

[Guide to Minutes](#)

These Minutes were confirmed by City Council on March 1, 2004.

Amended clauses – See January 30, 2004 City Council Agenda - Quick Reference

**MINUTES OF A SPECIAL MEETING
OF THE COUNCIL OF THE
CITY OF TORONTO**

**FRIDAY, JANUARY 30, 2004, AND
THURSDAY, FEBRUARY 12, 2004**

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

CALL TO ORDER - 2:12 p.m.

S4.1 Deputy Mayor Pantalone took the Chair and called the Members to order.

The meeting opened with O Canada.

S4.2 NOTICE OF SPECIAL MEETING

Deputy Mayor Pantalone read the following Notice of Special Meeting:

“In accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, the Mayor has called a Special meeting of Council to be held on Friday, January 30, 2004, in the Council Chamber, Toronto City Hall, for the following purposes, such meeting to commence at 2:00 p.m., and adjourn prior to sundown:

- (1) to complete consideration of any time critical business from the regular meeting of Council held on January 27, 28 and 29, 2004;
- (2) to introduce and enact General Bills; and

- (3) to introduce and enact a confirming by-law for this Special Meeting.”

Mayor Miller in the Chair.

S4.3 **DECLARATION OF INTEREST**

Councillor Saundercook declared his interest in Motion J(7), moved by Deputy Mayor Pantalone, seconded by Councillor Rae, respecting the Local 3888 Memorandum of Agreement for the Term 2002 - 2006, in that his brother-in-law is an employee of Toronto Fire Services.

CONSIDERATION OF REPORTS CLAUSES WITH MOTIONS, VOTES, ETC.

- S4.4 **Clause No. 43 of Report No. 1 of The Toronto West Community Council, headed “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)”.**

Note:

City Council considered this Clause at its regular meeting held on January 27, 28 and 29, 2004, and also considered it at its Special meeting held on January 30 and February 12, 2004.

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

Motion:

Councillor Milczyn moved that the Clause be further amended by deleting Recommendation No. (6) contained in the report dated December 16, 2003, from the Director, Community Planning, West District.

Votes:

The motion by Councillor Milczyn carried.

The Clause, as further amended, carried.

In summary, Council 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.”

S4.5 Clause No. 2 of Report No. 1 of The Works Committee, headed “Design and Production of Solid Waste Collection Calendars - Request for Proposal No. 3001-03-7442”.

Motion:

Councillor McConnell moved that the Clause be amended 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.”

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

S4.6 Clause No. 35 of Report No. 1 of The Toronto South Community Council, headed “Application for Official Plan Amendment - 940, 980 and 1100 Lansdowne Avenue (former General Electric – Davenport Site) (Davenport, Ward 17)”.

The Clause was submitted to City Council without recommendation.

Motions:

- (a) Councillor Palacio moved that City Council adopt 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 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:’.”

- (b) Councillor Milczyn moved that motion (a) by Councillor Palacio be amended by adding the words “and subject to amending Recommendation No. (2) by 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’.”

Votes:

Motion (b) by Councillor Milczyn carried.

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

Yes - 32	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson
No - 0	

Carried, without dissent.

The Clause, as amended, carried.

In summary, Council 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.”

S4.7 Clause No. 32 of Report No. 1 of The Policy and Finance Committee, headed “Museum of Contemporary Canadian Art – Relocation to the West Queen West Art and Design District (Ward 23 - Willowdale and Ward 19 - Trinity-Spadina)”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

Yes - 1 Councillor: Ford
No - 37 Mayor: Miller Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Walker, Watson

Lost by a majority of 36.

The Clause was adopted, without amendment.

S4.8 **IN-CAMERA MEETING SESSIONS OF THE COMMITTEE OF THE WHOLE**

January 30, 2004:

Motion:

Councillor Mihevc, at 3:05 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Motion J(7), moved by Deputy Mayor Pantalone, seconded by Councillor Walker, and, in the absence of Councillor Walker, seconded by Councillor Rae, respecting the Local 3888 Memorandum of Agreement for the Term 2002 - 2006, in accordance with the provisions of the Municipal Act, as it contains information related to labour relations.

Vote:

The motion by Councillor Mihevc carried.

