

[Guide to Minutes](#)

These Minutes were confirmed by City Council on June 18, 2002.

[Agenda Index](#)

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

**TUESDAY, MAY 21, 2002,
WEDNESDAY, MAY 22, 2002, AND
THURSDAY, MAY 23, 2002**

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

CALL TO ORDER

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

The meeting opened with O Canada.

4.2 **CONFIRMATION OF MINUTES**

Councillor Altobello, seconded by Councillor Balkissoon, moved that the Minutes of the Special Council meeting held on the 4th, 5th, 6th, 7th and 8th days of March, 2002, and the Minutes of the Regular Council meeting held on the 16th, 17th and 18th days of April, 2002, be confirmed in the form supplied to the Members, which carried.

4.3 **ENQUIRIES AND ANSWERS**

- (1) Council had before it the following regarding the 2008 Toronto Olympic and Paralympic Games Bid:
- (a) Enquiry dated February 19, 2002, from Councillor Walker (See Attachment No. 1, Page 152); and
 - (b) Answer to the foregoing Enquiry dated April 5, 2002, from the Commissioner of Economic Development, Culture and Tourism (See Attachment No. 2,

Page 154).

Disposition:

The foregoing Enquiry, together with the Answer thereto, was received.

- (2) Council had before it the following regarding the attendance of Mr. Denis Desautels at the April 16, 17 and 18, 2002, Council meeting to respond to questions on the concept of an Auditor General:
 - (a) Enquiry dated April 23, 2002, from Councillor Johnston (See Attachment No. 3, Page 157); and
 - (b) Answer to the foregoing Enquiry dated May 21, 2002, from Mayor Lastman (See Attachment No. 4, Page 158).

Disposition:

The foregoing Enquiry, together with the Answer thereto, was received.

- (3) Council had before it the following regarding any negotiated settlement pertaining to 2195 Yonge Street:
 - (a) Enquiry dated May 8, 2002, from Councillor Walker (See Attachment No. 5, Page 159); and
 - (b) Answer to the foregoing Enquiry dated May 17, 2002, from the Chief Administrative Officer (See Attachment No. 6, Page 160).

Disposition:

Consideration of the foregoing Enquiry, together with the Answer thereto, was deferred to the next regular meeting of City Council scheduled to be held on June 18, 2002.

- (4) Council had before it the following regarding an update on the negotiations with the City's Unions:
 - (a) Enquiry dated May 8, 2002, from Councillor Walker (See Attachment No. 7, Page 162); and

- (b) Answer to the foregoing Enquiry dated May 14, 2002, from the Chief Administrative Officer (See Attachment No. 8, Page 163).

Motion:

Councillor Walker moved that the foregoing Enquiry, together with the Answer thereto, be received, and that Council request the Chief Administrative Officer to provide an in-camera update with respect to Union negotiations to the Administration Committee at its meeting scheduled to be held on May 27, 2002.

Vote:

The motion by Councillor Walker carried.

PRESENTATION OF REPORTS

- 4.4 Councillor Pantalone presented the following Reports for consideration by Council:

Report No. 5 of The Administration Committee,
Report No. 6 of The Administration Committee,
Report No. 4 of The Community Services Committee,
Report No. 5 of The Community Services Committee,
Report No. 4 of The Economic Development and Parks Committee,
Report No. 5 of The Economic Development and Parks Committee,
Report No. 5 of The Planning and Transportation Committee,
Report No. 6 of The Planning and Transportation Committee,
Report No. 7 of The Policy and Finance Committee,
Report No. 8 of The Policy and Finance Committee,
Report No. 6 of The Works Committee,
Report No. 6 of The Etobicoke Community Council,
Report No. 7 of The Etobicoke Community Council,
Report No. 6 of The Humber York Community Council,
Report No. 7 of The Humber York Community Council,
Report No. 4 of The Midtown Community Council,
Report No. 4 of The North York Community Council,
Report No. 5 of The North York Community Council,
Report No. 4 of The Scarborough Community Council,
Report No. 6 of The Toronto East York Community Council,
Report No. 7 of The Toronto East York Community Council,

Report No. 5 of The Audit Committee,
Report No. 4 of The Board of Health, and
Report No. 3 of The Striking Committee,

and moved, seconded by Councillor Di Giorgio, that Council now give consideration to such Reports, which carried.

4.5 **DECLARATIONS OF INTEREST**

Councillor Feldman declared his interest in Clause No. 12 of Report No. 6 of The Administration Committee, headed "Lease of the Jolly Miller - 3885 Yonge Street (Ward 25 - Don Valley West)", in that he lives in the vicinity of the subject property.

Councillor Korwin-Kuczynski declared his interest in the following Clauses:

- (i) Clause No. 10 of Report No. 6 of The Administration Committee, headed "Amendment of Lease Between Her Majesty the Queen in Right of Canada, as Represented by the Minister of National Defence ('DND') and the City of Toronto for the Fort York Armoury Property - (Ward 19 - Trinity-Spadina)", in that he is an honorary member of the Canadian Naval Services;
- (ii) Clause No. 1 of Report No. 4 of The Community Services Committee, headed "Update on the Emergency Shelter System", in that that he is an honorary member of the Canadian Naval Services;
- (iii) Clause No. 1 of Report No. 5 of The Planning and Transportation Committee, headed "Harmonization of the Noise By-law", in that he owns a leaf blower;
- (iv) Notice of Motion J(5) moved by Councillor Moscoe, seconded by Councillor Feldman, respecting the Parc Downsview Park Operating Protocol Committee - Reconstitution and Terms of Reference, in that he is an honorary member of the Canadian Naval Services; and
- (v) Notice of Motion J(26) moved by Councillor Silva, seconded by Councillor Mammoliti, respecting the World Cup - Extension of Alcohol Service Hours, in that he has an interest in a restaurant/bar.

Mayor Lastman declared his interest in Clause No. 2 of Report No. 5 of The Planning and Transportation Committee, headed "Harmonization of the Sign By-law Concerning Posters on Utility Poles", in that his son is employed by the same law firm as one of the lawyers representing an interested party on this issue.

Councillor Lindsay Luby declared her interest in the following Clauses in that her husband is an employee of the company named therein:

- (i) Clause No. 3 of Report No. 5 of The Audit Committee, headed “Processes Followed in Relation to the Upgrade to SAP Version 4.6”; and
- (ii) Clause No. 2 of Report No. 7 of The Policy and Finance Committee, headed “SAP Implementation Final Report”.

Councillor Miller declared his interest in Notice of Motion J(2) moved by Councillor Moscoe, seconded by Councillor Korwin-Kuczynski, respecting Quebex Development Corporation - Application to Construct a Condominium Tower, in that he lives in the vicinity of the proposed development.

Councillor Pitfield declared her interest in Notice of Motion J(6) moved by Councillor Moscoe, seconded by Councillor Johnston, respecting the City Nominee to the Board of the Greater Toronto Airports Authority, in that a member of her staff is associated with this issue.

Councillor Silva declared his interest in Clause No. 2 of Report No. 7 of The Humber York Community Council, headed “Final Report - 9 & 15 Bonar Place (north of College Street, west of Dufferin Street, Application to Amend Zoning By-law No. 438-86 of the (former) City of Toronto; Core Architects Inc. (Davenport, Ward 18)”, in that his residence is located on the same street as the proposed development.

Councillor Shiner declared his interest in the following Clauses:

- (i) Clause No. 1 of Report No. 5 of The Planning and Transportation Committee, headed “Harmonization of the Noise By-law”, in that his son operates a lawn care business and uses a leaf blower; and
- (ii) Clause No. 11 of Report No. 8 of The Policy and Finance Committee, headed “Vacancy Rebate Program Verification Mechanisms”, in that his son is a summer student working at the Municipal Property Assessment Corporation.

CONSIDERATION OF REPORTS CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

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

Report No. 7 of The Policy and Finance Committee, Clauses Nos. 1, 2 and 3.

Report No. 5 of The Administration Committee, Clauses Nos. 1, 2, 3, 4, 5, 6, and 7.

Report No. 4 of The Community Services Committee, Clause No. 1.

Report No. 4 of The Economic Development and Parks Committee, Clause No. 1.

Report No. 5 of The Planning and Transportation Committee, Clauses Nos. 1, 2, and 3.

Report No. 6 of The Etobicoke Community Council, Clause No. 1.

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

Report No. 4 of The North York Community Council, Clauses Nos. 1 and 2.

Report No. 6 of The Toronto East York Community Council, Clauses Nos. 1 and 2.

Report No. 5 of The Audit Committee, Clauses Nos. 1, 2, 3 and 4.

Report No. 8 of The Policy and Finance Committee, Clauses Nos. 1, 2, 3, 5, 6, 8, 9, 10, 12, 17, 19, 20, 21, 23 and 26.

Report No. 5 of The Economic Development and Parks Committee, Clauses Nos. 2, 3, 5, 8 and 9.

Report No. 6 of The Planning and Transportation Committee, Clauses Nos. 1, 3, 4, 7, 8 and 11.

Report No. 6 of The Works Committee, Clauses Nos. 1, 2, 4, 6 and 22.

Report No. 6 of The Administration Committee, Clauses Nos. 1, 3, 4, 5, 7, 8, 9, 10, 20, 25 and 27.

Report No. 5 of The Community Services Committee, Clauses Nos. 3, 7 and 13.

Report No. 4 of The Midtown Community Council, Clauses Nos. 20, 28, 29, 30 and 32.

Report No. 5 of The North York Community Council, Clauses Nos. 1, 4, 8, 13, 15 and 18.

Report No. 4 of The Scarborough Community Council, Clauses Nos. 14 and 15.

Report No. 7 of The Toronto East York Community Council, Clauses Nos. 16, 27, 30, 33, 41, 43, 55 and 65.

Report No. 7 of The Etobicoke Community Council, Clauses Nos. 4 and 6.

Report No. 7 of The Humber York Community Council, Clauses Nos. 1, 18, 51 and 54.

Report No. 4 of The Board of Health, Clause No. 1.

Report No. 3 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. 5 of The Administration Committee, Clause No. 7.

Report No. 4 of The Economic Development and Parks Committee, Clause No. 1.

Report No. 5 of The Planning and Transportation Committee, Clause No. 3.

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

Report No. 4 of The North York Community Council, Clause No. 2.

Report No. 5 of The Audit Committee, Clauses Nos. 1, 2, 3 and 4.

Report No. 8 of The Policy and Finance Committee, Clauses Nos. 2, 9, 10, 12, 21, and 26.

Report No. 5 of The Economic Development and Parks Committee, Clauses Nos. 2 and 3.

Report No. 6 of The Planning and Transportation Committee, Clauses Nos. 1, 3 and 8.

Report No. 6 of The Administration Committee, Clauses Nos. 3, 5 and 27.

Report No. 5 of The Community Services Committee, Clause No. 5.

Report No. 4 of The Midtown Community Council, Clause No. 20.

Report No. 5 of The North York Community Council, Clauses Nos. 13, 15 and 18.

Report No. 7 of The Toronto East York Community Council, Clause No. 30.

Report No. 7 of The Humber York Community Council, Clause No. 18.

Report No. 4 of The Board of Health, Clause No. 1.

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 Chapter 27 of the City of Toronto Municipal Code.

**CONSIDERATION OF REPORTS
CLAUSES WITH MOTIONS, VOTES, ETC.**

4.7 Clause No. 20 of Report No. 6 of The Administration Committee, headed “Section 24 of By-law No. 181-81 Refunds to Surviving Spouses”.

Motion:

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

“It is further recommended that Council adopt the report dated May 16, 2002, from the Chief Financial Officer and Treasurer, embodying the following recommendations:

‘It is recommended that:

- (1) the proposed amendment be approved; and
- (2) leave be granted for the introduction in Council of any Bills necessary to implement the amendment.’ ”

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, carried.

4.8 Clause No. 30 of Report No. 4 of The Midtown Community Council, headed “Non-Objection Letter for Alcohol and Gaming Commission of Ontario (Eglinton-Lawrence - Ward 16, St. Paul’s - Ward 22 and Don Valley West - Ward 25)”.

Motion:

Councillor Walker moved that the Clause be amended by adding the following Recommendation No. (3) to the recommendation of the Midtown Community Council:

- “(3) that Council advise the Alcohol and Gaming Commission that it has no objection to the following requests for temporary extensions of liquor licences during the Celebrate Toronto Street Festival, taking place on July 5, 6 and 7, 2002:
- (a) the Duke of Kent, 2315 Yonge Street, for patio facilities; and
 - (b) Elsewhere Bar & Grill, 2468 Yonge Street, for an addition to the existing licenced patio.”

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, carried.

4.9 **Clause No. 27 of Report No. 7 of The Toronto East York Community Council, headed “Authority for Kew Play Community Group to Seek Private Donations (Beaches-East York, Ward 32)”.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Rae moved that the Clause be struck out and referred to the Economic Development and Parks Committee for further consideration.

Vote on Referral:

The motion by Councillor Rae carried.

4.10 **Clause No. 43 of Report No. 7 of The Toronto East York Community Council, headed “Request for Disabled Persons Loading Zone - Manning Avenue, Fronting Premises Nos. 546-550 (Trinity-Spadina, Ward 19)”.**

Motion:

Councillor Rae moved that the Clause be amended by deleting the time “10:00 a.m.” from Recommendation No. (3) embodied in the report dated April 22, 2002, from the Director, Transportation Services, District 1, and inserting in lieu thereof the time “8:00 a.m.”, so that such recommendation shall now read as follows:

- “(3) a ‘No Parking except by Permit, from 12:01 a.m. to 7:00 a.m., Monday to Friday and from 12:01 a.m. to 8:00 a.m., Saturday and Sunday’ prohibition be established on the west side of Manning Avenue, from a point 32 metres north of Harbord Street to a point 14 metres further north; and”.

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

4.11 **Clause No. 55 of Report No. 7 of The Toronto East York Community Council, headed “Requests for Endorsement of Events for Liquor Licensing Purposes”.**

Motion:

Councillor Rae moved that the Clause be amended by:

- (i) deleting Recommendation No. (6) of the Toronto East York Community Council and inserting in lieu thereof the following:

“(6) advise the Alcohol and Gaming Commission that it does not object to the request for a temporary extension of the liquor licence for additional patio facilities for Wettbar, 7 Maitland Street, in conjunction with the Pride Celebrations to be held from June 28 to July 2, 2002;” and

- (ii) adding to the recommendation of the Toronto East York Community Council, the following new Recommendation No. (8):

“(8) advise the Alcohol and Gaming Commission that it does not object to the request for a temporary extension of the liquor licence for additional patio facilities for Zipperz, 72 Carlton Street, in conjunction with the Pride Celebrations to be held from June 28 to July 2, 2002, and for the Canada Cup Softball Tournament on July 6, 2002.”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

Motion to Re-Open:

Councillor Rae, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Rae moved that the Clause be further amended by adding the following new Part (h) to Recommendation No. (1) of the Toronto East York Community Council:

“(h) ‘Varekai’ event to be held by Cirque du Soleil at Ontario Place from July 24 until September 8, 2002;”.

Votes:

The motion by Councillor Rae carried.

The Clause, as further amended, carried.

4.12 **Clause No. 4 of Report No. 5 of The North York Community Council, headed “Right Turn Lane Designation - Jane Street at Rita Drive, Yewtree Boulevard and Firgrove Crescent - (South Leg) - Ward 8 - York West”.**

Motion:

Councillor Li Preti moved that the Clause be amended by amending the report dated April 22, 2002, from the Director, Transportation Services, District 3, Works and Emergency Services, as follows:

- (1) deleting from Recommendation No. (1) embodied therein, the words “between Jane Street”, and inserting in lieu thereof the words “between Rita Drive”;
- (2) deleting from Recommendation No. (2), the words “between Jane Street”, and inserting in lieu thereof the words “between Yewtree Boulevard”; and
- (3) deleting from Recommendation No. (3), the words “between Jane Street”, and inserting in lieu thereof the words “between Firgrove Crescent (south leg)”;

so that such recommendations shall now read as follows:

- “(1) the northbound curb lane on Jane Street at Rita Drive, be designated for right turning vehicles only, buses excepted, between Rita Drive and a point 20 metres southerly thereof;

- (2) the northbound curb lane on Jane Street at Yewtree Boulevard, be designated for right turning vehicles only, buses excepted, between Yewtree Boulevard and a point 20 metres southerly thereof;
- (3) the southbound curb lane on Jane Street at Firgrove Crescent (south leg), be designated for right turning vehicles only, buses excepted, between Firgrove Crescent (south leg) and a point 20 metres northerly thereof; and”.

Votes:

The motion by Councillor Li Preti carried.

The Clause, as amended, carried.

- 4.13 **Clause No. 8 of Report No. 5 of The North York Community Council, headed “Northbound Right Turn Lane Designation - Islington Avenue at Steeles Avenue West - Ward 7 - York West”.**

Motion:

Councillor Li Preti moved that the Clause be amended by deleting the words “between Islington Avenue” from Recommendation No. (1) embodied in the report dated April 22, 2002, from the Director, Transportation Services, District 3, Works and Emergency Services, and inserting in lieu thereof the words “between Steeles Avenue West”, so that such recommendation shall now read as follows:

- “(1) the northbound curb lane on Islington Avenue at Steeles Avenue West, be designated for right turning vehicles only, buses excepted, between Steeles Avenue West and a point 70 metres southerly thereof; and”.

Votes:

The motion by Councillor Li Preti carried.

The Clause, as amended, carried.

- 4.14 **Clause No. 1 of Report No. 3 of The Striking Committee, headed “Appointment of Members of Council to Standing and Other Committees of Council, Various Boards, Special Purpose Bodies and Special Positions”.**

Procedural Motion:

Councillor Johnston moved that the candidates for appointment to the Toronto Transit Commission and the Toronto Police Services Board each address the Council for three minutes and respond to questions.

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of the motion by Councillor Johnston, ruled such motion out of order.

Councillor Johnston challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 26	
Mayor:	Lastman
Councillors:	Altobello, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Filion, Flint, Ford, Hall, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Ootes, Rae, Shaw, Shiner, Soknacki, Sutherland, Tziretas
No - 13	
Councillors:	Ashton, Augimeri, Balkissoon, Chow, Holyday, Johnston, Jones, Layton, McConnell, Mihevc, Miller, Moscoe, Walker

Carried by a majority of 13.

Deputy Mayor Position:

Motion:

Councillor Walker moved that the Clause be amended by deleting from Recommendation No. (1) of the Striking Committee, the name "C. Ootes" and inserting in lieu thereof the name "D. Holyday".

Councillor Disero in the Chair.

Votes:

Adoption of motion by Councillor Walker:

Yes - 10	
Councillors:	Augimeri, Berardinetti, Ford, Holyday, Johnston, McConnell, Mihevc, Miller, Moscoe, Walker
No - 32	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Soknacki, Sutherland, Tziretas

Lost by a majority of 22.

Recommendation No. (1) of the Striking Committee, pertaining to the Deputy Mayor position, was adopted, without amendment.

Deputy Mayor Ootes in the Chair.

Seniors Advocate:

Councillor Jones moved that the Clause be amended by deleting from Recommendation No. (5) of the Striking Committee, the word “Co-Chair” and inserting in lieu thereof the words “a Member”, so that such recommendation shall now read as follows:

“(5) SENIORS ADVOCATE

(1 Member of Council to be appointed, who shall Chair the Seniors’ Assembly)

A. Johnston

and the Striking Committee further recommends that the following Member be appointed as a Member of the Seniors’ Assembly:

I. Jones;”.

Votes:

The motion by Councillor Jones carried.

Recommendation No. (5) of the Striking Committee, pertaining to the Seniors Advocate, was adopted, as amended.

Proposal by Deputy Mayor:

Deputy Mayor Ootes proposed that the Standing Committees and Community Councils now meet to elect their respective Chairs and Vice-Chairs. Council concurred in the foregoing proposal.

Election of Committee Chairs:

City Council was advised that the following Committees of Council, at their respective meetings held on May 21, 2002, elected the following Members of Council as their Chairs and Vice-Chairs:

Administration Committee:

D. Holyday, Chair, and D. Soknacki, Vice-Chair

Community Services Committee:

O. Chow, Chair, and M. Augimeri, Vice-Chair

Economic Development and Parks Committee:

D. Minnan-Wong, Chair, and M. Feldman, Vice-Chair

Planning and Transportation Committee:

G. Altobello, Chair, and P. McConnell, Vice-Chair

Works Committee:

B. Duguid, Chair, and J. Pitfield, Vice-Chair

Audit Committee:

B. Balkissoon, Chair, and I. Jones, Vice-Chair

Budget Advisory Committee:

D. Shiner, Chair, and D. Soknacki, Vice-Chair

Election of Community Council Chairs:

Council was also advised that the Community Councils, at their respective meetings held on May 21, 2002, elected the following Members of Council as their Chairs and Vice-Chairs:

Etobicoke Community Council:

P. Milczyn, Chair, and S. Hall, Vice-Chair

Humber York Community Council:

F. Di Giorgio, Chair, and F. Nunziata, Vice-Chair

Midtown Community Council:

J. Flint, Chair, and J. Mihevc, Vice-Chair

North York Community Council:

G. Mammoliti, Chair, and M. Augimeri, Vice-Chair

Scarborough Community Council:

R. Moeser, Chair, and N. Kelly Vice-Chair

Toronto East York Community Council:

K. Rae, Chair, and S. Bussin, Vice-Chair

Audit Committee:

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the foregoing decisions of the Standing Committees and Community Councils with respect to the election of their Chairs and Vice-Chairs, ruled that the Striking Committee's recommendation pertaining to the appointment of Councillors Flint, Milczyn and Holyday to the Audit Committee was now out of order.

- (a) Councillor Flint nominated Councillor Jones for appointment to the Audit Committee.
- (b) Councillor Holyday nominated Councillor Ford for appointment to the Audit Committee.
- (c) Councillor Balkissoon nominated Councillor Walker for appointment to the Audit Committee.
- (d) Councillor Moscoe moved that nominations for appointment to the Audit Committee be now closed.

Votes:

Motion (d) by Councillor Moscoe carried.

Motions (a), (b) and (c) by Councillors Flint, Holyday and Balkissoon, respectively, carried.

Recommendation No. (16) of the Striking Committee, pertaining to the Audit Committee, carried, as amended, viz.:

“(16) Audit Committee:

(5 Members of Council to be appointed who are not the Chairs of the Standing Committees, the Chairs of Community Councils, or the members of the Budget Advisory Committee)

(The Mayor is a Member ex-officio)

B. Balkissoon
R. Ford
I. Jones

N. Kelly
 M. Walker”.

Toronto Transit Commission:

Motion:

- (a) Councillor Ashton moved that the Clause be amended by deleting from Recommendation No. (26) of the Striking Committee, the name “D. Shiner” and inserting in lieu thereof the name “J. Mihevc”.

Procedural Motion:

- (b) Councillor Layton, with the permission of Council, moved that Council vary its procedure in order to permit Members of Council to question the candidates for appointment to the Toronto Transit Commission.

Vote:

Adoption of motion (b) by Councillor Layton:

Yes - 26	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Fillion, Flint, Ford, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Milczyn, Miller, Moscoe, Ootes, Rae, Soknacki, Walker
No - 13	
Mayor:	Lastman
Councillors:	Disero, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Shaw, Shiner, Sutherland, Tziretas

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

Motions:

- (c) Councillor Moscoe moved that the Clause be amended by amending Recommendation No. (26) of the Striking Committee to provide that the membership of the Toronto Transit Commission be increased by one, and that Councillor Mihevc be appointed.

Councillor Lindsay Luby in the Chair.

- (d) Councillor Ootes moved that the Clause be amended by deleting from Recommendation No. (26) of the Striking Committee, the name “H. Moscoe” and inserting in lieu thereof the name “J. Mihevc”.

Deputy Mayor Ootes in the Chair.

Procedural Motion:

- (e) Councillor Jones moved that Council select the TTC Commissioners by ballot.

Permission to Withdraw Motion:

Councillor Jones, with the permission of Council, withdrew her motion (e).

Votes:

Adoption of motion (c) by Councillor Moscoe:

Yes - 20	
Councillors:	Altobello, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Feldman, Filion, Ford, Johnston, Layton, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Rae, Shiner, Soknacki
No - 24	
Mayor:	Lastman
Councillors:	Ashton, Balkissoon, Cho, Disero, Duguid, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Silva, Sutherland, Tziretas, Walker

Lost by a majority of 4.

Adoption of motion (a) by Councillor Ashton:

Yes - 20	
Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Filion, Ford, Holyday, Johnston, Jones, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Walker
No - 24	
Mayor:	Lastman

Councillors:	Altobello, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
--------------	---

Lost by a majority of 4.

Permission to Withdraw Motion:

Councillor Ootes, with the permission of Council, withdrew his motion (d).

Adoption of the Clause, as amended:

Yes - 30	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 11	
Councillors:	Ashton, Augimeri, Filion, Jones, Layton, McConnell, Mihevc, Miller, Moscoe, Rae, Walker

Carried by a majority of 19.

4.15 Clause No. 8 of Report No. 8 of The Policy and Finance Committee, headed “Lease of No. 1 Front Street East to Privatize Hummingbird Performing Arts Centre Corporation (HPACC) and Transfer of the Stabilization Reserve Fund and the Hummingbird Donation (Ward 28 - Toronto Centre-Rosedale)”.

Motion:

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

“It is further recommended that the local Ward Councillor be invited to attend any meetings of the Board of Directors of the Hummingbird Centre for the Performing Arts at which the future site is discussed.”

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

- 4.16 **Clause No. 41 of Report No. 7 of The Toronto East York Community Council, headed “Introduction of Permit Parking on Both Sides of Mill Street, between Parliament Street and Cherry Street and the Introduction of a New Permit Parking Area (Toronto Centre-Rosedale, Ward 28)”.**

Motion to Re-Open:

Councillor McConnell, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor McConnell moved that the Clause be amended by deleting the words “Appendix A” from Recommendation No. (3) embodied in the report dated April 22, 2002, from the Director, Transportation Services, District 1, and inserting in lieu thereof the words “Appendix B”, so that such recommendation shall now read as follows:

- “(3) Appendix B, of Municipal Code 400, Traffic and Parking, of the former City of Toronto Municipal Code, be amended to incorporate the new permit parking area ‘6N’ as attached in Appendix ‘B’ of this report; and”.

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

- 4.17 **Clause No. 28 of Report No. 4 of The Midtown Community Council, headed “All Way Stop Control - Fenn Avenue and Beechwood Avenue Don Valley West - Ward 25)”.**

Motion:

Councillor Flint moved that the Clause be deferred sine die.

Vote on Deferral:

The motion by Councillor Flint carried.

4.18 **Clause No. 1 of Report No. 8 of The Policy and Finance Committee, headed “Canada’s Urban Strategy: A Vision for the 21st Century Interim Report of the Prime Minister’s Caucus Task Force on Urban Issues”.**

Motion:

Councillor Ashton moved that the Clause be amended to provide that the information requested from the Chief Administrative Officer in Recommendation No. (3), pertaining to the 10-year infrastructure funding, be submitted to the Policy and Finance Committee and Council.

