence; and

WHEREAS Ken’s years of service should be recognized by the City of Toronto; and

WHEREAS it is proposed that the baseball diamonds at East Point Park be named the ‘Ken Morrish Baseball Complex’;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to take all steps required to facilitate and report on this in accordance with the policy for naming parkland and facilities.”

Motion:

Councillor Moeser moved that Motion J(4) be referred to the Economic Development and Parks Committee.

Vote:

The motion by Councillor Moeser carried.

- 6.72 Councillor Moeser moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(5), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Moeser

Seconded by: Councillor Duguid

“WHEREAS Metropolitan Toronto arterial roads have no by-laws to control illegal use of the boulevards; and

WHEREAS there are a number of vehicles parking on Toronto boulevards; and

WHEREAS the By-law Enforcement Officers have no means to tow or tag these vehicles using the boulevards illegally; and

WHEREAS this creates a potentially serious safety concern;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Planning and Development Services be requested to report to City Council for its meeting to be held on July 27, 1999, through the Planning and Transportation Committee, on how to regulate the use of boulevards based on the former City of Scarborough By-law No. 17307.”

Motion:

Councillor Flint moved that the Operative Paragraph embodied in Motion J(5) be amended by deleting the words “for its meeting to be held on July 27, 1999”, and inserting in lieu thereof the words “, as quickly as possible,”, so that such Operative Paragraph shall now read as follows:

“NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Planning and Development Services be requested to report to City Council, as soon as possible, through the Planning and Transportation Committee, on how to regulate the use of boulevards based on the former City of Scarborough By-law No. 17307.”

Vote:

The motion by Councillor Flint carried.

Motion J(5), as amended, carried.

- 6.73 Councillor Pantalone moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(6), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Pantalone

Seconded by: Councillor Mihevc

“**WHEREAS** the annual CHIN International Picnic is an important multi-cultural activity within the City of Toronto; and

WHEREAS the annual CHIN International Picnic is an enriching event, providing the community with many opportunities for cultural retention and sharing; and

WHEREAS the CHIN International Picnic is seeking a special occasion permit for a licensed area within Bandshell Park at Exhibition Place for Thursday, July 1, 1999, between 11:00 a.m. to 12:00 midnight; Friday, July 2, 1999, between 4:00 p.m. to 12:00 midnight; Saturday, July 3, 1999, between 11:00 a.m. to 12:00 midnight, and Sunday, July 4, 1999, between 11:00 a.m. to 12:00 midnight, under the Community Festival section of the Ontario Liquor Licence Act; and

WHEREAS pursuant to Section 40 of the Regulations of the Ontario Liquor Licence Act, an application for a special occasion permit for an event that is a community festival must be accompanied by a Resolution approving an event as a community festival made by the local Council for the Municipality in which the event is to occur;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto deem the annual CHIN International Picnic event to be a community festival.”

Vote:

Motion J(6) was adopted, without amendment.

- 6.74 Councillor Korwin-Kuczynski moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(7), moved by Councillor Korwin-Kuczynski, seconded by Councillor Rae, and, in the absence of Councillor Rae, seconded by Councillor Miller, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Miller

“**WHEREAS** the annual Polish Day is an important multi-cultural festival activity within the City of Toronto; and

WHEREAS the annual Polish Day is an enriching event, providing the community with many opportunities for cultural retention and sharing; and

WHEREAS the Polish Day event is seeking, on behalf of its participating pavilions, special occasion permits under the Community Festival section of the Ontario Liquor Licence Act; and

WHEREAS pursuant to Section 40 of the Regulations of the Ontario Liquor Licence Act, an application for a special occasion permit for an event that is a community festival must be accompanied by a Resolution approving an event as a community festival made by the local Council for the Municipality in which the event is to occur;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto deem the annual Polish Day event to be held on Sunday, June 20, 1999, to be a community festival.”

Vote:

Motion J(7) was adopted, without amendment.

- 6.75 Councillor Prue moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(8), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Prue

Seconded by: Councillor Bossons

“**WHEREAS** each municipal Council in Ontario may nominate one person to receive the Ontario Heritage Foundation Heritage Community Recognition Programme Award 1999; and

WHEREAS the Board of Heritage Toronto was consulted and, at its meeting held on April 7, 1999, recommended that the late Brigadier-General John McGinnis, C.M., C.D., be the City’s nominee; and

WHEREAS John McGinnis’ leadership and professionalism were critical to the development and enhancement of the role of two broadly based major municipal heritage organizations, and the awareness of heritage and its centrality within the life of the City; and

WHEREAS he was the first Managing Director of the Toronto Historical Board (now Heritage Toronto) from 1952 to 1984; and

WHEREAS following his retirement from the Board in 1984 his contributions were recognized when he became the only person designated by City Council as a Historical Personage, and was inducted as a Member of the Order of Canada; and

WHEREAS during his leadership, achievements included preservation of significant buildings and resources including Fort York when it was threatened by construction of the Gardiner Expressway; Union Station; St. Lawrence Hall; Stanley Barracks; the Don Jail; Laughlen Lodge and the Paul Kane house; establishment of the Historical Preservation Division of the Toronto Historical Board; development and implementation of systems to identify and monitor historic properties; establishment of the City's first Conservation District studies (Wychwood Park and Fort York); development of Fort York, Mackenzie House, Colborne Lodge, Spadina, and the Marine Museum of Upper Canada at Stanley Barracks as museums; establishment of a professional artifact conservation and storage facility; development of support for community heritage activities; outreach and traveling exhibits; and publications celebrating the City in its diversity; and

WHEREAS he was involved with the Metropolitan Toronto and Region Conservation Authority for 34 years including terms as Vice-Chairman and Chairman, and during his tenure oversaw development of the province's first comprehensive flood control programme; acquisition of over 33,000 acres of land for flood protection and wildlife habitats; and establishment of four outdoor education field centres; and

WHEREAS in addition, he was a member of the Technical Advisory Committee for Black Creek Pioneer Village, and a member of the Historical Sites Advisory Board; and

WHEREAS he was a member, Conservation and Related Land Management Advisory Board and a Director, The Conservation Foundation of Greater Toronto; and

WHEREAS he continued working to protect and develop the City's irreplaceable legacy of heritage until his final illness in 1999; and

WHEREAS upon his death in February 1999 City Council made a motion noting his passing with regret and extending condolences to his family; and

WHEREAS letters of support for this nomination have been received from the Ontario Historical Society, Black Creek Pioneer Village (Metropolitan Toronto and Region Conservation Authority), and Mr. George Rust D'Eye;

NOW THEREFORE BE IT RESOLVED THAT the late Brigadier-General John McGinnis be the City of Toronto's nominee for the Ontario Heritage Foundation Heritage Community Recognition Programme Award 1999;

AND BE IT FURTHER RESOLVED THAT the appropriate staff be authorized to take whatever action is necessary to give effect thereto."

Vote:

Motion J(8) was adopted, without amendment.

- 6.76 Councillor Pantalone, with the permission of Council, withdrew the following Notice of Motion J(9):

Moved by: Councillor Pantalone

Seconded by: Councillor Silva

"WHEREAS on May 11, 1999, the Committee of Adjustment granted variances for the development of 899 - 905 Queen Street West, including the historic John Farr House; and

WHEREAS this decision has been appealed to the Ontario Municipal Board; and

WHEREAS the John Farr House was built in 1847 and it is one of the earliest surviving residential structures in the central part of the City of Toronto and an excellent example of the domestic architecture of the period; and

WHEREAS it is one of the few intact vernacular Georgian style houses in the City of Toronto and one of the few surviving built forms on Queen Street that is set back from the street, and its preservation will fulfill a major public interest objective; and

WHEREAS at a public meeting held on May 5, 1999, in the neighbourhood surrounding this address, there was unanimous support for this proposal and the community is on record as stating that the proposed development is more than acceptable; and

WHEREAS it will fulfill major public policy objectives of good development, intensification of main streets and the preservation of our heritage; and

WHEREAS previous to the Toronto Committee of Adjustment meeting held on May 11, 1999, the owners of 899 - 905 Queen Street West and their representatives met with staff from the Urban Planning and Development Services Department, the Works and Emergency Services Department and Heritage Toronto, and they also attended numerous community meetings to try to find a solution to the problem of accommodating marketable development on this site while at the same time protecting and preserving an historical building; and

WHEREAS the community and the City supported granting this application which will in turn permit the John Farr House to be preserved and restored;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor and other appropriate City Officials be authorized to take all necessary action to defend the Committee of Adjustment decision granting the variances for 899- 905 Queen Street West.”

- 6.77 Councillor McConnell moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(10), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor McConnell

Seconded by: Councillor Layton

“**WHEREAS** ‘Sunday in the Park’ is the biggest annual festival in Regent Park; and

WHEREAS ‘Sunday in the Park’ is a joint project of many of the agencies, community groups and City departments in Regent Park;

NOW THEREFORE BE IT RESOLVED THAT City Council declare ‘Sunday in the Park ’99’ in Regent Park to be an event of municipal significance and that the Alcohol and Gaming Commission of Ontario be advised that Council has no objection to this event taking place or to the licensing of the event.”

Note:

Motion J(10) was adopted, without amendment.