Councillor Shiner requested that his opposition to discussing Motion J(7) in-camera be noted in the Minutes of this Special meeting.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 3:15 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 5:05 p.m., and met in public session in the Council Chamber.

Mayor Miller took the Chair and called the Members to order.

S4.9 Report on Local 3888 Memorandum of Agreement for the Term 2002 - 2006

Mayor Miller called upon Motion J(7) appearing on the Order Paper for this Special meeting of Council, as follows:

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.”

City Council had before it, during consideration of Motion J(7), a joint confidential report dated January 16, 2004, from the Commissioner of Corporate Services, the Commissioner, Works and Emergency Services and the Chief Financial Officer and Treasurer.

City Council also had before it, during consideration of Motion J(7), copies of the following:

- (1) the Memorandum of Agreement between the City and Local 3888;
- (2) an extract of Article 53, Service Pay, submitted by Councillor Soknacki;
- (3) a Letter of Understanding dated January 21, 2004, between the City of Toronto and The Toronto Professional Firefighters' Association, Local 3888;
- (4) presentation materials submitted by the Commissioner of Corporate Services; and
- (5) a comparison of the City of Toronto active and retiree benefit plans.

City Council also had before it, during consideration of Motion J(7), a memorandum dated January 13, 2004, from Scott Marks, President, Local 3888, addressed to all members of the Toronto Professional Firefighters' Association, Local 3888, entitled "Summary of Memorandum of Agreement", submitted by Councillor Shiner.

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the Municipal Act, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with Motion J(7).

Motion:

- (a) Councillor Ootes moved that Motion J(7) be referred back to the negotiating team.

February 12, 2004:

Procedural Motion:

Councillor Shiner moved that the necessary provisions of Chapter 27, Council Procedures, of the City of Toronto Municipal Code be waived in order to permit additional questions of staff by Members of Council in-camera, the vote upon which was taken as follows:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Cowbourne, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Hall, Holyday, Jenkins, Kelly, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Soknacki, Stintz, Walker, Watson

No - 13	
Councillors:	Carroll, Cho, Chow, Davis, De Baeremaeker, Giambrone, Grimes, Li Preti, McConnell, Mihevc, Pantalone, Rae, Thompson

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

Motion:

Mayor Miller, at 10:20 a.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to resume consideration of Motion J(7).

Vote:

The motion by Mayor Miller carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 10:24 a.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 11:55 a.m., and met in public session in the Council Chamber.

Mayor Miller took the Chair and called the Members to order.

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the Municipal Act, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with Motion J(7).

Vote Be Now Taken:

Councillor Cho moved that, in accordance with §27-45C of Chapter 27 of the City of Toronto Municipal Code, the vote be now taken, the vote upon which was taken as follows:

Yes - 16	
Councillors:	Augimeri, Bussin, Carroll, Cho, Davis, Di Giorgio, Filion, Giambrone, Jenkins, McConnell, Mihevc, Pantalone, Rae, Soknacki, Thompson, Watson
No - 20	Miller

Mayor:	
Councillors:	Altobello, Ashton, Balkissoon, Chow, Cowbourne, De Baeremaeker, Del Grande, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Mammoliti, Minnan-Wong, Ootes, Palacio, Shiner, Stintz

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

Vote on Referral:

Adoption of motion (a) by Councillor Ootes:

Yes - 17	
Councillors:	Altobello, Balkissoon, Del Grande, Di Giorgio, Feldman, Holyday, Jenkins, Kelly, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Soknacki, Stintz
No - 25	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Li Preti, McConnell, Mihevc, Milczyn, Pantalone, Rae, Thompson, Walker, Watson

Lost by a majority of 8.

Debate on Motion J(7):

- (b) Councillor Shiner moved that Motion J(7) be amended by adding the following new Operative Paragraph:

“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 the November 10, 2003 election, 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.”
- (c) Councillor Holyday moved that Motion J(7) be amended by adding the following new Operative Paragraph:

“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.”
- (d) Councillor Ashton moved that Motion J(7) be amended by adding the following new Operative Paragraph:

“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.”

- (e) Councillor McConnell moved that Motion J(7) be amended by adding the following new Operative Paragraph:

“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.”