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

4.19 **Clause No. 3 of Report No. 5 of The Community Service Committee, headed “Toronto Fire Services - Request for Quotation No. 6115-02-3063 - Triple Combination Rescue Pumper Trucks”.**

Motion:

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

“It is further recommended that the Commissioner of Works and Emergency Services and the Chief, Toronto Fire Services, in consultation with the Commissioner of Corporate Services, be requested to submit a report to the Community Services Committee, as part of the 2003 budget process, on the feasibility of:

- (1) standardizing emergency fire vehicles; and
- (2) developing a multi-year purchasing contract for Fire Services vehicles.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

4.20 **Clause No. 2 of Report No. 6 of The Works Committee, headed “Blue Box Residue and Recycling of Coloured Glass”.**

Motion:

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

“It is further recommended that Councillor Brad Duguid, new Chair of the Works Committee, be requested to meet with the Chair of the Liquor Control Board of Ontario in order to pursue options for new recycling markets for the City of Toronto’s green and mixed broken glass, and, if those markets are not forthcoming, that options be pursued for funding mechanisms available to the City of Toronto for the management of its green and mixed broken glass, including an increase in LCBO funding for 2003 by \$1.0 million to cover Toronto’s additional costs for disposal of broken glass, due to the closure of the Keele Valley Landfill site.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

4.21 **Clause No. 4 of Report No. 6 of The Planning and Transportation Committee, headed “All City of Toronto Licensed Taxicabs to be the Same Colour”.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Moscoe moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on June 18, 2002.

Vote on Deferral:

The motion by Councillor Moscoe carried.

4.22 **Clause No. 29 of Report No. 4 of The Midtown Community Council, headed “Introduction of Permit Parking on the South Side of Frobisher Avenue - Between Oriole Parkway and Lascelles Boulevard and the Introduction of a New Permit Parking Area (St. Paul’s - Ward 22)”.**

Motion to Re-Open:

Councillor Walker, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Walker moved that the Clause be amended by deleting the first occurrence of the words “Appendix ‘A’ ” from Recommendation No. (3) embodied in the report dated May 1, 2002, from the Manager, Right of Way Management, Transportation Services, District 1, and inserting in lieu thereof the words “Appendix ‘B’ ”, so that such recommendation shall now read as follows:

- “(3) Appendix ‘B’ of Municipal Code Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code, be amended to incorporate the new permit parking area ‘16B’ as attached in Appendix ‘A’ of this report;”.

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, carried.

4.23 **Clause No. 1 of Report No. 6 of The Works Committee, headed “Source Separated Organics Processing Capacity”.**

Motion:

Councillor Shiner 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 for its meeting to be held on June 25, 2002, with options for the long-term processing of source separated organics, including:

- (1) expansion of the Dufferin Organics Processing Facility;
- (2) development of other City-owned organics processing facilities; and
- (3) securing private sector processing capacity.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

4.24 **Clause No. 9 of Report No. 5 of The Economic Development and Parks Committee, headed “Rochester Fast Ferry Proposal”.**

Motion:

Councillor Pantalone 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 provide a status report on the proposal to the Waterfront Reference Group.”

Votes:

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

4.25 **Clause No. 1 of Report No. 7 of The Policy and Finance Committee, headed “Proposal to Establish an Independent Auditor General for the City of Toronto”.**

Motion:

Councillor Balkissoon moved that the Clause be amended by:

- (1) inserting the words “(excluding attest)” after the word “financial” in Recommendation No. (I)(2)(a) of the Policy and Finance Committee, so that such recommendation now reads as follows:

“(2)(a) carrying out financial (excluding attest), compliance and performance (value-for-money) audits of all programs, activities and functions of the City and its Agencies, Boards, and Commissions;”;

- (2) amending Recommendation No. (I)(14) of the Policy and Finance Committee by:

- (a) adding to the beginning thereof, the words “upon the expiry of the current City Auditor’s term of office or any renewal thereof”; and

- (b) deleting from part (c) thereof the word “seven” and inserting in lieu thereof the word “five”, so that such recommendation now reads as follows:

“(14) upon the expiry of the current City Auditor’s term of office or any renewal thereof, the Auditor General:

- (a) be selected through an impartial search process to identify candidates of the highest quality, possibly with the assistance of professional organizations such as the Institute of Chartered Accountants of Ontario;
 - (b) be appointed by Council on the recommendation of the Audit Committee; and
 - (c) be engaged under contract for a term of five years; and
- be remunerated within a range used for other senior officials of the City, but without performance bonuses or alternatively remuneration be set through an independent committee or firm engaged to recommend a level of remuneration;” and
- (3) deleting Recommendation I(4) of the Policy and Finance Committee, and inserting in lieu thereof the following new Recommendation I(4):
- “(4) the current City By-law with respect to the appointment of the City Auditor be amended to reflect an Auditor General position; and any future changes or amendments to the By-law require a two-thirds majority vote to be enacted by Council;”.

Votes:

Parts (1) and (2) of the motion by Councillor Balkissoon carried.

Adoption of Part (3) of the motion by Councillor Balkissoon insofar as it pertains to the deletion of Recommendation No. I(4) of the Policy and Finance Committee:

Yes - 22	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Hall, Jones, Kelly, Korwin-Kuczynski, Layton, McConnell, Milczyn, Miller, Nunziata, Ootes, Pantalone, Pitfield, Walker
No - 10	
Mayor:	Lastman
Councillors:	Feldman, Flint, Holyday, Li Preti, Lindsay Luby, Minnan-Wong, Moscoe, Rae, Shaw

Carried by a majority of 12.

Part (3) of the motion by Councillor Balkissoon insofar as it pertains to the insertion of the new Recommendation I(4) carried.

The Clause, as amended, carried.

4.26 **Clause No. 2 of Report No. 7 of The Policy and Finance Committee, headed “SAP Implementation Final Report”.**

Motions:

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

“It is further recommended that the Chief Administrative Officer and the Chief Financial Officer and Treasurer be requested to submit a joint report to the Administration Committee on the history of any requests made to the Financial Advisory Board to use the system and the results thereof.”

Councillor Disero in the Chair

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

“It is further recommended that the Chief Administrative Officer be requested to submit a report to Council, through the Administration Committee, on the status of the migration of SAP software to the City’s Agencies, Boards and Commissions.”

Votes:

Adoption of motion (a) by Councillor Miller:

Yes - 29	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Layton, Li Preti, McConnell, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Soknacki, Sutherland, Walker
No - 3	
Councillors:	Kelly, Minnan-Wong, Shaw

Carried by a majority of 26.

Motion (b) by Councillor Ashton carried.

The Clause, as amended, carried.

4.27 **Clause No. 3 of Report No. 7 of The Policy and Finance Committee, headed “Unallocated Funding for Community Councils”.**

Motion:

Councillor Li Preti moved that the Clause be struck out and referred to the Chief Administrative Officer for submission to the Council Reference Group to Review the Council-Committee Structure, once established.

Deputy Mayor Ootes in the Chair.

Vote on Referral:

Yes - 22 Councillors: Altobello, Ashton, Balkissoon, Bussin, Cho, Di Giorgio, Disero, Feldman, Flint, Jones, Korwin-Kuczynski, Li Preti, McConnell, Milczyn, Miller, Moscoe, Rae, Shaw, Shiner, Soknacki, Sutherland, Walker
No - 10 Councillors: Hall, Holyday, Kelly, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Silva

Carried by a majority of 12.

- 4.28 **Clause No. 54 of Report No. 7 of The Humber York Community Council, headed “1956 Weston Road - Application for Demolition Approval Applicant: HQ System Engineering Services Owner: 1503780 Ontario Limited (York South-Weston, Ward 11)”.**

Motion:

Councillor Jones moved that the Clause be amended by adding to the end of Recommendation No. (1) embodied in the report dated May 1, 2002, from the Director, Community Planning, West District, the words “and subject to the provision of an agreement to prevent any material and/or debris from entering the sewer system”, so that such recommendation shall now read as follows:

- “(1) the application to demolish the building at 1956 Weston Road be approved pursuant to By-law No. 3102-95 of the former City of York subject to a beautification agreement containing a beautification plan to be entered into with the City and registered on title to the lands prior to a demolition permit being issued, and subject to the provision of an agreement to prevent any material and/or debris from entering the sewer system;”.

Votes:

The motion by Councillor Jones carried.

The Clause, as amended, carried.

- 4.29 **Clause No. 2 of Report No. 5 of The Administration Committee, headed “Expedited Process for Declaring Land Surplus and Selling Surplus Land (All Wards)”.**

Motions:

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

“It is further recommended that:

- (1) prior to the declaration of any lands as surplus, the Ward Councillor(s) be given the opportunity to hold a public meeting and the Commissioner of Corporate Services be requested to establish a procedure for holding such meetings;
- (2) when the City declares land surplus, a sign be erected on the property indicating its status; and
- (3) the Commissioner of Corporate Services be requested to submit a report to the Administration Committee on the establishment of parameters for the size of property that would be subject to this process.”

- (b) Councillor Layton moved that the Clause be amended by striking out Recommendation No. (3) embodied in the report dated March 22, 2002, from the Commissioner of Corporate Services, as amended by the Administration Committee, and inserting in lieu thereof the following new Recommendation No. (3):

“(3) the Commissioner of Corporate Services and the Acting Commissioner of Community and Neighbourhood Services jointly report back on whether or not it is appropriate to establish a deadline for the final determination of whether or not Housing staff wish to utilize a property to fulfill the goals of the Housing First Policy; as Toronto City Council has taken a number of positive steps to address this housing crisis, including the establishment of the Housing First Land Policy, this joint report identify impediments to the efficient administration of the Housing First Land Policy; and make recommendations as to how to expedite the provision of municipal land by the City’s Let’s Build Initiative to private and non-profit housing providers for new affordable rental housing;”.

Permission to Withdraw Motion:

Councillor Moscoe, with the permission of Council, withdrew his motion (a).

Motions:

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

“It is further recommended that the Commissioner of Corporate Services, in consultation with the City Solicitor and the Commissioner of Economic Development, Culture and Tourism, be requested to submit a report to the Administration Committee on a formal process to explicitly consider the requirements of arms-length City organizations, such as Toronto Artscape, in the internal review process for the sale of land.”

- (d) Councillor Soknacki moved that motion (b) by Councillor Layton be referred to the Chief Administrative Officer, for consideration, in consultation with the Commissioner of Corporate Services and the Acting Commissioner of Community and Neighbourhood Services, with the review of the Housing First Program.

Permission to Withdraw Motion:

Councillor Soknacki, with the permission of Council, withdrew his motion (d) and was granted permission to speak again.

Motion:

- (e) Councillor Soknacki, with the permission of Council, moved that motion (b) by Councillor Layton be amended by inserting the words “within the context of the existing Housing First Program” after the word “impediments”, so that Recommendation No. (3) shall now read as follows:

“(3) the Commissioner of Corporate Services and the Acting Commissioner of Community and Neighbourhood Services jointly report back on whether or not it is appropriate to establish a deadline for the final determination of whether or not Housing staff wish to utilize a property to fulfill the goals of the Housing First Policy; as Toronto City Council has taken a number of positive steps to address this housing crisis, including the establishment of the Housing First Land Policy, this joint report identify impediments, within the context of the existing Housing First Program, to the efficient administration of the Housing First Land Policy; and make recommendations as to how to expedite the provision of municipal land by the City’s Let’s Build Initiative to private and non-profit housing providers for new affordable rental housing;”.

Votes:

Motion (e) by Councillor Soknacki carried.

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

Motion (c) by Councillor Miller carried.

The Clause, as amended, carried.

4.30 **Clause No. 7 of Report No. 6 of The Planning and Transportation Committee, headed “Proposal to Amend the Zoning By-law for the Former City of Toronto Regarding Development Standards to Address Drive-through Restaurants and Other Drive-through Operations”.**

Motion:

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

“It is further recommended that the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on whether one development standard can be adopted City-wide to address drive-through operations.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

Motion to Re-Open:

Councillor Mihevc, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

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

“It is further recommended that the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee, for its meeting to be held on September 9, 2002, on the results of the review of the Zoning By-laws regarding development standards to address drive-through operations, and the appropriate by-law(s) also be submitted at that time.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as further amended, carried.

4.31 **Clause No. 4 of Report No. 6 of The Works Committee, headed “Michigan Bound Garbage Trucks”.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Layton moved that Council adopt the following recommendation:

“It is recommended that Council reaffirm its commitment to ensure no garbage trucks carrying Toronto garbage use downtown Windsor roads to cross into Michigan; that Council further commit to ensure trucks carrying Toronto garbage remain on the designated truck route from Highway 401 to the Ambassador Bridge; and that these commitments be communicated to Windsor City Council.”

Votes:

The motion by Councillor Layton carried.

The Clause, as amended, carried.

4.32 **Clause No. 1 of Report No. 6 of The Etobicoke Community Council, headed “Application for Site Plan Approval, Scott’s Restaurants Inc., 5322 Dundas Street West, File No. TA SPC 2001 0050 (Ward 5 - Etobicoke-Lakeshore)”.**

Having regard that the Clause was submitted without recommendation:

Motion:

(a) Councillor Milczyn moved that Council adopt the following recommendation:

“It is recommended that Council:

- (1) receive the supplementary report dated April 10, 2002, from the Commissioner of Urban Development Services;
- (2) approve the revised site plan as submitted by the applicant; and
- (3) authorize the appropriate City officials to take the necessary action to give effect thereto.”

- (b) Councillor Moeser moved that the Clause be struck out and referred to the Commissioner of Urban Development Services and the Commissioner of Works and Emergency Services for further consideration, with a request that the Commissioners attempt to negotiate a resolution with the applicant, and submit a joint report thereon to the Etobicoke Community Council, for subsequent submission to City Council for its meeting scheduled to be held on June 18, 2002.

Vote on Referral:

Adoption of motion (b) by Councillor Moeser:

Yes - 21	
Councillors:	Augimeri, Cho, Chow, Di Giorgio, Filion, Flint, Johnston, Jones, Layton, McConnell, Mihevc, Miller, Moeser, Moscoe, Pantalone, Pitfield, Rae, Shiner, Soknacki, Sutherland, Tziretas
No - 10	
Councillors:	Duguid, Feldman, Ford, Hall, Holyday, Kelly, Milczyn, Minnan-Wong, Nunziata, Ootes

Carried by a majority of 11.

Motion to Re-Open:

Councillor Di Giorgio, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 25	
Councillors:	Altobello, Ashton, Augimeri, Cho, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Nunziata, Pantalone, Pitfield, Rae, Shaw, Sutherland, Tziretas, Walker
No - 9	
Councillors:	Bussin, Chow, Jones, Layton, Mihevc, Moscoe, Ootes, Shiner, Soknacki

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

Motion:

Councillor Di Giorgio moved that Council adopt the following recommendation:

“It is recommended that Council:

- (1) receive the supplementary report dated April 10, 2002, from the Commissioner of Urban Development Services;
- (2) approve the revised site plan as submitted by the applicant; and
- (3) authorize the appropriate City officials to take the necessary action to give effect thereto.”

Votes:

Adoption of motion by Councillor Di Giorgio:

Yes - 25	
Councillors:	Altobello, Ashton, Augimeri, Cho, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Soknacki, Sutherland, Tziretas, Walker
No - 10	
Councillors:	Bussin, Chow, Feldman, Holyday, Jones, Layton, McConnell, Mihevc, Moscoe, Shiner

Carried by a majority of 15.

The Clause, as amended, carried.

4.33 **Clause No. 6 of Report No. 7 of The Etobicoke Community Council, headed “Traffic Concerns - Horner Avenue and Beta Street (Ward 6 – Etobicoke-Lakeshore)”.**

Motion:

Councillor Holyday moved that the Clause be amended by striking out the recommendation of the Etobicoke Community Council and inserting in lieu thereof the following:

“It is recommended that Council adopt the report dated March 15, 2002, from the Director, Transportation Services, District 2, as embodied in the Clause.”

Votes:

Adoption of motion by Councillor Holyday:

Yes - 5 Councillors: Duguid, Ford, Holyday, Kelly, Silva
No - 25 Councillors: Ashton, Augimeri, Cho, Chow, Di Giorgio, Disero, Feldman, Flint, Hall, Johnston, Jones, Layton, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Rae, Shaw, Sutherland, Tziretas, Walker

Lost by a majority of 20.

The Clause was adopted, without amendment.

4.34 **Clause No. 8 of Report No. 6 of The Administration Committee, headed “Development of Consistent Operating Hours For City Hall, Metro Hall and the Civic Centres”.**

Motions:

- (a) Councillor Chow moved that the Clause be amended to provide that Metro Hall be open on weekends and holidays until 10:30 p.m.
- (b) Councillor Johnston moved that the Clause be amended to provide that groups booking Metro Hall during the weekend be permitted to stay beyond 9:00 p.m., provided they have made prior arrangements to stay past 9:00 p.m., and the Commissioner of Corporate Services was requested to expedite requests made in this regard.

Permission to Withdraw Motion:

Councillor Chow, with the permission of Council, withdrew her motion (a).

Votes:

The motion by Councillor Johnston carried.

The Clause, as amended, carried.

4.35 **Clause No. 51 of Report No. 7 of The Humber York Community Council, headed “Request for Tree Removal at 1804 Dufferin Street (Davenport, Ward 18)”.**

Motion:

Councillor Pantalone moved that the Clause be amended by striking out the recommendation of the Humber York Community Council and inserting in lieu thereof the following:

“It is recommended that Council adopt the report dated May 10, 2002, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendation:

‘It is recommended that City Council deny the request for the removal of a 90 centimetre diameter Silver Maple tree at 1804 Dufferin Street.’ ”

Votes:

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

4.36 **Clause No. 10 of Report No. 6 of The Administration Committee, headed “Amendment of Lease Between Her Majesty the Queen in Right of Canada, as Represented by the Minister of National Defence (‘DND’) and the City of Toronto for the Fort York Armoury Property - (Ward 19 - Trinity-Spadina)”.**

Motion:

Councillor Pantalone moved that the Clause be amended to provide that the erection of the new storage structures be in consultation with the Commissioner of Urban Development Services and the Ward Councillor with regard to location, design, material and appearance.

Votes:

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

4.37 **Clause No. 22 of Report No. 6 of The Works Committee, headed “West-Toronto Railpath - Memorandum of Understanding”.**

Motions:

- (a) Councillor Shiner moved that the Clause be struck out and referred to the Economic Development and Parks Committee for further consideration its next meeting to be held on May 29, 2002, and the Commissioner of Economic Development, Culture and Tourism, the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer be requested to submit a joint report thereon, such joint report to include the financial implications of this initiative.
- (b) Councillor Miller moved that motion (a) by Councillor Shiner be amended to provide that the report requested also include the history of this initiative and related acquisitions of land in the former City of Toronto.

Votes:

The motion by Councillor Miller carried.

The referral motion by Councillor Shiner, as amended, carried.

4.38 **Clause No. 1 of Report No. 4 of The Community Services Committee, headed “Update on the Emergency Shelter System”.**

Motions:

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

“It is further recommended that the Acting Commissioner of Community and Neighbourhood Services be authorized to:

 - (a) attempt to negotiate 24-hour access to the Fort York Armoury;
 - (b) attempt to negotiate a waiving of the fees that would be charged for the use of the Fort York Armoury; and
 - (c) attempt to secure access to the Fort York Armoury immediately, as negotiations are proceeding.”
- (b) Councillor McConnell moved that the Clause be amended by adding thereto the following:

“It is further recommended that the first priority for the new beds in the Fort York Armoury, or any other beds, be for the users of the Council Fire Winter Program.”
- (c) Councillor Moscoe moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Acting Commissioner of Community and Neighbourhood Services be requested to submit reports to the Community Services Committee on the feasibility of utilizing the former Denison Armoury as an alternative emergency shelter location to the Fort York Armoury.”

- (d) Councillor Mammoliti moved that the Clause be amended by adding thereto the following:

“It is further recommended that Council authorize staff to designate the park around Queens Park as a location which could be legally utilized by homeless persons, including overnight use.

- (e) Councillor Chow moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Acting Commissioner of Community and Neighbourhood Services be requested to submit a report to the Community Services Committee on the results of research on how other Cities, such as New York, deal with their homeless population.”

Votes:

Adoption of motion (a) by Councillor Layton:

Yes - 29	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Holyday, Johnston, Jones, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Ootes, Pantalone, Rae, Shiner, Silva, Soknacki, Tziretas, Walker
No - 4	
Councillors:	Ford, Hall, Kelly, Sutherland

Carried by a majority of 25.

Adoption of motion (b) by Councillor McConnell:

Yes - 22	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Jones, Lindsay Luby, Mammoliti, McConnell, Milczyn, Ootes, Rae, Shiner, Silva, Tziretas, Walker
No - 9	
Councillors:	Chow, Holyday, Johnston, Layton, Mihevc, Moscoe, Pantalone, Soknacki, Sutherland

Carried by a majority of 13.

Motion (c) by Councillor Moscoe carried.

Adoption of motion (d) by Councillor Mammoliti:

Yes - 11	
Councillors:	Chow, Disero, Hall, Johnston, Jones, Layton, Mammoliti, McConnell, Miller, Moscoe, Nunziata
No - 22	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Di Giorgio, Duguid, Filion, Flint, Ford, Holyday, Kelly, Lindsay Luby, Mihevc, Milczyn, Ootes, Pantalone, Rae, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker

Lost by a majority of 11.

Motion (e) by Councillor Chow carried.

The Clause, as amended, carried.

- 4.39 **Clause No. 17 of Report No. 8 of The Policy and Finance Committee, headed “Award of Design/Build Contracts for Process Control Systems, Water Supply Production Facilities (RFP: 9117-01-7786) and Water Supply Transmission Facilities (RFP: 9117-01-7824)”.**

Having regard that the Clause was submitted without recommendation:

Motions:

- (a) Councillor Ashton moved that Council adopt the following recommendation:

“It is recommended that Council adopt the following Recommendation No. (2) embodied in the report dated May 15, 2002, from the Commissioner of Works and Emergency Services:

- ‘(2) the following recommendation of the Works Committee from its meeting held on May 1, 2002, be approved:

“The Works Committee at its meeting on May 1, 2002, recommended the adoption of the joint report dated April 25, 2002, from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer respecting the results of Requests for Proposals for the Water Supply Production and Water Supply Transmission Process Control System Design/Build Projects, and the award of contracts to each of the recommended proponents.” ’ ’ ”

- (b) Councillor Shiner moved that Council adopt the following recommendation:

“It is recommended that the Commissioner of Works and Emergency Services, in consultation with the City Auditor, be requested to conduct a value-for-money audit of both the work of the design consultant and of the design/build contracts, and submit a report to the Works Committee on the findings.”

Votes:

Adoption of motion (a) by Councillor Ashton:

Yes - 31	
Councillors:	Altobello, Ashton, Augimeri, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pitfield, Rae, Shaw, Tziretas, Walker
No - 2	
Councillors:	Minnan-Wong, Shiner

Carried by a majority of 29.

Motion (b) by Councillor Shiner carried.

The Clause, as amended, carried.

4.40 **Clause No. 25 of Report No. 6 of The Administration Committee, headed “2001-2002 Insurance Renewal at June 1, 2002”.**

Motion:

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

“It is further recommended that Council adopt the following motion:

‘**WHEREAS** special event organizers within the City of Toronto, including Council Members, operate various community based events such as festivals, parades, celebrations, etc., which may take place on City streets and in City parks; and

WHEREAS turbulence within the insurance industry attributed to the terrorist attacks of September 11, 2001, has resulted in insurance companies charging significantly higher premiums for liability insurance which has affected insurance costs for special event organizers in obtaining the required liability insurance;

NOW THEREFORE BE IT RESOLVED THAT the Chief Financial Officer and Treasurer be requested to submit a report to the Administration Committee on insurance coverage in this regard, such report to include measures available for community groups and special event organizers to obtain the appropriate liability insurance, as well as the issue of Directors’ liability for organizations such as the Royal Agricultural Winter Fair.”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

4.41 **Clause No. 16 of Report No. 7 of The Toronto East York Community Council, headed “Draft By-law - Permission for Retail Businesses in Downtown Yonge Street Business Improvement Area to Remain Open on Holidays Identified in Retail Business Holidays Act”.**

Motions:

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

“It is further recommended that:

(1) the issue respecting the possibility of declaring the entire City of Toronto as a tourist area be referred to the Economic Development and Parks Committee, with a request that the Committee submit its report thereon to City Council; and

(2) a copy of this Clause be forwarded to:

(a) all Business Improvement Areas in the City of Toronto; and

(b) the Yorkdale Shopping Centre;

and any Members of Council, if they so wish, be permitted to add any other retail facility located within their wards to this list to receive the Clause.”

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

“It is further recommended that a copy of this Clause be forwarded to the owners of the retail mall located at the south-west corner of St. Clair Avenue and Keele Street.”

(c) Councillor Milczyn moved that a copy of this Clause be forwarded to the owners of businesses located on The Queensway.”

Votes:

Motion (a) by Councillor Moscoe carried.

Motion (b) by Councillor Nunziata carried.

Motion (c) by Councillor Milczyn carried.

The Clause, as amended, carried.

4.42 Clause No. 19 of Report No. 8 of The Policy and Finance Committee, headed “December 31, 2001 - Final Operating Budget Variance Report”.

Motion:

Councillor Sutherland moved that the Clause be amended by deleting from Recommendation No. (II) of the Policy and Finance Committee, all of the words after the words “be approved”, so that such recommendation now reads as follows:

“(II) that the technical adjustments to the 2001 Operating Budget, as outlined in Appendix D, in the report (April 9, 2002) from the Chief Financial Officer and Treasurer, be approved.”

Votes:

The motion by Councillor Sutherland carried.

The Clause, as amended, carried.

4.43 **Clause No. 20 of Report No. 8 of The Policy and Finance Committee, headed “March 2002 - First Quarter Operating Budget Variance Report”.**

Motion:

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

“It is further recommended that, in the event that any surplus remains in the reserve account for winter maintenance costs relating to the Works Operating Budget, such surplus be allocated to the reserve account for future maintenance years.”

Votes:

The motion by Councillor Sutherland carried.

The Clause, as amended, carried.

4.44 **Clause No. 7 of Report No. 5 of The Community Services Committee, headed “Community Services Grants Program - 2002 Allocations”.**

Motion:

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

“It is further recommended that the Acting Commissioner of Community and Neighbourhood Services be requested to:

- (1) undertake an interdepartmental program review involving Children’s Services, Facilities Management, Grants and Parks and Recreation Division staff, with respect to the University Settlement House Community Centre, such review

to be co-ordinated by the City's Grant's staff; and

- (2) submit a report on this matter to the Community Services Committee prior to the next grants cycle."

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

4.45 **Clause No. 1 of Report No. 4 of The North York Community Council, headed "Final Report - Application to Amend the Official Plan and Zoning By-law - TB CMB 2001 0007 - Mini-Skools Learning Centres Inc. - 685 Sheppard Avenue East - Ward 24 - Willowdale".**

Motion:

Councillor Ashton moved that the Clause be amended by inserting the words "the 50 percent specified in the current policy" after the word "parkland", in Part (a) of the Operative Paragraph of the Resolution embodied in Recommendation No. (2) of the North York Community Council, so that such Part (a) shall now read as follows:

- "(a) the following be added as Recommendation No. (4) to the Final Planning Report dated January 8, 2002:

- '(4) The allocation of any off-site cash-in-lieu of parkland, the 50 percent specified in the current policy, shall be considered by the Commissioner of Economic Development, Culture and Tourism, in consultation with the Ward Councillor and a report thereon shall be submitted to the North York Community Council for their consideration.' "

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

4.46 **Clause No. 1 of Report No. 6 of The Toronto East York Community Council, headed "Sidewalk/Boulevard Vending Permit - John Street, East Side, 9.0 Metres North of Richmond Street West (Trinity-Spadina, Ward 20)".**

Motion:

Councillor Hall moved that:

- (1) the Clause be struck out and referred back to the Toronto East York Community Council for further consideration; and
- (2) Council adopt the following recommendation:

“It is recommended that the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on the steps the City is taking to remove illegal vendors from this area.”

