

CERTIFICATE OF AMENDMENTS

Certified to be a true copy of amendments to:

Report No. 1 of The Works Committee,
Report No. 1 of The Toronto South Community Council, and
Report No. 1 of The Toronto West Community Council,

and Notices of Motions as adopted by the Council of the City of Toronto at its Special meeting held on January 30 and February 12, 2004.

Unless otherwise noted in this document, the Clauses contained in the aforementioned Reports were approved in the form presented to Council.

REPORT NO. 1 OF THE WORKS COMMITTEE

Clause No. 2 - "Design and Production of Solid Waste Collection Calendars - Request for Proposal No. 3001-03-7442".

City Council on January 30 and February 12, 2004, amended this Clause by adding the following:

"It is further recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee, prior to the production time of the 2005 Solid Waste Collection Calendars, on the usage of the calendar by the public and whether or not the City should continue to produce it as a full calendar."

REPORT NO. 1 OF THE TORONTO SOUTH COMMUNITY COUNCIL

Clause No. 35 - "Application for Official Plan Amendment - 940, 980 and 1100 Lansdowne Avenue (former General Electric – Davenport Site) (Davenport, Ward 17)".

City Council on January 30 and February 12, 2004, adopted the following recommendation:

"It is recommended that the supplementary report dated January 28, 2004, from the Commissioner of Urban Development Services, be adopted, subject to amending Recommendation No. (2) by:

(1) amending the lead-in phrase to now read as follows:

'(2) with respect to the appeals of the Phase I application scheduled for a two week Ontario Municipal Board Hearing on February 2, 2004, authorize the City Solicitor to request that the Ontario Municipal Board approve the Official Plan Amendment, Zoning By-law Amendment and consent, and defer the site plan referrals on the following basis:'; and

(2) inserting in Part (II)(c)(iii), after the words 'adjacent lands', the words "including the site of the resin plant", so that such Part shall now read as follows:

'(II)(c)(iii) the adjacent lands, including the site of the resin plant, within the undeveloped phase(s) will not pose any adverse environmental impacts on the intended use of the phase being developed; and',

so that the recommendations contained in the report, as amended by Council, shall now read as follows:

"It is recommended that Council:

(1) adopt Recommendations Nos. (1), (2) and (3) in City Planning's Preliminary Report dated December 16, 2003, on an application to amend the Official Plan of the former City of Toronto to implement a Secondary Plan for the 19-acre former General Electric-Davenport site at 940, 980 and 1100 Lansdowne Avenue;

(2) with respect to the appeals of the Phase I application scheduled for a two week Ontario Municipal Board Hearing on February 2, 2004, authorize the City Solicitor to request that the Ontario Municipal Board approve the Official Plan Amendment, Zoning By-law Amendment and consent, and defer the site plan referrals on the following basis:

The Ontario Municipal Board Order giving final approval to the Phase I Official Plan amendment, Zoning By-law amendment, consent and site plan referral would be deferred until the following conditions - as set out in (I), (II), (III), (IV), (V), (VI) and (VII) - are satisfied:

- (I) the applicant shall prepare and submit a revised secondary plan and a background study containing the outstanding investigation identified in the Secondary Plan Study Outline prepared by City Planning and forwarded to the applicant on June 25, 2003. The plan and study shall be submitted to the satisfaction of the City within a timetable acceptable to the Commissioner of Urban Development Services and the applicant;
- (II) the applicant shall submit to the satisfaction of the Commissioner of Works and Emergency Services for review and acceptance:
 - (a) all environmental site assessment and annual monitoring and groundwater reports describing the current site conditions and the proposed remedial action plans to the Commissioner of Works and Emergency Services for peer review;
 - (b) pay all costs associated with the City retaining a third-party peer review consultant and submit, with the environmental site assessment reports, a deposit by certified cheque payable to the City, in an amount to be determined, towards the cost of the peer review;
 - (c) statements from a professional engineer (dated, signed and sealed) for peer review and concurrence that based on all the necessary supporting environmental documents:
 - (i) the site (soil and groundwater conditions) within Phase I, including the lands to be conveyed to the City is suitable for its intended use (residential development);
 - (ii) all environmental information assembled for the property has been assessed in a manner consistent with the current Ministry of the Environment (MOE) guidelines, objectives, or regulations;
 - (iii) the adjacent lands, including the site of the resin plant, within the undeveloped phase(s) will not pose any adverse environmental impacts on the intended use of the phase being developed; and