- (f) Councillor Pitfield moved that Motion J(7) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee, for its meeting scheduled to be held on February 24, 2004, on the number of approved positions required to effectively operate the required functions of the City of Toronto and its agencies, boards and commissions.”

- (g) Councillor Nunziata moved that Motion J(7) be amended by adding the following new Operative Paragraphs:

“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."

- (h) Councillor Mihevc moved that Part (1) of motion (b) by Councillor Shiner be amended by deleting the words "the November 10, 2003 election", and inserting instead the date "September 1, 2003".

Ruling by Mayor:

Mayor Miller, due to the nature of motion (f) by Councillor Pitfield, ruled such motion out of order.

Votes:

Adoption of motion (h) by Councillor Mihevc:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Ford, Giambone, Grimes, Jenkins, McConnell, Mihevc, Minnan-Wong, Ootes, Pantalone, Pitfield, Soknacki, Thompson, Walker, Watson
No - 12	
Councillors:	Bussin, Del Grande, Feldman, Hall, Holyday, Kelly, Mammoliti, Milczyn, Nunziata, Palacio, Shiner, Stintz

Carried by a majority of 16.

Adoption of Part (1) of motion (b) by Councillor Shiner, as amended:

Yes - 25	
Councillors:	Altobello, Balkissoon, Carroll, Cho, Del Grande, Di Giorgio, Feldman, Ford, Hall, Holyday, Jenkins, Kelly, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 15	
Mayor:	Miller

Councillors:	Ashton, Augimeri, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Grimes, McConnell, Mihevc, Pantalone
--------------	---

Carried by a majority of 10.

Adoption of Part (2) of motion (b) by Councillor Shiner:

Yes - 28	
Councillors:	Altobello, Ashton, Balkissoon, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Ford, Hall, Holyday, Jenkins, Kelly, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 12	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Chow, Cowbourne, Filion, Fletcher, Giambrone, Grimes, McConnell, Mihevc, Pantalone

Carried by a majority of 16.

Adoption of motion (c) by Councillor Holyday:

Yes - 40	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Motion (d) by Councillor Ashton carried.

Motion (e) by Councillor McConnell carried.

Motion (g) by Councillor Nunziata carried.

Adoption of Motion J(7), as amended:

Yes - 26	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, McConnell, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Soknacki, Thompson, Walker, Watson
No - 14	
Councillors:	Altobello, Balkissoon, Del Grande, Di Giorgio, Feldman, Holyday, Jenkins, Kelly, Mammoliti, Minnan-Wong, Ootes, Pitfield, Shiner, Stintz

Carried by a majority of 12.

In summary, Council 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."

Motion:

Councillor Saundercook, at 4:40 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Motion J(4), moved by Mayor Miller, seconded by Deputy Mayor Pantalone, respecting the Settlement of a Legal Action Relating to a Personnel Matter, in accordance with the provisions of the Municipal Act, as it contains personal information about identifiable individuals.

Vote:

The motion by Councillor Saundercook carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 4:50 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 6:25 p.m., and met in public session in the Council Chamber.

Mayor Miller took the Chair and called the Members to order.

S4.10 **Settlement of Legal Action Relating to a Personnel Matter**

Mayor Miller called upon Motion J(4) appearing on the Order Paper for this Special meeting of Council, as follows:

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.”

City Council had before it, during consideration of Motion J(4), a confidential report dated January 26, 2004, from the Commissioner of Corporate Services.

Report of the Committee of the Whole:

Mayor Miller, 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(4):

Motion:

Moved by Councillor Balkissoon:

“That Motion J(4), together with the confidential report dated January 26, 2004, from the Commissioner of Corporate Services, be referred to the Mayor and the Chief Administrative Officer for further consideration, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, as it contains personal information about identifiable individuals.”

Vote on Referral:

Adoption of motion by Councillor Balkissoon:

Yes - 23	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Mihevc, Milczyn, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Walker, Watson
No - 6	
Councillors:	Ashton, Del Grande, Holyday, Jenkins, Kelly, Ootes

Carried by a majority of 17.