Votes:

Part (2) of the motion by Councillor Hall carried.

The Clause, as amended, carried.

Having regard to the foregoing decision of Council, Part (1) of the motion by Councillor Hall was not put.

Councillor Hall requested that her opposition to the Clause be noted in the minutes of this meeting.

4.47 **Clause No. 2 of Report No. 6 of The Toronto East York Community Council, headed “Sidewalk/Boulevard Vending Permit - Richmond Street West, North Side, East of Peter Street (Trinity-Spadina, Ward 20)”.**

Motion:

Councillor Hall moved that:

- (1) the Clause be struck out and referred back to the Toronto East York Community Council for further consideration; and
- (2) Council adopt the following recommendation:

“It is recommended that the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on the steps the City is taking to remove illegal vendors from this area.”

Votes:

Part (2) of the motion by Councillor Hall carried.

The Clause, as amended, carried.

Having regard to the foregoing decision of Council, Part (1) of the motion by Councillor Hall was not put.

Councillor Hall requested that her opposition to Clause be noted in the minutes of this meeting.

4.48 **Clause No. 6 of Report No. 5 of The Administration Committee, headed “Fair Wage Policy Enhancements and Procedure Review”.**

Motion:

Councillor Miller moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on June 18, 2002.

Vote on Deferral:

The motion by Councillor Miller carried.

4.49 **Clause No. 8 of Report No. 5 of The Economic Development and Parks Committee, headed “Tourism Investment Study Report (All Wards)”.**

Motions:

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

“It is further recommended that:

- (1) the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Urban Development Services be requested to:
 - (a) investigate the impact of good architecture on tourism development;
 - (b) determine how the City of Toronto can promote better architecture and design; and
 - (c) submit a joint report thereon to the Planning and Transportation Committee no later than October 2002; and

(2) the Commissioner of Economic Development, Culture and Tourism, in consultation with the Project Director, Waterfront Secretariat, be requested to investigate the feasibility of establishing tourist ferry services between the central waterfront and points of tourist significance along the entire Toronto waterfront, and submit a report thereon to the Waterfront Reference Group, no later than January 2003; and

(b) Councillor Ashton 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 Council, through the Economic Development and Parks Committee, on the integration of the Tourism Investment Study with the Tourism Strategy and Action Plan.”

Votes:

Motion (a) by Councillor Milczyn carried.

Motion (b) by Councillor Ashton carried.

The Clause, as amended, carried.

4.50 Clause No. 1 of Report No. 6 of The Administration Committee, headed “Privacy Legislation Compliance and Technology Systems”.

Motion:

Councillor Balkissoon moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on June 18, 2002.

Vote on Deferral:

The motion by Councillor Balkissoon carried.

4.51 Clause No. 11 of Report No. 6 of The Planning and Transportation Committee, headed “Leslie/Sheppard Gateway Project, West Corner of Sheppard Avenue East and Leslie Street”.

Motion:

Councillor Sutherland moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on June 18, 2002.

Vote on Deferral:

The motion by Councillor Sutherland carried.

4.52 Clause No. 2 of Report No. 3 of The Striking Committee, headed “Revised Fall Portion of the 2002 Schedule and the 2003 Schedule of Meetings”.

Motions:

- (a) Councillor Chow moved that the Clause be amended by rescheduling the Policy and Finance Committee and the Budget Advisory Committee Public Deputation meeting from January 13, 2003 to February 3, 2003.
- (b) Councillor Shiner moved that motion (a) by Councillor Chow be amended by deleting the date “February 3, 2003” and inserting in lieu thereof the date “January 16, 2003”.

Votes:

Adoption of motion (b) by Councillor Shiner:

Yes - 15 Councillors:	Altobello, Di Giorgio, Disero, Duguid, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Moeser, Nunziata, Ootes, Shiner, Sutherland, Tziretas
No - 16 Councillors:	Ashton, Augimeri, Berardinetti, Chow, Filion, Flint, Ford, Hall, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Rae, Silva

Lost by a majority of 1.

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

Yes - 21 Councillors:	Ashton, Augimeri, Chow, Di Giorgio, Disero, Duguid, Filion, Ford, Hall, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Rae, Silva, Sutherland
No - 10 Councillors:	Altobello, Berardinetti, Flint, Holyday, Korwin-Kuczynski, Moeser, Nunziata, Ootes, Shiner, Tziretas

Carried by a majority of 11.

The Clause, as amended, carried.

4.53 **Clause No. 3 of Report No. 5 of The Administration Committee, headed “Consolidation of Regulations Concerning Off-Street Municipal Parking Facilities and Amendment to By-law Respecting Parking on Private Property”.**

Having regard that the Clause was submitted without recommendation:

Motions:

(a) Councillor Moscoe moved that Council adopt the following recommendations:

“It is recommended that:

- (1) the report dated March 12, 2002, from the President, Toronto Parking Authority, as contained in the Clause, be adopted, subject to including the Toronto Transit Commission and the Economic Development, Culture and Tourism Department parking lots under the set-fine provisions of the Toronto Parking Authority;
- (2) the report dated May 7, 2002, from the Chief Financial Officer and Treasurer be referred to the Planning and Transportation Committee for a review of all set fines for parking in order to adjust them to offset any revenue losses anticipated from the amendments to the Parking on Private Property By-laws; and
- (3) Council adopt the Motion moved by Councillor Moscoe, seconded by Councillor Soknacki, as contained in the Clause and embodying the following Operative Paragraph:

‘AND BE IT FURTHER RESOLVED THAT the City Solicitor be directed to apply to the Regional Senior Justice of the Ontario Court of Justice for a set fine of \$30.00, with a voluntary payment of \$20.00, for violations to the recommended new harmonized by-law prohibiting unauthorized parking on private or municipal property.’ ”

(b) Councillor Berardinetti moved that Council adopt the following recommendation:

“It is recommended that Council adopt the report dated May 7, 2002, from the Chief Financial Officer and Treasurer.”

Votes:

Adoption of Part (1) of motion (a) by Councillor Moscoe:

Yes - 23 Councillors:	Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Flint, Johnston, Jones, Kelly, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Silva, Tziretas, Walker
No - 11 Councillors:	Berardinetti, Disero, Feldman, Ford, Hall, Holyday, Lindsay Luby, Mammoliti, Moeser, Nunziata, Shiner

Carried by a majority of 12.

Having regard to the foregoing decision of Council, Deputy Mayor Ootes declared motion (b) by Councillor Berardinetti redundant.

Part (2) of motion (a) by Councillor Moscoe carried.

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

Adoption of the Clause, as amended:

Yes - 28 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Feldman, Filion, Flint, Johnston, Jones, Kelly, Korwin-Kuczynski, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Silva, Tziretas, Walker
No - 8 Councillors:	Disero, Ford, Hall, Holyday, Lindsay Luby, Moeser, Nunziata, Shiner

Carried by a majority of 20.

4.54 **Clause No. 4 of Report No. 5 of The Administration Committee, headed “Council Travel Protocol”.**

Motion:

Councillor Ford moved that the Clause be amended by deleting from Recommendation No. (3) embodied in the report dated March 7, 2002, from the Chief Administrative Officer,

the figure “\$3,500.00”, and inserting in lieu thereof the figure “\$1,000.00”, so that such recommendation shall now read as follows:

- “(3) requests for authorization to travel in excess of \$1,000.00, where the travel will be paid by an Agency, Board or Commission, be directed to that Agency, Board or Commission for pre-approval as is the case for travel paid by a City department or from the Council Business Travel Budget; and”.

Votes:

Adoption of motion by Councillor Ford:

Yes - 8 Councillors: Altobello, Ford, Holyday, Lindsay Luby, Milczyn, Moeser, Nunziata, Ootes
No - 26 Councillors: Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Feldman, Filion, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Pantalone, Rae, Shiner, Silva, Tziretas

Lost by a majority of 18.

The Clause was adopted, without amendment.

4.55 Clause No. 5 of Report No. 5 of The Administration Committee, headed “Protocol and Procedure for Use of the City Skybox”.

Motions:

- (a) Councillor Ford moved that the Clause be amended by adding thereto the following:
- “It is further recommended that the City give written notice to the operators of SkyDome or any other appropriate parties, no later than December 31, 2002, that the City lease of the Skybox will terminate on March 31, 2003.”
- (b) Councillor Shiner moved that the Clause be amended to provide that hot dogs, hamburgers, salads and the like, be included in the refreshments permitted to be charged to Member’s Global Office Budgets.
- (c) Councillor Augimeri moved that the Clause be amended by deleting from Part (8) of the Policy for Use of the City Skybox, the words “Members Global Office Budget”, and inserting in lieu thereof the words “2002 Council Budget”.

Ruling by Deputy Mayor:

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

Votes:

Adoption of motion (b) by Councillor Shiner:

Yes - 29 Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bussin, Di Giorgio, Disero, Feldman, Filion, Flint, Johnston, Jones, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Soknacki, Sutherland, Tziretas
No - 4 Councillors: Ford, Hall, Holyday, Walker

Carried by a majority of 25.

Adoption of motion (a) by Councillor Ford:

Yes - 4 Councillors: Ford, Holyday, Jones, Walker
No - 30 Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bussin, Di Giorgio, Disero, Feldman, Filion, Flint, Hall, Johnston, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 26.

Adoption of the Clause as amended:

Yes - 31 Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bussin, Di Giorgio, Disero, Feldman, Filion, Flint, Hall, Johnston, Jones, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 3 Councillors: Ford, Holyday, Walker

Carried by a majority of 28.

- 4.56 **Clause No. 1 of Report No. 7 of The Humber York Community Council, headed “Final Report - 81 Florence Street Application to Amend Zoning By-law No. 438-86 of the (former) City of Toronto (Davenport, Ward 18)”.**

Motion:

Councillor Silva moved that the Clause be amended to provide that Recommendation No. (3)(e) embodied in the report dated April 19, 2002, from the Director, Community Planning, South District, be further amended by adding after the words “crash protection berm”, the words “comprising a minimum 2.5 metre high earth berm in the location shown on the Site Plan on file with the Commissioner of Urban Development Services”, so that such recommendation shall now read as follows:

“(3)(e) the owner shall provide CNR with a warning clause, crash protection berm comprising a minimum 2.5 metre high earth berm in the location shown on the Site Plan on file with the Commissioner of Urban Development Services, chain link fence, as well as noise and vibration attenuation measures prior to substantial completion and occupancy of any building within the site and thereafter;”.

Votes:

The motion by Councillor Silva carried.

The Clause, as amended, carried.

4.57 Clause No. 4 of Report No. 7 of The Etobicoke Community Council, headed “Installation of Traffic Control Signals 1608 The Queensway Between The East Mall and Atomic Avenue (Ward 5 - Etobicoke-Lakeshore)”.

Motion to Re-Open:

Councillor Milczyn, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 22 Councillors: Ashton, Bussin, Di Giorgio, Disero, Feldman, Filion, Ford, Hall, Johnston, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Silva, Soknacki, Sutherland
No - 5 Councillors: Augimeri, Holyday, Jones, McConnell, Miller

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

Motion:

Councillor Milczyn moved that the Clause be amended by striking out the following Recommendation No. (2) embodied in the report dated April 6, 2002, from the Director, Transportation Services, District 2, and referring it to the Works Committee for the hearing of deputations:

- “(2) for traffic operations and safety reasons, raised centre medians measuring at least 30.0 metres and 34.0 metres in length be installed at the west and east approaches to the signalized intersection proposed at The Queensway /1608 The Queensway, respectively;”.

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

4.58 Clause No. 15 of Report No. 4 of The Scarborough Community Council, headed “Upcoming Ontario Municipal Board Hearing Official Plan and Zoning Amendments and Draft Plan of Subdivision Application - SC-P20000014, SC-Z20000023 and

SC-T20000002, Transmetro Properties Limited, S.W. Corner of Brimley Road and Highway 401 & 350 Progress (Ward 37 - Scarborough Centre)”.*Motion to Re-Open:*

Councillor Berardinetti, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Berardinetti moved that the Clause be amended to provide that if the applicant addresses the issues set out in the report dated April 22, 2002, from the Director of Community Planning, East District, to the satisfaction of the Commissioner of Urban Development Services, the Commissioner of Economic Development, Culture and Tourism, the Commissioner of Works and Emergency Services and the City Solicitor, the City Solicitor be directed to settle the appeals and submit a report on the settlement to the Scarborough Community Council.

Votes:

The motion by Councillor Berardinetti carried.

The Clause, as amended, carried.

4.59 Clause No. 33 of Report No. 7 of The Toronto East York Community Council, headed “Request to Replace SkyDome Bus Parking Agreement and Various Related Agreements - 325/341 Bremner Boulevard, Southeast Corner of Spadina Avenue and Bremner Boulevard (Trinity-Spadina, Ward 20)”.*Motion:*

Councillor Chow moved that the Clause be amended by striking out the recommendation of the Toronto East York Community Council and inserting in lieu thereof the following:

“It is recommended that Council adopt the following Recommendation No. (2) embodied in the report dated May 22, 2002, from the City Solicitor:

‘(2) that the City enter into a replacement bus parking agreement(s) generally as described and subject to the conditions set out in this report.’ ”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

4.60 **Clause No. 5 of Report No. 5 of The Economic Development and Parks Committee, headed “Memorandum of Understanding with Community Museum Management Boards (All Wards)”.**

Motion:

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

“It is further recommended that:

- (1) the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee, no later than November 2002, on the glossary of terms currently being developed by the Museum Boards in relation to the Memorandum of Understanding; and
- (2) effective January 1, 2004, any one of the Museum Boards, City Council, or the Commissioner of Economic Development, Culture and Tourism, may request, before June 30th of an election year, a joint review of this Memorandum of Understanding.”

Votes:

The motion by Councillor Kelly carried.

The Clause, as amended, carried.

4.61 **Clause No. 1 of Report No. 5 of The Planning and Transportation Committee, headed “Harmonization of the Noise By-law”.**

Motions:

(a) Councillor Pantalone moved that the Clause be amended:

- (1) in accordance with the following recommendations embodied in the communication dated April 2, 2002, from the Chairs of the Planning and Transportation Committee, the Works Committee, the Board of Health, and the Economic Development and Parks Committee:

“(1) that section 8 of the draft by-law be amended to read as follows:

‘8. Exemption: Public Safety and Highways

Notwithstanding any other provision of this chapter, it shall be lawful to emit or cause or permit the emission of sound in connection with measures undertaken:

- (a) for the immediate health, safety or welfare of the inhabitants of the City under emergency circumstances; or
 - (b) for any emergency requiring immediate action for the construction, preservation, restoration or demolition of any highway.’;
- (2) that section 4 of the draft by-law be amended to prohibit sound resulting from the operation of Construction Equipment if clearly audible in a Quiet Zone or Residential Area from 7:00 p.m. one day to 7:00 a.m. the following day, 9:00 a.m. on Saturday, Sunday and Statutory Holidays;
- (3) that sound resulting from the operation of gasoline-powered devices that blow or vacuum leaves, grass cuttings, debris or similar material be prohibited if clearly audible at the following times in the following areas:
- (a) from the day after Victoria Day to September 30th, at all times in a Quiet Zone or Residential Area except in connection with the cleaning or maintenance of City property by staff in connection with Special Events, Splash Pads, Wading Pools, Bicycle Paths or Pedestrian Paths; and
 - (b) from October 1st to Victoria Day:
 - (i) at all times in Quiet Zones, except for the cleaning and maintenance of City property as described in (a) above; and
 - (ii) in Residential Areas, from 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Saturday, Sunday and Statutory Holidays;

- (4) that staff report back to the Planning and Transportation Committee on the implementation of the by-law along with any recommended changes two years after the date of its passing; and
 - (5) that the City Solicitor be authorized to prepare and introduce in Council the necessary bill(s) to give effect to Council's decision."; and
- (2) by adding thereto the following:
- "It is further recommended that the report dated February 1, 2002, from the Commissioner of Economic Development, Culture and Tourism be received."
- (b) Councillor Lindsay Luby moved that the Clause be amended to provide that golf courses located within the City of Toronto be exempt from the provisions of the Noise By-law, as they apply to the use of leaf blowers.
 - (c) Councillor Balkissoon moved that the Clause be received.
 - (d) Councillor Kelly moved that the Clause be amended to provide that seniors and physically disabled persons be exempt from the provisions of the Noise By-law, as they relate to the use of leaf blowers.
 - (e) Councillor Flint moved that the Clause be amended to provide that all residential properties which are one acre or larger be exempt from the provisions of the Noise By-law, as they relate to the use of leaf blowers.
 - (f) Councillor Disero moved that the Clause be amended by deleting all references to power devices that blow or vacuum leaves, grass cuttings, debris or other similar material (i.e. leaf blowers) from the draft Noise By-law;
 - (g) Councillor Filion moved that the Clause be amended to provide that no construction noise be permitted on Sundays.

Proposal by Deputy Mayor

Deputy Mayor Ootes, with the permission of Council, proposed the voting order for the motions placed. Council concurred in the proposed order.

Vote:

Adoption of motion (f) by Councillor Disero:

Yes - 19

Councillors:	Balkissoon, Di Giorgio, Disero, Duguid, Flint, Ford, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Shaw, Soknacki, Sutherland, Tziretas
No - 12 Councillors:	Ashton, Augimeri, Bussin, Chow, Filion, Jones, Layton, McConnell, Mihevc, Pantalone, Rae, Walker

Carried by a majority of 7.

Having regard to the foregoing decision of Council, Deputy Mayor Ootes declared motion (b) by Councillor Lindsay Luby, motion (d) by Councillor Kelly, and motion (e) by Councillor Flint, redundant.

Permission to Withdraw Motion:

Councillor Balkissoon, with the permission of Council, withdrew his motion (c).

Votes:

Adoption of motion (g) by Councillor Filion:

Yes - 9 Councillors:	Augimeri, Filion, Milczyn, Minnan-Wong, Moscoe, Nunziata, Shaw, Sutherland, Walker
No - 22 Councillors:	Ashton, Balkissoon, Bussin, Chow, Di Giorgio, Disero, Duguid, Flint, Ford, Hall, Holyday, Jones, Kelly, Layton, Lindsay Luby, McConnell, Mihevc, Ootes, Pantalone, Rae, Soknacki, Tziretas

Lost by a majority of 13.

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

Yes - 28 Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Jones, Kelly, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Soknacki, Sutherland, Tziretas
No - 3 Councillors:	Filion, Ford, Walker

Carried by a majority of 25.

Adoption of the Clause, as amended:

Yes - 27 Councillors: Ashton, Augimeri, Balkissoon, Bussin, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Jones, Kelly, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Soknacki, Sutherland, Tziretas
No - 4 Councillors: Chow, Filion, Ford, Walker

Carried by a majority of 23.

In summary, Council amended the Clause:

- (i) by deleting all references to power devices that blow or vacuum leaves, grass cuttings, debris or other similar material (i.e. leaf blowers) from the draft Noise By-law;
- (ii) in accordance with the following Recommendations Nos. (1), (2), (4) and (5) embodied in the communication dated April 2, 2002, from the Chairs of the Planning and Transportation Committee, the Works Committee, the Board of Health, and the Economic Development and Parks Committee:

“(1) that section 8 of the draft by-law be amended to read as follows:

‘8. Exemption: Public Safety and Highways

Notwithstanding any other provision of this chapter, it shall be lawful to emit or cause or permit the emission of sound in connection with measures undertaken:

- (a) for the immediate health, safety or welfare of the inhabitants of the City under emergency circumstances; or
 - (b) for any emergency requiring immediate action for the construction, preservation, restoration or demolition of any highway.’;
- (2) that section 4 of the draft by-law be amended to prohibit sound resulting from the operation of Construction Equipment if clearly audible in a Quiet Zone or Residential Area from 7:00 p.m. one day to 7:00 a.m. the following day, 9:00 a.m. on Saturday, Sunday and Statutory Holidays;

- (4) that staff report back to the Planning and Transportation Committee on the implementation of the by-law along with any recommended changes two years after the date of its passing; and
- (5) that the City Solicitor be authorized to prepare and introduce in Council the necessary bill(s) to give effect to Council's decision."; and

(iii) by adding thereto the following:

"It is further recommended that the report dated February 1, 2002, from the Commissioner of Economic Development, Culture and Tourism be received."

4.62 **Clause No. 65 of Report No. 7 of The Toronto East York Community Council, headed "Marketing Licences in Chinatown (Trinity-Spadina, Ward 20 and Toronto-Danforth, Ward 30)".**

Motion:

Councillor Moscoe moved that the Clause be amended by striking out the recommendation of the Toronto East York Community Council and inserting in lieu thereof the following:

"It is recommended that Council remove the freeze imposed by Council on November 6, 7 and 8, 2001, on applications and licence transfers for marketing purposes in both Chinatown areas."

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

4.63 **Clause No. 2 of Report No. 5 of The Planning and Transportation Committee, headed "Harmonization of the Sign By-law Concerning Posters on Utility Poles".**

Motions:

(a) Councillor Chow moved that:

- (1) the Clause be struck out and referred to the Commissioner of Urban Development Services for further consideration; and
- (2) Council adopt the following recommendation:

“It is recommended that Council adopt the report dated May 10, 2002, from the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that:

- (1) staff of Urban Development Services, in conjunction with staff from Works and Emergency Services, be directed to hold a public consultation meeting in the Metro Hall Council Chamber in July 2002;
 - (2) the appropriate staff be authorized and directed to publish a Notice of the public consultation meeting in one of the major local newspapers and a series of local community papers;
 - (3) the appropriate staff be authorized and directed to publish a Notice of the public consultation meeting on the City of Toronto Website; and
 - (4) the necessary funds be allocated to give effect thereto.’ ”
- (b) Councillor Pantalone moved that motion (a) by Councillor Chow be amended to provide that this matter be submitted to Council in early 2004.
- (c) Councillor Balkissoon moved that motion (a) by Councillor Chow be amended to provide that this matter be submitted to Council no later than October 2002.

Votes:

Adoption of motion (b) by Councillor Pantalone:

Yes - 15	
Councillors:	Augimeri, Bussin, Chow, Di Giorgio, Flint, Jones, Layton, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Tziretas, Walker
No - 17	
Councillors:	Altobello, Ashton, Balkissoon, Disero, Duguid, Feldman, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Milczyn, Minnan-Wong, Ootes, Shaw, Shiner, Sutherland

Lost by a majority of 2.

Adoption of motion (c) by Councillor Balkissoon:

Yes - 13 Councillors:	Augimeri, Balkissoon, Disero, Duguid, Ford, Hall, Korwin-Kuczynski, Lindsay Luby, Minnan-Wong, Moscoe, Shaw, Sutherland, Tziretas
No - 21 Councillors:	Altobello, Ashton, Bussin, Chow, Di Giorgio, Feldman, Filion, Flint, Holyday, Jones, Kelly, Layton, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Rae, Shiner, Walker

Lost by a majority of 8.

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

Yes - 18 Councillors:	Augimeri, Bussin, Chow, Di Giorgio, Disero, Duguid, Filion, Hall, Jones, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Tziretas, Walker
No - 16 Councillors:	Altobello, Ashton, Balkissoon, Feldman, Flint, Ford, Holyday, Kelly, Korwin-Kuczynski, Minnan-Wong, Nunziata, Ootes, Rae, Shaw, Shiner, Sutherland

Carried by a majority of 2.

4.64 **Clause No. 6 of Report No. 8 of The Policy and Finance Committee, headed “Policy Governing Land Transactions Among City Agencies, Boards, Commissions and Departments and Proceeds from Sale of Surplus City-Owned Real Property”.**

Motions:

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

“It is further recommended that the Acting Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer be requested to submit a joint report to the Policy and Finance Committee by September 2002, on potential sources of new funding for 2003 and beyond, for the Capital Revolving Fund for affordable housing, and that the joint report examine opportunities for contributions from such sources as operating or capital budgets, land sale proceeds, and any other municipal sources.’ ”

- (b) Councillor Shiner moved that consideration of the Clause, together with motion (a) by Councillor McConnell and the following motion by Councillor Shiner, be deferred to the next regular meeting of City Council scheduled to be held on June 18, 2002:

Moved by Councillor Shiner:

“It is further recommended that Council adopt the report dated May 15, 2002, from the Chief Administrative Officer, subject to:

- (i) amending Recommendation No. (1) so that it shall now read as follows:

‘(1) the City’s processes respecting disposal/sale of City-owned lands, including the proposed “Policy Governing Land Transactions among City Agencies, Boards, Commissions and Departments and Proceeds from Sale of Surplus City-Owned Real Property”, as recommended for approval by the Policy and Finance Committee, apply to any future land transactions, with the exception of the disposition of 2756 Old Leslie Street and 100 Turnberry Avenue, and that the Commissioner of Works and Emergency Services, in consultation with the Chief General Manager, Toronto Transit Commission, be requested to submit a report to the Policy and Finance Committee, no later than July 2003, on business plans currently under consideration for these properties;’; and

- (ii) deleting Recommendation No. (2) and inserting in lieu thereof the following new Recommendation No. (2):

‘(2) the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee on a policy for the disposition of funds through the budget process from the sale of City-owned lands;’.”

Vote on Deferral:

The motion by Councillor Shiner carried.

- 4.65 **Clause No. 23 of Report No. 8 of The Policy and Finance Committee, headed “Options for Addressing the Current 2002 Operating Budget Shortfall (Toronto Transit Commission)”.**

Motions:

- (a) Councillor Ashton moved that the Clause be amended by adding thereto the following:
“It is further recommended that Mayor Lastman be congratulated for opposing any further fare increase for the Toronto Transit Commission.”
- (b) Councillor Holyday moved that the Clause be struck out and referred to the Toronto Transit Commission with a request that the Commission look at other options to address the budget shortfall.

Votes:

Adoption of motion (b) by Councillor Holyday:

Yes - 8 Councillors: Ford, Holyday, Korwin-Kuczynski, Lindsay Luby, Minnan-Wong, Nunziata, Sutherland, Tziretas
No - 20 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Disero, Filion, Flint, Kelly, Layton, McConnell, Mihevc, Moscoe, Ootes, Pantalone, Rae, Shiner, Walker

Lost by a majority of 12.

Adoption of motion (a) by Councillor Ashton:

Yes - 24 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Disero, Filion, Flint, Korwin-Kuczynski, Layton, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Sutherland, Tziretas, Walker
No - 2 Councillors: Ford, Holyday

Carried by a majority of 22.

Adoption of the Clause as amended:

Yes - 24 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Disero, Fillion, Flint, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Tziretas, Walker
No - 3 Councillors: Ford, Holyday, Sutherland

Carried by a majority of 21.

4.66 **Clause No. 6 of Report No. 6 of The Works Committee, headed “Re-Establishment of Works Best Practices Program Work Group”.**

Motions:

- (a) Councillor Holyday moved that the Clause be received and the Personnel Sub-Committee be charged with this matter.
- (b) Councillor Shiner moved that the Clause be amended to provide that the proposed Terms of Reference for the Works Best Practices Program Work Group be referred by the Works Committee to the Personnel Sub-Committee, for subsequent submission to City Council through the Administration Committee.