- 6.78 Councillor Disero moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(11), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Disero

Seconded by: Councillor Fotinos

“**WHEREAS** City Council on November 25, 1998, approved a Zoning By-law amendment to permit five detached houses at 69 Prescott Avenue; and

WHEREAS as a condition of approval, the owner entered into a Consent Agreement requiring, amongst other things, the conveyance to the City of a 172 square metre parcel of land for parks purposes; and

WHEREAS the owner is required by the Consent Agreement to remediate the soil and convey the parkland to the City prior to the issuance of the Building Permit; and

WHEREAS logistical problems with respect to satisfying the conditions has delayed the issuance of a building permit and created a financial hardship on the owner and the owner will lose the property should the issue not be dealt with; and

WHEREAS the houses are half built and need to be inspected prior to closing the walls; and

WHEREAS the owner has agreed to satisfy these conditions prior to occupancy of any dwelling;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to amend the Consent Agreement to require that the conveyance of the remediated parkland occur prior to the occupancy of the first building;

AND BE IT FURTHER RESOLVED THAT City officials be authorized to take all necessary actions to implement this Resolution and issue the permit as soon as possible.”

Vote:

Motion J(11) was adopted, without amendment.

- 6.79 Councillor Mihevc moved that subsections 26(4), 27(1) and 28(l) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(12), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Mihevc

Seconded by: Councillor Disero

“**WHEREAS** the annual Inti Raymi – Sun Festival is an important multi-cultural festival activity within the City of Toronto; and

WHEREAS the annual Inti Raymi – Sun Festival is an enriching event, providing the community with many opportunities for cultural retention and sharing; and

WHEREAS the Inti Raymi – Sun Festival is seeking, on behalf of its participating pavilions, special occasion permits under the Community Festival section of the Ontario Liquor Licence Act; and

WHEREAS pursuant to Section 40 of the Regulations of the Ontario Liquor Licence Act, an application for the special occasion permit for an event that is a community

festival must be accompanied by a Resolution approving an event as a community festival made by the local Council for the Municipality in which the event is to occur;

NOW THEREFORE BE IT RESOLVED THAT City Council deem the annual Inti Raymi – Sun Festival event scheduled to be held on Saturday, June 26, 1999, from 2:00 p.m. to 11:00 p.m., and Sunday, June 27, 1999, from 1:00 p.m. to 9:00 p.m., to be a community festival.”

Vote:

Motion J(12) was adopted, without amendment.

- 6.80 Councillor Duguid moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(13), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Duguid

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** at its meeting of April 13, 14 and 15, 1999, City Council supported a recommendation that the monthly occupancy of the emergency shelter system for adults and youth be maintained at no more than 90 percent; and

WHEREAS at this same meeting Council adopted a recommendation that ‘staff be directed to pursue the immediate opening of a temporary single men’s program in mid-April should the occupancy of the single men’s system exceed 90 percent, and identify any sites that may need to be considered before the 90 percent threshold is achieved so that there may be appropriate notification and consultation of all interested parties’; and

WHEREAS due to the closing of the temporary site at Doctors Hospital and an occupancy level of 99 percent in the single men’s shelter system, the Fort York Armoury was opened on April 14, 1999, to provide emergency shelter service to up to 150 people with the understanding that the site would be closed at the end of May; and

WHEREAS staff from Hostel Services and Real Estate and Facilities Management have been searching for appropriate alternative short-term and longer-term sites throughout 1999 and more intensively since the beginning of April; and

WHEREAS the Armoury site was closed on June 4, 1999, following an extension of use of the site; and

WHEREAS the site located to replace the Armoury program could not be accessed due to difficulties in finalizing the terms of the lease and staff are currently operating an interim shelter and referral site in the City Room at Metro Hall; and

WHEREAS further bed closures will be taking place over the next two months and, in combination with the loss of the Armoury beds, will create a bed shortage of 300-400 beds in the single adult shelter system; and

WHEREAS staff have met with the Mayor to discuss this situation and have been directed to pursue all possible options to locate new sites and stabilize the shelter system; and

WHEREAS staff have been directed to follow a protocol for meaningful community consultation prior to Council approval of such facilities;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the following recommendations:

- (1) staff take all necessary steps to locate sites to provide the 300-400 emergency shelter beds required for this summer and next fall;
- (2) an Advisory Committee made up of the Chair of the Community Services Committee, the Chair of the Administration Committee, Councillor Jack Layton, Councillor Irene Jones, and Councillor Chris Korwin-Kuczynski be formed to provide direction and advice to staff on the search for and development of the additional emergency shelter beds noted in Recommendation No. (1);
- (3) a report on the Community Notification Protocol for the Establishment of New Emergency Shelter Sites be brought forward to the June meeting of the Community Services Committee for approval by City Council at its July meeting; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

Motion:

Councillor Duguid moved that Motion J (13) be adopted, subject to amending Recommendation No. (2) embodied in the Operative Paragraph to provide for the appointment of Councillor Pam McConnell to the Advisory Committee; and by adding thereto the words "and that the Terms of Reference for such Advisory Committee be submitted to Council in July", so that such recommendation shall now read as follows:

- "(2) an Advisory Committee made up of the Chair of the Community Services Committee, the Chair of the Administration Committee, Councillor Jack Layton, Councillor Irene Jones, Councillor Chris Korwin-Kuczynski and

Councillor Pam McConnell be formed to provide direction and advice to staff on the search for and development of the additional emergency shelter beds noted in Recommendation No. (1); and that the Terms of Reference for such Advisory Committee be submitted to Council in July;”.

Votes:

The motion by Councillor Duguid carried.

Motion J(13), as amended, carried.

- 6.81 Councillor Miller moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(14), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Pantalone

“**WHEREAS** the new user fees will be charged in 1999 to residents, users of community centres, and business associations; and

WHEREAS Council passed these fees, in principle, in the 1999 Operating Budget; and

WHEREAS the actual fee levels and services described as ‘specialized’ may be controversial for those paying;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Works and Emergency Services be requested to report to the next meeting of the Economic Development and Parks Committee on all contemplated new fees and fee levels.”

Motion:

Councillor Miller moved that Motion J(14) be adopted, subject to amending the Operative Paragraph by deleting the words “and the Commissioner of Works and Emergency Services”, so that such Operative Paragraph shall now read as follows:

“**NOW THEREFORE BE IT RESOLVED THAT** the Commissioner of Economic Development, Culture and Tourism be requested to report to the next meeting of the Economic Development and Parks Committee on all contemplated new fees and fee levels.”

Votes:

The motion by Councillor Miller carried.

Motion J(14), as amended, carried.

- 6.82 Councillor Berardinetti moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(15), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Berardinetti

Seconded by: Councillor Rae

“WHEREAS the City sold the Victoria/Shuter site to Livent Inc. for a total sale price of \$6,765,000.00, receiving a cash payment of \$2,000,000.00 and a vendor take back collateral mortgage of \$4,765,000.00, bearing interest at the rate of 7.125 percent per annum; and

WHEREAS the mortgage was to be repaid through the imposition of a ticket surcharge on all tickets sold at the Pantages Theatre and the new theatre which was to be built on the Victoria/Shuter site; and

WHEREAS the current outstanding balance owing to the City is approximately \$5,000,000.00; and

WHEREAS Livent Inc. sold an interest in a portion of the Victoria/Shuter site to Dundee Realty (Victoria/Shuter) Corporation, a joint venture between Livent and Dundee Realty Inc. for the development of a hotel/condominium/retail complex; and

WHEREAS Livent Inc. is subject to CCAA proceedings and has entered into a transaction respecting the sale of the Pantages Theatre; and

WHEREAS City Council, at its meeting of March 2, 3 and 4, 1999, authorized the retention of the law firm of Cassels, Brock and Blackwell to act on the City's behalf in relation to the mortgage and Livent's CCAA proceedings;

NOW THEREFORE BE IT RESOLVED THAT the joint confidential report dated June 8, 1999 from the Chief Financial Officer and Treasurer, the City Solicitor and the Acting Commissioner of Corporate Services entitled ‘Livent Inc.’ be considered, and that such report be adopted.”

Council also had before it, during consideration of Motion J(15), a confidential joint report dated June 8, 1999, from the Chief Financial Officer and Treasurer, the City Solicitor and the Acting Commissioner of Corporate Services, entitled “Livent Inc.”, such report, save and except the recommendations embodied therein, to remain confidential in accordance with the provisions of the Municipal Act.

Vote:

Motion J(15) was adopted, without amendment, and in so doing, Council adopted the joint confidential report dated June 8, 1999, from the Chief Financial Officer and Treasurer, the City Solicitor and the Acting Commissioner of Corporate Services, embodying the following recommendations:

“It is recommended that:

- (1) authorization be granted for the taking of such legal steps as may be deemed by the City Solicitor to be necessary or desirable in order to assert and protect the City’s position and interest in the various Livent proceedings, including the issuance or execution of any documentation in relation thereto;
- (2) the City’s retainer of the law firm of Cassels, Brock and Blackwell be increased by Fifty Thousand Dollars (\$50,000.00), to be allocated from Corporate Contingency; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

6.83 Councillor Jakobek moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(17), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Jakobek

Seconded by: Councillor Fotinos

“**WHEREAS** the Works Committee will, at its next meeting, consider the award of a contract for the supply of liquid chlorine; and

WHEREAS Councillor Tom Jakobek has submitted a confidential communication dated June 10, 1999, respecting such contract award; consideration of which should be given in sufficient time for the appropriate staff to consider and report;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the confidential communication dated June 10, 1999, from Councillor Tom Jakobek, and that such communication be adopted.”