- (iv) it is unlikely that there is any off-site contamination, resulting from the past land uses on the site, that has migrated from the site to the adjacent rights-of-way that would exceed applicable MOE guidelines, objectives, or regulations;
- (d) enter into an agreement with the City should it be determined that remediation of the adjacent right-of-way be required, in which the Owner, or the party responsible for the contamination, commit to carrying out a remedial work plan acceptable to the City;
- (e) a Record of Site Condition (RSC) to the Commissioner of Works and Emergency Services, with respect to the statement from the Professional Engineer identified in Recommendation No. (II)(c);
- (f) additional information and material with respect to any proposed below-grade minor encroachments within the north-south road right-of-way to be conveyed to the City for public highway purposes demonstrating that:
 - (i) such minor encroachments will not negatively impact the design, construction, operations and maintenance of the roads, and the municipal services and utilities located within the public right-of-way; and
 - (ii) proper legal mechanisms can be implemented to minimize any potential liability to the City and ensure that such encroachments are being properly maintained;
- (g) a functional road plan/detailed cross section drawings of the new street system;
- (h) a functional road plan/detailed cross section drawings of the new interim street system in the event that the project/street system is to be constructed in phases;
- (i) an infrastructure phasing plan to describe the roads and municipal services and utilities that will be required to accommodate the Phase 1 development, and to indicate, among other things, the demolition/construction sequencing/ construction access and staging areas;

- (j) an overall municipal servicing report to determine the storm runoff, sewage flow and water demand resulting from the redevelopment of the entire development site; describe how the entire site is to be serviced; and whether the existing municipal infrastructure is adequate or upgrades to it are required to service this development;
 - (k) an overall stormwater management report to describe how stormwater run-off generated by the redevelopment of the entire site is to be managed and how the objectives of the City's Wet Weather Flow Management Master Plan are to be satisfied;
 - (l) a revised Ambient Air Quality Assessment for the Phase I development that addresses the concerns identified by Work and Emergency Services, Environmental Services;
 - (m) a municipal lighting assessment for the proposed internal street network and for Lansdowne Avenue and Davenport Road along the boundaries of the site;
- (III) the applicant shall submit revised Site Plan drawings and supporting documentation, and the owner shall execute a Site Plan Approval Undertaking, to the satisfaction of the Commissioner of Urban Development Services and the Commissioner of Works and Emergency Services that:
- (a) widens the proposed pedestrian walkway at the northwest corner of Phase I lands to 4 metres, which will connect to future pedestrian connection through the hydro corridor to Davenport Road;
 - (b) widens the proposed north-south pedestrian walkway between Buildings I and F, J and G, and K and H to 3 metres to facilitate pedestrian movements;
 - (c) extends the concrete sidewalks through all driveway accesses and eliminate and/or depress curb returns across the sidewalk to ensure a level surface;
 - (d) reinstates the curbs at any existing vehicular access ramps along Lansdowne Avenue and Davenport Road that are no longer required and restore the boulevards to the satisfaction of the Commissioner of Works and Emergency Services and at no cost to the City;

- (e) provides revised building elevations for the end units of Blocks A, B, C, D, E, F, G, H fronting the proposed north-south public road to provide an appropriate building – public street interface;
- (f) provides an elevation of proposed townhouses including Building 13 and 15:
 - (i) looking south from Davenport Road (Earlscourt Park); and
 - (ii) looking north from the south boundary of Phase 1;
- (g) provides a mix of architectural and urban design treatment between the proposed townhouse blocks;
- (h) provides floor plan drawings of Building No. 15 and confirms the proposed use(s) in order that such things as refuse collection and loading requirements may be assessed for the building;
- (i) provides details on the proposed screening measures (e.g. fencing and noise attenuation wall) between Phase I and the remainder of the former General - Electric site;
- (j) deletes the encroachments of the proposed underground garages within the north-south road right-of-way required to be conveyed to the City for public highway purposes for this development;
- (k) increases the right-of-way of the proposed public north-south road to a minimum width of 16 metres;
- (l) eliminates the encroachment of Townhouse Block ‘L’, as shown on Drawing No. DP-104, from the abutting property to the north (Hydro Lands);
- (m) improves pedestrian connections (stairs) to the proposed below grade parking facility from the townhouse blocks;
- (n) provides and maintains additional vehicular manoeuvring space at the terminus of the dead-end aisles in the underground parking garage;