Votes:

Adoption of motion (a) by Councillor Holyday:

Yes - 10 Councillors: Ashton, Flint, Holyday, Kelly, Mammoliti, Mihevc, Minnan-Wong, Sutherland, Tziretas, Walker
No - 15 Councillors: Altobello, Augimeri, Bussin, Di Giorgio, Disero, Duguid, Fillion, Jones, Lindsay Luby, McConnell, Moscoe, Nunziata, Ootes, Pantalone, Shiner

Lost by a majority of 5.

Motion (b) by Councillor Shiner carried.

The Clause, as amended, carried.

4.67 **Clause No. 5 of Report No. 8 of The Policy and Finance Committee, headed “Mid-Term Review of the Council-Committee Structure”.**

Motion:

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

“It is further recommended that the review of the Council-Committee structure also consider alternative methods for the selection of Members and Chairs of Committees, Agencies, Boards and Commissions.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

4.68 **Clause No. 9 of Report No. 6 of The Administration Committee, headed “City Hall Store (Ward 27 - Toronto Centre-Rosedale)”.**

Motion:

Councillor Pantalone moved that the Clause be stuck out and referred back to the Administration Committee for further consideration, and the Commissioner of Corporate Services be requested to provide the Committee with a detailed option which would see the listing for lease of the location by the Square, immediately west of the main doors of City Hall, presently occupied by the Security Office.

Vote on Referral:

The motion by Councillor Pantalone carried.

4.69 **Clause No. 7 of Report No. 6 of The Administration Committee, headed “Sweatshop Abuses in the Garment Industry, Development of an Anti-Sweatshop Procurement Policy”.**

Motion:

Councillor Minnan-Wong moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on June 18, 2002.

Vote on Deferral:

The motion by Councillor Minnan-Wong carried.

4.70 **Clause No. 32 of Report No. 4 of The Midtown Community Council, headed “Other Items Considered by the Community Council”.**

Motion:

Councillor Walker moved that the Clause be received as information, subject to deferring consideration of Item (m), entitled “2195 Yonge Street - OMB Case (St. Paul’s - Ward 22)”, embodied therein, to the next regular meeting of City Council scheduled to be held on June 18, 2002.

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, was received for information.

4.71 **IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE**

May 22, 2002:*Procedural Motion:*

Deputy Mayor Ootes moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of Notice of Motion J(27), moved by Councillor Berardinetti, seconded by Councillor Nunziata, regarding Access to Electronic Databases of Election Contributions - Decision of Divisional Court, and that Council waive referral of such Motion to the Administration Committee, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Deputy Mayor Ootes at 5:41 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the Municipal Act:

- (a) Clause No. 1 of Report No. 5 of The Administration Committee, headed “Senior Staff Contracts”, having regard that this Clause concerns labour relations or employee negotiations;
- (b) Clause No. 4 of Report No. 6 of The Administration Committee, headed “OMG Media - Proposed Negotiated Settlement”, having regard that this Clause contains information which is subject to litigation or potential litigation;
- (c) Clause No. 3 of Report No. 8 of The Policy and Finance Committee, headed “Capital Call of Enwave District Energy Limited”, having regard that this Clause contains information related to the security of the property of the municipality; and
- (d) Notice of Motion J(27), moved by Councillor Berardinetti, seconded by Councillor Nunziata, regarding Access to Electronic Databases of Election Contributions - Decision of Divisional Court, having regard that this matter is subject to solicitor-client privilege.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 5:45 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 7:21 p.m., and met in public session in the Council Chamber.

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

4.72 Clause No. 1 of Report No. 5 of The Administration Committee, headed “Senior Staff Contracts”.

Report of the Committee of the Whole:

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

Motions:

- (a) Councillor Minnan-Wong moved that Council adopt the following recommendation:

“It is recommended that the term of the contract for senior staff be three years in lieu of five years.”

(b) Councillor Shiner moved that Council adopt the following recommendation:

“It is recommended that the Chief Administrative Officer be requested to submit a report to Council, through the Personnel Sub-Committee and the Administration Committee, on the total cost implications of the Automobile Clauses in the senior staff employment contract, such report to include a review of the options of leasing vehicles versus vehicle allowances.”

Votes:

Adoption of motion (a) by Councillor Minnan-Wong:

Yes - 10	
Councillors:	Augimeri, Feldman, Filion, Holyday, Korwin-Kuczynski, Minnan-Wong, Nunziata, Shaw, Shiner, Silva
No - 21	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Kelly, Layton, Lindsay Luby, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Soknacki, Walker

Lost by a majority of 11.

Motion (b) by Councillor Shiner carried.

The Clause, as amended, carried.

4.73 Clause No. 3 of Report No. 8 of The Policy and Finance Committee, headed “Capital Call of Enwave District Energy Limited”.

Report of the Committee of the Whole:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that City Council, at the in-camera portion of its meeting, issued confidential instructions to staff with respect to this matter, such instructions to remain confidential in accordance with the provisions of the Municipal Act, having regard that this matter concerns the security of property of the Municipality.

Vote:

The Clause, as amended, carried.

4.74 **Clause No. 4 of Report No. 6 of The Administration Committee, headed “OMG Media - Proposed Negotiated Settlement”.**

Report of Committee of the Whole:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that City Council, at the in-camera portion of its meeting, issued confidential instructions to staff with respect to this matter, such instructions to remain confidential in accordance with the provisions of the Municipal Act, having regard that this matter is subject to litigation or potential litigation.

Vote:

The Clause, as amended, carried.

4.75 **Access to Electronic Databases of Election Contributions – Decision of Divisional Court**

Deputy Mayor Ootes called upon Motion J(27):

Moved by: Councillor Berardinetti

Seconded by: Councillor Miller

“WHEREAS the Divisional Court issued its decision on May 10, 2002, releasing access to electronic databases of election contributions maintained by the City Clerk; and

WHEREAS the City Solicitor wishes to report to City Council on the implications of the decision and to seek instructions whether to pursue an appeal of the decision to the Court of Appeal;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the confidential report dated May 21, 2002, from the City Solicitor.”

Council also had before it, during consideration of Motion J(27), a confidential report dated May 21, 2002, from the City Solicitor, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege.

Report of Committee of the Whole:

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 Motion J(27):

Motion:

Councillor Rae moved that Motion J(27) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the City Solicitor be instructed not to seek leave to appeal the Divisional Court decision.”

Votes:

The motion by Councillor Rae carried.

Motion J(27), as amended, carried.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTIONS**4.76 Housing First Policy for Surplus City-Owned Land**

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

Moved by: Councillor Soknacki

Seconded by: Councillor Moscoe

“WHEREAS City Council at its meeting held on June 9, 10 and 11, 1999, adopted, as amended, Strategic Policies and Priorities Committee Report No. 6 Clause No. 10, headed ‘Housing First Policy for Surplus City-Owned Land’; and

WHEREAS additional affordable housing units are badly needed not only in Toronto and the GTA, but also in urban centres throughout Ontario and Canada; and

WHEREAS reductions in transfer payments and service realignment by the federal and provincial governments have resulted in the downloading of responsibilities to municipalities without the concomitant transfer of resources; and

WHEREAS the City of Toronto is faced with budget deficits, as a result of the downloading of these unfounded mandates; and

WHEREAS, in addition to housing, the provision of quality public transit, roads, water, sewer, fire, policing, parks, recreation, libraries, public health, children's and seniors services and the facilitation of job creation are also essential to achieving Council's vision for the City and its goals for the community, as articulated in its Corporate Strategic Plan; and

WHEREAS strengthening Toronto's industrial and commercial property tax base and stimulating job growth within the City to use in providing necessary programs, services and infrastructure, reducing commute times and encouraging walking, cycling and transit use by creating jobs within the local community and in areas well served by the TTC is essential; and

WHEREAS the City's tax base is only expected to increase by \$7 million in 2002, even though the City has experienced record breaking building permit activity in the past several years;

NOW THEREFORE BE IT RESOLVED THAT the Housing First Program be reviewed to assess its overall results as originally planned, including the financial implications on the assessment base, and that the review also include an assessment of the opportunity to achieve a long term balance in providing both affordable housing, while ensuring the fiscal sustainability of other City programs, services and infrastructure requirements."

Motion:

Councillor Layton moved that Motion F(1) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer, in consultation with the Acting Commissioner of Community and Neighbourhood Services and the Commissioner of Corporate Services, be requested to conduct the requested review of the Housing First Program and report thereon to the Administration Committee.”

Votes:

The motion by Councillor Layton carried.

Motion F(1), as amended, carried.

4.77 **Appointment of Members of Council to the Striking Committee**

Deputy Mayor Ootes called upon Notice of Motion F(2) appearing on the Order Paper, as follows:

Moved by: Mayor Lastman

Seconded by: Councillor Ootes

“WHEREAS Section 102 of Chapter 27, Council Procedures, of the City of Toronto Municipal Code provides that the Striking Committee shall be composed of up to seven Members of Council recommended by the Mayor, and including the Mayor, or the Deputy Mayor if so assigned by the Mayor, as Chair; and

WHEREAS it is anticipated that that the mid-term appointments of Members of Council to various Committees and Special Purpose Bodies will be considered by Council at its regular meeting scheduled to be held on May 21, 22 and 23, 2002; and

WHEREAS it is now necessary to make appointments to the Striking Committee;

NOW THEREFORE BE IT RESOLVED THAT the existing seven Members of Council currently serving on the Striking Committee be re-appointed, including the Deputy Mayor, as Chair, for a term of office commencing immediately and expiring November 30, 2003, in order to permit the Committee sufficient time to meet and submit its recommendations to the May 21, 22 and 23, 2002 meeting of City Council.”

Motions:

- (a) Councillor Walker moved that Motion F(2) be referred to the Administration Committee for further consideration at such time as the mid-term review of the Council/Committee structure is considered by the Committee.
- (b) Councillor Miller moved that motion (a) by Councillor Walker be amended to provide that the Administration Committee be requested to give consideration to recommending that the appointment of the Members of the Striking Committee be by ballot.
- (c) Councillor Berardinetti moved that motion (a) by Councillor Walker be amended by adding thereto the words “and that Councillor Berardinetti be replaced as a Member of the Striking Committee”.

Votes:

Adoption of motion (b) by Councillor Miller:

Yes - 16 Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Flint, Holyday, Jones, Layton, McConnell, Milczyn, Miller, Moscoe, Pantalone, Walker
No - 22 Mayor: Councillors:	Lastman Altobello, Di Giorgio, Disero, Duguid, Feldman, Ford, Hall, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Sutherland, Tziretas

Lost by a majority of 6.

Motion (c) by Councillor Berardinetti carried.

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

Yes - 15 Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Holyday, Jones, Layton, McConnell, Milczyn, Miller, Moscoe, Pantalone, Walker
No - 22 Mayor: Councillors:	Lastman Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Sutherland, Tziretas

Lost by a majority of 7.

Disposition of Motion:

Deputy Mayor Ootes, having regard to the foregoing decisions of Council and having further regard to the provisions of Section 102 of Chapter 27 of the City of Toronto Municipal Code, wherein it states that the Mayor shall recommend the membership of the Striking Committee to Council, proposed that Motion F(2) be referred to the Mayor.

Council concurred in the proposal by Deputy Mayor Ootes.

4.78 Mandatory Wearing of Bicycle Helmets

Councillor Korwin-Kuczynski moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(1), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Rae

“WHEREAS the current regulations of the Highway Traffic Act with respect to the mandatory age of cyclists required to wear a helmet, is not providing enough safety measures and has set standards for adults over 18 years of age who are not required to wear a helmet; and

WHEREAS it should be the duty of all adults to set an example for their children, by providing sound and safe judgement and taking any precautions necessary for themselves and their children, by wearing a helmet at all times, while operating/riding a bicycle; and

WHEREAS head injuries account for 80 percent of bicycle fatalities and these injuries might have been prevented if regulated helmets were worn by all cyclists while operating/riding a bicycle; and

WHEREAS we have a duty to protect all cyclists, regardless of age, by requiring them to wear a helmet, at all times, to reduce the risk of accidents/fatalities to themselves and members of society, thus creating a safer environment for cyclists; and

WHEREAS any individual(s) operating/riding a bicycle should wear a bicycle helmet, at all times, and the helmet should comply with safety regulations currently in effect in the Highway Traffic Act;

NOW THEREFORE BE IT RESOLVED THAT the Province of Ontario be requested to amend the current regulations in the Highway Traffic Act to require all bicycle users to wear a helmet, at all times, regardless of age, while operating/riding a bicycle in Toronto;

AND BE IT FURTHER RESOLVED THAT the appropriate staff be requested to report to the Planning and Transportation Committee on measures taken with respect to this request of the Province of Ontario.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(1) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(1) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(1) was adopted, without amendment.

4.79 Quebec Development Corporation – Application to Construct a Condominium Tower

Councillor Moscoe moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction 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 Moscoe

Seconded by: Councillor Korwin-Kuczynski

“WHEREAS Quebec Development Corporation had submitted an application to the City to amend the City of Toronto Official Plan and Zoning By-law No. 438-86 to permit the development of a twenty-storey residential tower at the property known municipally as 66, 68 and 74 Quebec Avenue; and

WHEREAS this tower development would have been located on a parcel surrounded by three other condominium towers; and

WHEREAS it appeared that most of the neighbouring residents were opposed to such application; and

WHEREAS the developer has proposed an alternative development of a medium-rise condominium on the land owned by the City, known municipally as 20 Gothic Avenue; and

WHEREAS the City acquired the land for and in connection with the Bloor/Danforth

Subway line and the TTC continues to have operational requirements for a portion of the land; and

WHEREAS the City has leased these lands to York Condominium Corporations Nos. 323 and 435, subject to the reservation of certain rights in favour of the TTC for transit purposes, which lease expires in 2071; and

WHEREAS the City lands are currently zoned to permit park, recreational and parking use by the condominium corporations, pursuant to the terms of the lease; and

WHEREAS the condominium corporations, as lessees, have consented to the submission of an application by Quebex Development Corporation for an amendment to the Official Plan and Zoning By-law of the City lands to permit this development in lieu of the application for 66, 68 and 74 Quebec Avenue; and

WHEREAS the City Planning Department requires authorization from the landowner to such application;

NOW THEREFORE BE IT RESOLVED THAT the City, in its capacity as landowner only, consent to the submission of an application by Quebex Development Corporation to amend the Official Plan and Zoning By-law for the City lands to permit residential development thereon, on such terms and conditions as may be required by the Commissioner of Corporate Services and the City Solicitor, which shall include an acknowledgement that such consent in no way will fetter or bind the City in any way as to future consideration of the application or this development proposal.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(2) to the Humber York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(2) to the Humber York Community Council was taken as follows:

Yes - 30	Mayor: Lastman
----------	----------------

Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Filion, Hall, Holyday, Johnston, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moeser, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Soknacki, Sutherland, Tziretas, Walker
No - 11	
Councillors:	Ashton, Augimeri, Feldman, Flint, Ford, Jones, Kelly, Minnan-Wong, Ootes, Shiner, Silva

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

Vote:

Motion J(2) was adopted, without amendment.

4.80 **Residential On-Street Permit Parking By-law**

Councillor Disero moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(3):

Moved by: Councillor Disero

Seconded by: Councillor Bussin

“**WHEREAS** City Council at its meeting held on November 6, 7 and 8, 2001, adopted, as amended, Policy and Finance Committee Report No. 14, Clause No. 6, headed ‘Residential On-Street Permit Parking By-law’; and

WHEREAS, in so doing, City Council authorized a premium annual fee of \$216.00 (\$18.00/month) for residential on-street permit parking for a vehicle owner with a second or subsequent vehicle(s) with no on-site parking or no access to on-site parking;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report No. 14, Clause No. 6, headed ‘Residential On-Street Permit Parking By-law’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council authorize the annual fee for residential on-street parking for a vehicle owner with a second or subsequent vehicle(s) with no on-site parking or no access to on-site parking to remain at \$102.00 (\$8.50/month).”

the vote upon which was taken as follows:

Yes - 20	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Bussin, Disero, Flint, Johnston, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Silva, Sutherland, Tziretas, Walker
No - 22	
Councillors:	Altobello, Balkissoon, Berardinetti, Chow, Di Giorgio, Duguid, Feldman, Fillion, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Minnan-Wong, Moeser, Pantalone, Pitfield, Rae, Shiner, Soknacki

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

Disposition of Motion:

Having regard that the motion to waive Notice did not carry, Councillor Disero gave Notice of the foregoing Motion to permit consideration at the next regular meeting of City Council scheduled to be held on June 18, 2002.

4.81 **Application to Demolish 435-515 Rosewell Avenue and 164-170 Cheritan Avenue (Application No. 02-126750)**

Councillor Johnston moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction 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 Johnston

Seconded by: Councillor Walker

“WHEREAS the City Clerk, on May 10, 2002, was notified of an Application to demolish 15 apartment buildings containing 115 dwelling units located at 435-515 Rosewell Avenue and 164-170 Cheritan Avenue; and

WHEREAS in accordance with Section 33 of the Planning Act, if Council does not make a decision to either issue a permit or refuse to issue a permit within thirty days after the receipt of the application by the City Clerk, the applicant may appeal to the Ontario Municipal Board; and

WHEREAS the application was received by the City Clerk after the meeting of the Midtown Community Council on May 7, 2002;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the recommendations in the confidential report of the City Solicitor dated May 17, 2002.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(4) to the Midtown Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(4) to the Midtown Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(4), a confidential report dated May 17, 2002, from the City Solicitor, entitled “Residential Demolition Application: 435-515 Rosewell Avenue and 164-170 Cheritan Avenue, Application No. 02-126750, Ward 16 - Eglinton-Lawrence”.

Vote:

Motion J(4) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the confidential report dated May 17, 2002, from the City Solicitor, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege, save and except the following recommendations embodied therein:

“It is recommended that:

- (1) the application to demolish the subject residential buildings (Application No. 02-126750) be refused by City Council; and
- (2) the City Solicitor, together with other appropriate City staff, be instructed to attend and oppose any appeals before the Ontario Municipal Board or otherwise, in connection with such refusal, and to take the necessary actions to give effect thereto.”

4.82 **Parc Downsview Park Operating Protocol Committee - Reconstitution and Terms of Reference**

Councillor Moscoe moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction 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 Moscoe

Seconded by: Councillor Feldman

“WHEREAS City Council, at its meeting held on November 6, 7 and 8, 2001, by its adoption, as amended, of Clause No. 3 of Report No. 11 of The Planning and Transportation Committee, headed ‘Parc Downsview Park Inc. Operating Protocol Agreement File UD03 PDP (Ward 9 - York Centre)’, established the ad hoc Parc Downsview Park Operating Protocol Committee (PDP), comprised of Councillors Augimeri, Feldman, Li Preti and Moscoe; and

WHEREAS it is necessary, in order to respond to the implications of Federal paramountcy, to address municipal issues pertaining to Parc Downsview Park Inc. through a single committee; and

WHEREAS to date, the Committee has been unable to meet because Council neglected to assign administrative support to the Committee; and

WHEREAS it is necessary to convene a meeting, in order to process a recent application;

NOW THEREFORE BE IT RESOLVED THAT the Parc Downsview Park Operating Protocol Committee be reconstituted with the same composition, as a special Committee of Council, reporting through the Planning and Transportation Committee;

AND BE IT FURTHER RESOLVED THAT the Terms of Reference of the PDP Committee be as follows:

- (1) to receive and review all applications for municipal services, approvals or consents (including applications for municipal consent to the issuance of a liquor licence) related to the lands within the Downsview Lands Secondary Plan;
- (2) to meet with the Board of the Downsview Park and other Federal Officials to discuss issues related to the Downsview Park and other Federal lands within the Downsview Lands Secondary Plan;
- (3) to address issues relating to the lands within the Downsview Lands Secondary

Plan, including land use and development, servicing and operating and maintenance of the lands within the Downsview Lands Secondary Plan; and

- (4) to report to Council, through the Planning and Transportation Committee;

AND BE IT FURTHER RESOLVED THAT the City Clerk provide Secretariat support to the Parc Downsview Park Operating Protocol Committee, in accordance with Council's rules of procedure;

AND BE IT FURTHER RESOLVED THAT reconsideration of the continuing need for the Committee be given in January 2004."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(5) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(5) to the Policy and Finance Committee was taken as follows:

Yes - 34	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Duguid, Feldman, Filion, Hall, Holyday, Johnston, Kelly, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pitfield, Rae, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 6	
Councillors:	Altobello, Flint, Ford, Jones, Moeser, Pantalone

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

Disposition of Motion:

Having regard that Council did not conclude its consideration of Motion J(5) prior to the end of this meeting, consideration of Motion J(5) was deferred to the next regular meeting of City Council scheduled to be held on June 18, 2002.

4.83 **City Nominee to the Board of the Greater Toronto Airports Authority**

Councillor Moscoe moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction 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 Moscoe

Seconded by: Councillor Johnston

“WHEREAS Jeffrey Lyons, Q.C., represents Toronto City Council on the Board of the Greater Toronto Airports Authority (GTAA); and

WHEREAS it has been reported in the Toronto Star that Mr. Lyons may have directed contributions to Members of the Toronto City Council that are in contravention of the provisions of the Election Expenses Act; and

WHEREAS, if these allegations are true, such contributions may have placed Mr. Lyons in breach of the Code of Conduct of the City of Toronto and the Code of Conduct of the Greater Toronto Airports Authority;

NOW THEREFORE BE IT RESOLVED THAT this matter be referred to the Ethics Steering Committee for consideration;

AND BE IT FURTHER RESOLVED THAT Council hereby request the Greater Toronto Airports Authority to give consideration to whether there is cause to terminate the membership of Jeffrey Lyons on the GTAA;

AND BE IT FURTHER RESOLVED THAT it be suggested to Mr. Lyons that he may wish to consider resigning from this position;

AND BE IT FURTHER RESOLVED THAT this information be conveyed to Mr. Lyons for his information.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(2) to the Administration Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(6) to the Administration Committee was taken as follows:

Yes - 31	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Berardinetti, Bussin, Chow, Disero, Duguid, Filion, Ford, Hall, Holyday, Johnston, Jones, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Silva, Sutherland, Tziretas, Walker
No - 10	
Councillors:	Altobello, Balkissoon, Cho, Di Giorgio, Feldman, Flint, Kelly, Korwin-Kuczynski, Shiner, Soknacki

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

Council also had before it, during consideration of Motion J(6), a communication (undated) from Councillor Layton, addressed to the Mayor, entitled "Formal Request for Police Investigation Into Allegations Regarding Campaign Donation Improprieties", submitted by Councillor Layton, a copy of which is on file in the Office of the City Clerk.

Vote:

Adoption of Motion J(6), without amendment:

Yes - 39	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Kelly

Carried by a majority of 38.

4.84 **Introduction of Parking Meters on Tweedsmuir Avenue, West Side, South of Tichester Road**

Councillor Mihevc moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(7), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Mihevc

Seconded by: Councillor Walker

“WHEREAS City Council at its meeting of April 16, 17 and 18, 2002, adopted, without amendment, Midtown Community Council Report No. 3, Clause No. 23, headed ‘Tweedsmuir Avenue – West Side – South of Tichester Road – Introduction of Parking Meters (St. Paul’s – Ward 21)’; and

WHEREAS Recommendations Nos. (1) and (2) of the aforementioned Clause contain errors which require correction;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Midtown Community Council Report No. 3, Clause No. 23, headed ‘Tweedsmuir Avenue – West Side – South of Tichester Road – Introduction of Parking Meters (St. Paul’s – Ward 21)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT Recommendations Nos. (1) and (2) of the aforesaid Clause be amended by deleting the words ‘Tichester Road’ and replacing same with the words ‘Heath Street West’, so that such recommendations shall read as follows:

- ‘(1) the existing “No Parking Anytime” prohibition on the west side of Tweedsmuir Avenue, from a point 27.8 metres south of Heath Street West to a point 55.7 metres further south, be rescinded; and
- (2) the former City of York Municipal Code, Chapter 982, Street Parking Meters, be amended to include parking for a maximum period of four hours, from 8:00 a.m. to 6:00 p.m., Monday to Saturday, at a rate of \$1.00 per hour, on the west side of Tweedsmuir Avenue, from a point 27.8 metres south of Heath Street West to a point 55.7 metres further south.’ ”

Vote:

The first Operative Paragraph embodied in Motion J(7) carried, more than two-thirds of

Members present having voted in the affirmative.

Disposition of Motion:

Having regard that Council did not conclude its consideration of the balance of Motion J(7) prior to the end of this meeting, consideration of the balance of Motion J(7) was deferred to the next regular meeting of City Council scheduled to be held on June 18, 2002.

4.85 **Installation of a Pedestrian-Actuated Traffic Control Signal on Kingston Road, Approximately 30.0 Metres East of Glen Manor Drive**

Councillor Bussin moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction 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 Bussin

Seconded by: Councillor Ashton

“WHEREAS City Council at its meeting held on February 13, 14 and 15, 2002, adopted, as amended, Toronto East York Community Council Report No. 1, Clause No. 19, headed ‘Installation of a Pedestrian Actuated Traffic Control Signal on Kingston Road, Approximately 30.0 Metres East of Glen Manor Drive (Beaches-East York, Ward 32)’; and

WHEREAS Recommendation No. (1) and the Revised Appendix ‘A’ contained in the amended Recommendation No. (2) of the aforementioned Clause contained errors which require correction;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto East York Community Council Report No. 1, Clause No. 19, headed ‘Installation of Pedestrian Actuated Traffic Control Signal-Kingston Road, Approximately 30.5 Metres East of Glen Manor Drive (Beaches-East York, Ward 32)’, be re-opened for further consideration, only insofar as it pertains to Recommendation No. (1) and to the Revised Appendix ‘A’ contained in the amended Recommendation No. (2) of said Clause;

AND BE IT FURTHER RESOLVED THAT Recommendation No. (1) of the aforesaid Clause be amended by deleting the number ‘30.0’ where it appears within the Recommendation and replacing it with the number ‘21.0’, so that such recommendation shall now read as follows:

- ‘(1) a pedestrian actuated traffic control signal be installed on Kingston Road at a point 21.0 metres east of the east curb line of Glen Manor

Drive coincident with the removal of the existing pedestrian crossover at the intersection of Kingston Road and Glen Manor Drive;’;

AND BE IT FURTHER RESOLVED THAT Recommendations Nos. (5) through (9) of the Revised Appendix ‘A’ of the amended Recommendation No. (2) of the Clause be deleted and replaced with the following revised Recommendations Nos. (5) through (9):

- ‘(5) a School Bus Loading Zone be identified on the north side of Kingston Road, from a point 31.0 metres east of the east curb of Glen Manor Drive to a point 56.0 metres further east;
- (6) standing be prohibited between the hours of 7:00 a.m. and 6:00 p.m., Monday to Friday, on the north side of Kingston Road, from a point 31.0 metres east of the east curb of Glen Manor Drive to a point 56.0 metres further east;
- (7) stopping be prohibited from 7:00 a.m. to 9:00 a.m., Monday to Friday, except public holidays, on the north side of Kingston Road, between Queen Street East and a point 31.0 metres east of Glen Manor Drive;
- (8) stopping be prohibited from 7:00 a.m. to 9:00 a.m., Monday to Friday, except public holidays, on the north side of Kingston Road, between a point 87.0 metres east of Glen Manor Drive and Birchmount Road; and
- (9) the appropriate by-laws be amended accordingly.’ ”

Votes:

The first Operative Paragraph embodied in Motion J(8) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(8) was adopted, without amendment.