Council also had before it, during consideration of Motion J (17), a confidential communication dated June 10, 1999, from Councillor Jakobek, such communication to remain confidential in accordance with the provisions of the Municipal Act.

Motion:

Councillor Jakobek moved that Motion J(17), together with the confidential communication dated June 10, 1999, from Councillor Tom Jakobek, be referred to the Works Committee for consideration.

Vote:

The motion by Councillor Jakobek carried.

- 6.84 Councillor Moeser moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(18), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Moeser

Seconded by: Councillor King

“WHEREAS the recent submission of a Site Plan Control application for the establishment of self storage unit facility on a property at 34 Morrish Road near the Village core of Highland Creek has brought into question whether self storage unit facilities are suitable within a Highway Commercial zone which permits ‘specialized commercial uses’; and

WHEREAS the planning of the Highland Creek Village core promotes a village ambience for this area; and

WHEREAS it would be prudent to assess the appropriateness of permitting self storage unit facilities in the Highland Creek Village core by implementing an interim control by -law to determine suitable commercial uses within the Highway Commercial zone; and

WHEREAS the assessment should further address design criteria which would maintain or enhance a ‘village’ character within the Highland Creek Village core, and determine the future of the three single-family properties on the south side of Kingston Road, west of Military Trail; and

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Planning and Development Services be directed to undertake a planning study pertaining to the area within the Highland Creek Community, from approximately Military Trail to east of the Highland Creek overpass to:

- (1) make recommendations concerning appropriate commercial uses including self storage unit facilities being permitted under the existing Highway Commercial zoning;

- (2) develop appropriate design criteria to maintain or enhance a 'village' character;
- (3) make recommendations on the future use of the three single-family residential properties on the south side of Kingston Road, west of Military Trail known as 235, 237 and 239 Old Kingston Road; and

AND BE IT FURTHER RESOLVED THAT the above study to be provided to Council no later than April 30, 2000;

AND BE IT FURTHER RESOLVED THAT Council grant authority to impose, for a period of one year from passage, interim control restrictions to enact an interim control by-law to give effect hereto, and that authority be granted for the introduction of the necessary Bill in Council to give effect hereto."

Consideration of Motion J(18) was deferred to the next regular meeting of City Council to be held on July 6, 1999. (See Minute No. 6.85.)

- 6.85 Deputy Mayor Ootes, with the permission of Council, moved that consideration of the following matters remaining on the Order Paper for this meeting of Council be deferred to the next regular meeting of City Council scheduled to be held on July 6, 1999:

REPORT NO. 6 OF THE CORPORATE SERVICES COMMITTEE

- Clause No. 5 - "Property Acquisition Request from L.A.C.A.C., W.J. Morrish Store, Northwest Corner of Meadowvale Road and Kingston Road (Ward 16 - Scarborough Highland Creek)".
- Clause No. 13 - "Sale of Surplus Scarborough Transportation Corridor Property, 230 Clonmore Drive (Ward 13 - Scarborough Bluffs)".

REPORT NO. 8 OF THE ECONOMIC DEVELOPMENT COMMITTEE

- Clause No. 9 - "City's Endorsement of 'Taste of the Danforth' as Signature Event (Ward 25 - Don River and Ward 26 - East Toronto)".

REPORT NO. 6 OF THE EMERGENCY AND PROTECTIVE SERVICES COMMITTEE

- Clause No. 2 - "Toronto Police Service Helicopter Pilot Project - Trust Account".

REPORT NO. 6 OF THE SCARBOROUGH COMMUNITY COUNCIL

- Clause No. 11 - "Request for Direction, Minor Variance Appeal, Minor Variance Application SA94/99 600839 Ontario Inc. - 780 Ellesmere Road, Ward 14 - Scarborough Wexford".

REPORT NO. 8 OF THE STRIKING COMMITTEE

- Clause No. 2 - "Appointments to Children's Aid Societies".

NOTICES OF MOTIONS

- I(1) Moved by Councillor Duguid, seconded by Councillor Ashton, regarding the re-opening of Council's previous decision with respect to the remuneration paid to Members of the Toronto and Region Conservation Authority.
- J(18) Moved by Councillor Moeser, seconded by Councillor King, respecting a planning study of the Highland Creek Community regarding the suitability of self-storage unit facilities.

Vote:

Adoption of deferral motion by Councillor Ootes:

<p>Yes - 24 Councillors: Adams, Altobello, Ashton, Berardinetti, Bossons, Chong, Disero, Feldman, Fotinos, Gardner, Giansante, Johnston, King, Layton, Minnan-Wong, Moscoe, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Sinclair</p>
<p>No - 12 Councillors: Augimeri, Chow, Duguid, Flint, Holyday, Jakobek, Jones, Kelly, Korwin-Kuczynski, McConnell, Mihevc, Moeser</p>

Carried by a majority of 12.

BILLS AND BY-LAWS

- 6.86 On June 9, 1999, at 7:53 p.m., Councillor Jones, seconded by Councillor Flint, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 376	By-law No. 295-1999	To confirm the proceedings of the Council at its meeting held on the 9th day of June, 1999,
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the vote upon which was as follows:

Yes - 44 Mayor: Lastman Councillors: Adams, Altobello, A shton, Augimeri, Berardinetti, Brown, Bussin, Chong, Chow, Davis, Disero, Duguid, Flint, Fotinos, Gardner, Giansante, Holyday, J ones, K elly, K ing, Korwin-Kuczynski, L i Preti, L indsay L uby, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker
No - 1 Councillor: Bossons

Carried by a majority of 43.

- 6.87 On June 10, 1999, at 7:48 p.m., Councillor Bossons, seconded by Councillor Prue, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 377	By-law No. 296-1999	To confirm the proceedings of the Council at its meeting held on the 9th and 10th days of June, 1999,
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the vote upon which was as follows:

Yes - 34 Councillors: Adams, Altobello, Asht on, B erardinetti, B ossons, Chong , Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Giansante, Holy day, Kelly , Kinahan, Korwin-Kucz ynski, Layton, L i Preti, McConnell, Mihev c, Moeser, Moscoe, Nunziata, Ootes, Pantalone, P itfield, Pr ue, Ra e, Shine r, Sinclair, Silva
No - 0

Carried, without dissent.

- 6.88 On June 11, 1999, at 12:00 noon, Councillor Disero, seconded by Councillor Fotinos, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 378	By-law No. 297-1999	To confirm the proceedings of the Council at its meeting held on the 9th, 10th, and 11th days of June, 1999,
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the vote upon which was as follows:

Yes - 29

Councillors: Altobello, Berardinetti, Bossons, Chong, Chow, Disero, Duguid, Flint, Fotinos, Giansante, Holyday, Jakobek, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Mahood, Mihevc, Minnan-Wong, Nunziata, O'Brien, Ootes, Pitfield, Saundercook, Shaw, Silva, Tzekas
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No - 5

Councillors: Adams, Augimeri, McConnell, Moscoe, Shiner

Carried by a majority of 24.

6.89 On June 11, 1999, at 2:21 p.m., Councillor Layton, seconded by Councillor Ootes, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 294	By-law No. 298-1999	To amend Section 408-8. of the Toronto Municipal Code, a by-law providing for the designation of private roadways as fire routes as a by-law of the former City of Toronto.
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Bill No. 295	By-law No. 299-1999	To amend Chapter 400 of the Toronto Municipal Code, the Traffic and Parking Code, a by-law of the former City of Toronto, respecting the designation of private roadways at 436 Wellington Street West and 26-28 Marlborough as fire routes.
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Bill No. 299	By-law No. 300-1999	To amend further By-law No. 349-96 of the former City of York respecting pensions and other benefits and privileges.
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Bill No. 300	By-law No. 301-1999	To amend By-laws Nos. 380-74 and 10649 for the former City of Toronto with respect to pensions and other benefits.
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Bill No. 301	By-law No. 302-1999	To stop up and close parts of the public highways Yonge Street and Lawrence Avenue East.
Bill No. 302	By-law No. 303-1999	To stop up and close part of the public highway Palace Pier Court and to authorize the conveyance thereof to the abutting owner.
Bill No. 303	By-law No. 304-1999	To stop up and close part of the public highway Old York Mills Road and to authorize the conveyance thereof to the abutting owner.
Bill No. 304	By-law No. 305-1999	To further amend Procedural By-law No. 23-1998 being a By-law "To Govern the Proceedings of the Council and the Committees thereof".
Bill No. 305	By-law No. 306-1999	To amend Chapter 134 of the Etobicoke Municipal Code, a by-law providing for the construction and maintenance of fire routes in the geographic area of Etobicoke, a by-law of the former City of Etobicoke.
Bill No. 306	By-law No. 307-1999	To authorize an extension agreement pursuant to <i>Municipal Tax Sales Act</i> , R.S.O. 1990 c.M. 60.
Bill No. 307	By-law No. 308-1999	To enact a by-law pursuant to Chapter 134 of the Etobicoke Municipal Code, a by-law providing for the designation of fire routes in the geographic area of Etobicoke, a by-law of the former City of Etobicoke.
Bill No. 308	By-law No. 309-1999	To repeal By-law No. 961-1998.
Bill No. 309	By-law No. 310-1999	To layout and dedicate for public lane purposes certain land to form part of the public lane east of Jane Street

		extending northerly from Ardagh Street.
Bill No. 310	By-law No. 311-1999	To layout and dedicate for public lane purposes certain land to form part of the public lane west of Yonge Street extending northerly from Fernham Avenue and the new lane continuing northerly to Balmoral Avenue.
Bill No. 311	By-law No. 312-1999	To dedicate for public lane purposes the private lane at the rear of premises 58 to 66 Williamson Road and 252 to 256 Glen Manor Drive West.
Bill No. 312	By-law No. 313-1999	To layout and dedicate for public highway purposes certain land to form part of the public highway Hahn Place.
Bill No. 313	By-law No. 314-1999	To appoint Associate Medical Officers of Health for the City of Toronto Health Unit and to repeal By-law No. 86-1998.
Bill No. 314	By-law No. 315-1999	To amend By-law No. 912-1998, being "A By-law To authorize the erection, operation, use and maintenance of parking machines on the highways under the jurisdiction of the City of Toronto, including the setting of fee amounts or fee scales", to establish and set the rates for certain parking machines to be located on Route Nos. 5001 and 5002 (Entertainment District).
Bill No. 315	By-law No. 316-1999	To amend Chapter 400, Traffic and Parking, of the Municipal Code of the former City of Toronto to establish and set the rates for certain parking machines to be located on Route Nos. 5001 and 5002 (Entertainment District).