Further Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the Municipal Act, further reported that Council, at the in-camera portion of its meeting had also issued confidential instructions to staff, such 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.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION**S4.11 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**

Deputy Mayor Ootes called upon Motion J(8) appearing on the Order Paper for this Special meeting of Council, move by Councillor Chow, seconded by Councillor Walker, and, in the absence of Councillor Walker, seconded by Councillor Rae, as follows:

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.’ ”

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(8), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 54)

City Council also had before it, during consideration of Motion J(8), a communication dated October 29, 2003, from the City Clerk, addressed to the Administration Committee, forwarding the recommendations of the Bid Committee pertaining to the attached joint report dated October 20, 2003, from the Commissioner of Works and Emergency Services and the Director of Purchasing and Materials Management, entitled "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". (See Attachment No. 1, Page 44)

Motion:

Councillor Shiner moved that Motion J(8) be adopted, 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."

Votes:

The motion by Councillor Shiner carried.

Motion J(8), as amended, carried.

S4.12 **Request for Direction – Pickford Road (Ward 43-Scarborough East)**

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(21), moved by Councillor Jenkins, seconded by Councillor Cho, and, in the absence of Councillor Jenkins, moved by Councillor Lindsay Luby, which carried, more than two-thirds of Members present having voted in the affirmative:

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.”

Advice by Mayor:

Mayor Miller 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 Toronto East Community Council 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 Toronto East Community Council carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(21), a report dated January 28, 2004, from the Commissioner of Urban Development Services, entitled “Request for Direction, South of Pickford Road, North of Craggview Drive, Between Westcroft Drive and Weir Crescent, 758893 Ontario Limited, File Numbers TF ZBL 2003 0010 and TF SUB 2003 0005, West Hill Community, Scarborough East - Ward 43”. (See Attachment No. 2, Page 50)

Vote:

Motion J(21) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the report dated January 28, 2004, from the Commissioner of Urban Development Services, containing the following recommendations:

“It is recommended that the City Solicitor and appropriate staff attend the Ontario Municipal Board to:

- (1) if presented, oppose the original proposal for Plan of Subdivision and Zoning By-law Amendment put forward with the initial application submission (Attachment 1); and

- (2) support a settlement based on ‘Alternate Proposal - Option 1’ for Plan of Subdivision and Zoning By-law Amendment (Attachment 2), provided that conditions outlined in this report are addressed.”

BILLS AND BY-LAWS

S4.13 On January 30, 2004, at 5:06 p.m., Councillor Hall, seconded by Councillor Cowbourne, 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. 128	By-law No. 130-2004	To amend Municipal Code Chapter 441, Fees, to establish charges for the administration of remedial work by Municipal Licensing and Standards Division staff.
Bill No. 129	By-law No. 131-2004	To appoint building inspectors and to repeal the appointment by-laws of the former municipalities.
Bill No. 130	By-law No. 132-2004	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, regarding Avon Avenue, Charlton Settlement Avenue, Homeview Avenue and Humbercrest Lane”.
Bill No. 131	By-law No. 133-2004	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, regarding Avon Avenue, Charlton Settlement Avenue, Homeview Avenue and Humbercrest Lane”.
Bill No. 132	By-law No. 134-2004	To amend City of York Municipal Code Ch. 997, “School Bus Loading Zone, respecting Bansley Avenue”.
Bill No. 133	By-law No. 135-2004	To amend further By-law No. 271, a By-law “To prohibit parking on certain sides of certain highways”, being a By-law of the former Borough of East York, regarding Frankdale Avenue, Inwood

Avenue and Wiley Avenue.

Bill No. 134	By-law No. 136-2004	To amend further By-law No. 20-96, a by-law “To provide for overnight permit parking on Borough streets”, being a by-law of the former Borough of East York, regarding Frankdale Avenue, Inwood Avenue and Wiley Avenue.
Bill No. 135	By-law No. 137-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Frankdale Avenue, Inwood Avenue and Wiley Avenue.
Bill No. 136	By-law No. 138-2004	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, regarding Frankdale Avenue, Inwood Avenue and Wiley Avenue.
Bill No. 137	By-law No. 139-2004	To appoint Dr. Barbara Yaffe as Acting Medical Officer of Health for the City of Toronto Health Unit and to rescind the appointment of Dr. Sheela Basrur as Medical Officer of Health for the City of Toronto Health Unit.
Bill No. 138	By-law No. 140-2004	To appoint Dr. Anna Banerji and Dr. Lisa Berger as Associate Medical Officers of Health for the City of Toronto Health Unit.
Bill No. 139	By-law No. 141-2004	To amend former City of York By-law No. 1-83 in respect of lands located at 7 Holmesdale Road.
Bill No. 140	By-law No. 142-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Spadina Avenue,

the vote upon which was taken as follows:

Yes - 41	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

S4.14 On January 30, 2004, at 5:07 p.m., Councillor Stintz, seconded by Councillor Shiner, 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. 145	By-law No. 143-2004	To confirm the proceedings of the Council at its Special meeting held on the 30th day of January, 2004,
--------------	---------------------	---

the vote upon which was taken as follows:

Yes - 40	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

S4.15 On February 12, 2004, at 4:37 p.m., Councillor Thompson, seconded by Councillor Giambrone, 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. 148	By-law No. 144-2004	To confirm the proceedings of the Council at its Special meeting held on the 30th day of January and the 12th day of February, 2004,
--------------	---------------------	--

the vote upon which was taken as follows:

Yes - 30	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Ford, Giambrone, Hall, Jenkins, Kelly, McConnell, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Pitfield, Rae, Soknacki, Thompson, Walker, Watson
No - 4	
Councillors:	Altobello, Balkissoon, Del Grande, Shiner

Carried by a majority of 26.

S4.16 On February 12, 2004, at 6:28 p.m., Councillor Kelly, seconded by Councillor Del Grande, 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. 146	By-law No. 145-2004	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 147	By-law No. 146-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Biggar Avenue,

the vote upon which was taken as follows:

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Holyday, Jenkins, Kelly, Mihevc, Milczyn, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Walker, Watson
No - 0	

Carried, without dissent.

S4.17 On February 12, 2004, at 6:29 p.m., Councillor Watson, seconded by Councillor Altobello, 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. 149	By-law No. 147-2004	To confirm the proceedings of the Council at its Special meeting held on the 30th day of January and the 12th day of February, 2004,
--------------	---------------------	--

the vote upon which was taken as follows:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Holyday, Jenkins, McConnell, Mihevc, Milczyn, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Walker, Watson
No - 1	
Councillor:	Kelly

Carried by a majority of 27.

OFFICIAL RECOGNITIONS:

S4.18 Presentations/Introductions/Announcements:

January 30, 2004:

Mayor Miller, during the morning session of the meeting, introduced Trustee Ann Arnold, present at the meeting.

February 12, 2004:

Mayor Miller, during the afternoon session, extended, on behalf of Council, the best wishes of Council to Councillor Nunziata on the occasion of her birthday.

Councillor Walker, with the permission of Council, during the afternoon session of the meeting, extended, on behalf of Council, the best wishes of Council to Councillor Pitfield, who had celebrated her 50th birthday on February 3, 2004.

S4.19 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

Waive the provisions of Chapter 27 of the City of Toronto Municipal Code to add to agenda for Special Meeting:

Deputy Mayor Pantalone on January 30, 2004, at 2:15 p.m., moved that the necessary provisions of Chapter 27, Council Procedures, of the City of Toronto Municipal Code be waived, in order to include Clause No. 32 of Report No. 1 of The Policy and Finance Committee, headed "Museum of Contemporary Canadian Art – Relocation to the West Queen West Art and Design District (Ward 23 - Willowdale and Ward 19 - Trinity-Spadina)", on the agenda for this Special meeting as a "time critical" item, which carried, more than two-thirds of Members present having voted in the affirmative.

Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:

January 30, 2004:

Councillor Chow, at 5:08 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 to recess at sundown, in order to conclude consideration of Motion J(7), the vote upon which was taken as follows:

Yes - 30	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Rae, Thompson, Watson
No - 11	
Councillors:	Altobello, Cho, Del Grande, Feldman, Kelly, Li Preti, Minnan-Wong, Pitfield, Shiner, Stintz, Walker

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

Motion to Re-Open:

Councillor Ootes, with the permission of Council, at 5:15 p.m., moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, the vote to extend this Special meeting be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller, at 5:20 p.m., proposed that Council now recess and reconvene at 9:30 a.m., on February 12, 2004. Council concurred in the proposal by Mayor Miller.