4.86 **Amendments to the Ontario Society for the Prevention of Cruelty to Animals (SPCA) Act**

Councillor Milczyn moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(9), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Milczyn

Seconded by: Councillor Balkissoon

“WHEREAS animal abusers are not currently subject to any provincial penalties; and

WHEREAS it is currently impossible for a judge to ban puppy and kitten mill operators from owning animals for the rest of their lives; and

WHEREAS Ontario SPCA investigators need to act on instances of cruelty to animals in a more timely fashion, thereby lessening the animals’ suffering; and

WHEREAS it is currently not an offence to train an animal to fight another animal; and

WHEREAS Ontario’s animals are not adequately protected by the current law; and

WHEREAS despite the outcry last fall over revelations of puppy mills and other horrendous acts of violence, such as cat tortures and a dog being killed on a barbecue in the Toronto area, the former provincial government failed to show leadership in expediting these amendments; and

WHEREAS the Ontario Society for the Prevention of Cruelty to Animals (SPCA) Act was developed by a governmental Working Group and submitted to the Office of the Solicitor General of Ontario in June of 2001; and

WHEREAS a petition is currently being circulated calling for the Provincial Government to pass numerous amendments to the Ontario SPCA Act that would help stamp out animal neglect and abuse throughout the Province;

NOW THEREFORE BE IT RESOLVED THAT City of Toronto Council express its support to the Provincial Government, in order to expedite the passage of the amendments to the Ontario Society for the Prevention of Cruelty to Animals Act;

AND BE IT FURTHER RESOLVED THAT City of Toronto Council direct the City Clerk to send a letter to the Office of the Solicitor General of Ontario conveying Council's support for expediting the passage of the amendments to the Ontario SPCA Act so that this issue will be properly addressed.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(9) to the Board of Health would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(9) to the Board of Health carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(9) was adopted, without amendment.

4.87 **Special Liquor License Permit for Portugal Day Festivities, Organized by the Alliance of Portuguese Clubs and Associations of Ontario**

Councillor Pantalone moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction 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 Pantalone

Seconded by: Councillor Silva

“WHEREAS the annual Portugal Day festivities will be held on June 8 and June 9, 2002; and

WHEREAS the annual Portugal Day festival is a much-anticipated community event in the City of Toronto; and

WHEREAS the Alliance of Portuguese Clubs and Associations of Ontario is seeking a Resolution from Toronto City Council declaring the annual Portugal Day festivities to be a community festival of municipal significance; and

WHEREAS this Resolution is required by the Alcohol and Gaming Commission to issue a special occasion permit;

NOW THEREFORE BE IT RESOLVED THAT City Council advise the Alcohol and Gaming Commission that it deems that annual Portugal Day Festival to be a community festival of municipal significance, in order to proceed with the application for a special occasion permit.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(10) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(10) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(10) was adopted, without amendment.

4.88 **T.O. Roots & Culture Festival Committee – Canada Day Celebration – Declaration of Municipal Significance**

Councillor Mammoliti moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction 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 Mammoliti

Seconded by: Councillor Minnan-Wong

“**WHEREAS** the T.O. Roots & Culture Festival Committee will be hosting a ‘Canada Day’ celebration at Jane Finch Mall and the Norfinch Plaza on Monday, July 1, 2002; and

WHEREAS this event is considered to be a community event; and

WHEREAS the Alcohol and Gaming Commission requires that, for events of this nature, approval be granted by City Council;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) permission be granted to hold this Special Occasion Beer Garden Permit event on the corner of Jane Street and Finch Avenue, in a designated fenced-in area, to meet regulations outlined in all City policies pertaining to alcohol consumption, as well as those of the Alcohol and Gaming Commission of Ontario;

- (2) a Special Occasion Permit from the Liquor Licensing Board of Ontario be obtained;
- (3) proof of liability insurance coverage in the amount of \$2.0 million, naming the City as additional insured be provided;
- (4) all bartenders and servers be required to attend a Smart Serve Training Program at the group's expense;
- (5) all regulations outlined in all City policies pertaining to alcohol consumption at the time of the event be complied with; and
- (6) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto;

AND BE IT FURTHER RESOLVED THAT City Council, for liquor licensing purposes, declare this community event to be an event of municipal and/or community significance; that it has no objection to this event taking place, and that the Alcohol and Gaming Commission of Ontario be so advised.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(11) to the North York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(11) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(11) was adopted, without amendment.

4.89 **Underground Pedestrian Connection Between 5000 Yonge Street and the North York Civic Centre**

Councillor Filion moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction 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 Filion

Seconded by: Councillor Feldman

“WHEREAS Toronto City Council at its meeting of October 2, 3, and 4, 2001, adopted, as amended, Administration Committee Report No. 13, Clause No. 2, headed ‘Licensing of an Underground Pedestrian Connection Between 5000 Yonge Street and the North York Civic Centre (Ward 23 – Willowdale)’; and, in so doing, recommended that authority be granted, subject to the approval of the Toronto Board of Education, for the City to enter into a license agreement with the Licensee for the improvement, maintenance and operation of the tunnel situated between 5000 Yonge Street and the Civic Centre (from the south limit of North York Boulevard to the south limit of the Civic Centre), subject to the terms and conditions negotiated with the Licensee and in a form acceptable to the City Solicitor; and

WHEREAS the Toronto District School Board (TDSB) has advised that the terms of the license agreement are acceptable to it, except that, instead of a licence terminable by the City upon two (2) years notice after the first ten (10) years of the term, the existing 100-year easement under the Pedestrian Tunnel Agreement must be maintained; and

WHEREAS, rather than entering into a new license agreement for the completion and use of the tunnel, the City, the Developer and TDSB should simply amend the Pedestrian Tunnel Agreement to incorporate the terms and conditions of the licence agreement which Council approved, as stated above;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Administration Committee Report No. 13, Clause No. 2, headed ‘Licensing of an Underground Pedestrian Connection Between 5000 Yonge Street and the North York Civic Centre (Ward 23 – Willowdale)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council consider the report dated May 15, 2002, from the Commissioner of Corporate Services respecting the underground pedestrian connection between 5000 Yonge Street and the North York Civic Centre, and that such report be adopted.”

Council also had before it, during consideration of Motion J(12), a report dated May 15, 2002, from the Commissioner of Corporate Services, headed “Underground Pedestrian Connection Between 5000 Yonge Street and the North York Civic Centre – Agreement with Menkes 5000 Yonge Developments Ltd. and Toronto District School Board (Ward 23 - Willowdale)” (See Attachment No. 9, Page 164).

Votes:

The first Operative Paragraph embodied in Motion J(12) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(12) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the report dated May 15, 2002, from the Commissioner of Corporate Services, headed “Underground Pedestrian Connection Between 5000 Yonge Street and the North York Civic Centre – Agreement with Menkes 5000 Yonge Developments Ltd. and Toronto District School Board (Ward 23 - Willowdale)”, embodying the following recommendations:

“It is recommended that:

- (1) Clause No. 2 of Administration Committee Report No. 13, as adopted by Council at its meeting held on October 2, 3, and 4, 2001, be amended to authorize the City to enter into an agreement with Menkes 5000 Yonge Street Office Inc. and Transamerica Life Canada (collectively the ‘Developer’) and the Toronto District School Board (‘TDSB’) to amend the Pedestrian Tunnel and Interim Board of Education Services Agreement originally entered into by Ontario Hydro, CIBC Development Corporation (‘CIBC’), the Board of Education for the City of North York and The Corporation of the City of North York, dated May 1, 1991 (the ‘Pedestrian Tunnel Agreement’), on the terms described in the body of this report, instead of entering into a new licence agreement with the Developer; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing.”

4.90 **Heritage Easement Agreement – 2 and 4 Wellesley Place and 515 Jarvis Street**

Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction 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 Rae

Seconded by: Councillor McConnell

“**WHEREAS** the properties at 2 and 4 Wellesley Place, 515 and 519 Jarvis Street are designated properties under Part IV of the Ontario Heritage Act and are included on the City of Toronto Inventory of Heritage Properties; and

WHEREAS the owner of these properties filed Consent Application No. B26/01 considered by the Toronto East York Panel of the Committee of Adjustment at its

meeting on November 21, 2001, requesting consent to sever the subject properties into seven lots for mortgaging and development purposes; and

WHEREAS at its meeting on November 21, 2001, the Committee of Adjustment granted approval for Consent Application No. B26/01, contingent upon the condition that, prior to the severance of the properties, the applicant enter into a Heritage Easement Agreement with the City for each of the properties; and

WHEREAS at its meeting on May 30, 31 and June 1, 2001, City Council authorized the entering into of a Heritage Easement Agreement for the property at 519 Jarvis Street (Chester D. Massey House); and

WHEREAS at its meeting on January 27, 2000, the Toronto Preservation Board endorsed the staff recommendation that City Council require the owner of the properties to enter into a Heritage Easement Agreement as a condition of the redevelopment of the site; and

WHEREAS a development application for the subject properties is currently on file with the Urban Development Services Department;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the City of Toronto grant authority for the execution of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner for each of the properties at 2 Wellesley Place (Rupert Simpson House), 2 Wellesley Place (Rupert Simpson Stable), 4 Wellesley Place (Mary Parram House), and 515 Jarvis Street (Hart Massey House (McMaster)), using substantially the form of Easement Agreement prepared in February 1987 by the City Solicitor, and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor in consultation with the Manager of Heritage Preservation Services.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(13) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(13) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(13) was adopted, without amendment.

4.91 **Appointment of Deputy Chief Building Official**

Councillor Pantalone moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction 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 Pantalone

Seconded by: Councillor Ootes

“**WHEREAS** under By-law No. 10-1999, Pamela Coburn was appointed Deputy Chief Building Official for the City of Toronto, assigned to the South District, comprising the former City of Toronto; and

WHEREAS Pamela Coburn, has resigned from the position of Director, Building Division, South District, effective October 15, 2001; and

WHEREAS a competition was held and James K. Laughlin was selected as Director, Building Division, South District; and

WHEREAS Subsection 3(2) of the Building Code Act, 1992, requires the Council of each municipality to appoint a Chief Building Official; and

WHEREAS under Clause 28(o) of the Interpretation Act, words directing the appointment of a public officer to administer an Act also include the power of appointing a deputy to have all the powers and authority of the public officer or such limited powers and authority as the instrument appointing him or her prescribes;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) James K. Laughlin be appointed Deputy Chief Building Official for the City of Toronto, assigned to the South District comprising the former City of Toronto;
- (2) the appointment of Pamela Coburn as Deputy Chief Building Official for the City of Toronto be rescinded effective immediately; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto including the introduction in Council of any necessary bills.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(14) to the Administration Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(14) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(14) was adopted, without amendment.

4.92 Ontario Municipal Board Appeal - North York General Hospital - 155 McNicoll Avenue

Councillor Shiner moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction 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 Shiner

Seconded by: Councillor Mammoliti

“WHEREAS City Council on February 13, 14 and 15, 2002, adopted, as amended, North York Community Council Report No. 1, Clause No. 17, headed ‘Final Report - Application to Amend the Official Plan and Zoning By-law 7625 - TB CMB 2001 0008 - Murphy Hilgers Architects Inc. for North York General Hospital - 155 McNicoll Avenue - Ward 24 – Willowdale’, which provided, amongst other matters, that the parking area, with its loading and servicing function, be relocated from the western perimeter of the site, adjacent to existing residences, to a central location between the existing building and the proposed long term care facility; and

WHEREAS the applicant appealed to the Ontario Municipal Board; and

WHEREAS the hearing before the Board is scheduled to commence on June 10, 2002, in advance of the next scheduled Council meeting; and

WHEREAS further consultation with affected residents and review of the issues in preparation for the hearing give rise to the likelihood that the land use impacts of

concern can more adequately be addressed in the revised position respecting this proposal, as set out in the forthcoming report dated May 22, 2002, from the City Solicitor;

NOW THEREFORE BE IT RESOLVED THAT Council consider the forthcoming report dated May 22, 2002, from the City Solicitor.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(15) to the North York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(15) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(15), a confidential report dated May 22, 2002, from the City Solicitor.

Motion:

Councillor Ashton moved that Motion J(15) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the confidential report dated May 22, 2002, from the City Solicitor, be adopted, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege, save and except the following recommendations embodied therein:

‘It is recommended that City Council:

- (1) endorse the revised position respecting the application, as set out in this report; and
- (2) direct the City Solicitor to support this revised position before the Ontario Municipal Board in the hearing scheduled in relation to this matter.”

Votes:

The motion by Councillor Ashton carried.

Motion J(15), as amended, carried.

4.93 Playground Structures – Pressure-Treated Wood

Councillor Chow moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(16), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Chow**

Seconded by: **Councillor Layton**

“**WHEREAS** 200 City of Toronto playground structures apparently have pressure-treated wood preserved with chromated copper arsenate (CCA); and

WHEREAS arsenic has been found to leach out of CCA wood, under certain conditions; and

WHEREAS arsenic is known to cause cancer in humans; and

WHEREAS soil tests done by The Toronto Star indicate that, in six City playgrounds, there are levels of arsenic that are significantly higher than the federal guideline for protecting human health; and

WHEREAS the City of Toronto Public Health Department urges the public to properly seal and fence in decks made with wood containing CCA, so that children cannot play underneath them; and

WHEREAS arsenic from some City play structures that still contain CCA wood could be ingested by children through ingesting soil around the play structure, as well as from touching the play structures; and

WHEREAS Health Canada and wood manufacturers have agreed to phase out the use of CCA in pressure-treated wood in homes and parks by December 31, 2003; and

WHEREAS deck-building season is about to start and the public needs to know that the use of pressure-treated wood for decks, play structures and other structures which children and pets come into contact with poses serious health risks; and

WHEREAS child care centres and public schools may also have structures built with CCA wood; and

WHEREAS this is an important public health concern that requires attention;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism and the Acting Commissioner of Community and Neighbourhood Services, in consultation with the Medical Officer of Health, test all City-owned playgrounds and childcare centres with structures that have pressure-treated wood for arsenic;

AND BE IT FURTHER RESOLVED THAT the City find an interim solution to minimize any exposure to arsenic, including, but not limited to, using sealants on the playground structures and remediating any contaminated soil;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism, in consultation with the Medical Officer of Health, prepare a report to the July Economic Development and Parks Committee and Board of Health on how to mitigate any health risks that are identified as a result of comprehensive assessment of the playgrounds containing CCA wood;

AND BE IT FURTHER RESOLVED THAT Corporate Communications, in consultation with the Medical Officer of Health, prepare and implement a communications strategy for informing the public about the health dangers of pressure-treated lumber and what they can do to mitigate any possible negative health impacts;

AND BE IT FURTHER RESOLVED THAT the City notify the Toronto School Boards about these issues;

AND BE IT FURTHER RESOLVED THAT the appropriate City staff be authorized to carry out the above recommendations.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(16) to the Board of Health would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(16) to the Board of Health carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(16) was adopted, without amendment.

4.94 **Information and Documents Pertaining to Public Inquiry – MFP Financial Services**

Councillor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate 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 Miller

Seconded by: Councillor Balkissoon

“**WHEREAS** City Council at its meeting held on April 16, 17 and 18, 2002, had before it Audit Committee Report No. 4, Clause No. 5, headed ‘Public Inquiry in Relation to MFP Financial Services Equipment Leases’; and

WHEREAS Council amended this Clause and requested the Chief Administrative Officer to submit a confidential report to the next meeting of City Council on all information and records proposed to be withheld from the Inquiry Commissioner and Legal Counsel for Council’s direction with respect thereto;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the joint report dated May 21, 2002, from the Chief Administrative Officer and the City Solicitor, and that such report be adopted.”

Council also had before it, during consideration of Motion J(17), a joint report dated May 21, 2002, from the Chief Administrative Officer and the City Solicitor, entitled “Public Inquiry in Relation to MFP Financial Services Equipment Leases” (See Attachment No. 10, Page 167).

Disposition of Motion:

Having regard that Council did not conclude its consideration of Motion J(17) prior to the end of this meeting, consideration of Motion J(17) was deferred to the next regular meeting of City Council scheduled to be held on June 18, 2002.

4.95 **Composition of the Toronto Atmospheric Fund Board of Directors**

Councillor Soknacki moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction 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 Soknacki

Seconded by: Councillor Layton

“WHEREAS at its meeting held on November 9, 2001, and in consultation with stakeholders, the Board of Directors of the Toronto Atmospheric Fund resolved to request Council to decrease the number of directors on the Toronto Atmospheric Fund Board of Directors from 11 to 10, increase the number of Council Members from three to four, and increase the number of citizen members from four to six; and

WHEREAS the Striking Committee, at its meeting held on May 14, 2002, recommended to Council the appointment, for a term of office commencing June 21, 2002, of three Members of Council to such Board, as well an additional Member, to be appointed should Council amend the composition of the Board to include four Members of Council; and

WHEREAS a report concerning Toronto Atmospheric Fund is anticipated to be before the Policy and Finance Committee at its next meeting;

NOW THEREFORE BE IT RESOLVED THAT the number of Toronto Atmospheric Fund directors be decreased from 11 to 10, that one additional Member of the Council of the City of Toronto be appointed, in lieu of a City staff member, for a total of four Council Members, and that two additional citizen members also be appointed, in lieu of City staff members, for a total of six citizen members;

AND BE IT FURTHER RESOLVED THAT the additional Council Member be appointed for a term of office commencing June 21, 2002, in accordance with the recommendations of the Striking Committee adopted by Council at its meeting held on May 21, 2002;

AND BE IT FURTHER RESOLVED THAT authority be granted for the

introduction of the necessary bills in Council to give effect thereto;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(18) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(18) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(18) was adopted, without amendment.

4.96 **Toronto Philharmonia Line of Credit Guarantee**

Councillor Feldman moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(19), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Feldman**

Seconded by: **Councillor Rae**

“**WHEREAS** the North York Symphony Association, operating as Toronto Philharmonia, was founded in 1971 as a community orchestra, and re-organized in 1996 to become a professional orchestra, with its performing home located at the George Weston Recital Hall in the Toronto Centre for the Arts; and

WHEREAS Toronto Philharmonia performs to 17,000 patrons yearly; provides opportunities for young music students from Toronto’s foremost music institutions to perform with the orchestra; partners with community-based charitable service providers to reach out to the larger community; and provides free access to the classical music experience to students and seniors; and

WHEREAS Toronto Philharmonia hires up to 55 professional musicians for its home

season concert performances, and is supported by over a hundred volunteers for its fundraising and community outreach activities; and

WHEREAS Toronto Philharmonia has increased its season ticket subscribers by almost 100 percent, and its single ticket sales by 20 percent, as a result of its reorganization into a professional orchestra; and

WHEREAS Toronto Philharmonia has built exceptional private sector and community support, with earned revenues making up 86 percent of its total revenues for 2001; and

WHEREAS Toronto Philharmonia has a sound financial control system and has successfully reduced its accumulated deficit from over \$100,000.00 to \$25,000.00 during the last fiscal year that ended on May 31, 2001; and

WHEREAS Toronto Philharmonia has, until now, an overdraft protection from its bank to meet the organization's cash flow requirements, and has recently been advised by the bank that it is not willing to continue to provide a line of credit without a guarantor; and

WHEREAS Toronto Philharmonia has requested the City of Toronto, in meeting its cash flow requirements, for a line of credit guarantee in the amount of \$200,000.00; and

WHEREAS City Council adopted a 'Policy for Capital Loan and Line of Credit Guarantees' at its meeting held on March 6, 7, and 8, 2001; and

WHEREAS the request for the Toronto Philharmonia line of credit guarantee meets the criteria set out in the City's policy; and

WHEREAS the issuance of a line of credit guarantee is considered a financial commitment of the City; and

WHEREAS the Chief Financial Officer and Treasurer has certified that the commitment of \$200,000.00 is within the updated Debt and Financial Obligation Limit of the City;

NOW THEREFORE BE IT RESOLVED THAT authority be granted to enter into an agreement with the bank for Toronto Philharmonia for a guarantee of a line of credit in the amount of \$200,000.00 (inclusive of all interest payable by Toronto Philharmonia to the bank) for the period June 1, 2002, to May 31, 2004, and that such guarantee be on terms and conditions satisfactory to the City Solicitor, the Chief Financial Officer and Treasurer and the Commissioner of Economic Development,

Culture and Tourism;

AND BE IT FURTHER RESOLVED THAT authority be granted to enter into an agreement with Toronto Philharmonia, with respect to the line of credit guarantee, on terms and conditions approved by the City Solicitor, the Chief Financial Officer and Treasurer and the Commissioner of Economic Development, Culture and Tourism;

AND BE IT FURTHER RESOLVED THAT authority be granted to enter into an tripartite agreement with Toronto Philharmonia and its bank, with respect to the line of credit guarantee, on terms and conditions approved by the City Solicitor, the Chief Financial Officer and Treasurer and the Commissioner of Economic Development, Culture and Tourism;

AND BE IT FURTHER RESOLVED THAT the guarantee of the line of credit be deemed to be in the interest of the municipality;

AND BE IT FURTHER RESOLVED THAT the appropriate officials be authorized to take the necessary action to give effect thereto.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(19) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(19) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(19) was adopted, without amendment.

4.97 **Community Festival Permit Application – Cypriot Community of Toronto Inc.**

Councillor Pitfield moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(20), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Pitfield**

Seconded by: **Councillor Mihevc**

“**WHEREAS** City Council at its meeting held on April 16, 17 and 18, 2002, adopted, without amendment, Midtown Community Council Report No. 3, Clause No. 40, headed ‘Community Festival Permit Application – Cypriot Community of Toronto Inc. – Cultural and Wine Festival – July 13 and 14, 2002’; and

WHEREAS the Cypriot Community Festival has received permits over the last 10 years allowing them closing times as follows: Saturday until 2:00 a.m. and Sunday until 1:00 a.m.;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Midtown Community Council Report No. 3, Clause No. 40, headed ‘Community Festival Permit Application – Cypriot Community of Toronto Inc. – Cultural and Wine Festival – July 13 and 14, 2002’, be re-opened for further consideration, only insofar as it pertains to Recommendation No. (2)(v);

AND BE IT FURTHER RESOLVED THAT Recommendation No. (2)(v) be amended to read as follows:

- ‘(v) for the protection of nearby residents, the sound pressure level shall not exceed 100 decibels, measured at a 100-foot radius. Noise levels above this limit are prohibited. Amplified sound shall cease in accordance with the following schedule:

Community Festival:

Saturday, July 13, 2002, from 5:00 p.m. to 2:00 a.m.; and
Sunday, July 14, 2002, from 4:00 p.m. to 1:00 a.m.;’.”

Votes:

The first Operative Paragraph embodied in Motion J(20) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(20) was adopted, without amendment.

4.98 **City of Toronto Ashbridges Bay Park Victoria Day & Canada Day Fireworks Displays**

Councillor Bussin moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(21), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Bussin**

Seconded by: **Councillor Ootes**

“**WHEREAS** the City of Toronto’s Ashbridges Bay Park has had a long tradition of hosting fireworks displays annually celebrating two of Canada’s most significant national holidays - Victoria Day on the May 24th weekend and Canada Day on July 1st; and

WHEREAS the Ashbridges Bay fireworks displays are now the only ones held in the City of Toronto on these two national holidays; and

WHEREAS, with the ending of funding for these displays two years ago by the City of Toronto’s Economic Development, Culture and Tourism Department, it has fallen to the proprietor of the Boardwalk Café in Woodbine Beach Park to identify and engage private sponsors to fund the displays; and

WHEREAS it has become increasingly difficult for a private business person in my community to achieve sponsorships to continue funding these important celebrations of our national heritage; and

WHEREAS it behoves the City of Toronto to support the continuation of the only remaining fireworks tributes to Victoria Day and Canada Day in our City;

NOW THEREFORE BE IT RESOLVED THAT Council request the Commissioner of Economic Development, Culture and Tourism to bring forward a recommendation to the next meeting of the Economic Development and Parks Committee to establish a sponsorship support committee through Special Events of the Economic Development, Culture and Tourism Department to seek out and contract sponsors for future fireworks displays at Ashbridges Bay Park.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(21) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(21) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Feldman moved that Motion J(21) be adopted, subject to striking out the Operative Paragraph embodied therein and inserting in lieu thereof the following new Operative Paragraph:

“NOW THEREFORE BE IT RESOLVED THAT Council request the Commissioner of Economic Development, Culture and Tourism to direct the Toronto Special Events Unit to provide advice on sponsorship and promotion to the organizing committee of the fireworks displays at Ashbridges Bay Park.”

Votes:

The motion by Councillor Feldman carried.

Motion J(21), as amended, carried.

4.99 **Appeal to Ontario Municipal Board and Settlement – 2195 Yonge Street**

Councillor Moscoe moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(22), moved by Councillor Moscoe, seconded by Councillor Chow, and, having regard that Councillor Chow, with the permission of Council, withdrew her name as seconder of such Motion, seconded by Councillor Altobello:

Moved by: Councillor Moscoe

Seconded by: Councillor Altobello

“WHEREAS City Council at its meeting held on April 16, 17 and 18, 2002, adopted, as amended, Midtown Community Council Report No. 3, Clause No. 15, headed ‘Refusal Report - Official Plan and Zoning By-law Amendment Application No. 100034 (ATS#20000001) and Site Plan Approval Application No. 301056 for 2195 Yonge Street (St. Paul’s - Ward 22)’; and

WHEREAS the stated intent of the mover was that an open negotiation, including all interested parties, would occur prior to the commencement of the Ontario Municipal Board hearing; and

WHEREAS Council neglected to include local residents or the local Councillor as participants in the negotiations to achieve a compromise proposal; and

WHEREAS typical Section 37 benefits for an increase of density as outlined in Applications No. 100034 and No. 301056 would entitle the City to between

\$6.0 and \$10.0 million dollars; and

WHEREAS Part (2)(c) of the motions moved by Councillor Johnston erroneously implied that a courtyard was a new element being achieved in exchange for the bonus in density; and

WHEREAS adopting the recommendations of the Midtown Community Council, while directing the Solicitor to enter into an agreement prior to the Ontario Municipal Board hearing, is contradictory; and

WHEREAS many Members of Council believed that they were supporting a refusal, while trying to find a middle ground; and anticipated that City Council would have a chance to review the proposed settlement and resultant development proposal; and

WHEREAS area Resident Associations' financial costs at the Ontario Municipal Board are significantly higher as a result of the Council's decision on April 16, 17 and 18, 2002;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Midtown Community Council Report No. 3, Clause No. 15, headed 'Refusal Report - Official Plan and Zoning By-law Amendment Application No. 100034 (ATS#20000001) and Site Plan Approval Application No. 301056 for 2195 Yonge Street (St. Paul's - Ward 22)', be re-opened for further consideration, to allow a more clear debate about the facts relating to this application; and for Councillors that were confused by the Councillor's motion to vote against a compromise at 53 and 39 storeys;

AND BE IT FURTHER RESOLVED THAT, if necessary, Toronto City Council rescind its actions of April 16, 17 and, 18, 2002;

AND BE FURTHER BE RESOLVED THAT Toronto City Council support the following recommendations embodied in the report dated February 11, 2002, from the Commissioner of Urban Development Services and adopted by the Midtown Community Council:

- '(1) City Council refuse Official Plan and Zoning By-law Amendment Application No. 100034 as revised on January 24, 2002, and Site Plan Application No. 301056;
- (2) City Council request the City Solicitor, Commissioner of Urban Development Services and any other appropriate staff to oppose the Ontario Municipal Board appeal and referral made by the applicant on Application No. 100034 and authorize staff to oppose any future

appeal of Site Plan Application No. 301056; and

- (3) City Council authorize staff to finalize its focused planning review, organize a community consultation process to discuss the proposed directions and bring forward final recommendations to amend and refine the Official Plan and Zoning By-law for the Yonge-Eglinton Mixed Commercial-Residential Area “A”.’;

AND BE IT FURTHER RESOLVED THAT City Council adopt the following recommendation embodied in the report dated April 12, 2002, from the Commissioner of Urban Development Services:

- ‘(1) City Council endorse the planning process set out in this report.’ ”,

the vote upon which was taken as follows:

Yes - 21	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Filion, Flint, Ford, Hall, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Pitfield, Soknacki, Sutherland, Tziretas, Walker
No - 17	
Councillors:	Chow, Di Giorgio, Disero, Duguid, Feldman, Holyday, Johnston, Jones, Layton, McConnell, Miller, Minnan-Wong, Ootes, Pantalone, Rae, Shiner, Silva

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

Disposition of Motion:

Having regard that the motion to waive Notice did not carry, Councillor Moscoe gave Notice of the foregoing Motion to permit consideration at the next regular meeting of City Council scheduled to be held on June 18, 2002.