Bill No. 316	By-law No. 317-1999	To amend Zoning By-law No. 6752 of the former Borough of East York.
Bill No. 317	By-law No. 318-1999	To amend Zoning By-law No. 1916 of the former Borough of East York.
Bill No. 318	By-law No. 319-1999	To amend Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known as No. 52 St. Lawrence Street.
Bill No. 319	By-law No. 320-1999	To amend the former City of Toronto Municipal Code Ch. 297, Signs, respecting No. 52 St. Lawrence Street.
Bill No. 320	By-law No. 321-1999	To amend further By-law No. 23503 of the former City of Scarborough respecting the regulation of traffic on Toronto Roads.
Bill No. 321	By-law No. 322-1999	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 322	By-law No. 323-1999	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 323	By-law No. 324-1999	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 324	By-law No. 325-1999	To amend By-law No. 1129-87 of the former City of York, being a By-law "To prescribe a speed limit of 40 kilo metres per hour, on various streets in the City of York."
Bill No. 325	By-law No. 326-1999	To amend By-law No. 3491-80 of the former Borough of York, being a By-law "To provide for night-time parking of motor vehicles on Borough of York Highways."

Bill No. 326	By-law No. 327-1999	To amend By-law No. 196-84 of the former City of York, being a By-law "To Regulate Traffic on City of York Roads".
Bill No. 327	By-law No. 328-1999	To amend By-law No. 2958-94 of the former City of York, being a By-law "To Regulate Traffic on City of York Roads".
Bill No. 328	By-law No. 329-1999	To Provide Authority for Certain Officials Employed in the Office of the Clerk to Sign Documents and Affix the Corporate Seal on Behalf of the City of Toronto.
Bill No. 329	By-law No. 330-1999	To further amend former City of Toronto By-law No. 602-89, being "A By-law To authorize the construction, widening, narrowing, alteration and repair of sidewalks, pavements and curbs at various locations", respecting the alteration of Roehampton Avenue from Mt. Pleasant Road to Cardiff Road by the installation of speed humps.
Bill No. 330	By-law No. 331-1999	To further amend former City of Toronto By-law No. 602-89, being "A By-law To authorize the construction, widening, narrowing, alteration and repair of sidewalks, pavements and curbs at various locations", respecting the alteration of Blackthorn Avenue by narrowing the pavement between St. Clair Avenue West and Rockwell Avenue.
Bill No. 331	By-law No. 332-1999	To further amend former City of Toronto By-law No. 602-89, being "A By-law To authorize the construction, widening, narrowing, alteration and repair of sidewalks, pavements and curbs at various locations", respecting the alteration of Dundas Street by

		narrowing the pavement between Yonge Street and Victoria Street.
Bill No. 332	By-law No. 333-1999	To further amend former City of Toronto By-law No. 602-89, being "A By-law To authorize the construction, widening, narrowing, alteration and repair of sidewalks, pavements and curbs at various locations", respecting the alteration College Street between Manning Avenue and Bathurst Street, Manning Avenue near College Street, Euclid Avenue near College Street and Markham Street near College Street by narrowing and realigning the pavement.
Bill No. 333	By-law No. 334-1999	To further amend former City of Toronto By-law No. 602-89, being "A By-law To authorize the construction, widening, narrowing, alteration and repair of sidewalks, pavements and curbs at various locations", respecting the alteration of Sudbury Street by narrowing and realigning the pavement between King Street West and Dovercourt Road.
Bill No. 334	By-law No. 335-1999	To further amend former City of Toronto By-law No. 602-89, being "A By-law To authorize the construction, widening, narrowing, alteration and repair of sidewalks, pavements and curbs at various locations.", respecting the alteration of Queens Quay West by the widening and realignment of the pavement from Lower Portland Street to Bathurst Street and the alteration of Bathurst Street by the widening and realignment of the pavement between Queens Quay West and approximately 120 metres north of Lake Shore Boulevard West as part of the Waterfront West Light Rail Transit Extension.

Bill No. 335	By-law No. 336-1999	To repeal former City of Toronto By-law No. 1996-0202.
Bill No. 336	By-law No. 337-1999	To amend former City of York By-law No. 1-83 respecting Lands south side of Lawrence Avenue West, adjoining the east side of 2015 Lawrence Avenue West.
Bill No. 337	By-law No. 338-1999	To amend By-law No. 28-1998, being "A By-law respecting the 'Toronto Parking Authority'", to change the qualifications of members of the Parking Authority.
Bill No. 338	By-law No. 339-1999	To amend further Metropolitan Toronto By-law No. 20-85, a by-law "Respecting the licensing, regulating and governing of trades, callings, businesses and occupations in the Metropolitan Area", a by-law of the former Municipality of Metropolitan Toronto.
Bill No. 339	By-law No. 340-1999	To amend Scarborough Zoning By-law, Zoning By-law Number 10827 with respect to the Highland Creek Community.
Bill No. 340	By-law No. 341-1999	To amend Scarborough Zoning By-law Number 10827, with respect to the Highland Creek Community.
Bill No. 341	By-law No. 342-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Logan Avenue.
Bill No. 342	By-law No. 343-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Mutual Street.
Bill No. 343	By-law No. 344-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Latimer Avenue.

Bill No. 344	By-law No. 345-1999	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 345	By-law No. 346-1999	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 346	By-law No. 347-1999	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 347	By-law No. 348-1999	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 348	By-law No. 349-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Boston Avenue, Bowmore Road, Fermanagh Avenue, Glebeholme Boulevard, Monarch Park Avenue, Osler Street.
Bill No. 349	By-law No. 350-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting King Street West.
Bill No. 350	By-law No. 351-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Day Avenue, Eastern Avenue, Fleet Street, Sellers Avenue, Strachan Avenue, Temperance Street.
Bill No. 351	By-law No. 352-1999	To amend further Metropolitan By-law No. 107-86 respecting parking meters on former Metropolitan Roads.
Bill No. 352	By-law No. 353-1999	To amend further the former Metropolitan Toronto By-law No. 108-86 designating certain locations on Metropolitan Roads as Pedestrian Crossovers.
Bill No. 353	By-law No. 354-1999	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.

Bill No. 354	By-law No. 355-1999	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, as amended.
Bill No. 355	By-law No. 356-1999	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 356	By-law No. 357-1999	To amend further Metropolitan By-law No. 107-86 respecting parking meters on former Metropolitan Roads.
Bill No. 357	By-law No. 358-1999	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 358	By-law No. 359-1999	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 359	By-law No. 360-1999	To layout and dedicate certain land for public highway purposes to form part of The West Mall.
Bill No. 360	By-law No. 361-1999	To amend Procedural By-law No. 23-1998.
Bill No. 361	By-law No. 362-1999	To layout and dedicate certain land for public highway purposes to form part of Sheppard Avenue West.
Bill No. 362	By-law No. 363-1999	To designate certain lands in the Downtown Yonge Street Area as a Community Improvement Project Area.
Bill No. 363	By-law No. 364-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Davenport Road.

Bill No. 364	By-law No. 365-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting King Street West, Dufferin Street.
Bill No. 365	By-law No. 366-1999	To amend Chapter 330 of the Etobicoke Zoning Code with respect to certain lands located on the south side of Lake Shore Boulevard West west of Thirty Third Street.
Bill No. 366		Duplicate to Bill No. 318, By-law No. 367-1999 will not be used.
Bill No. 367	By-law No. 368-1999	To set a water works rate for U.S.E. Hickson Products Limited and 915416 Ontario Ltd. and to recover the capital costs of water works to be constructed by the City for their benefit.
Bill No. 368	By-law No. 369-1999	To amend the former Municipality of Metropolitan Toronto By-law No. 118 respecting No. 1 Dundas Street West et al (Phase II).
Bill No. 369	By-law No. 370-1999	To amend the former City of Toronto Municipal Code Ch. 297, Signs, respecting No. 1 Dundas Street West et al (Phase II).
Bill No. 370	By-law No. 371-1999	To appoint a Deputy Mayor.
Bill No. 371	By-law No. 372-1999	To Change the Term of Office for Members of the Toronto Transit Commission to Eighteen Months and to Provide for Appointments to be made by a Majority Vote at Council.
Bill No. 372	By-law No. 373-1999	To Appoint Two Additional Members of the City Council as members of the Toronto Transit Commission.
Bill No. 373	By-law No. 374-1999	To transfer the employees, assets, liabilities, rights and obligations of the Toronto Hydro-Electric Commission and the City of Toronto associated with the generation, distribution, transmission and retailing of

electricity and associated business activities to Toronto Hydro Corporation, Toronto Hydro-Electric System Limited and Toronto Hydro Energy Services Inc., *Business Corporations Act* (Ontario) corporations to be incorporated under Section 142(1) of the *Electricity Act, 1998* and Sections 71 and 73 of the *Ontario Energy Board Act, 1998*.