February 12, 2004:

Mayor Miller, at 2:35 p.m., proposed that Council now recess and reconvene at 3:30 p.m., in order to permit Members of Council to attend a briefing by the Chief of Police. Council concurred in the proposal by Mayor Miller.

S4.20 ATTENDANCE

January 30, 2004:

Councillor Nunziata, seconded by Councillor Palacio, moved that:

- (1) the absence of Councillor Moscoe from the meeting of Council held on January 27, 28 and 29, 2004; and

- (2) the absence of Councillors Moscoe, Mammoliti and Soknacki from the Special meeting of Council held on January 30, 2004,

be excused, which carried.

February 12, 2004:

Councillor Saundercook, seconded by Councillor Stintz, moved that the absence of Councillor Moscoe from the Special meeting of Council held on January 30 and February 12, 2004, be excused, which carried.

January 30, 2004	2:12 p.m. to 3:05 p.m.*	Cttee. of the Whole in-Camera 3:15 p.m.	5:05 p.m. to 5:20 p.m.*
Miller	x	x	x
Altobello	x	x	x
Ashton	x	x	x
Augimeri	x	x	x
Balkissoon	x	x	x
Bussin	x	x	x
Carroll	x	x	x
Cho	x	x	x
Chow	x	x	x
Cowbourne	x	x	x
Davis	x	x	x
De Baeremaeker	x	x	x
Del Grande	x	x	x
Di Giorgio	x	x	x
Feldman	x	x	x
Filion	x	x	x
Fletcher	x	x	x
Ford	x	x	x
Giambrone	x	x	x
Grimes	x	x	x
Hall	x	x	x
Holyday	x	x	x
Jenkins	x	x	x
Kelly	x	x	x

Minutes of a Special Meeting of the Council of the City of Toronto
January 30 and February 12, 2004

January 30, 2004	2:12 p.m. to 3:05 p.m.*	Cttee. of the Whole in-Camera 3:15 p.m.	5:05 p.m. to 5:20 p.m.*
Li Preti	x	x	x
Lindsay Luby	x	x	x
Mammoliti	-	-	-
McConnell	x	x	x
Mihevc	x	x	x
Milczyn	x	x	x
Minnan-Wong	x	x	x
Moscoe	-	-	-
Nunziata	x	x	x
Ootes	x	x	x
Palacio	x	x	x
Pantalone	x	x	x
Pitfield	x	x	x
Rae	x	x	x
Saundercook	x	-	-
Shiner	x	x	x
Soknacki	-	-	-
Stintz	x	x	x
Thompson	x	x	x
Walker	x	x	x
Watson	x	x	x
Total	42	41	41

* Members were present for some or all of the time period indicated.

February 12, 2004	9:44 a.m. to 10:20 a.m.*	Cttee. of the Whole in-Camera 10:24 a.m.	11:55 a.m. to 12:30 p.m.*	2:11 p.m. to 2:35 p.m.*	3:45 p.m. to 4:40 p.m.*	Cttee. of the Whole in-Camera 4:50 p.m.	6:25 p.m. to 6:35 p.m.*
Miller	x	x	x	x	x	x	x
Altobello	x	x	x	-	x	x	x
Ashton	x	x	x	x	x	x	x
Augimeri	x	x	x	x	x	x	x
Balkissoon	x	x	x	x	x	x	x

Minutes of a Special Meeting of the Council of the City of Toronto
January 30 and February 12, 2004