- (o) provides and maintains a physical separation between the residents' and the non-residential portions of the underground parking garage (and residential visitors, if any) to secure the availability of the residents' parking;
- (p) provides and maintains in connection with City refuse collection services, 2-Type G strategically located loading spaces, as follows:
 - (i) one for use by the townhouse Blocks F, G, H, I, J, K, L, and M; and
 - (ii) one in the vicinity of Building No. 15 to accommodate the refuse from generated from townhouse Blocks A, B, C, D, and E, and the residential component of Building No. 15, if such type of occupancy is contemplated;
- (q) relocates the Type G loading space serving the mixed-use building (Building No. 15) so as to eliminate back-out manoeuvres onto the proposed east-west public right-of-way;
- (r) constructs the Type G loading spaces and driveways and passageways providing access thereto to the requirements of the Ontario Building Code, including allowance for City of Toronto bulk lift and rear bin loading with impact factors where they are to be built as supported structures;
- (s) constructs all driveways and passageways providing access to and egress from the Type G loading spaces with minimum widths of 3.5 m (4 m where enclosed), minimum vertical clearances of 4.3 m and minimum inside and outside turning radii of 9 m and 16 m respectively;
- (t) provides and maintains for townhouse Blocks A, B, C, D, and E and the residential component of Building No. 15 (if such type of occupancy is proposed) a 25 m² garbage storage room with a stationary compactor and a recycling storage room of at least 20 m² in size, or, alternatively, a combined garbage/recycling storage room with a minimum size of 45 m², to be equipped with an automated recycling and waste system (i.e. tri-sorter type);

- (u) installs and maintains double or overhead doors of a width necessary to accommodate the movement of container bins between the garbage and recycling storage rooms and the Type G loading space located in the vicinity of Building No. 15;
- (v) provides and maintains level corridors between the residential and recycling storage rooms and Type G loading space in the vicinity of Building No. 15, of a width necessary to accommodate the passage of the container bins for collection;
- (w) provides and maintains a 15 m² concrete storage pad fronting the Type G loading space in the vicinity of Building No. 15, with maximum of 2% slope where containers bins are to be placed on collection days only and manoeuvred for safe and efficient collection;
- (x) provides and maintains for the townhouse Blocks F, G, H, I, J, K, L and M, adjacent to the Type G loading space, an enclosed (four sides) concrete collection area (maximum of 2% slope), double gated, preferably with a compactor, of sufficient size to accommodate a minimum of 6 bins (3 for garbage; 3 for recycling) and bulky items where they can be placed and manoeuvred for safe and efficient collection. The enclosure must be of sufficient height to screen the area from residents and its gates kept locked at all times. If a compactor is not installed, a total of 12 bins must be provided (6 for garbage; 6 for recycling) and accommodated with the collection area;
- (y) provides and maintains trained staff members to:
 - (i) collect and transfer the refuse from townhouse Block F, G, H, I, J, K, L, and M to the enclosed collection area for City solid waste refuse collection and be present on collection days to manoeuvre the bins and bulky items to the front of the solid waste refuse collection vehicle and act as a flagperson when the vehicle is reversing. Although collection of the refuse from the units can be done using a small tractor, at no time are container bins to be used and/or travel over portions of the public rights-of-way; and