4.100 **Festival Caravan - June 19 to June 23, 2002**

Councillor Korwin-Kuczynski moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(23), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Korwin-Kuczynski

Seconded by: Mayor Lastman

“WHEREAS the Metro International Caravan is an important multicultural festival activity within the City of Toronto; and

WHEREAS the Metro International Caravan is an enriching event, providing the community with many opportunities for cultural retention and sharing; and

WHEREAS the Metro International Caravan 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 Metro International Caravan event to be a community festival;

AND BE IT FURTHER RESOLVED THAT City Council grant prior approval to declare the Metro International Caravan event a community Festival for the year 2002.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(23) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(23) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(23) was adopted, without amendment.

4.101 **Appointment of Commissioner of Community and Neighbourhood Services**

Councillor Ootes moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(24), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Ootes

Seconded by: Councillor Duguid

“**WHEREAS** the Chief Administrative Officer has submitted a confidential report dated May 13, 2002, with respect to a personnel matter pertaining to the appointment of a Commissioner of Community and Neighbourhood Services;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the aforementioned confidential report dated May 13, 2002, from the Chief Administrative Officer, and that such confidential report be adopted.”

Council also had before it, during consideration of Motion J(24), a confidential report dated May 13, 2002, from the Chief Administrative Officer, entitled "Appointment – Commissioner, Community and Neighbourhood Services" (See Attachment No. 11, Page 169).

Vote:

Motion J(24) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the confidential report dated May 13, 2002, from the Chief Administrative Officer, embodying the following recommendations, such report now public in its entirety, save and except the résumé appended thereto, such résumé to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to an identifiable individual:

"It is recommended that:

- (1) Eric Gam be appointed to the position of Commissioner, Community and Neighbourhood Services, for the City of Toronto, and that such appointment be effective June 3, 2002, provided that he has entered into an employment contract with the City prior to that date;
- (2) the Chief Administrative Officer be authorized to negotiate terms and conditions of the employment based on the pro-forma employment contract provisions previously approved and consistent with other second level senior management of the City;
- (3) the by-law appointing the Acting Commissioner, Community and Neighbourhood Services remain in full force and effect until a by-law appointing a new Commissioner, Community and Neighbourhood Services, comes into effect; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction in Council of any necessary bills."

4.102 Community Event - Ghana Amansie Canadian Multicultural Association of Toronto - Amanfest 2002 Festival

Councillor Mammoliti moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(25), moved by Councillor Li Preti, seconded by Councillor Mammoliti, and, in the absence of Councillor Li Preti, moved by Councillor Mammoliti, seconded by Councillor

Augimeri, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Mammoliti**

Seconded by: **Councillor Augimeri**

“**WHEREAS** City Council at its meeting held on April 16, 17, and 18, 2002, adopted, without amendment, North York Community Council Report No. 3, Clause No. 11, headed ‘Special Occasion Permit - Community Event - Ghana Amansie Canadian Multicultural Association of Toronto - Amanfest 2002 Festival - G. Lord Ross Park - Saturday, August 31, 2002 - Ward 10 - York Centre’; and

WHEREAS due to logistical reasons this event can no longer be held at G. Ross Lord Park; and

WHEREAS all arrangements have been made by Parks and Recreation North District staff to accommodate this event at Earl Bales Park;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, North York Community Council Report No. 3, Clause No. 11 headed ‘Special Occasion Permit - Community Event - Ghana Amansie Canadian Multicultural Association of Toronto - Amanfest 2002 Festival - G. Lord Ross Park - Saturday, August 31, 2002 - Ward 10 - York Centre’, be re-opened for further consideration, only insofar as it relates to the location of the event;

AND BE IT FURTHER RESOLVED THAT the Clause be amended to provide that the event take place at Earl Bales Park;

AND BE IT FURTHER RESOLVED THAT the appropriate staff do all things necessary to give effect to the intent of this Resolution.”

Votes:

The first Operative Paragraph embodied in Motion J(25) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(25) was adopted, without amendment.

4.103 **World Cup – Extension of Alcohol Service Hours**

Councillor Silva moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(26), moved by Councillor Silva, seconded by Councillor Li Preti, and, in the absence of Councillor Li Preti, seconded by Councillor Nunziata, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Silva

Seconded by: Councillor Nunziata

“**WHEREAS** the forthcoming World Cup 2002 in Korea and Japan is an opportunity for all people in the world to unite in a common love of the game of soccer (football); and

WHEREAS the significant time difference between the City of Toronto and the host nations will adversely affect the ability of City residents to gather together in their favourite restaurants, bars, cafés and pubs; and

WHEREAS the Alcohol and Gaming Commission of Ontario has refuted the wishes of the Council of the City of Toronto and its residents for extended alcohol consumption hours during the entire World Cup 2002; and

WHEREAS many of the most important late evening/early morning games are quarter and semi-final games coming at the end of the World Cup 2002; and

WHEREAS these games will be of particular interest to the residents of the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto call upon the Alcohol and Gaming Commission to recognize the unique nature of this event and the fact that Toronto’s residents can be trusted to celebrate in an orderly and respectful manner and, therefore, extend alcohol service hours for the quarter and semi-final and final games of the World Cup 2002 where the time change merits.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(26) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(26) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motions:

- (a) Councillor Moscoe moved that Motion J(26) be amended by adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Provincial Government be requested to review the after-hours drinking laws with a view to relaxing this legislation.”

- (b) Councillor Flint moved that Motion J(26) be adopted, subject to striking out the Operative Paragraph and inserting in lieu thereof the following new Operative Paragraph:

“NOW THEREFORE BE IT RESOLVED THAT the City of Toronto call upon the Alcohol and Gaming Commission of Ontario to recognize the unique nature of this event by extending the hours for alcohol consumption on both Friday, June 21, 2002, and Saturday, June 22, 2002, from 2:30 a.m. to 5:00 a.m.”

- (c) Councillor Lindsay Luby moved that Motion J(26) be amended by adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Chief of Police be consulted in this regard.”

Votes:

Adoption of motion (b) by Councillor Flint:

Yes - 25 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Kelly, Layton, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Silva, Soknacki, Walker
No - 3 Councillors: Bussin, Filion, Milczyn

Carried by a majority of 22.

Motion (c) by Councillor Lindsay Luby carried.

Adoption of motion (a) by Councillor Moscoe:

Yes - 12 Councillors:	Augimeri, Chow, Duguid, Hall, Layton, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Silva, Soknacki
No - 16 Councillors:	Altobello, Ashton, Balkissoon, Bussin, Di Giorgio, Disero, Feldman, Fillion, Flint, Holyday, Kelly, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Walker

Lost by a majority of 4.

Motion J(26), as amended, carried.

In summary, Council adopted Motion J(26), subject to striking out the Operative Paragraph and inserting in lieu thereof the following new Operative Paragraphs:

“NOW THEREFORE BE IT RESOLVED THAT the City of Toronto call upon the Alcohol and Gaming Commission of Ontario to recognize the unique nature of this event by extending the hours for alcohol consumption on both Friday, June 21, 2002, and Saturday, June 22, 2002, from 2:30 a.m. to 5:00 a.m.;

AND BE IT FURTHER RESOLVED THAT the Chief of Police be consulted in this regard.”

4.104 **Expression of Thanks to Councillor Jack Layton, President of Federation of Canadian Municipalities**

Councillor Ashton moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(28), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Ashton

Seconded by: Councillor Miller

“WHEREAS Councillor Jack Layton’s term as President of the Federation of Canadian Municipalities will come to an end shortly; and

WHEREAS Councillor Layton has represented municipalities across Canada with great zeal and competence; and

WHEREAS Councillor Layton has helped elevate the issue of proper federal funding for cities across our nation to an unprecedented level; and

WHEREAS Councillor Layton has done the City of Toronto proud;

NOW THEREFORE BE IT RESOLVED THAT Council heartily thank Councillor Layton for his contribution to the health and vitality of our nation's urban centres."

Vote:

Adoption of Motion J(28), without amendment:

Yes - 36	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

4.105 Recognition of National Award of Excellence for "Making Waves: Principles for Building Toronto's Waterfront, Central Waterfront Part II Plan"

Councillor Johnston moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(29), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Johnston

Seconded by: Councillor Chow

"WHEREAS the City of Toronto has won a national award of excellence from the Canadian Institute of Planners for its report 'Making Waves: Principles for Building Toronto's Waterfront, Central Waterfront Part II Plan'; and

WHEREAS it beat out 47 other submissions across Canada; and

WHEREAS Paul Bedford was named a Fellow of the Canadian Institute of Planners, in recognition of his outstanding contribution to planning in Canada;

NOW THEREFORE BE IT RESOLVED THAT Council extend its congratulations to Commissioner Paula Dill, Chief Planner Paul Bedford and Community Planning Director Beate Bowron for their immense contribution to the future of Toronto.”

Vote:

Motion J(29) was adopted, without amendment.

4.106 **McDonald’s Restaurants of Canada Limited - Lawsuit in the Ontario Superior Court of Justice to Quash Interim Control By-laws No. 2-2002 and No. 3-2002 and to Compel Ann Borooh, as Chief Building Official, to Issue a Building Permit for a Drive-Through Restaurant at 710 St. Clair Avenue West**

Councillor Flint moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(30):

Moved by: Councillor Flint

Seconded by: Councillor Altobello

“**WHEREAS** McDonald’s Restaurants of Canada Limited has commenced litigation by way of Application against the City of Toronto and Ann Borooh, Chief Building Official; and

WHEREAS the matter is to be heard in Court on May 28 and May 31, 2002; and

WHEREAS the City needs to respond to the Court Application commenced by McDonald’s Restaurants of Canada Limited; and

WHEREAS the City Solicitor wishes to report to City Council with respect to this matter;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the confidential report of the City Solicitor dated May 22, 2002.”,

the vote upon which was taken as follows:

Yes - 13	
Mayor:	Lastman
Councillors:	Altobello, Disero, Duguid, Feldman, Holyday, Korwin-Kuczynski, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner, Tziretas
No - 20	
Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Di Giorgio, Flint, Ford, Hall, Johnston, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Rae, Silva, Walker

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

Disposition of Motion:

Having regard that the motion to waive Notice did not carry, Councillor Flint gave Notice of the foregoing Motion to permit consideration at the next regular meeting of City Council scheduled to be held on June 18, 2002.

4.107 Rescheduling of Meeting of Community Services Committee

Councillor Chow moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(31), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Chow

Seconded by: Councillor Mihevc

“**WHEREAS** the Community Services Committee is scheduled to hold a meeting on Wednesday, June 26, 2002, which is the same date that the Mayor’s City Summit is also scheduled to be held; and

NOW THEREFORE BE IT RESOLVED THAT the aforementioned meeting of the Community Services Committee be rescheduled from Wednesday, June 26, 2002, to Monday, June 24, 2002.”

Vote:

Motion J(31) was adopted, without amendment.

4.108 Deferral of Communication to Dentists Regarding Dental Amalgam Separator Technology

Councillor Lindsay Luby moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(32), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Lindsay Luby

Seconded by: Councillor Disero

“WHEREAS City Council at its meeting of February 13, 14 and 15, 2002, adopted Motion J(33), which Motion directed Water and Wastewater staff to immediately write to dentists requesting the make and model of dental amalgam separator technology installed in dentists’ offices and requiring dentists to obtain third party gathered test data on the performance of their separator technology; and

WHEREAS the Royal College of Dental Surgeons of Ontario (‘RCDS’) has delivered to City staff a draft Notice of Application for Judicial Review for, among other matters, a declaration that the Dental Pollution Prevention Plan and Dental Pollution Prevention Plan Summary pursuant to subsection 681-5 of the City’s Municipal Code are ultra vires the City; and

WHEREAS there are ongoing discussions among the RCDS, staff of Works and Emergency Services and the City Solicitor for the resolution of RCDS concerns without the need for legal action; and

WHEREAS Motion J(33) was adopted without the benefit of advice on the legal implications of the direction to staff and the City Solicitor wishes to report on the matter of the direction;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(33), moved by Councillor Lindsay Luby, seconded by Councillor Pitfield, headed ‘Communication to Dentists Regarding Dental Amalgam Separator Technology’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT Council defer the direction to Water and Wastewater enforcement staff to issue a letter to all dentists requesting the make and model of dental amalgam separator technology installed in their offices and third party independent test data, until a further report is received from the Commissioner

of Works and Emergency Services and the City Solicitor on the overall legal and by-law enforcement strategy to be taken in relation to dentists;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Works and Emergency Services and the City Solicitor be requested to submit a joint report to the Works Committee meeting to be held on June 25, 2002, on the status of all legal and operational issues associated with the Pollution Prevention Plan and Plan Summary with the Royal College of Dental Surgeons of Ontario, including the direction in relation to the gathering of third party test data.”

Votes:

The first Operative Paragraph embodied in Motion J(32) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(32) was adopted, without amendment.

- 4.109 Deputy Mayor Ootes proposed to Council 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 June 18, 2002:

REPORT NO. 5 OF THE NORTH YORK COMMUNITY COUNCIL

- Clause No. 1 - “Special Occasion Permit - Community Event - Quattro Communications Inc. - Canada Day Celebration - Parc Downsview Park - Monday, July 1, 2002 -11:00 a.m. to 11:00 p.m.”.

REPORT NO. 4 OF THE SCARBOROUGH COMMUNITY COUNCIL

- Clause No. 14 - “Phase 4 Scarborough Transportation Corridor Land Use Study - SC-W19990005 (Ward 36 – Scarborough Southwest)”.

ENQUIRY AND ANSWER

- 3 (a) (May 8, 2002) Enquiry from Councillor Walker regarding any negotiated settlement pertaining to 2195 Yonge Street.
- (b) (May 17, 2002) Answer from the Chief Administrative Officer with respect to 2195 Yonge Street.

NOTICES OF MOTION

- J(5) Moved by Councillor Moscoe, seconded by Councillor Feldman, regarding Parc Downsview Park Operating Protocol Committee - Reconstitution and Terms of Reference.
- J(7) Moved by Councillor Mihevc, seconded by Councillor Walker, regarding Introduction of Parking Meters on Tweedsmuir Avenue, West Side, South of Tichester Road.
- J(17) Moved by Councillor Miller, seconded by Councillor Balkissoon, regarding Information and Documents Pertaining to Public Inquiry – MFP Financial Services.

Council concurred in the proposal by Deputy Mayor Ootes.

4.110 ADDITIONAL MATTER

Comments Made by Councillor Miller.

Ruling of Deputy Mayor:

Councillor Duguid requested Deputy Mayor Ootes to rule on whether comments made earlier in this meeting by Councillor Miller, during Council’s debate of Clause No. 1 of Report No. 3 of The Striking Committee, headed “Appointment of Members of Council to Standing and Other Committees of Council, Various Boards, Special Purpose Bodies and Special Positions”, were in order.

Deputy Mayor Ootes, having regard to the nature of the comments made by Councillor Miller, ruled such comments out of order, and requested that they be withdrawn.

Councillor Johnston challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 16	
Mayor:	Lastman
Councillors:	Di Giorgio, Disero, Duguid, Feldman, Hall, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner, Tziretas
No - 27	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Filion, Flint, Ford, Holyday, Johnston, Jones, Layton, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Walker

Lost by a majority of 11.

BILLS AND BY-LAWS

- 4.111 On May 21, 2002, at 5:06 p.m., Councillor Di Giorgio, seconded by Councillor Bussin, 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. 467	By-law No. 339-2002	To confirm the proceedings of the Council at its meeting held on the 21st day of May, 2002,
--------------	---------------------	---

the vote upon which was taken as follows:

Yes - 34	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Feldman, Flint, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Shiner, Sutherland, Tziretas
No - 3	
Councillors:	Augimeri, Moscoe, Walker

Carried by a majority of 31.

- 4.112 On May 21, 2002, at 7:26 p.m., Councillor Lindsay Luby, seconded by Councillor Di Giorgio, 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. 468	By-law No. 340-2002	To confirm the proceedings of the Council at its meeting held on the 21st day of May, 2002,
--------------	---------------------	---

the vote upon which was taken as follows:

Yes - 28	
Mayor:	Lastman

Councillors:	Altobello, Ashton, Balkissoon, Bussin, Di Giorgio, Disero, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Walker
No - 0	

Carried, without dissent.

- 4.113 On May 22, 2002, at 7:30 p.m., Councillor Moscoe, seconded by Councillor Soknacki, 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. 469	By-law No. 341-2002	To confirm the proceedings of the Council at its meeting held on the 21st and 22nd days of May, 2002,
--------------	---------------------	---

the vote upon which was taken as follows:

Yes - 28
Councillors: Altobello, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Shaw, Shiner, Silva, Soknacki, Walker
No - 0

Carried, without dissent.

- 4.114 On May 23, 2002, at 5:06 p.m., Councillor Lindsay Luby, seconded by Councillor Duguid, 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. 470	By-law No. 342-2002	To confirm the proceedings of the Council at its meeting held on the 21st, 22nd and 23rd days of May, 2002,
--------------	---------------------	---

the vote upon which was taken as follows:

Yes - 23

Councillors:	Altobello, Ashton, Augimeri, Bussin, Di Giorgio, Disero, Duguid, Flint, Jones, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Shiner, Sutherland, Tziretas, Walker
--------------	---

No - 1	Councillor: Filion
--------	--------------------

Carried by a majority of 22.

4.115 On May 23, 2002, at 5:08 p.m., Councillor Mammoliti, seconded by Councillor Lindsay Luby, 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. 338	By-law No. 343-2002	To amend By-law No. 1129-87 of the former City of York, being a By-law “To prescribe a speed limit of 40 kilometres per hour, on various streets in City of York”.
Bill No. 339	By-law No. 344-2002	To repeal and replace By-law No. 290-2002 and to provide for a permanent Clothing Optional Area at Hanlan’s Point Beach.
Bill No. 340	By-law No. 345-2002	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 341	By-law No. 346-2002	To amend further By-law No. 23505 of the former City of Scarborough, respecting the speed limits on Toronto Roads.
Bill No. 342	By-law No. 347-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bodwin Avenue.
Bill No. 343	By-law No. 348-2002	To stop up and close an unused portion of the Weston Road Allowance, abutting Premises Nos. 35, 65 and 135 Weston Road, and to authorize the sale thereof.

Bill No. 344	By-law No. 349-2002	To adopt Amendment No. 515 of the Official Plan for the former City of North York in respect of lands municipally known as 685 Sheppard Avenue East.
Bill No. 345	By-law No. 350-2002	To amend City of North York By-law No. 7625 in respect of lands municipally known as 685 Sheppard Avenue East.
Bill No. 346	By-law No. 351-2002	To adopt Amendment No. 521 of the Official Plan for the former City of North York with respect to lands located within the Sheppard Avenue Commercial Area.
Bill No. 347	By-law No. 352-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 348	By-law No. 353-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 349	By-law No. 354-2002	To amend By-law No. 32759, as amended, of the former City of North York.
Bill No. 350	By-law No. 355-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 351	By-law No. 356-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 352	By-law No. 357-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 353	By-law No. 358-2002	To amend further Metropolitan By-law

		No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 354	By-law No. 359-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 355	By-law No. 360-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Kennedy Avenue.
Bill No. 356	By-law No. 361-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Day Avenue, Idyllwood Crescent, Perth Avenue, Ridley Gardens and Rusholme Park Crescent.
Bill No. 357	By-law No. 362-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 358	By-law No. 363-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former
Bill No. 359	By-law No. 364-2002	To amend the Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 156 Cowan Avenue.
Bill No. 360	By-law No. 365-2002	To amend Scarborough Zoning By-law No. 8786, as amended, with respect to the Birchcliff Community.
Bill No. 361	By-law No. 366-2002	To amend Scarborough Zoning By-law No. 24982, as amended, with respect to the Dorset Park Employment Districts.
Bill No. 362	By-law No. 367-2002	To amend Scarborough Employment Districts Zoning By-law No. 24982, as amended, with respect to the Milliken

		Employment District.
Bill No. 363	By-law No. 368-2002	To permit certain retail business establishments to be open on certain holidays pursuant to the Retail Business Holidays Act.
Bill No. 364	By-law No. 369-2002	To designate certain lands in the Kensington Area as a Community Improvement Project Area.
Bill No. 365	By-law No. 370-2002	To designate certain lands along St. Clair Avenue West between Glenholme Avenue and the Canadian National Rail corridor, west of Old Weston Road as a Community Improvement Project Area.
Bill No. 366	By-law No. 371-2002	To designate certain lands bounded by McCaul Street, College Street, Elizabeth Street, Surrey Place, Grosvenor Street, Bay Street and Dundas Street West in the City of Toronto as a Community Improvement Project Area.
Bill No. 367	By-law No. 372-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Ormerod Street.
Bill No. 368	By-law No. 373-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway McNicoll Avenue.
Bill No. 369	By-law No. 374-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Kingston Road and Meadowvale Road.
Bill No. 370	By-law No. 375-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bridgman Avenue

		and Edith Drive.
Bill No. 371	By-law No. 376-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 372	By-law No. 377-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 373	By-law No. 378-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 374	By-law No. 379-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 375	By-law No. 380-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 376	By-law No. 381-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Meadowvale Road north of Kingston Road.
Bill No. 377	By-law No. 382-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway known as the Road Allowance between Lots 18 and 19 in Concession 3.
Bill No. 378	By-law No. 383-2002	To designate additional lands as a part of the King-Parliament Community Improvement Project Area and to amend the King-Parliament Community Improvement Plan.
Bill No. 380	By-law No. 384-2002	To amend the boundaries of the South Riverdale and Lake Shore Boulevard East Community Improvement Project Area and the Community Improvement

		Plan.
Bill No. 381	By-law No. 385-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bedford Park Avenue, Belsize Drive, Chaplin Crescent, Cheston Road and Frobisher Avenue.
Bill No. 382	By-law No. 386-2002	To amend further By-law No. 92-93, A By-law “To regulate traffic on roads in the Borough of East York”, being a By-law of the former Borough of East York.
Bill No. 383	By-law No. 387-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 384	By-law No. 388-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 385	By-law No. 389-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 386	By-law No. 390-2002	To authorize the alteration of Hillsdale Avenue East between Mount Pleasant Road and Forman Avenue by the installation of speed humps.
Bill No. 387	By-law No. 391-2002	To authorize the alteration of Belsize Drive between Yonge Street and Tullis Road by the installation of speed humps.
Bill No. 388	By-law No. 392-2002	To authorize the alteration of Millwood Road between Cleveland Street and Bayview Avenue by the installation of speed humps.
Bill No. 389	By-law No. 393-2002	To stop up and close for vehicular traffic

		a portion of Dervock Crescent immediately east of Rean Drive, and to authorize the erection of barricades to enforce the due observance thereof.
Bill No. 390	By-law No. 394-2002	To authorize the alteration of Dervock Crescent east of Rean Drive by the construction of a new cul-de-sac.
Bill No. 391	By-law No. 395-2002	To authorize the alteration of MacPherson Avenue between Avenue Road and Yonge Street by the installation of speed humps.
Bill No. 392	By-law No. 396-2002	To authorize the alteration of Roxborough Street West between Avenue Road and Yonge Street by the installation of speed humps.
Bill No. 393	By-law No. 397-2002	To authorize the alteration of Crawford Street between Queen Street West and Dundas Street West by the installation of speed humps.
Bill No. 394	By-law No. 398-2002	To authorize the alteration of Sudbury Street between King Street West and Dovercourt Road by the installation of speed humps.
Bill No. 395	By-law No. 399-2002	To authorize the alteration of Sumach Street between Gerrard Street East and Wellesley Street East by the installation of speed humps.
Bill No. 396	By-law No. 400-2002	To authorize the alteration of Sackville Street between Gerrard Street East and Wellesley Street East by the installation of speed humps.
Bill No. 397	By-law No. 401-2002	To authorize the alteration of Strathmore Boulevard from Greenwood Avenue to Coxwell Avenue by the installation of

		speed humps.
Bill No. 398	By-law No. 402-2002	To authorize the alteration of Scarborough Road between Bracken Avenue and Queen Street East by the installation of speed humps.
Bill No. 399	By-law No. 403-2002	To authorize the alteration of Kenilworth Avenue, between Norway Avenue and Kingston Road by the installation of speed humps.
Bill No. 400	By-law No. 404-2002	To authorize the alteration of Kerr Road, between Greenwood Avenue and Highfield Road by the installation of speed humps.
Bill No. 401	By-law No. 405-2002	To authorize the alteration of Lark Street, between Kingston Road and Queen Street East by the installation of speed humps.
Bill No. 402	By-law No. 406-2002	To authorize the alteration of Waverley Road, between Queen Street East and Kewbeach Avenue by the installation of speed humps.
Bill No. 403	By-law No. 407-2002	To authorize the alteration of St. Clair Avenue West from Mondovi Gate to 219 metres east by widening the pavement.
Bill No. 404	By-law No. 408-2002	To authorize the alteration of Clearview Heights between Trethewey Drive and Keele Street by the installation of speed humps.
Bill No. 405	By-law No. 409-2002	To authorize the alteration of Chelsea Avenue, from Dundas Street West to Indian Road by the installation of speed humps.
Bill No. 406	By-law No. 410-2002	To authorize the alteration of Glenholme