February 12, 2004	9:44 a.m. to 10:20 a.m.*	Cttee. of the Whole in-Camera 10:24 a.m.	11:55 a.m. to 12:30 p.m.*	2:11 p.m. to 2:35 p.m.*	3:45 p.m. to 4:40 p.m.*	Cttee. of the Whole in-Camera 4:50 p.m.	6:25 p.m. to 6:35 p.m.*
Bussin	x	x	x	x	x	x	x
Carroll	x	x	x	x	x	x	x
Cho	x	x	x	x	x	x	x
Chow	x	x	x	-	x	-	-
Cowbourne	x	x	x	x	x	x	x
Davis	x	x	x	x	x	x	x
De Baeremaeker	x	x	x	x	x	x	x
Del Grande	x	x	x	x	x	x	x
Di Giorgio	x	x	x	x	x	x	x
Feldman	x	x	x	x	x	x	x
Filion	x	x	x	x	x	-	-
Fletcher	x	x	x	-	x	x	x
Ford	x	x	x	x	x	-	-
Giambrone	x	x	x	x	x	x	x
Grimes	x	x	x	x	x	x	x
Hall	x	x	x	x	x	x	x
Holyday	x	x	x	x	x	x	x
Jenkins	x	x	x	x	x	x	x
Kelly	x	x	x	x	x	x	x
Li Preti	x	x	x	-	-	-	-
Lindsay Luby	-	-	-	-	-	-	-
Mammoliti	x	x	x	-	x	-	-
McConnell	x	x	x	x	x	-	-
Mihevc	x	x	x	x	x	x	x
Milczyn	x	x	x	x	x	x	x
Minnan-Wong	x	x	x	x	x	-	-
Moscoe	-	-	-	-	-	-	-
Nunziata	x	x	x	x	x	x	x
Ootes	x	x	x	x	x	x	x
Palacio	x	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x	x

Minutes of a Special Meeting of the Council of the City of Toronto
January 30 and February 12, 2004

February 12, 2004	9:44 a.m. to 10:20 a.m.*	Cttee. of the Whole in-Camera 10:24 a.m.	11:55 a.m. to 12:30 p.m.*	2:11 p.m. to 2:35 p.m.*	3:45 p.m. to 4:40 p.m.*	Cttee. of the Whole in-Camera 4:50 p.m.	6:25 p.m. to 6:35 p.m.*
Pitfield	x	x	x	x	x	x	x
Rae	x	x	x	x	x	x	x
Saunderscook	x	x	x	x	x	x	x
Shiner	x	x	x	-	x	x	x
Soknacki	x	x	x	x	x	x	x
Stintz	x	x	x	x	x	x	x
Thompson	x	x	x	x	x	x	x
Walker	x	x	x	x	x	x	x
Watson	x	x	x	x	x	x	x
Total	43	43	43	37	42	36	36

* Members were present for some or all of the time period indicated.

Council Adjourned on February 12, 2004, at 6:35 p.m.

**DAVID R. MILLER,
Mayor**

**ULLI S. WATKISS,
City Clerk**

ATTACHMENT NO. 1 [Notice of Motion J(8)]

Communication dated October 29, 2003, from the City Clerk, addressed to the Administration Committee, forwarding the recommendations of the Bid Committee pertaining to the attached joint report dated October 20, 2003, from the Commissioner of Works and Emergency Services and the Director of Purchasing and Materials Management, entitled "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". (See Minute No. S4.11, Page 29)

The Bid Committee at its meeting held on October 29, 2003, had before it a joint report (October 20, 2003) from the Commissioner of Works and Emergency Services and the Director of Purchasing and Materials Management, recommending that:

- (1) the quotation submitted by Lima's Gardens & Construction Inc., be accepted for the Supply of all Labour, Materials and Equipment required to provide Winter Maintenance at various locations in the North and West Command Districts of the Toronto Fire Services in the total amount of \$69,753.30 including all charges and applicable taxes for the period commencing November 15, 2003 to December 31, 2003, being the lowest quotation received;
- (2) the balance of the award to Lima's Gardens & 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 referred to the Administration Committee and Council for approval;
- (3) the option to renew the contract with Lima's Gardens & 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 & 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 Number 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.

The Bid Committee adopted the aforementioned report.

(Joint report dated October 20, 2003 from the Commissioner
of Works and Emergency Services and the
Director of Purchasing and Materials Management,
addressed to the Bid Committee)

Purpose:

The purpose of this report is to advise on the results of the Quotation Request issued for 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 (November 15th to April 15th), with an option to renew for the 2004-2005 and 2005-2006 Winter seasons, in accordance with specifications as required by the Works and Emergency Services Department and to request the authority to issue contracts to the recommended bidders.