- (ii) collect and transfer the refuse from townhouse Blocks A, B, C, D, and E and Building No. 15 (if residential units are proposed) from the garbage and recycling storage rooms to the collection pad and be present on collection days to manoeuvre the bins in front of the Solid waste refuse collection vehicle and act as a flagperson when the vehicle is reversing;
- (z) provides and maintains for Building No. 15:
 - (i) dedicated garbage and recycling storage room(s) for the non-residential component of the mixed-use building if such type of occupancy is contemplated and a collection pad to accommodate the refuse generated; and
 - (ii) private refuse collection services if office use only is determined to be the chosen occupancy for the building, as well as the appropriate dedicated garbage and recycling storage rooms;
- (aa) provides fire access routes in accordance with the requirements of the Ontario Building Code;
- (bb) requires the owner to submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the issuance of the first above-grade building permit for Phase I:
 - (i) Grading and Site Servicing Plans to show existing and proposed services, grades, drainage, infiltration areas within the site and overland flow routes taking into consideration the adjacent undeveloped lands; and
 - (ii) a Stormwater Management Report for Phase I;
- (cc) provides space within the development for the construction of any transformer vaults, Hydro, Bell and sewer maintenance holes required in connection with the development;

- (dd) provides a name for the proposed roads in accordance with the City of Toronto Street Naming Policy so that it can be circulated for comments and forwarded to the appropriate Community Council for consideration; and
 - (ee) applies, prior to filing a formal application for the first building permit for Phase I, for revised municipal numbering which must include a site plan showing entrances to the proposed townhouse units/buildings;
- (IV) the City and the owner agree to community benefits under Section 37 of the Planning Act;
- (V) the owner shall execute a Section 37 Agreement to the satisfaction of the City Solicitor that:
- (a) secures the community benefit agreed to by the City and the owner;
 - (b) secures provisions, to the satisfaction of the Commissioner of Works and Emergency Services, requiring the owner to:
 - (i) convey, for a nominal fee, the east-west road proposed to connect to Lansdowne Avenue and the north-south road proposed to connect to Davenport Road to the City for public highway purposes free and clear of any encumbrances (except for any minor encroachments that may be potentially be permitted by the Commissioner of Works and Emergency Services, at his sole discretion, and subject to the applicant satisfying Condition No. 2(II)(f) above);
 - (ii) acquire and convey to the City the necessary lands within the hydro corridor along the north limit of the site to construct the road connection to Davenport Road;
 - (iii) acquire and convey to the City the necessary lands within the hydro corridor along the north limit of the site to construct pedestrian access / connection to Davenport Road;

- (iv) pay for all street lighting costs associated with development of the site including any required upgrades to the existing lighting on Lansdowne Avenue and Davenport Road along the boundaries of the site;
 - (v) pay for all new municipal infrastructure and/or upgrades to existing municipal infrastructure required to service this development; and
 - (vi) pay for all costs associated with the installation of regulatory signage and pavement markings, including the installation or alteration of regulatory signs within the Lansdowne Avenue and Davenport Road rights-of-way, required in connection with the development;
 - (vii) in connection with the proposed public roads, enter into an agreement with the City to secure, among other matters, the design, construction, acceptance, maintenance, assumption, and conveyance of the roads, with the terms and conditions of the agreement to be satisfactory to the Commissioner of Works and Emergency Services and the City Solicitor;
 - (viii) pay for all costs associated with the design and construction of the proposed roads;
- (c) secures the provision of clauses for noise, vibration, non-residential activities, school capacity and any other appropriate clause in all offers of purchase and sale, or rental agreement, of any residential and non-residential unit or building on the site;
 - (d) secures the provision of on-site railway safety mitigation measures and the implementation of noise and vibration mitigation measures;
 - (e) requires the owner (or related interest) to submit to the satisfaction of the Commissioner of Works and Emergency Services and prior the issuance of an above-grade permit for any building in Phase I:

- (i) an environmental site assessment and a remedial action plan showing how all contaminant locations are going to be delineated and remediated according to Ministry of Environment Guidelines for Building 28 and the lands occupied by the resin plant operation; and
 - (ii) an environmental site assessment and a remedial action plan showing how all contaminant locations are going to be delineated and remediated according to Ministry of Environment Guidelines for Building 13 and its lands;
- (VI) the applicant shall submit, at least 3 weeks prior to forwarding the Official Plan Amendment and the Zoning By-law to the Ontario Municipal Board for its consideration, to the Commissioner of Works and Emergency Services:
- (a) a Reference Plan of survey in metric units and referenced to the Ontario Co-ordinate System delineating thereon by separate PARTS the lands under application, lands to be conveyed and any appurtenant rights-of-way; and
 - (b) final drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed townhouses and building to enable the preparation of building envelope plans;
- (VII) an Official Plan Amendment and Zoning By-law are prepared to the satisfaction the City Solicitor including, amongst other matters, the following zoning provisions that:
- (i) provide loading requirements in keeping with Zoning By-law No. 438-86, as amended;
 - (ii) provide and maintain parking spaces on the site to serve the development, in accordance with the following minimum ratios:

UNIT TYPE	PARKING RATIO
Townhouse unit	1.0 space per unit
Bachelor unit	0.3 spaces per unit
1 bedroom unit	0.7 spaces per unit
2 Bedroom unit	1.0 space per unit
3 + bedroom unit	1.2 spaces per unit
Visitor Parking	0.12 spaces per unit
Office	1.0 space per 93 m ² of rental space

and are forwarded to the Ontario Municipal Board; and

- (3) in the event the Ontario Municipal Board does not agree to withhold its Phase 1 Order as identified in Recommendation 2 of this report, or the applicant subsequently seeks to have the Order issued before the conditions in Recommendation 2 are addressed to the City's satisfaction, authorize the City Solicitor and City staff to oppose the Phase I approvals.”

REPORT NO. 1 OF THE TORONTO WEST COMMUNITY COUNCIL

Clause No. 43 - “Final Report - Application to Amend the Official Plan and Zoning Code; Studio Court Limited 75 Lemonwood Drive; File No. TA CMB 2003 0003 (Ward 4 - Etobicoke Centre)”.

City Council on January 30 and February 12, 2004, amended this Clause by deleting the recommendation of the Toronto West Community Council and inserting instead the following:

“It is recommended that:

- (1) the report dated December 16, 2003, from the Director, Community Planning, West District, as contained in the Clause, be adopted, subject to:
 - (a) deleting the following Recommendation No. (6):
 - ‘(6) before introducing the necessary Bills pertaining to the retirement buildings to City Council for enactment, require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act;’; and
 - (b) the approval containing a clause that the buildings remain retirement or assisted living; and
- (2) right-in and right-out access to Eglinton Avenue West be granted and the applicant be requested to design and construct the access to the satisfaction of the Director of Transportation Services, West District, at no cost to the municipality.”

NOTICES OF MOTION APPEARING UNDER ITEM J

J(4) Settlement of Legal Action Relating to a Personnel Matter

Moved by: Mayor Miller

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the Commissioner of Corporate Services has received advice from outside legal counsel and has prepared a confidential report with respect to a legal action relating to a personnel matter; and

WHEREAS consideration of this matter by Council is required on an urgent basis to provide instructions to outside legal counsel in relation to this matter;

NOW THEREFORE BE IT RESOLVED THAT Council consider the confidential report from the Commissioner of Corporate Services dated January 26, 2004.”

Disposition:

City Council on January 30 and February 12, 2004, referred Motion J(4), together with the confidential report dated January 26, 2004, from the Commissioner of Corporate Services, to the Mayor and the Chief Administrative Officer for further consideration, and issued confidential instructions to staff, such report and instructions to remain confidential in their entirety, in accordance with the provisions of the Municipal Act, as they pertain to personal information about identifiable individuals.

J(7) Report on Local 3888 Memorandum of Agreement for the Term 2002 - 2006

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Rae

“**WHEREAS** the City of Toronto and the Toronto Professional Fire Fighters’ Association, Local 3888 engaged in collective bargaining from September 2, 2003 to December 23, 2003; and

WHEREAS the City of Toronto and the Toronto Professional Fire Fighters’ Association have signed a Memorandum of Agreement in respect of the terms and conditions for the collective agreement covering the term; and

WHEREAS the City of Toronto and the Toronto Professional Fire Fighters’ Association have committed to recommend the Memorandum of Agreement to their principals; and

WHEREAS the financial impacts associated with this Motion are described in the attached confidential joint report dated January 16, 2004, from the Commissioner of Works and Emergency Services, the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services;

NOW THEREFORE BE IT RESOLVED THAT City Council give consideration to the attached confidential joint report dated January 16, 2004, from the Commissioner of Works and Emergency Services, the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services, and that such report be adopted.”