Bill No. 296	By-law No. 375-1999	To amend further By-law No. 181-81 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits, as amended.
Bill No. 297	By-law No. 376-1999	To amend further By-law No. 15-92 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits,

the vote upon which was as follows:

<p>Yes - 33 Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Cho, Chow, Disero, Duguid, Flint, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, King, Korwin-Kuczynski, Layton, Lindsay Luby, Moeser, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Rae, Shineer, Silva, Tzekas, Walker</p>
<p>No - 1 Councillor: Moscoe</p>

Carried, more than two-thirds of Members present having voted in the affirmative.

- 6.90 On June 11, 1999, at 5:44 p.m., Councillor Kelly, seconded by Councillor Berardinetti, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws, which carried:

Bill No. 374	By-law No. 377-1999	To provide for paying of Interest on Overpayments of Taxes resulting from Assessment Appeals.
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Bill No. 375	By-law No. 378-1999	To change the Number of Members of the Board of Management of the Toronto Zoo.
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6.91 On June 11, 1999, at 5:48 p.m., Councillor Shiner, seconded by Councillor Feldman, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 379	By-law No. 379-1999	To confirm the proceedings of the Council at its meeting held on the 9th, 10th, and 11th days of June, 1999,
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the vote upon which was taken as follows:

Yes - 37 Councillors: Adams, Altobello, Ashton, Berardinetti, Bossons, Bussin, Cho, Chow, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Giansante, Holyday, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay, Luby, McConnell, Mihevc, Moeser, Moscoe, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shiner, Silva, Sinclair
No - 2 Councillors: Augimeri, Tzekas

Carried by a majority of 35.

6.92 The following Bill was withdrawn:

Bill No. 298	To amend further By-law No. 181-81 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits.
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The authority for this Bill, Clause No. 28 of Report No. 6 of The Corporate Services Committee, was amended by Council, requiring the Bill's withdrawal.

OFFICIAL RECOGNITIONS:

6.93 **Condolence Motions**

Councillor Giansante, seconded by Councillor Brown, moved that:

“WHEREAS the Etobicoke Community is deeply saddened to learn of the sudden passing of Mr. Michael F. O'Rourke on Tuesday, June 8, 1999; and

WHEREAS Mr. O'Rourke was deeply committed to public service having been elected as a Councillor in the former City of Etobicoke in 1988 and serving the residents of Ward 4 and the former City until the end of his term of office in 1997; and

WHEREAS prior to his election to office, Mr. O'Rourke was Executive Assistant to Mr. Dennis Flynn, a former Mayor of Etobicoke; and also worked for the Provincial Government; and

WHEREAS during his term as Councillor he served on all of the Standing Committees and various Boards and Committees of Council; and

WHEREAS Mr. O'Rourke was very supportive of the Police and Fire Departments and worked very closely with the Community Police Liaison Committee; and

WHEREAS Mr. O'Rourke will be remembered for his commitment and involvement in many fund-raising activities for the community including the Annual Etobicoke St. Patrick's Day Charity Luncheon; the Annual Fishing Derby for Handicapped Children, the Markland Homes Association, particularly the Annual Christmas Food Drive, and the establishment of the Neilson Park Creative Arts Centre, as well as his involvement in minor sports leagues;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, an expression of sincere sympathy to the O'Rourke family, especially his wife Cathy and his children, Jeff and Colleen."

The Motion was adopted unanimously.

Council rose and observed a moment of silence in memory of the late Mr. O'Rourke.

6.94 **Presentations/Introductions/Announcements:**

June 9, 1999:

Mayor Lastman, during the morning session of the meeting, invited Councillor Silva to the podium; proclaimed Thursday, June 10, 1999, as "Portugal Day" in the City of Toronto, and, together with Councillor Silva, presented the proclamation to Mr. Joe Eustaquio, President of the Alliance of Portuguese Clubs and Associations of Ontario, Mr. Tony Dionisio, Business Manager, Labourer's Union 183, Mr. Armindo Silva, President of Regional Insurance, and Mr. Frank Alvarez, President of CIRV FM.

Councillor Brown, during the morning session of the meeting, introduced Miss Dilnaz Panjwani, accompanied by Mrs. Carolyn MacLeod, Head of the Guidance Department, Branksome Hall, and her parents, Dr. and Mrs. Panjwani, present at this meeting; advised the Council that Miss Panjwani had recently won second place at the International Science and Engineering Fair held in Philadelphia in May 1999, for her project "a potential blood test

to diagnose patients suffering from Chronic Fatigue Syndrome (CFS)", as well as two other related illnesses; and extended, on behalf of Council, the congratulations of Council to Miss Panjwani for her outstanding achievements in this regard.

Deputy Mayor Ootes, during the morning session of the meeting, introduced the Grades 4, 5 and 6 students of Islamic Foundation School, present at this meeting.

Mayor Lastman, during the morning session of the meeting, called upon Councillor King, Chair of the Taxiwatch Committee, to address Council regarding the Taxiwatch Program and the Driver of the Year award.

Councillor King addressed the Council in regard to the Taxiwatch Program; introduced the recipients of the Call Taker of the Year Award, Ms. Sylvie Azzoli, Driver of the Year award, Mr. Liban Adam, the first runner-up Driver of the Year Award, Mr. Ali Osloobi, and the second runner-up Driver of the Year Award, Mr. Adulkadir Dini; briefly outlined the emergency situations in which the recipients of the awards had been involved; and commended them for their heroic actions and their contribution to the quality of life of the citizens of the City of Toronto.

Mayor Lastman invited Mr. James Ridge, Executive Director, Municipal Licensing and Standards, to the podium, and, together with Mr. Ridge, presented the Taxiwatch Program Awards.

Councillor King extended an invitation to the Mayor and Members of Council to attend a luncheon in the Members' Lounge to recognize the award recipients.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the Grades 3, 4, 5 and 6 students of Allenby Public School, present at this meeting.

Mayor Lastman, during the afternoon session of the meeting, welcomed members of the Toronto Rock Lacrosse Team, present at this meeting; congratulated the team on being the 1999 Champions of the National Lacrosse League; invited Mr. Ed Comeau, Coach, and Mr. Bob Watson, Player, to the podium; and presented Messrs. Comeau and Watson with a commemorative scroll in recognition of their achievement.

June 10, 1999:

Councillor Johnston, during the morning session of the meeting invited Members of Council to attend the launch of the Youth Development Program, a co-operative initiative of the City of Toronto, Parks and Recreation Division and the Toronto 2008 Olympic Bid (TO-Bid), which is being held on Saturday, June 19, 1999.

Mayor Lastman, during the morning session of the meeting, invited Councillor Layton to the podium; Councillor Layton introduced Ms. Mari on Fraser of Enbridge Consumers Gas; Ms. Fraser presented a cheque in the amount of \$739,000.00 from Enbridge Consumers Gas to Mayor Lastman, such cheque representing an amount that Enbridge Consumers Gas is

guaranteeing for loans to help companies become more energy efficient through retrofits as part of the City's Better Building Practice Program, a program that has, to date, expended more than \$60 million for retrofits that have been done in the City and has created more than 3,000 construction jobs.

Councillor Chong, during the morning session of the meeting, presented Mayor Lastman with a T-shirt promoting the annual Nissan Toronto Challenge taking place on June 13, 1999, and challenged the other Members of Council to participate in this fundraising event to support seniors in the City's Homes for the Aged.

Mayor Lastman, during the morning session of the meeting, introduced the students of following schools, present at this meeting:

- Archbishop Romero School; and
- St. Josephat School.

Councillor Giansante, during the afternoon session of the meeting, announced the official opening of the Humber Bay Shores Public Park and Roadway, which is being held on Saturday, June 19, 1999, at Humber Bay Shores, and invited all Members of Council to participate in this important event.

June 11, 1999:

Councillor Mihevc, during the morning session of the meeting, introduced the following delegation from El Salvador, present at this meeting, who, through the Federation of Canadian Municipalities, are participating in a partnership program:

- Ms. Marta Alicia Guerra De Paz;
- Ms. Doris Elizabeth Perez De Avalos; and
- Mr. Victor Ernesto Perla Cravante.

Deputy Mayor Ootes, during the morning session of the meeting, introduced the Grade 5 students of Annette Public School, present at this meeting.

Councillor Kelly, during the afternoon session of the meeting, expressed his appreciation, as Chair of the Nominating Committee during the first half of the term of this Council, to Ms. Joanne Hamill, Manager, Community Councils and Committees, and Ms. Christine Archibald, Committee Administrator, and all staff involved in the Nominating Committee process, for their assistance during his tenure as Chair of the Nominating Committee.