		Avenue between Rogers Road and Vaughan Road by the installation of speed humps.
Bill No. 407	By-law No. 411-2002	To authorize the alteration of Lauder Avenue between St. Clair Avenue West and Millerson Avenue by the installation of speed humps.
Bill No. 408	By-law No. 412-2002	To authorize the alteration of Blackthorn Avenue from St. Clair Avenue West to Rockwell Avenue by the installation of speed humps.
Bill No. 409	By-law No. 413-2002	To authorize the alteration of Harvie Avenue between Rogers Road and Hatherley Road by the installation of speed humps.
Bill No. 410	By-law No. 414-2002	To authorize the alteration of Harvie Avenue between Redhill Avenue and Eglinton Avenue West by the installation of speed humps.
Bill No. 411	By-law No. 415-2002	To authorize the alteration of Norton Avenue from Dufferin Street to St. Clair Gardens by the installation of speed humps.
Bill No. 412	By-law No. 416-2002	To authorize the alteration of Westmount Avenue between Regal Road and St. Clair Avenue West by the installation of speed humps.
Bill No. 413	By-law No. 417-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Claremont Street, Dagmar Avenue, George Street and Hamilton Street.
Bill No. 414	By-law No. 418-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Mill Street and

		St. Patrick Street.
Bill No. 415	By-law No. 419-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Hamilton Street.
Bill No. 416	By-law No. 420-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Fleet Street, Strachan Avenue.
Bill No. 417	By-law No. 421-2002	To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to the subject lands located on the southeast corner of Kipling Avenue and Dixon Road, municipally known as 365 Dixon Road.
Bill No. 418	By-law No. 422-2002	To exempt lands municipally known as 82 - 94 Jarvis Street and 105 - 107 Richmond Street East from Part Lot Control.
Bill No. 419	By-law No. 423-2002	To exempt lands municipally known as 1 - 44 Eli Shackleton Court from Part Lot Control.
Bill No. 420	By-law No. 424-2002	To exempt lands municipally known as 665 Trethewey Drive from Part Lot Control.
Bill No. 421	By-law No. 425-2002	To repeal by-laws of the former City of Toronto and amend the Queen/Broadview Village Community Improvement Plan.
Bill No. 422	By-law No. 426-2002	To amend former City of North York By-law No. 7625 in respect of lands municipally known as 24 Drewry Avenue.
Bill No. 423	By-law No. 427-2002	To amend City of North York By-law No. 7625 in respect of lands

		municipally known as 2275 Bayview Avenue.
Bill No. 424	By-law No. 428-2002	To amend Chapter 910, Parking Machines, of the City of Toronto Municipal Code to replace parking meters with parking machines in various locations within the City of Toronto.
Bill No. 425	By-law No. 429-2002	To appoint a Deputy Mayor.
Bill No. 426	By-law No. 430-2002	To appoint nine members of the City Council as members of the Toronto Transit Commission.
Bill No. 427	By-law No. 431-2002	To repeal a by-law of the former City of Toronto, amend the boundaries of the Downtown Yonge Street Community Improvement Project Area and amend further the Downtown Yonge Street Community Improvement Plan.
Bill No. 428	By-law No. 432-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Corley Avenue.
Bill No. 429	By-law No. 433-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Manning Avenue.
Bill No. 430	By-law No. 434-2002	To establish a Cultural Facilities Capital Grant Program Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 431	By-law No. 435-2002	To amend former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Mill Street.
Bill No. 432	By-law No. 436-2002	To amend former City of Toronto Municipal Code Ch. 400, Traffic and

		Parking, respecting Frobisher Ave.
Bill No. 433	By-law No. 437-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Brunswick Avenue, Major Street and Ulster Street.
Bill No. 434	By-law No. 438-2002	To amend the City of Toronto Municipal Code Chapter 71, Financial Control, and to amend City of Toronto Municipal Code Chapter 27, Council Procedures, to require the reporting of certain financial information.
Bill No. 435	By-law No. 439-2002	To amend City of North York By-law No. 7625 in respect of lands municipally known as 187 Finch Avenue West.
Bill No. 436	By-law No. 440-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Veerland Drive.
Bill No. 437	By-law No. 441-2002	To layout and dedicate certain land for public lane purposes to form part of the public lane south of Danforth Avenue extending westerly from Kelvin Avenue, then southerly.
Bill No. 438	By-law No. 442-2002	To name the private lane at the residential development at 8 Spadina Road as "Annex Lane".
Bill No. 440	By-law No. 443-2002	To amend By-law No. 226-1998 to appoint James K. Laughlin as Deputy Chief Building Official for the South District and to repeal the appointment of Pamela Coburn as Deputy Chief Building Official.
Bill No. 441	By-law No. 444-2002	To adopt an amendment to the Official Plan for the former Borough of East York with respect to 849 Eglinton

		Avenue East.
Bill No. 442	By-law No. 445-2002	To amend By-law No. 1916, as amended, for the former Borough of East York with respect to the lands municipally known as 849 Eglinton Avenue East.
Bill No. 443	By-law No. 446-2002	To authorize the entering into of an agreement for the provision of Municipal Capital Facilities respecting the Black Creek Neighbourhood Branch Library.
Bill No. 444	By-law No. 447-2002	To amend By-law No. 1108-2001, being a by-law "To appoint an Acting City Solicitor.
Bill No. 445	By-law No. 448-2002	To temporarily stop up and close a portion of Lake Shore Boulevard West between Strachan Avenue and Ontario Drive.
Bill No. 446	By-law No. 449-2002	To temporarily stop up and close a portion of Lake Shore Boulevard West between Strachan Avenue and Ontario Drive.
Bill No. 447	By-law No. 450-2002	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, with respect to bus parking spaces.
Bill No. 448	By-law No. 451-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 449	By-law No. 452-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 450	By-law No. 453-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.

Bill No. 451	By-law No. 454-2002	To amend further Metropolitan Toronto By-law No. 108-86, designating certain locations on former Metropolitan Roads as Pedestrian Crossovers.
Bill No. 452	By-law No. 455-2002	To further amend By-law No. 22-76, designating certain locations on former Metropolitan Roads as School Bus Loading Zones.
Bill No. 453	By-law No. 456-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Lonsdale Road.
Bill No. 454	By-law No. 457-2002	To appoint an Auditor General for the City of Toronto.
Bill No. 455	By-law No. 458-2002	To adopt an amendment to the Official Plan for the former City of Toronto in respect of No. 28 Rees Street.
Bill No. 456	By-law No. 459-2002	To amend the Railway Lands Central Zoning By-law No. 1994-0806 of the former City of Toronto in respect of No. 28 Rees Street.
Bill No. 457	By-law No. 460-2002	To appoint a Commissioner of Community and Neighbourhood Services.
Bill No. 458	By-law No. 461-2002	To amend City of North York By-law No. 7625 in respect of lands municipally known as 19 and 21 Barberry Place.
Bill No. 460	By-law No. 462-2002	To authorize the alteration of Sparrow Avenue from Dufferin Street to Highland Hill by the installation of speed humps,

the vote upon which was taken as follows:

Yes - 24	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Di Giorgio, Disero, Duguid, Flint, Holyday, Jones, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Shiner, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Filion

Carried by a majority of 23.

- 4.116 On May 23, 2002, at 5:08 p.m., Councillor Mammoliti, seconded by Councillor Lindsay Luby, 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. 439 By-law No. 463-2002 To amend further By-law No. 15-92 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits.

Bill No. 459 By-law No. 464-2002 To amend further By-law No. 181-81 of the former Municipality of Metropolitan Toronto,

the vote upon which was taken as follows:

Yes - 24	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Di Giorgio, Disero, Duguid, Flint, Holyday, Jones, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Shiner, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Filion

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

- 4.117 On May 23, 2002, at 5:55 p.m., Councillor Soknacki, seconded by Councillor Moscoe, 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. 471 By-law No. 465-2002 To confirm the proceedings of the

Council at its meeting held on the 21st,
22nd and 23rd days of May, 2002,

the vote upon which was taken as follows:

Yes - 31
Councillors: Altobello, Augimeri, Bussin, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Layton, McConnell, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Soknacki, Sutherland, Tziretas, Walker
No - 0

Carried, without dissent.

The following Bills were withdrawn:

- Bill No. 379 To amend Chapter 179, Parking Authority, of the Municipal Code of the City of Toronto to reflect City Council's policy governing land transactions among City agencies, boards, commissions and departments, including the allocation of net proceeds from the sale of City-owned real property.
- Bill No. 461 To amend the former City of York Municipal Code Street – Parking Ch. 982, Parking – Meter.
- Bill No. 462 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. 463 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. 464 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. 465 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. 466 To amend Municipal Code Chapter 950, Traffic and Parking, to incorporate provisions regulating the use, operation and management of off-street municipal parking facilities.

OFFICIAL RECOGNITIONS:4.118 **Condolence Motions**

Mayor Lastman, seconded by Councillor Miller, moved that:

“WHEREAS the Members of City Council are deeply saddened to learn of the passing of The Honourable Robert E. J. (Bob) Layton, P.C. (Privy Council of Canada) father of Councillor Jack Layton, on Wednesday, May, 8, 2002, in Toronto; and

WHEREAS Mr. Layton was Minister of State for Mines in Canada from 1984 to 1985 and Chair of the Government Caucus until his retirement from the House of Commons in 1993; and

WHEREAS Mr. Layton was respected by fellow parliamentarians of all persuasions, so much so, that he received a standing ovation upon returning to the House after learning of his illness; and

WHEREAS the Prime Minister noted to Mr. Layton that, to his knowledge, such a spontaneous recognition had never been provided to a Government Member before; and

WHEREAS Mr. Layton saw his opportunity to serve his Country in its House of Democracy as an exceptional privilege;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of all Members of City Council, our sincere sympathy to Councillor Layton, Councillor Chow and their family.”

Councillor Balkissoon, seconded by Councillor Shaw, moved that:

“WHEREAS the Members of City Council are saddened by the recent passing of Kenn Shah; and

WHEREAS Kenn’s love for Caribbean culture led directly to the founding of Caribana in 1967; and

WHEREAS Kenn was long recognized as one of the premier Mas band producers and was a multiple winner of the prestigious Caribana Band of the Year Award; and

WHEREAS Kenn was a passionate community leader, founding the Trinidad and Tobago Republic Day event and serving in numerous organizations including the Toronto Lions Club, the Caribbean Cultural Club, the Caribbean Cavaliers Steelband and as Public Relations Director for West Indian Showcase TV; and

WHEREAS Kenn's long-standing service to the community was recognized in 1994 when he was awarded the Ontario Award for Good Citizenship by Lieutenant Governor Hal Jackman; and

WHEREAS Kenn Shah's passing is a deep loss to Toronto's Caribbean community and to Torontonians of all walks of life;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of all Members of City Council, our sincere condolences to the family of Kenn Shah."

Leave to introduce the foregoing Motions was granted and the Motions were adopted unanimously.

Council rose and observed a moment of silence in memory of the late Kenn Shah and The Honourable Robert E. J. (Bob) Layton.

4.119 **Presentations/Introductions/Announcements:**

May 21, 2002:

Mayor Lastman, during the morning session of the meeting, extended, on behalf of Council, the congratulations and best wishes of Council to Councillor Berardinetti on winning the Liberal nomination for Scarborough Southwest.

Councillor Silva, with the permission of Council, during the morning session of the meeting, introduced the following Kumamoto City Council Delegation, present at the meeting:

- Tadashi Shiraishi, Chairman, City Council;
- Shozo Yano, City Councilman;
- Masayoshi Shigaki, City Councilman; and
- Yuji Tomoeda, General Director, City Council Secretariat.

Councillor Pantalone, with the permission of Council, during the morning session of the meeting, introduced a delegation of 31 individuals from the Beijing Management Group, present at the meeting.

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students from Satec at Porter Collegiate Institute, present at the meeting.

Deputy Mayor Ootes, during the morning session of the meeting, invited all Members of Council to attend the Greater Toronto Hotel Association luncheon being held at 12:30 p.m. today.

Councillor Rae, with the permission of Council, during the afternoon session of the meeting, extended, on behalf of Council, the appreciation of Council to the Greater Toronto Hotel Association for their luncheon; reminded all Members of Council that the employees of the hotels are in a “walk-out” situation as of Friday, May 24, 2002; and urged all Members of Council to remember that the City has a hotel industry that wants to make a success of the City of Toronto.

Deputy Mayor Ootes, during the afternoon session of the meeting, invited Councillor Chow to the podium. Councillor Chow addressed the Council and advised that Mayor Lastman had proclaimed May 19-25, 2002, as “Emergency Medical Services Week” in the City of Toronto. Councillor Chow read the proclamation and invited Ron Kelusky, Manager, Emergency Medical Services, to the podium, to accept a copy of the proclamation to mark the occasion.

Councillor Pantalone, with the permission of Council, during the afternoon session of the meeting, introduced the Grade 6 students of Charles G. Fraser Junior Public School, present at the meeting.

Councillor Berardinetti, with the permission of Council, during the afternoon session of the meeting, extended, on behalf of Council, the best wishes of Council to Councillor Altobello on the occasion of his birthday.

Councillor Miller, with the permission of Council, during the afternoon session of the meeting, introduced the students of Runnymede Public School, present at the meeting.

May 22, 2002:

Councillor Duguid, with the permission of Council, during the morning session of the meeting, addressed the Council in regard to the major contributions made by the Knights of Columbus to the enhancement of the quality of life in the City of Toronto’s Homes for the Aged; invited Mayor Lastman and Councillor Anne Johnston, Seniors’ Advocate for the City of Toronto, to the podium; and, together with Mayor Lastman and Councillor Johnston, presented a plaque to Cy Penney, Past Grand Knight of the North York Council of the Knights of Columbus, in recognition of the exemplary volunteer services provided by the North York, Kingsway, Scarborough, Toronto and Father Sean O’Sullivan Councils of the Knights of Columbus.

Councillor Duguid, further addressed the Council in regard to the long-term relationship the City of Toronto has had with the Nissan Canada Foundation, which, since 1995, has been the marquis sponsor for the annual Nissan Toronto Challenge, and whose mandate is to support seniors across Canada; invited Albert Mastromartino, President and General Manager of the Nissan Canada Foundation to the podium; and presented a memento to Mr. Mastromartino, as a token of appreciation from the City of Toronto to the Nissan Canada Foundation.

Councillor Walker, with the permission of Council, during the morning session of the meeting, advised the Council that Maurice Cody Public School had started a successful program of “Walking Wednesdays”, to encourage students to get to school in active ways, and has invited Toronto City Council to share in their success by accepting the following challenge:

“We, the students of Maurice Cody Public School, challenge Toronto City Council to join us in choosing self-powered ways to get to City Hall on Clean Air Day, June 5, 2002.”

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of Satec at Porter Collegiate, present at the meeting.

Deputy Mayor Ootes, during the morning session of the meeting, introduced the representatives of the York Region Association of Recording Personnel, consisting of Committee Clerks, Deputy Clerks, Committee Secretaries and Committee Co-ordinators from nine municipalities and two School Boards, present at the meeting.

Councillor Chow, Children and Youth Advocate for the City of Toronto, with the permission of Council, during the afternoon session of the meeting, advised the Council that Art City, a non-profit community organization working in the St. Jamestown neighbourhood that provides art studio space for children in the area, is the recipient of the 2002 Toronto Children’s Toronto Children’s Advocate Award for Innovation, an award for the Children’s Program in Toronto that has shown leadership and innovation in serving children and families, and invited Alicia Mulak, a member of the Board of Art City, and two of the children who have participated in the program at Art City, Elmer Ben Brillantes Jr., 11 years of age, and Deserae Erickson, 7 years of age, to the podium. Elmer Ben Brillantes Jr. and Deserae Erickson addressed the Council in regard to the program at Art City and Councillor Chow invited Mayor Lastman to the podium to present the award to Alicia Mulak.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the Grade 5 students of Duke of Connaught Public School, present at the meeting.

May 23, 2002:

Councillor Duguid, with the permission of Council, during the morning session of the meeting, advised the Council that Aster Fessahaie, a Children's Services Consultant in the Community and Neighbourhood Services Department, has been chosen to receive the prestigious "New Pioneers Award", which is an award instituted by Skills for Change which recognizes the achievements of immigrants and refugees who have overcome barriers, achieved personal success and made significant contributions in the community; invited Members of Council to view a video presentation of Aster Fessahaie; extended, on behalf of Council, the congratulations and best wishes of Council to Ms. Fessahaie on her receipt of the 2002 New Pioneers Award; and also extended the appreciation of Council to Ms. Fessahaie for the excellent service she continues to provide to the children and families of the City of Toronto.

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of St. Timothy Catholic School, present at the meeting.

Deputy Mayor Ootes, during the morning session of the meeting, advised the Council that, at a special ceremony to be held today, May 23, 2002, at 12:30 p.m., in the Members' Lounge, the winners of the first annual Mayor's Community Safety Awards will be announced. Councillor Duguid, Chair of the Task Force on Community Safety, will be assisting in the presentation of the awards to five individuals and organizations that have made an outstanding contribution to making the City of Toronto a safer place to live, work and play.

4.120 **MOTIONS TO VARY PROCEDURE**

Vary the order of proceedings of Council:

May 21, 2002:

Councillor Layton, at 10:23 a.m., moved that Council vary the order of its proceedings to consider Clause No. 1 of Report No. 4 of The Community Services Committee, headed "Update on the Emergency Shelter System", immediately following consideration of Notices of Motions on Wednesday, May 22, 2002, which carried.

Councillor Ford, at 10:25 a.m., moved that Council vary the order of its proceedings to now consider Clause No. 1 of Report No. 3 of The Striking Committee, headed "Appointment of Members of Council to Standing and Other Committees of Council, Various Boards, Special Purpose Bodies and Special Positions", the vote upon which was taken as follows:

Yes - 35
Mayor: Lastman

Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Chow, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Jones, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pitfield, Shaw, Shiner, Silva, Soknacki, Tziretas, Walker
--------------	---

No - 7

Councillors:	Ashton, Berardinetti, Di Giorgio, Korwin-Kuczynski, McConnell, Pantalone, Rae
--------------	---

Carried by a majority of 28.

Councillor Miller, at 11:15 a.m., moved that Council vary the order of its proceedings to consider Motion F(2), moved by Mayor Lastman, seconded by Councillor Ootes, entitled "Appointment of Members of Council to the Striking Committee", immediately following consideration of Clause No. 1 of Report No. 3 of The Striking Committee, the vote upon which was taken as follows:

Yes - 36	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Soknacki, Sutherland, Walker
No - 8	
Mayor:	Lastman
Councillors:	Disero, Duguid, Feldman, Mammoliti, Moeser, Nunziata, Tziretas

Carried by a majority of 28.

Councillor Ford, at 2:15 p.m., with the permission of Council, introduced Mr. Kerry Wadman, accompanied by his interpreter Chris, present at the meeting, and moved that Council vary the order of its proceedings to permit Mr. Wadman, a gentleman who is physically challenged by his lack of hearing and sight, to address the Council, which carried, more than two-thirds of Members present having voted in the affirmative. Mr. Wadman addressed the Council and urged all Members of Council to increase the grants for organizations that provide home care for those individuals, like himself, who suffer from physical disabilities.

Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:

May 21, 2002:

Councillor Balkissoon, at 6:45 p.m., moved that Council now recess and reconvene at 9:30 a.m., on Wednesday, May 22, 2002, the vote upon which was taken as follows:

Yes - 16	
Mayor:	Lastman
Councillors:	Balkissoon, Cho, Disero, Feldman, Kelly, Korwin-Kuczynski, Li Preti, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Shiner, Sutherland, Walker
No - 19	
Councillors:	Altobello, Ashton, Bussin, Chow, Di Giorgio, Flint, Hall, Holyday, Jones, Layton, Lindsay Luby, McConnell, Miller, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki

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

May 22, 2002:

Deputy Mayor Ootes, at 12:26 p.m., proposed that Council now recess and reconvene at 2:00 p.m. Council concurred in the proposal by Deputy Mayor Ootes.

May 23, 2002:

Councillor Moscoe, at 5:50 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment, in order to conclude consideration of Motion J(5), moved by Councillor Moscoe, seconded by Councillor Feldman, in regard to the Reconstitution and Terms of Reference of the Parc Downsview Park Operating Protocol Committee, the vote upon which was taken as follows:

Yes - 19	
Councillors:	Chow, Disero, Duguid, Filion, Flint, Ford, Holyday, Jones, Kelly, Layton, McConnell, Mihevc, Milczyn, Miller, Moscoe, Soknacki, Sutherland, Tziretas, Walker
No - 12	
Councillors:	Altobello, Augimeri, Bussin, Di Giorgio, Hall, Johnston, Minnan-Wong, Nunziata, Ootes, Pantalone, Rae, Shiner

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

4.121 ATTENDANCE

Councillor Mammoliti requested that it be noted in the Minutes of this meeting that he was absent from this meeting on May 23, 2002, from 2:00 p.m. to 4:00 p.m., due to his attendance at the visitation for Councillor Li Preti's mother-in-law.

May 21, 2002	9:40 a.m. to 12:30 p.m.*	2:14 p.m. to 7:30 p.m..	Roll Call 7:10 p.m.
Lastman	x	x	x
Altobello	x	x	x
Ashton	x	x	-
Augimeri	x	x	-
Balkissoon	x	x	x
Berardinetti	x	x	-
Bussin	x	x	x
Cho	x	x	-

Minutes of the Council of the City of Toronto
May 21, 22 and 23, 2002

May 21, 2002	9:40 a.m. to 12:30 p.m.*	2:14 p.m. to 7:30 p.m..	Roll Call 7:10 p.m.
Chow	x	x	x
Di Giorgio	x	x	x
Disero	x	x	x
Duguid	x	x	-
Feldman	x	x	-
Filion	x	x	-
Flint	x	x	x
Ford	x	x	-
Hall	x	x	x
Holyday	x	x	x
Johnston	x	x	-
Jones	x	x	x
Kelly	x	x	-
Korwin-Kuczynski	x	x	x
Layton	x	x	x
Li Preti	x	x	-
Lindsay Luby	x	x	x
Mammoliti	x	x	-
McConnell	x	x	x
Mihevc	x	x	-
Milczyn	x	x	x
Miller	x	x	x
Minnan-Wong	x	x	-
Moeser	x	x	-
Moscoe	x	x	x
Nunziata	x	x	x
Ootes	x	x	x
Pantalone	x	x	-
Pitfield	x	x	x
Rae	x	x	x
Shaw	x	x	x
Shiner	x	x	x
Silva	x	x	-
Soknacki	x	x	-

Minutes of the Council of the City of Toronto
 May 21, 22 and 23, 2002

May 21, 2002	9:40 a.m. to 12:30 p.m.*	2:14 p.m. to 7:30 p.m..	Roll Call 7:10 p.m.
Sutherland	x	x	-
Tziretas	x	x	-
Walker	x	x	x
Total	45	45	25

* Members were present for some or all of the time period indicated.

May 22, 2002	Roll Call 9:40 a.m.	9:40 a.m. to 12:26 p.m.*	Roll Call 11:50 a.m.	2:14 p.m. to 5:40 p.m.*	Roll Call 3:24 p.m.	Ctte. of the Whole In-Camera 5:50 p.m.	7:22 p.m. to 7:30 p.m.*
Lastman	-	-	-	x	-	-	-
Altobello	x	x	x	x	x	x	x
Ashton	x	x	x	x	-	x	-
Augimeri	x	x	x	x	x	x	x
Balkissoon	x	x	-	x	x	x	x
Berardinetti	-	x	-	x	-	-	-
Bussin	x	x	-	x	-	x	x
Cho	-	x	x	x	-	-	-
Chow	x	x	x	x	-	x	x
Di Giorgio	x	x	x	x	x	x	x
Disero	x	x	-	x	x	x	x
Duguid	x	x	x	x	x	x	x
Feldman	x	x	-	x	x	x	x
Filion	-	x	-	x	-	x	x
Flint	-	x	x	x	x	x	x
Ford	x	x	x	x	x	x	-
Hall	x	x	x	x	x	x	x
Holyday	x	x	x	x	x	x	x
Johnston	x	x	x	x	-	-	-
Jones	x	x	x	x	-	x	-
Kelly	-	x	x	x	-	x	x
Korwin-Kuczynski	-	x	x	x	-	x	x
Layton	x	x	x	x	x	x	x
Li Preti	-	-	-	-	-	-	-
Lindsay Luby	-	-	-	x	x	x	x

Minutes of the Council of the City of Toronto
May 21, 22 and 23, 2002

May 22, 2002	Roll Call 9:40 a.m.	9:40 a.m. to 12:26 p.m.*	Roll Call 11:50 a.m.	2:14 p.m. to 5:40 p.m.*	Roll Call 3:24 p.m.	Ctte. of the Whole In-Camera 5:50 p.m.	7:22 p.m. to 7:30 p.m.*
Mammoliti	x	x	-	x	x	-	-
McConnell	x	x	x	x	x	x	-
Mihevc	x	x	-	x	-	x	-
Milczyn	-	x	-	x	x	x	x
Miller	-	x	x	x	x	x	-
Minnan-Wong	x	x	-	x	-	x	x
Moeser	-	x	x	x	-	-	-
Moscoe	-	x	-	x	-	x	x
Nunziata	x	x	x	x	-	x	x
Ootes	x	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x	x
Pitfield	-	x	x	x	x	-	-
Rae	x	x	x	x	x	x	-
Shaw	-	x	x	x	-	x	x
Shiner	x	x	x	x	-	x	x
Silva	x	x	x	x	x	x	x
Soknacki	-	x	-	x	x	x	x
Sutherland	x	x	-	x	x	x	-
Tziretas	x	x	-	x	x	x	x
Walker	x	x	x	x	x	x	-
Total	29	42	28	44	26	37	28

* Members were present for some or all of the time period indicated.

May 23, 2002	9:40 a.m. to 12:30 p.m.*	Roll Call 11:10 a.m.	Roll Call 11:55 a.m.	Roll Call 2:10 p.m.	2:10 p.m. to 6:00 p.m.*	Roll Call 4:35 p.m.	Roll Call 5:05 p.m.	Roll Call 5:45 p.m.
Lastman	x	-	-	x	x	-	-	-
Altobello	x	x	x	x	x	x	x	x
Ashton	x	x	x	-	x	x	x	-
Augimeri	x	x	x	x	x	x	x	x
Balkissoon	x	-	x	-	x	x	-	-
Berardinetti	x	x	x	x	x	-	-	-
Bussin	x	x	x	x	x	-	x	x

Minutes of the Council of the City of Toronto
 May 21, 22 and 23, 2002

May 23, 2002	9:40 a.m. to 12:30 p.m.*	Roll Call 11:10 a.m.	Roll Call 11:55 a.m.	Roll Call 2:10 p.m.	2:10 p.m. to 6:00 p.m.*	Roll Call 4:35 p.m.	Roll Call 5:05 p.m.	Roll Call 5:45 p.m.
Cho	-	-	-	-	-	-	-	-
Chow	x	x	-	x	x	x	-	-
Di Giorgio	x	x	x	x	x	x	x	x
Disero	x	x	x	x	x	x	x	x
Duguid	x	-	x	-	x	x	x	x
Feldman	x	-	-	x	x	-	-	-
Filion	x	-	x	x	x	-	x	x
Flint	x	x	x	-	x	x	x	x
Ford	x	x	x	-	x	x	-	x
Hall	x	x	x	x	x	-	-	x
Holyday	x	x	-	-	x	x	x	x
Johnston	x	x	-	-	x	-	-	x
Jones	x	x	x	-	x	-	x	x
Kelly	x	x	-	x	x	-	x	x
Korwin-Kuczynski	x	x	-	-	x	x	-	-
Layton	-	-	-	-	x	-	-	-
Li Preti	-	-	-	-	-	-	-	-
Lindsay Luby	x	x	x	x	x	x	x	-
Mammoliti	x	x	x	-	x	-	x	-
McConnell	x	x	x	-	x	-	-	x
Mihevc	x	x	x	x	x	-	-	x
Milczyn	x	x	x	x	x	-	-	x
Miller	x	x	-	-	x	-	-	x
Minnan-Wong	x	-	x	x	x	x	x	-
Moeser	x	x	x	x	x	-	-	-
Moscoe	x	x	-	x	x	x	x	-
Nunziata	x	x	x	x	x	x	x	x
Ootes	x	x	-	x	x	x	x	x
Pantalone	x	-	x	x	x	x	x	x
Pitfield	-	-	-	-	-	-	-	-
Rae	x	-	-	x	x	x	-	x
Shaw	-	-	-	x	x	-	-	x

Minutes of the Council of the City of Toronto
May 21, 22 and 23, 2002

May 23, 2002	9:40 a.m. to 12:30 p.m.*	Roll Call 11:10 a.m.	Roll Call 11:55 a.m.	Roll Call 2:10 p.m.	2:10 p.m. to 6:00 p.m.*	Roll Call 4:35 p.m.	Roll Call 5:05 p.m.	Roll Call 5:45 p.m.
Shiner	x	x	-	x	x	x	x	x
Silva	x	-	-	-	x	-	-	-
Soknacki	x	-	-	x	x	-	-	-
Sutherland	x	-	x	x	x	x	x	x
Tziretas	x	x	x	x	x	x	x	x
Walker	x	x	x	x	x	x	x	-
Total	40	29	26	28	42	23	23	26

* Members were present for some or all of the time period indicated.