Disposition:

City Council on January 30 and February 12, 2004, adopted Motion J(7), subject to adding the following new Operative Paragraphs:

AND BE IT FURTHER RESOLVED THAT the Chair of the Toronto Police Services Board be requested to submit a report to City Council, through the Employee and Labour Relations Committee, on:

- (1) how the retention bonus was included as part of the base salary of the Toronto Police Service; and***
- (2) the current arrangements with regard to the compressed work week;***

AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer be requested to submit a report to the Employee and Labour Relations Committee with respect to collective bargaining and wage rates within the emergency services (Police, Fire and Emergency Medical Services), such report to include broader public sector comparators and serve as the basis for discussion with the Province of Ontario;

AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer, the Commissioner of Corporate Services and the Commissioner of Works and Emergency Services be requested to submit a joint report to the next regular meeting of City Council scheduled to be held on March 1, 2004, on:

- (1) the dates of the meetings and briefings with any elected official that were held after September 1, 2003, with regard to this particular contract; and***
- (2) the actual hourly wage rate and other benefits the fire fighters in Toronto will be earning if the contract is approved, as compared to Windsor and Hamilton;***

AND BE IT FURTHER RESOLVED THAT the Chief Financial Officer and Treasurer and the labour negotiators from both the City of Toronto and the Toronto Police Service be requested to convene a meeting to exchange information and negotiation strategies, prior to the next round of negotiations;

AND BE IT FURTHER RESOLVED THAT the Chief Financial Officer and Treasurer be requested to submit a report to the Policy and Finance Committee, through the Employee and Labour Relations Committee, on a comparison of the benefits for the Toronto Fire Fighters' Association, C.U.P.E. Locals 79 and 416 and the City of Toronto's non-union employees;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Works and Emergency Services and the Fire Chief and General Manager be requested to submit a report to Council, through the Policy and Finance Committee, in six months' time, on the pilot project."

City Council, by its adoption of Motion J(7), as amended, adopted, without amendment, the confidential joint report dated January 16, 2004, from the Commissioner of Corporate Services, the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer. The following recommendations contained in this report are now public and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, as it contains information related to labour relations:

"It is recommended that:

- (1) the attached Memorandum of Agreement between the City and Local 3888 be ratified by Council;***
- (2) City staff make the necessary adjustments to the Toronto Fire Services 2004 Operating Budget to accommodate the funding of the above rates of pay amendments and benefit improvements for consideration during the 2004 Budget process; and***
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."***

J(8) **Supply of all Labour, Materials and Equipment Required to Provide Winter Maintenance at Various Locations of the Toronto Fire Services During the 2003-2004 Winter Season With an Option to Renew for the 2004-2005 and 2005-2006 Winter Seasons. Quotation Request No. 6032-03-0102**

Moved by: Councillor Chow

Seconded by: Councillor Rae

“**WHEREAS** the Administration Committee, at its meeting on January 9, 2004, considered the recommendations of the Bid Committee to adopt the report dated October 20, 2003, from the Commissioner of Works and Emergency Services and Director of Purchasing and Materials Management respecting the supply of all Labour, Materials and Equipment required to provide Winter Maintenance at various locations of the Toronto Fire Services during the 2003-2004 winter season, with an option to renew for the 2004-2005 and 2005-2006 Winter seasons; and

WHEREAS the Administration Committee recommended the adoption of Recommendations Nos. (2), (3), (4) and (5) of this report subject to approval of funding in subsequent years, and, because of 2004 budget implications, forwarded this matter to the Policy and Finance Committee; and

WHEREAS inadvertently this matter did not appear on the Policy and Finance Committee agenda for its meeting on January 15, 2003; and

WHEREAS staff have advised that, although the Bid Committee approved the quotation for snow removal at various Fire Stations for the period November 15, 2003 to December 31, 2003, it is important that Council, at this meeting, approve the balance of this contract for the 2003/2004 Winter Season in order to ensure that there is no disruption in this vital service;