Request by Councillor Layton re Notices of Motions:

- 6.95 Councillor Layton, during the afternoon session of the meeting on June 10, 1999, requested that the City Clerk, in future, photocopy the Notices of Motions on a different colour of

paper, in order that Members of Council can easily identify the Notices of Motions in the Council agenda package.

The City Clerk concurred in the request by Councillor Layton.

6.96 **MOTIONS TO VARY PROCEDURE**

Vary the order of proceedings of Council:

June 9, 1999:

Councillor Jakobek, during the morning session of the meeting, proposed that Council vary the order of its proceedings to:

- (1) consider Clause No. 4 of Report No. 8 of The Urban Environment and Development Committee, headed "F.G. Gardiner Expressway East Dismantling Project (Don River and East Toronto - Wards 25 and 26)", at 9:30 a.m., on Thursday, June 10, 1999;
- (2) resolve itself into Committee of the Whole at 2:00 p.m., on Wednesday, June 9, 1999, and then recess to meet in-camera to consider a personnel matter; and
- (3) resolve itself into Committee of the Whole at 5:30 p.m., on Wednesday, June 9, 1999, and then recess to meet in-camera to consider confidential matters remaining on the Order Paper for this meeting.

Council concurred in the proposal by Councillor Jakobek.

Councillor Mammoliti, during the morning session of the meeting moved that Council vary the order of its proceedings to consider Clause No. 5 of Report No. 6 of The Community and Neighbourhood Services Committee, headed "Ontario Works Demonstration Projects", on Thursday, June 10, 1999, immediately following its consideration of Clause No. 4 of Report No. 8 of The Urban Environment and Development Committee, headed "F.G. Gardiner Expressway East Dismantling Project (Don River and East Toronto - Wards 25 and 26)", which carried.

June 10, 1999:

Deputy Mayor Ootes, during the morning session of the meeting, moved that Council vary the order of its proceedings to consider the Notices of Motions listed on the Order Paper for Council at 2:00 p.m., on Thursday June 10, 1999, the vote upon which was taken as follows:

<p>Yes - 23 Councillors: Adams, Augimeri, Bossons, Bussin, Cho, Chong, Feldman, Flint, Fotinos, Johnston, Kelly, King, Korwin-Kuczynski, Lindsay Luby, McConnell, Minnan-Wong, Moscoe, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae</p>
<p>No - 18 Councillors: Altobello, Balkissoon, Berardinetti, Chow, Davis, Disero, Fillion, Giansante, Jakobek, Jones, Layton, Mammoliti, Mihevc, Miller, Moeser, Nunziata, Saundercook, Tzekas</p>

Carried by a majority of 5.

Councillor Miller, at 3:35 p.m., moved that Council vary the order of its proceeding to now consider Clause No. 3 of Report No. 6 of The Corporate Services Committee, headed "Administrative and Underwriting Services for Employee Benefits", the vote upon which was taken as follows:

<p>Yes - 20 Councillors: Augimeri, Berardinetti, Bussin, Chow, Disero, Fotinos, Gardner, Jakobek, Johnston, Jones, Korwin-Kuczynski, Miller, Moscoe, O'Brien, Ootes, Pitfield, Prue, Rae, Shaw, Sinclair</p>
<p>No - 25 Councillors: Adams, Balkissoon, Berger, Bossons, Cho, Chong, Davis, Duguid, Fillion, Flint, Giansante, Holyday, King, Li Preti, Lindsay Luby, Mahood, Mammoliti, Mihevc, Minnan-Wong, Nunziata, Saundercook, Sgro, Shiner, Silva, Tzekas</p>

Lost by a majority of 5.

Councillor Jakobek, during the afternoon session of the meeting, moved that Council vary the order of its proceedings to consider the confidential matters remaining on the Order Paper for this meeting immediately following consideration of Clause No. 1 of Report No. 7 of The Striking Committee, headed "Appointments to the Toronto Transit Commission", on June 11, 1999, in lieu of 5:30 p.m. on June 10, 1999.

Ruling by Deputy Mayor:

Deputy Mayor Ootes ruled that a two-thirds vote of Members present would be required to re-open the decision of Council made earlier at this meeting.

Councillor Jakobek challenged the ruling of the Deputy Mayor.

Vote to uphold ruling of Deputy Mayor:

Yes - 27 Councillors: Augimeri, Berger, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Gardner, Giansante, Kelly, King, Li Preti, Lindsay Luby, Mahood, Mammoliti, Mihevc, Minnan-Wong, Ootes, Pantabne, Saundercook, Sgro, Shiner, Sinclair
No - 17 Councillors: Adams, Berardinetti, Bossons, Flint, Fotinos, Holyday, Jakobek, Johnston, Jones, Korwin-Kuczynski, Miller, Moscoe, Nunziata, Pitfield, Prue, Shaw, Tzekas

Carried by a majority of 10.

Adoption of motion by Councillor Jakobek:

Yes - 15 Councillors: Adams, Bossons, Cho, Chong, Jakobek, Johnston, Jones, Korwin-Kuczynski, Lindsay Luby, Miller, Moscoe, Nunziata, Prue, Shaw, Tzekas
No -29 Councillors: Augimeri, Berardinetti, Berger, Bussin, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Gardner, Giansante, Holyday, Kelly, King, Li Preti, Mahood, Mammoliti, Mihevc, Minnan-Wong, Ootes, Pantalone, Pitfield, Saundercook, Sgro, Shiner, Sinclair

Lost, less than two-thirds of Members present having voted in the affirmative.

Waive the provisions of the Procedural By-law related to meeting times:

June 9, 1999:

Councillor Miller, at 7:22 p.m., moved that Council waive the requirement of the 7:30 p.m. recess, in order to conclude consideration of Notices of Motions I(2)(a) and I(2)(b), which carried, more than two-thirds of Members present having voted in the affirmative.

June 10, 1999:

Deputy Mayor Ootes, at 12:25 p.m., moved that, in accordance with subsection 11(8) of the Council Procedural By-law, Council waive the requirement of the 12:30 p.m. recess, in order to permit Councillor Bussin to conclude her remarks in regard to Clause No. 4 of Report No. 8 of The Urban Environment and Development Committee, headed "F.G. Gardiner Expressway East Dismantling Project (Don River and East Toronto - Wards 25 and 26)", which carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Ootes, at 6:47 p.m., moved that, in accordance with subsection 11(8) of the Council Procedural By-law, Council waive the requirement of the 7:30 p.m. recess, in order to conclude consideration of Clause No. 1 of Report No. 10 of The Strategic Policies and Priorities Committee, headed "Incorporation of the Toronto Hydro Corporation", the vote upon which was taken as follows:

<p>Yes - 27</p> <p>Councillors: Ashton, Berger, Chong, Chow, Disero, Duguid, Feldman, Filion, Flint, Fortinos, Giansante, Holyday, King, Layton, Li Preti, Lindsay Luby, McConnell, Miller, Moeser, Moscoe, Nunziata, Ootes, Pitfield, Rae, Shiner, Silva, Sinclair</p>
<p>No - 12</p> <p>Mayor: Lastman</p> <p>Councillors: Adams, Altobello, Berardinetti, Bossons, Johnston, Kelly, Kinahan, Mihevc, Pantalone, Prue, Walker</p>

Carried, more than two-thirds of Members present having voted in the affirmative.

June 11, 1999:

Councillor Pantalone, at 5:04 p.m., moved that, in accordance with subsection 11(8) of the Council Procedural By-law, Council waive the requirement to adjourn at 6:00 p.m., in order to conclude consideration of Clause No. 1 of Report No. 9 of The Works and Utilities Committee, headed "Harmonized Residential Water Service Connection Repair Program", and Clause No. 8 of Report No. 6 of The Corporate Services Committee, headed "539 Queens Quay West - Spadina Quay Marina (Marina) (Ward 24 - Downtown)", the vote upon which was taken as follows:

<p>Yes - 37 Councillors: Adams, Ashton, Berardinetti, Bossons, Cho, Chong, Chow, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, King, Korwin-Kuczynski, Layton, McConne II, Mihevc, Minnan-Wong, Moscoe, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Silva, Sinclair, Tzekas</p>
<p>No - 3 Councillors: Altobello, Augimeri, Moeser</p>

Carried, more than two-thirds of Members present having voted in the affirmative.

6.97 ATTENDANCE

Councillor Berardinetti, seconded by Councillor Silva, moved that the absence of Councillor Faubert from this meeting of Council be excused, which carried.