MEL LASTMAN,
Mayor

ULLI S. WATKISS,
City Clerk

ATTACHMENT NO. 1 [Enquiry No. (1)(a)]

Enquiry dated February 19, 2002, from Councillor Walker, to the Commissioner of Economic Development, Culture and Tourism, regarding the 2008 Toronto Olympic and Paralympic Games Bid (See Minute No. 4.3, Page 1):

Further to the meeting of the Economic Development and Parks Committee on January 21, 2002, at which the above report [dated January 16, 2002] was discussed, I found that report to be deficient in many areas.

Thus, in the spirit of openness and transparency, I submit the following questions for your further explanation:

Page 9 of the Report:

- (1) What were the City staff costs incurred as a result of dedicating staff from the City for the Olympic Bid? For example, Mr. Ray McNeil, who headed the City Olympic Bid office; Mr. Joe Farag, from the Finance Department, produced the Olympic budget. All City staff diverted to work part-time or full-time on the City Olympic Bid represent salaries, benefits and pension contributions paid for by the City while working on the Olympic Bid.

Attachment No. 1 of the Report:

- (2) In the Audited Financial Statements from Price Waterhouse Coopers, why do all statements contain no comparison with the budget for the Olympic Bid? The Bid was budgeted for \$20 million. The actual cost of the Bid ballooned 128 percent, to \$45.7 million. What happened?
- (3) What exactly were the contributions, in money and in kind, broken down separately for each of the federal, provincial and municipal governments. The Bid received \$1 million as “an advance”, in 1998, from the provincial government. Where is this in the financial statements? Was it paid back by the Bid to the Province? If yes, when?
- (4) Why is there no disclosure of the government contributions in the financial statements similar to “corporate” and “individual” contributions?
- (5) Contingent liabilities – Note 4:
 - (a) This note does not disclose the “two suppliers who are a former officer and a director of the Bid Committee...” who have reduced their claims from \$612,000.00 to \$296,000.00.
 - What are the names of the former officer and director?
 - What were their claims for payment for?

- (b) Reference is made to a third supplier claiming a \$310,000.00 payment.
- Who was the supplier?
 - What was the claim for payment for?
 - What is the name of the “director” of the Bid Committee who has guaranteed any future payment to this supplier?
- (6) Fundraising Events – Note 5:
- It cost \$725,523.00 (49.4 percent) to raise \$1,468,784.00. This, frankly, is excessively high!
- What is the name of the external fundraising organization?
 - What are the name(s) of the principals of this external fundraising organization?
 - Was this fundraising work tendered?
 - Were the results of these fundraising events audited to support the expenses claimed against these fundraising efforts?
- (7) Olympic Evaluation Commission Reception:
- I understand there was a reception held for the Olympic Evaluation Commission at B.C.E. Place in February, 2001.
- What was the cost of this reception? I understand it was between \$750,000.00 - \$800,000.00.
 - Who catered this reception?
 - How was this contract awarded?
- (8) Compensation of Five (5) Highest Paid Officers of Toronto Olympic Bid:
- What were the salaries and other compensation of the five (5) highest paid officers of the T.O. Bid in each of 1998, 1999, 2000 and 2001? It is now standard practice to disclose the full compensation of the five (5) highest paid officers of a corporation?
- (9) Schedule of Expenses by Project:
- I note the “Bid Book Preparation” total cost was \$4,602,293.00.
- Who prepared this ‘bid book’?
 - Was its preparation put out to tender?

Attachment No. 2 of the Report:

- (10) Arthur Anderson – Review of 2001 Olympic Legacy Facilities
- What was the cost of this report?

- How was Arthur Anderson retained? By tender?
- What was the scope of the review undertaken by Arthur Anderson?

ATTACHMENT NO. 2 [Answer No. (1)(b)]

Answer dated April 5, 2002, from the Commissioner of Economic Development, Culture and Tourism, to the Enquiry dated February 19, 2002, from Councillor Walker, regarding the 2008 Toronto Olympic and Paralympic Games Bid (See Minute No. 4.3, Page 1):

In response to Councillor Walker's enquiry dated February 19, 2002, and as per your letter of direction, I am pleased to provide the following information.

(1) City Staff Costs

The City did not engage any additional staff resources to support the Olympic endeavour. At different times staff from various City departments (including Works and Emergency Services, Urban Development Services, Legal, Finance, Office of the Chief Administrative Officer, and Economic Development, Culture and Tourism) contributed to the project as required to meet the reporting requirements obligated by Council. All staff took on these responsibilities above and beyond their regular duties, as they would for any other special City project, at no incremental cost to the City, including the Commissioner himself.

Questions Nos. (2) through (9) in Councillor Walker's enquiry relate to the Price Waterhouse Coopers LLP Audited Financial Statement of the 2008 Toronto Olympic Bid (TO-Bid). As indicated in the City Auditor's report dated February 11, 2002, TO-Bid is a non-share, not-for-profit organization which was incorporated on September 1, 1998 under the Canada Corporations Act, for the purpose of preparing and presenting a proposal to the International Olympic Committee to bring the 2008 Olympic Games to Toronto. TO-Bid is a separate and distinct legal entity from the City of Toronto, and as such the City has no direct authority or jurisdiction over the operations of the organization.

The TO-Bid financial statements and operations are the responsibility of the TO-Bid management. TO-Bid management commissioned and adhered to a Financial Procedures Manual developed by the accounting firm Ernst and Young and followed a Code of Conduct which was formally approved by the Board of Directors. In addition, TO-Bid was guided in its business affairs by a Board-appointed Ethics Commissioner, the Hon. Charles L. Dubin, former Chief Justice of Ontario. In order to address the Councillor's questions, it was necessary for me to forward them to Borden D. Rosiak who acted as the Chief Financial Officer of the 2008 Toronto Olympic Bid. The responses to questions 2 through 9 below are a direct transcript of Mr. Rosiak's reply.

(2) Olympic Bid Budget

It is not usual or required disclosure under GAAP (generally accepted accounting principles) to present budget data in audited financial statements. This type of information would normally be found in financial statements prepared for Board and management purposes.

The increase in the actual costs of Olympics 2008 – Toronto (“Bid”) was primarily attributable to the large amount of in-kind contributions received from corporations who were fully supportive of the Bid. Actual cash expenditures were in line with budgeted amounts.

(3) Government Contributions

Other than the expense reimbursement by the federal and provincial governments of \$4.7 million set out in the Statements of Operations in the audited financial statements, there were no direct government contributors. In addition, the Province of Ontario advance was fully repaid.

(4) Disclosure of Government Contributions

See No. (3) above.

(5) Contingent Liabilities

Under GAAP, financial statement disclosure does not require the specific identification of officers, directors or suppliers within the notes to the financial statements. As such, no identification has or will be provided.

(6) Fundraising Events

The external fundraising organization, a Canadian firm, was selected after following the agreed upon tendering process. Neither the firm nor its senior officers were directors or officers of the bid.

Prior to paying any expenditures, internal controls within the Bid ensured that said expenditures were reasonable and supported by appropriate backup documentation.

(7) Olympic Reception

The cost of this event was not in the range of \$750,000.00 to \$800,000.00, as noted by Councillor Walker, but closer to \$350,000.00 to \$400,000.00. Numerous organizations were involved in organizing and carrying out the event from security to entertainment to catering. No one organization provided all services for this event.

(8) Compensation

The financial statements for the Bid have been prepared in accordance with GAAP as set out in the Handbook of the Canadian Institute of Chartered Accountants.

Neither the Handbook nor the incorporating statute for the Bid requires the disclosure of the compensation paid to the five highest paid officers of the corporation.

I can certainly confirm that the directors of the Bid did not receive any Directors fees and that the Chief Executive Officer and the Chief Financial Officer did not receive any employment compensation.

(9) Bid Book

The preparation of the Bid Book was co-ordinated by a senior official of the Bid. Considering the size and complexity of the Bid Book, its preparation involved advisors specializing in a wide variety of areas, including legal, environment, transportation, security, finance, architecture and construction.

It should be noted that of the total \$4.6 million cost to produce the Bid Book \$1.4 million was in cash and \$3.2 million was from in-kind contributions.

(10) Review of Olympic Legacy Facilities

The review of the Olympic Legacy Facilities was one of many projects contained in the tripartite Waterfront agreement between the City, the Province of Ontario and the Federal Government. The total cost of this project was \$42,340.00 of which the City's share was one-third, which was paid from the corresponding Waterfront project capital budget.

The scope of the review involved five key elements:

- completing an inventory of current recreational and sports facilities in the broader region;
- reviewing the operations and uses of legacy facilities in other Olympic cities to ascertain successful models
- identifying potential roles and uses for the Olympic legacy facilities in meeting local, regional and national needs for quality recreation and sports facilities;
- identifying potential operating models that incorporate private sector involvement; and
- ascertaining the public sector's financial obligations associated with operating and maintaining these facilities.

I trust the above responses will meet your requirements.

ATTACHMENT NO. 3 [Enquiry No. (2)(a)]

Enquiry dated April 23, 2002, from Councillor Johnston, to Mayor Lastman, regarding the attendance of Mr. Denis Desautels at the April 16, 17 and 18, 2002 Council meeting to respond to questions on the concept of an Auditor General (See Minute No. 4.3, Page 2):

In connection with Mr. Denis Desautels' attendance at last week's Council meeting, could you please advise me of the total costs incurred by the City in inviting Mr. Desautels from Ottawa to answer questions at the meeting.

I assume that Mr. Desautels was invited to respond to questions on the Auditor General concept at the City, rather than his impact as Federal Auditor General at Ottawa. The question asked of Mr. Desautels, which essentially invited him to comment on whether or not he had wasted his time over the last 10 years as Canada's Auditor General, seemed to be completely inappropriate, in the context of Mr. Desautels' role at the City, particularly in the context of receiving value for money for his attendance at Council. The issue of value for money is, of course, one of the fundamentals of an Auditor General concept and it seems to me that this was a case where value for money could certainly be questioned.

Your early response to my enquiry would be appreciated.

ATTACHMENT NO. 4 [Answer No. (2)(b)]

Answer dated May 21, 2002, from Mayor Lastman, to the Enquiry dated April 23, 2002, from Councillor Johnston, regarding the attendance of Mr. Denis Desautels at the April 16, 17 and 18, 2002 Council meeting to respond to questions on the concept of an Auditor General (See Minute No. 4.3, Page 2):

This is in response to the Enquiry submitted by Councillor Anne Johnston on April 23, 2002, regarding the visit of Mr. Denis Desautels to City Council for the last Council meeting. The expenses incurred by the City for Mr. Desautels' trip totalled \$849.07.

Mr. Desautels was retained by the City as temporary staff for the drafting of the report on the creation of an Auditor General for the City of Toronto. Mr. Desautels was retained for this task for his unique technical skills and unparalleled experience in public sector auditing. Upon completion of the Auditor General report, Mr. Desautels was asked to attend our last Council meeting as a courtesy to Councillors who may have had questions on this matter. His attendance was for the benefit of Council.

With regard to the questions posed to Mr. Desautels during Council, I can only say this it is at the discretion of the Chair of Council to determine which questions are appropriate for staff to answer. Accordingly, Mr. Desautels responded as directed.

ATTACHMENT NO. 5 [Enquiry (3)(a)]

Enquiry dated May 8, 2002, from Councillor Walker, to the Chief Administrative Officer, regarding any negotiated settlement pertaining to 2195 Yonge Street (See Minute No. 4.3, Page 2):

I am writing to ask that you provide members of City Council with answers to the following questions regarding the negotiations with Minto Y/E Inc. and the City Solicitor on their proposal for skyscrapers at 2195 Yonge Street:

- (1) Will the City Solicitor be reporting back to City Council, at any point, about the negotiations, the proposed settlement or, if reached, the final settlement?
- (2) Council was not provided with any information regarding the proposed \$1.0 million “privately funded rent supplement program to fund seniors housing in the community”. Do you have any details about this proposed program and, if so, what are they?
- (3) What will happen to those seniors receiving supplements at the end of the 10-year period? For instance, once the subsidy ends will they be evicted?
- (4) Would such an operating fund, with a sunset date for its’ operation and no eligibility criteria or basic details, be sought by the City’s Planning Department as a Section 37 Public Benefit?

I appreciate your reply to these questions regarding this important matter.

ATTACHMENT NO. 6 [Answer (3)(b)]

Answer dated May 17, 2002, from the Chief Administrative Officer, to Councillor Walker, regarding any negotiated settlement pertaining to 2195 Yonge Street (See Minute No. 4.3, Page 2):

I am in receipt of an inquiry from Councillor Michael Walker regarding negotiations with Minto Y/E Inc. and 2195 Yonge Street.

I have consulted with the Commissioner of Urban Development Services and the City Solicitor in preparing the following response:

- (1) Will the City Solicitor be reporting back to City Council, at any point, about the negotiations, the proposed settlement or, if reached, the final settlement?

As directed by City Council at its meeting of April 16, 17 and 18, 2002, the City Solicitor negotiated and achieved settlement with Minto YE Inc. Written terms of settlement were filed with the Ontario Municipal Board, and Councillor Walker was provided with a copy on May 1, 2002. The terms have also been filed with the City Clerk.

- (2) Council was not provided with any information regarding the proposed \$1.0 million “privately funded rent supplement program to fund seniors housing in the community”. Do you have any details about this proposed program and, if so, what are they?

Under the terms of settlement and the Section 37 Agreement, Minto YE Inc must deliver a \$1.0 million letter of credit before the first building permit is issued. Minto may propose a rent supplement program which City Council can then approve or reject. If the proposal is rejected, then the City may draw down the full \$1.0 million to be used in the City’s sole discretion to provide affordable rental housing for seniors in the community.

- (3) What will happen to those seniors receiving supplements at the end of the 10-year period? For instance, once the subsidy ends will they be evicted?

The Section 37 Agreement permits Minto to propose a rent supplement program. The proposal will have to address specifics, including the location and number of dwelling units, the duration of the program, transition provisions and the manner in which the sum of \$1.0 million will be expended. If Minto does not address all issues properly, Council will reject the proposal.

- (4) Would such an operating fund, with a sunset date for its operation and no eligibility criteria or basic details be sought by the City's Planning Department as a Section 37 public benefit?

As noted in response to Inquiry No. 3, no specific proposal has been made. If Minto makes a proposal, then it must address all issues to Council's satisfaction, or Council will reject it.

ATTACHMENT NO. 7 [Enquiry (4)(a)]

Enquiry dated May 8, 2002, from Councillor Walker, to the Chief Administrative Officer, regarding an update on the negotiations with the City's Unions. (See Minute No. 4.3, Page 2):

At the last meeting of Toronto City Council, Councillor Doug Holyday requested an update regarding the negotiations with the City's unions for a new collective bargaining agreement. Apparently Councillor Holyday had his questions answered, but the rest of Council remains in the dark.

Rumours are beginning to spread amongst the City's employees about the possibility of labour actions by both C.U.P.E. Locals 416 and 79. Building permit applicants are being told to be prepared for the possibility of delays due to a possible lock-out or strike.

Councillors are aware that these negotiations are ongoing and sensitive in nature. In my opinion though, we are entitled as officers of the Corporation of the City of Toronto to be kept informed as to the nature of the negotiations between the employees' representatives and the City, and we have not.

I am requesting you to provide City Council with an update on these ongoing negotiations; in conference if necessary.

ATTACHMENT NO. 8 [Answer (4)(b)]

Answer dated May 14, 2002, from the Chief Administrative Officer, to Councillor Walker, respecting an update on the Union Negotiations. (See Minute No. 4.3, Page 2):

I am in receipt of an inquiry from Councillor Michael Walker regarding updating Council on the status of union negotiations.

As you are aware, City Council has created a Labour Relations Advisory Panel, a Sub-Committee of the Policy and Finance Committee, to provide general guidance and advice to staff regarding collective bargaining. Staff report regularly to the Panel on progress of the labour negotiations. When a final resolution is achieved, staff will report through the Labour Advisory Panel to Council.

Members of Council who wish to obtain information about the status of the negotiations can speak to members of the Panel. For your information the current membership is: Mayor M. Lastman, Chair; Councillors C. Ootes, J. Flint, D. Soknacki, L. Berardinetti, D. Shiner and D. Miller.

With regard to the issue pertaining to building permit applicants, I can advise that management staff in the Building Division have not given staff any directions about services to be provided in the event of labour disruption, nor are they aware of any situations where this information has been given to clients by staff. Members of Council can provide me with any specific cases about which they have been informed, and I will follow up on them.

ATTACHMENT NO. 9 [Notice of Motion J(12)]

Report dated May 15, 2002, from the Commissioner of Corporate Services, headed "Underground Pedestrian Connection Between 5000 Yonge Street and the North York Civic Centre – Agreement with Menkes 5000 Yonge Developments Ltd. and Toronto District School Board (Ward 23 - Willowdale)" (See Minute No. 4.89, Page 92):

Purpose:

The purpose of this report is to seek authority to amend Clause No. 2 of the Administration Committee Report No. 13, as adopted by the City Council at its meeting held on October 2, 3, and 4, 2001, as described herein.

Financial Implications and Impact Statement:

There are no financial implications associated with this report.

Recommendations:

It is recommended that:

- (1) Clause No. 2 of Administration Committee Report No. 13, as adopted by Council at its meeting held on October 2, 3, and 4, 2001, be amended to authorize the City to enter into an agreement with Menkes 5000 Yonge Street Office Inc. and Transamerica Life Canada (collectively the "Developer") and the Toronto District School Board ("TDSB") to amend the Pedestrian Tunnel and Interim Board of Education Services Agreement originally entered into by Ontario Hydro, CIBC Development Corporation ("CIBC"), the Board of Education for the City of North York and The Corporation of the City of North York, dated May 1, 1991 (the "Pedestrian Tunnel Agreement"), on the terms described in the body of this report, instead of entering into a new licence agreement with the Developer; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing.

Background:

Menkes 5000 Yonge Developments Ltd. ("Menkes"), as owner of 5000 Yonge Street (the "Site"), located on the southwest corner of North York Boulevard and Yonge Street, submitted an application for an Official Plan Amendment and Zoning By-law Amendment to allow a mixed-use development to be constructed on the Site. The Application was approved by Council on May 30, 31 and June 1, 2001.

On June 27, 2001, Menkes and the City entered into an agreement pursuant to Section 37 of the Planning Act, which provides for increased residential density in return for certain facilities, services and matters, at no cost to the City, including an underground pedestrian connection linking the office building to be constructed by the Developer on the Site to the North York Civic Centre (“NYCC”), to the satisfaction of the Commissioner of Corporate Services, together with whatever improvements to the NYCC are reasonably required to accommodate such connection prior to site plan approval for the office building.

In the early 1990’s, pursuant to the terms of the Pedestrian Tunnel Agreement, Ontario Hydro and CIBC partially constructed a tunnel beneath North York Boulevard. As Ontario Hydro and CIBC’s proposed development of the Site did not proceed, the tunnel was never completed. The Developer subsequently acquired the Site.

Accordingly, staff negotiated a licence arrangement with the Developer for the completion and use of the partially constructed tunnel; it being agreed that such terms and conditions would supersede and replace the requirements with respect to the completion and use of the tunnel set out in the Pedestrian Tunnel Agreement. At its meeting held on October 2, 3, and 4, 2001, Council approved the terms of the licence and, subject to the approval of TDSB, authorized the City to enter into the licence agreement with the Developer.

Comments:

City staff submitted the terms of the proposed licence agreement to TDSB for approval. TDSB has advised that the terms of the licence agreement are acceptable to it, except that instead of a license terminable by the City upon two (2) years notice after the first ten (10) years of the term, the existing 100 year easement under the Pedestrian Tunnel Agreement must be maintained. The Developer, TDSB and City staff have agreed, therefore, that, subject to Council’s approval, rather than entering into a new licence agreement for the completion and use of the tunnel, the City, the Developer and TDSB should simply amend the Pedestrian Tunnel Agreement to incorporate the terms and conditions of the licence agreement which Council approved, except that the existing easement rights under the Pedestrian Tunnel Agreement should be maintained instead of being replaced by a licence terminable by the City upon two (2) years notice after the first ten (10) years of the term. Certain other ancillary amendments to the licence terms are also necessary to reflect the easement rights. As the easement under the Pedestrian Tunnel Agreement will automatically terminate, in whole or in part, if the tunnel is demolished or closed, in whole or in part, because one or more of the connecting buildings has been demolished, the City does not really require the early termination provision.

Conclusions:

Council's approval of the licence agreement was conditional upon TDSB's approval being obtained. As TDSB requires that the Pedestrian Tunnel Agreement be amended as set out above, rather than being replaced with a new license agreement, I recommend that the City enter into an agreement amending the Pedestrian Tunnel Agreement on the terms described herein.

Contact:

Name: Vicky Papas
Position: Valuator/Negotiator
Telephone: 392-1830
Fax: 392-1880
E-Mail: vpapas@city.toronto.on.ca
Report No.: ac02.83

List of Attachments:

Schedule A – Site Location Map
Schedule B - Key Map

(A copy of the attachments referred to in the foregoing report is on file in the office of the City Clerk.)

ATTACHMENT NO. 10 [Notice of Motion J(17)]

Joint report dated May 21, 2002, from the Chief Administrative Officer and the City Solicitor, entitled "Public Inquiry in Relation to MFP Financial Services Equipment Leases" (See Minute No. 4.94, Page 100):

Purpose:

To respond to the request of City Council to review all information and records and determine which of these are proposed to be withheld from the Inquiry Commissioner and Legal Counsel.

Financial Implications and Impact Statement:

There are no financial implications at this time.

Recommendation:

It is recommended that this report be received for information.

Background:

City Council at its meeting of April 16, 17 and 18, 2002, had before it Clause No. 5 of Report No. 4 of The Audit Committee dealing with the status of the public inquiry in relation to the MFP Financial Services Equipment Leases. Council amended this Clause and requested the Chief Administrative Officer to submit a confidential report to the next meeting of City Council on all information and records proposed to be withheld from the inquiry Commissioner and Legal Counsel for Council's direction with respect thereto.

Comments:

The Director of Litigation has reviewed the documents in the custody of the City Solicitor. Almost all of the documents have now been copied and provided to Commission Counsel. The KPMG report has also been provided to Commission Counsel, subject to striking out certain limited portions of the report. The Director of Litigation will be meeting shortly with Commission Counsel at which time full disclosure of the documents will be made. Commission Counsel will determine if the withheld documents and the struck out portions of the KPMG report are critical to the Inquiry. If Commission Counsel requests production of these documents for Inquiry purposes, a further report will be prepared for Council's determination whether the documents should be released or not.

The Director of Litigation will be meeting with KPMG shortly to review documents in their possession and, if determined that this material should not be released to Commission Counsel, it will be included in a report for Council's direction whether to release it or not.

Commission Counsel has requested that the City take all steps to ensure that all documents relevant to the Inquiry have been provided to them. A corporate communication will be sent to all staff advising that, if they have in their possession any documents relating to the subject matter of the Inquiry, it should be provided to the City Solicitor for review and release.

In addition, we have been advised that the Inquiry Project Plan and estimated budget will be available in early June and a report advising of same will be prepared for Council's consideration.

Contact:

Anna Kinastowski
City Solicitor
Tel: 392-8040
Fax: 397-5624
Email: Akinasto@city.toronto.on.ca

ATTACHMENT NO. 11 [Notice of Motion J(24)]

Report dated May 13, 2002, from the Chief Administrative Officer, entitled “Appointment – Commissioner, Community and Neighbourhood Services” (See Minute No. 4.101, Page 111):

Purpose:

The purpose of this report is to recommend to Council an appointment to the position of Commissioner, Community and Neighbourhood Services.

Financial Implications and Impact Statement:

Funding for the position is included in the Department operating budget.

The Chief Financial Officer and Treasurer concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) Eric Gam be appointed to the position of Commissioner, Community and Neighbourhood Services for the City of Toronto and that such appointment be effective June 3, 2002, provided that he has entered into an employment contract with the City prior to that date;
- (2) the Chief Administrative Officer be authorized to negotiate terms and conditions of employment based on the pro-forma employment contract provisions previously approved and consistent with other second level senior management of the City;
- (3) the by-law appointing the Acting Commissioner, Community and Neighbourhood Services remain in full force and effect until a by-law appointing a new Commissioner, Community and Neighbourhood Services comes into effect; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto including the introduction in Council of any necessary bills.

Background:

As a result of a vacancy, a recruitment and selection process for the hiring of a new Commissioner, Community and Neighbourhood Services has been undertaken.

The members of the selection panel were the Deputy Mayor, Chair of Community and Neighbourhood Services Committee, Councillor Olivia Chow, Councillor David Soknacki, Chief Administrative Officer and Commissioner, Works and Emergency Services. The other Members of Council were invited to audit the interviews of the finalist candidates.

Comments:

Consistent with the established process, the selection panel has concluded its interviews of the short list of qualified candidates for the position of Commissioner, Community and Neighbourhood Services. Reference checks have been conducted. Preliminary discussions have occurred related to salary and other general terms of employment, conditional on Council approval of the recommended candidate.

A summary of the curriculum vitae of the candidate is attached.

Subject to the execution of an employment contract with the recommended candidate prior to June 3, 2002, the appointment of Eric Gam as Commissioner, Community and Neighbourhood Services should come into effect on June 3, 2002.

In order to avoid a situation which could arise if an employment contract with the recommended candidate is not executed by June 3, 2002, it is recommended that the by-law appointing the Acting Commissioner, Community and Neighbourhood Services remain in full force and effect until a by-law appointing a new Commissioner, Community and Neighbourhood Service comes into effect.

Conclusions:

The selection process for this position has been thorough and comprehensive, open, fair and objective. The recommendation of the selection panel is presented for the consideration of Council.

Contact:

Shirley Hoy
Chief Administrative Officer
Tel: 416-392-3551
Fax: 416-392-1827

(A copy of the résumé referred to in the foregoing report is on file in the office of the City Clerk, such résumé to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to an identifiable individual.)