NOW THEREFORE BE IT RESOLVED THAT Council amend the joint report dated October 20, 2003, from the Commissioner of Works and Emergency Services, and the Director of Purchasing and Materials Management by striking out Recommendation No. (2) and inserting in its place the following:

- ‘(2) the balance of the award to Lima’s Gardens and Construction Inc., in the total estimated amount of \$162,757.69 including all charges and applicable taxes for the period commencing January 1, 2004 to April 15, 2004, be approved’;

AND BE IT FURTHER RESOLVED THAT Council adopt the report dated October 20, 2003, from the Commissioner of Works and Emergency Services and the Director of Purchasing and Materials Management, as amended, containing the following Recommendations Nos. (2), (3), (4) and (5), subject to approval of funding in subsequent years:

- '(2) the balance of the award to Lima's Gardens and Construction Inc., in the total estimated amount of \$162,757.69, including all charges and applicable taxes, for the period commencing January 1, 2004 to April 15, 2004, be approved;
- (3) the option to renew the contract with Lima's Gardens and Construction Inc. for two (2) additional one (1) year periods (2004-2005 and 2005-2006 Winter seasons), in the amount of \$238,323.78, including all charges and applicable taxes, for 2004-2005 Winter season, and in the amount of \$244,281.86, including all charges and applicable taxes for 2005-2006 Winter season, for a total of \$482,605.64, including all charges and applicable taxes, under the same terms, conditions and pricing be reviewed by the Commissioner of Works and Emergency Services, in cooperation with the Purchasing Agent, provided the Supply of all Labour, Material and Equipment required to provide Winter Maintenance at various locations in the North and West Command Districts of the Toronto Fire Services was performed at a satisfactory level, to ensure it is feasible to extend the contract and that funds are available in the Toronto Fire Service operating budget, for each additional one (1) year renewal period;

The total funds required for award of the contract to Lima's Gardens and Construction Inc., to provide Winter Maintenance from November 15, 2003 to April 15, 2006, at various locations in the North and West Command Districts of the Toronto Fire Services is \$715,116.63, including all charges and applicable taxes.

- (4) provided that there is a favourable review, in accordance with Recommendation No. 3, the Commissioner of Works and Emergency Services be delegated the authority to exercise the option to renew on the terms and conditions set out above to be authorized to instruct the Purchasing Agent to process the necessary contract; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.' "

Disposition:

City Council on January 30 and February 12, 2004, adopted Motion J(8), subject to adding the following new Operative Paragraph:

"AND BE IT FURTHER RESOLVED THAT the negotiating team be requested to include, in future contract negotiations, the issue of winter maintenance and grass cutting at various locations of the Toronto Fire Services."

J(21) **Request for Direction – Pickford Road (Ward 43-Scarborough East)**

Moved by: Councillor Lindsay Luby

Seconded by: Councillor Cho

“**WHEREAS** Council at its meeting held on September 22, 23, 24 and 25, 2003, requested the City Solicitor and staff to attend the yet unscheduled Ontario Municipal Board hearing of an appealed Zoning By-law Amendment and Plan of Subdivision by 758893 Ontario Limited, after consideration of the results of a community consultation meeting, and a further review by staff; and

WHEREAS City staff has reviewed two alternative plans of subdivision, submitted by 758893 Ontario Limited, to address the concerns raised by the residents and staff with the original proposal; and

WHEREAS by a report dated January 28, 2004, to City Council, the Commissioner of Urban Development Services is recommending that one of the alternative subdivision proposals and Zoning By-law Amendments, submitted by 758893 Ontario Limited, be accepted and supported at the upcoming Ontario Municipal Board Hearing; and

WHEREAS the Ontario Municipal Board has now scheduled the hearing of this matter to commence on February 16, 2004, for four days;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the report dated January 28, 2004 from the Commissioner of Urban Development Services.”

Disposition:

City Council on January 30 and February 12, 2004, 2004, adopted Motion J(21), without amendment.

Toronto, Ontario
February 13, 2004

City Clerk