June 9, 1999	9:39 a.m. to 12:30 p.m.*	2:14 p.m. to 2:45 p.m.*	Ctte. of the Whole in-camera 2:50 p.m.*	5:10 p.m. to 7:55 p.m.*
Lastman	x	x	x	x
Adams	x	x	x	x
Altobello	x	x	x	x
Ashton	x	x	x	x
Augimeri	x	x	x	x
Balkissoon	x	x	x	-
Berardinetti	x	x	x	x
Berger	x	-	-	-
Bossons	x	x	x	x
Brown	x	-	x	x
Bussin	x	x	x	x
Cho	x	x	x	-
Chong	x	-	x	x
Chow	x	x	x	x
Davis	x	-	x	x
Disero	x	x	x	x
Duguid	x	x	x	x

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June 9, 1999	9:39 a.m. to 12:30 p.m.*	2:14 p.m to 2:45 p.m.*	Ctte. of the Whole in- camera 2:50 p.m.*	5:10 p.m. to 7:55 p.m.*
Faubert	-	-	-	-
Feldman	x	x	x	-
Filion	x	-	x	x
Flint	x	x	x	x
Fotinos	x	x	x	x
Gardner	x	x	x	x
Giansante	x	x	x	x
Holyday	x	x	x	x
Jakobek	x	x	x	x
Johnston	x	x	x	x
Jones	x	x	x	x
Kelly	x	x	x	x
Kinahan	x	x	x	x
King	x	x	x	x
Korwin-Kuczynski	x	x	x	x
Layton	x	x	x	x
Lindsay Luby	x	x	x	x
Li reti	x	x	x	x
Mahood	x	x	x	x
Mammoliti	x	x	x	x
McConnell	x	-	x	x
Mihevc	x	x	x	x
Miller	x	x	x	x
Minnan-Wong	x	x	x	x
Moeser	x	x	x	x
Moscoe	x	x	x	x
Nunziata	x	x	x	x
O'Brien	x	-	x	x
Ootes	x	x	x	x
Pantalone	x	x	x	x
Pitfield	x	x	x	x

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June 9, 1999	9:39 a.m. to 12:30 p.m.*	2:14 p.m. to 2:45 p.m.*	Ctte. of the Whole in- camera 2:50 p.m.*	5:10 p.m. to 7:55 p.m.*
Prue	x	x	x	x
Rae	x	x	x	x
Saundercook	x	x	x	x
Sgro	-	-	-	-
Shaw	x	x	x	x
Shiner	x	x	x	x
Silva	x	x	x	x
Sinclair	x	x	x	x
Tzekas	x	x	x	x
Walker	x	x	x	x
Total	56	49	55	52

* Members were present for some or all of the time period indicated.

June 10, 1999	9:42 a.m. to 12:37 p.m.*	2:15 p.m. to 5:55 p.m.*	Roll Call 4:34 p.m.*	Ctte. of the Whole in-camera 6:06 p.m.*	7:37 p.m. to 7:49 p.m.*
Lastman	x	x	x	x	-
Adams	x	x	x	x	x
Altobello	x	x	x	x	x
Ashton	x	x	x	x	x
Augimeri	x	x	x	-	-
Balkissoon	x	x	x	-	-
Berardinetti	x	x	x	x	x
Berger	x	x	-	x	x
Bossos	x	x	-	x	x
Brown	-	-	-	-	-
Bussin	x	x	-	-	-
Cho	x	x	x	-	-
Chong	x	x	x	x	x
Chow	x	x	x	x	x
Davis	x	x	-	x	x
Disero	x	x	x	x	x

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June 10, 1999	9:42 a.m. to 12:37 p.m.*	2:15 p.m. to 5:55 p.m.*	Roll Call 4:34 p.m.*	Ctte. of the Whole in-camera 6:06 p.m.*	7:37 p.m. to 7:49 p.m.*
Duguid	x	x	x	x	x
Faubert	-	-	-	-	-
Feldman	x	x	x	x	x
Filion	x	x	x	x	x
Flint	x	x	x	x	x
Fotinos	x	x	x	x	x
Gardner	x	x	x	x	-
Giansante	x	x	x	x	x
Holyday	x	x	x	x	x
Jakobek	x	x	x	-	-
Johnston	x	x	-	x	-
Jones	x	x	x	x	-
Kelly	x	x	-	x	x
Kinahan	x	x	x	x	x
King	x	x	x	x	-
Korwin-Kuczynski	x	x	x	x	x
Layton	x	x	x	x	x
Lindsay Luby	x	x	x	x	-
Li Preti	x	x	x	x	x
Mahood	x	x	x	x	x
Mammoliti	x	x	x	-	-
McConnell	x	x	x	x	x
Mihevc	x	x	-	x	x
Miller	x	x	-	x	-
Minnan-Wong	x	x	x	-	-
Moeser	x	x	x	x	x
Moscoe	x	x	x	x	x
Nunziata	x	x	x	x	x
O'Brien	x	x	-	x	-
Ootes	x	x	x	x	x

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June 10, 1999	9:42 a.m. to 12:37 p.m.*	2:15 p.m. to 5:55 p.m.*	Roll Call 4:34 p.m.*	Ctte. of the Whole in-camera 6:06 p.m.*	7:37 p.m. to 7:49 p.m.*
Pantalone	x	x	x	x	x
Pitfield	x	x	-	x	x
Prue	x	x	-	x	x
Rae	x	x	-	x	x
Saundercook	x	x	x	x	-
Sgro	-	x	-	-	-
Shaw	x	x	x	x	-
Shiner	x	x	x	x	x
Silva	x	x	-	x	x
Sinclair	x	x	-	x	x
Tzekas	x	x	-	-	-
Walker	x	x	-	x	-
Total	53	56	39	47	36

* Members were present for some or all of the time period indicated.

June 11, 1999	Roll Call 9:46 a.m.	9:43 a.m. to 12:30 p.m.*	Roll Call 2:18 p.m.	2:13 p.m. to 5:05 p.m.*	Ctte. of the Whole in-camera 5:07 p.m.*	5:30 p.m. to 5:49 p.m.*
Lastman	x	x	-	-	-	-
Adams	-	x	x	x	x	x
Altobello	x	x	x	x	x	x
Ashton	x	x	x	x	x	x
Augimeri	x	x	x	x	x	x
Balkissoon	-	x	-	-	-	-
Berardinetti	x	x	x	x	x	x
Berger	-	x	-	-	-	-
Bossons	x	x	x	x	x	x
Brown	-	-	-	-	-	-
Bussin	x	x	-	x	x	x
Cho	-	x	x	x	x	x
Chong	x	x	-	x	x	x

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June 11, 1999	Roll Call 9:46 a.m.	9:43 a.m. to 12:30 p.m.*	Roll Call 2:18 p.m.	2:13 p.m. to 5:05 p.m.*	Ctte. of the Whole in-camera 5:07 p.m.*	5:30 p.m. to 5:49 p.m.*
Chow	-	x	x	x	x	x
Davis	x	x	-	-	-	-
Disero	x	x	-	x	x	x
Duguid	x	x	x	x	x	x
Faubert	-	-	-	-	-	-
Feldman	-	-	-	x	x	x
Filion	-	x	-	x	-	-
Flint	x	x	-	x	x	x
Fotinos	-	x	-	x	x	x
Gardner	-	x	x	x	x	x
Giansante	x	x	-	x	x	x
Holyday	x	x	x	x	x	x
Jakobek	-	x	x	x	x	x
Johnston	x	x	x	x	x	x
Jones	x	x	x	x	x	x
Kelly	-	x	x	x	x	x
Kinahan	x	x	x	x	x	x
King	x	x	x	x	x	x
Korwin-Kuczynski	-	x	x	x	x	x
Layton	x	x	x	x	x	x
Lindsay uby L	x	x	x	x	x	x
Li Preti	x	x	-	x	-	-
Mahood	x	x	-	x	-	-
Mammoliti	x	x	-	x	-	-
McConnell	-	x	-	x	x	x
Mihevc	x	x	x	x	x	x
Miller	x	x	-	-	-	-
Minnan-Wong	-	x	-	x	x	x
Moeser	x	x	x	x	-	x
Moscoe	x	x	x	x	x	x

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June 11, 1999	Roll Call 9:46 a.m.	9:43 a.m. to 12:30 p.m.*	Roll Call 2:18 p.m.	2:13 p.m. to 5:05 p.m.*	Ctte. of the Whole in-camera 5:07 p.m.*	5:30 p.m. to 5:49 p.m.*
Nunziata	x	x	x	x	-	-
O'Brien	-	x	x	x	x	x
Ootes	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x
Pitfield	x	x	x	x	x	x
Prue	x	x	-	x	x	x
Rae	x	x	x	x	x	x
Saundercook	-	x	-	x	x	x
Sgro	x	x	-	-	-	-
Shaw	x	x	-	-	-	-
Shiner	x	x	x	x	x	x
Silva	x	x	x	x	x	x
Sinclair	-	-	-	x	x	x
Tzekas	-	x	x	x	x	x
Walker	-	x	x	x	x	-
Total	37	57	33	49	44	44

* Members were present for some or all of the time period indicated.

MEL LASTMAN,
Mayor

NOVINA WONG,
City Clerk

ATTACHMENT NO. 1

Report dated June 8, 1999, from the City Solicitor, entitled "Membership on the Toronto Transit Commission". (See Minute No. 6.64.)

Purpose:

The purpose of this report is to respond to City Council's request that the City Solicitor report to the next meeting of Council on the issue of Council's authority to change appointments to the Toronto Transit Commission and, in particular, the matters addressed in the legal opinion (May 11, 1999) provided by Mr. George Rust-D'Eye, Weir & Foulds, to Councillor Howard Moscoe which was distributed to City Councillors at the May Council meeting.

Funding Sources, Financial Implications and Impact Statement:

None.

Recommendation:

It is recommended that this report be received for information.

Council Reference/Background/History:

City Council, at its meeting of May 11, 12 and 13, 1999, had before it a Notice of Motion by Councillor Ashton and seconded by Councillor Korwin-Kuczyński, requesting City Council to revise the term of office for the members of Council appointed to the Toronto Transit Commission from three years to eighteen months, and that the term of office for those members of Council appointed to the Toronto Transit Commission by City Council on January 2, 6, 8 and 9, 1998, be amended to expire at the end of eighteen months, and until their successors are appointed. The Motion also requested City Council refer the matter of new appointments to the Toronto Transit Commission to the Striking Committee to be approved in a manner that is consistent with appointments to City Council standing committees. In response to that Notice of Motion, Councillor Moscoe distributed a legal opinion dated May 11, 1999, obtained by him from Mr. George Rust-D'Eye of the law firm Weir & Foulds, which concludes that City Council does not have the power to effect the termination or alter the appointment for a three-year term of office of members of the Toronto Transit Commission. The opinion also provides that, if the Council did have the power to terminate an appointment to the Commission, any determination to terminate would require a two-thirds majority of Council. These matters were referred to the City Solicitor to report to the next meeting of Council.

Comments and/or Discussion and/or Justification:

In his opinion of May 11, 1999, Mr. Rust-D'Eye correctly states that the Toronto Transit Commission is a long-established local board of the municipality which has been continued under section 24 of the City of Toronto Act, 1997 (No. 2) (the "Act"). Mr. Rust-D'Eye is also correct in stating that subsection 26(2) of the Act establishes a fixed term of three years for all members of the Commission and that subsection 26(6) of the Act provides that the appointment of a member requires the affirmative vote of at least two-thirds of the Members of the Council present and voting.

Mr. Rust-D'Eye then goes on to state that "there is no specific legislative provision, whether in the City of Toronto Act, 1997 (No. 2) or otherwise, which authorizes the City Council to shorten or otherwise alter the term of such appointments, nor to terminate any such appointment prior to the expiry of its three-year term". This conclusion is not correct. Pursuant to subsection 5(1)2. of Ontario Regulation 214/96 made under the Municipal Act and filed on May 29, 1996, the City has clear authority to change the terms of members of the Toronto Transit Commission. This provision provides:

"5.(1)b A Municipality may by by-law make the following changes to a local board; ...

2. It may make any changes it considers advisable related to membership on the local board, including changes related to the number of members, their terms, their remuneration and the manner by which they become members."

As Mr. Rust-D'Eye acknowledges, the Toronto Transit Commission is a local board of the City of Toronto. Consequently, notwithstanding the specific provisions contained in section 26 of the Act, Council is authorized to shorten or otherwise alter the term of appointments to the TTC under the authority of Reg. 214/96. The recent decision of the Superior Court of Justice in the Ward Boundaries case substantiates this conclusion. In respect of the ward boundaries matter, Council will recall that subsection 3(1)(b) of the City of Toronto Act, 1997, as amended, specifically requires Council to be composed of 58 Members of Council, having two members elected per ward except three in Ward 1, East York. Mr. Justice Juriansz concluded that this specific requirement did not prohibit Council from acting to change the size and composition of City Council. He held that the powers to alter the size and composition of Council contained in the Municipal Act were available to City Council despite the specific provisions contained in the City of Toronto Act, 1997. Mr. Justice Juriansz found that the statutes should be interpreted so that the general powers granted by the Municipal Act were available to the City of Toronto unless there was some express reservation or exception, and that the City of Toronto Act, 1997 does not contain such an exception or reservation. Likewise, despite the specific provisions in the Act respecting membership of the TTC, the powers to change the membership of local boards contained in Ontario Regulation 214/96 made

under the Municipal Act remain available to City Council, because there is no express provision to the contrary.

Finally, as is noted in Councillor Ashton's motion, City Council in January 1998, in appointing members of Council to the Toronto Transit Commission requested the Province of Ontario to enact legislation to reduce the term of office for appointments to the TTC from three years to eighteen months, and to delete the requirement of a two-thirds vote to appoint members to the Commission. By letter dated May 20, 1998, to the City Clerk, the Minister of Municipal Affairs and Housing responded as follows: "As you are aware, the Toronto Transit Commission is considered a local board, and Regulation 214/96, issued under the Municipal Act would allow Toronto City Council to make these changes by by-law." Obviously the Province also believes the City has sufficient legislative authority to make the changes requested.

Mr. Rust-D'Eye also references paragraph 28(1) of the Interpretation Act which provides that "words authorizing the appointment of a public officer or functionary ... include the power of removing or reappointing the person or appointing another in or to act in his stead, from time to time in the discretion of the authority in whom the power of authority is vested." Mr. Rust-D'Eye relies on the preface to the section which states "in every Act unless the contrary intention appears" to conclude that subsection 26(2) of the Act contains a contrary intention by providing for a three-year term. The cases cited by Mr. Rust-D'Eye support his conclusion that the general power respecting dismissal at pleasure is restricted when appointments are made for a fixed period, i.e. a contrary intention appears. The Dewar decision referred to by Mr. Rust-D'Eye relates to an appointment under the Police Services Act while the Erskine case is a decision regarding an appointment to the Hydro Electric Commission for the City of London under the London-Middlesex Act, 1992, and the Power Corporation Act. It is important to note, however, that none of the legislation considered by the Courts in these cases contained provisions similar to those found in Ontario Regulation 214/96. Consequently, this case law can be distinguished on the basis that Reg 214/96 specifically allows Council to change the three-year term provided for in the Act.

Mr. Rust-D'Eye also suggests that City Council, having exercised its authority to appoint the present members for a three year term, cannot terminate such appointments prior to the expiry of this term. Case law provides, as a general principle, that where appointments to public bodies are made for a fixed term, statutory provisions authorizing appointments during pleasure are overridden, and the appointment must be read as being for the term specified, unless terminated for cause. For this argument to succeed in the present case, a Court would have to conclude that Council intended to appoint Councillors Ashton, Davis, Kinahan, Korwin-Kuczynski, Mihovc, Miller and Moscoe for an unqualified fixed term of three years. While there is merit to this argument, in this case a counter-argument can be made that this was never Council's intention, that by simultaneously requesting legislation be enacted to allow Council to reduce the term of office from

three years to eighteen months, Council expressed its intention to actually make these appointments for an eighteen-month term, despite the provisions of section 26(2) of the Act providing for a three-year appointment.

There is also case law to support on argument that appointments that are for a specified term remain at pleasure and are not for a fixed term. The Ontario Court of Justice, General Division, in the case of *Toronto Harbour Commissioners v. Toronto (City)*, 1993, 15 M.P.L.R. (2d) 213, considered the issue of whether or not Toronto Harbour Commissioners appointed by the City held office at "pleasure" or whether they could only be dismissed for cause. The Harbour Commissions Act RSC 1985, c.H-1 provides that members of the Commission shall hold office at pleasure for a term not exceeding three years. Three City councillors were appointed to the Toronto Harbour Commissioners by the Council of the former City of Toronto on December 3, 1991, for a term to expire on November 30, 1994. By-law No. 4-92 making these appointments specifically provided that the appointees are to hold office "for a term expiring November 30, 1994, subject to removal by by-law of the Council ...". Section 23(1) of the Federal Interpretation Act provides that "23(1) Every public officer appointed by or under the authority of an enactment or otherwise is deemed to have been appointed to hold office during pleasure only, unless it is otherwise expressed in the enactment, commission or instrument of appointment." In that case, the Court found that the Commissioners could be removed by City Council without cause being shown.

Although Mr. Rust-D'Eye concluded that it was not necessary for him to deal comprehensively with issues of procedural fairness, comments made by Mr. Justice Steele in the Toronto Harbour Commissioners case respecting this issue are relevant. In that case, the Court went on to consider fairness issues and whether a notice of hearing was required before these appointments could be rescinded. The Court found that there was no need for notice or for a hearing or special meeting of Council to consider their removal. Mr. Justice Steele left open the right to re-apply to the Court if the Councillors felt they were not given a meaningful opportunity to present their case and noted that Council could waive the procedural by-law, if necessary, to allow sufficient time for them to speak to the matter. Mr. Justice Steele concluded that the procedural by-law of the Council gave the Commissioners, as members of Council, the right to speak, and that this right afforded them an opportunity to present their case before City Council, meeting any requirement for procedural fairness. The same rights exist in the current procedural by-law, By-law No. 23-1998. Arguably then, any rights the current TTC commissioners may have to procedural fairness may be met by Council affording them an opportunity to speak in accordance with the provisions of the procedural by-law.

Conclusions:

Ontario Regulation 214/96 made under the Municipal Act provides clear authority for City Council, by by-law, to change the membership of a local board, including

the term of office of members. The TTC is a local board of the City and consequently the term of office of its members can be changed by City by-law under the authority of Regulation 214/96 despite the provisions of the Act respecting appointments for a three year term. However, Reg. 214/96 does not specifically address changing the term of appointments mid-stream, and a court could find that in making its appointments in January 1998, City Council appointed members to the TTC for a fixed term of three years and that these members can only now be removed for cause. To counter any such allegation, a strong argument can be made that Council made these appointments referencing a three-year term to comply with the provisions of section 26(2) of the City of Toronto Act, 1997 (No. 2), but that it was always Council's intention that these appointments only be for a period of eighteen months, as is evidenced by Council's simultaneous request to the Province for legislation to change section 26(2) of the Act to allow for an eighteen-month appointment. The Toronto Harbour Commissioners' decision is helpful in this respect. Regarding procedural fairness, case law supports an argument that any obligations Council may have to provide procedural fairness to the TTC Commissioners who are City Councillors, is met by affording them an opportunity to speak to the matter at Council pursuant to the provisions of the procedural by-law.

Contact Name:

Mary Ellen Bench, Director, Municipal Law, 392-7245