Financial Implications and Impact Statement:

Funds in the amount of \$232,510.99 including all charges and applicable taxes for the first year's requirements will be included in the Account No. FR0017-4413 (C. Services-Salt & Plow) as part of the Fire Services Division 2004 Operating Budget. The balance of funds will be included in subsequent years' submissions for each required portion of the Contract period, in the amount of \$482,605.64 including all charges and applicable taxes. The total funds required for this contract is \$715,116.63 including all charges and applicable taxes.

Recommendations:

It is recommended that:

- (1) the quotation submitted by Lima's Gardens & Construction Inc., be accepted for the Supply of all Labour, Materials and Equipment required to provide Winter Maintenance at various locations in the North and West Command Districts of the Toronto Fire Services in the total amount of \$69,753.30 including all charges and applicable taxes for the period commencing

November 15, 2003 to December 31, 2003, being the lowest quotation received;

- (2) the balance of the award to Lima's Gardens & 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 referred to the Administration Committee and Council for approval;
- (3) the option to renew the contract with Lima's Gardens & 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 & 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 & 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.

Background:

Finance, Purchasing and Materials Management Division, at its Public Opening held on May 30, 2003, opened the following quotations for Quotation Request No. 6032-03-0102 for 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. Bidders were required to bid on a minimum of one command district, and were not required to bid on all four.

Bidder—West Command District	Bid Price (3 Year Totals)
Lima's Gardens & Construction Inc.	\$383,721.12
Lomco	\$1,133,859.00
Gordy's Construction & Excavating	No Bid
Jimrick's Property Services (Div. Of Jimrick's Enterprises Ltd.)	No Bid
899465 Ont. Inc. T/A Kaptol	No Bid

Bidder—North Command District	Bid Price (3 Year Totals)
Lima's Gardens & Construction Inc.	\$331,395.50
Lomco	\$907,417.79 **
Gordy's Construction & Excavating	No Bid
Jimrick's Property Services (Div. Of Jimrick's Enterprises Ltd.)	No Bid
899465 Ont. Inc. T/A Kaptol	No Bid

** Quoted prices corrected for mathematical errors. Purchasing and Materials Management has verified that the mathematical errors were corrected.

Comments:

The quotation documents submitted by the recommended bidder, Lima's Gardens & Construction Inc. for the North and West Command Districts have been reviewed by the General Manager of the Fire Services Division and were found to be in conformance with the Quotation Request requirements.

A price comparison of the lowest prices received for 2003-2004, 2004-2005 and 2005-2006 Winter Seasons for the North District against the pricing received for the 2002-2003 Winter Season (the last Winter Season) when the last contract was awarded is as follows:

North District

TOTAL BID FOR 2002-2003 WINTER SEASONS ANNUAL SERVICES	TOTAL BID FOR 2003-2004 WINTER SEASONS ANNUAL SERVICES	PRICE DIFFERENCE	PERCENT DIFFERENCE
\$54,993.67	\$107,749.00	+ \$52,755.33	+ 96%

TOTAL BID FOR 2002-2003 WINTER SEASONS ANNUAL SERVICES	TOTAL BID FOR 2004-2005 (OPTIONAL) WINTER SEASONS ANNUAL SERVICES	PRICE DIFFERENCE	PERCENT DIFFERENCE
\$54,993.67	\$110,442.73	+ \$55,449.05	+ 100%

TOTAL BID FOR 2002-2003 WINTER SEASONS ANNUAL SERVICES	TOTAL BID FOR 2005-2006 (OPTIONAL) WINTER SEASONS ANNUAL SERVICES	PRICE DIFFERENCE	PERCENT DIFFERENCE
\$54,993.67	\$113,203.78	+ \$58,210.11	+ 106%

The price increases for the 2003-2004, 2004-2005 and 2005-2006 Winter seasons are attributed to projected increases in fuel, supplies, labour and transportation.

A price comparison of the lowest prices received for 2003-2004, 2004-2005 and 2005-2006 Winter Seasons for the West District against the pricing received for the 2002-2003 Winter Season (the last Winter Season) when the last contract was awarded is as follows:

West District

TOTAL BID FOR 2002-2003 WINTER SEASONS ANNUAL SERVICES	TOTAL BID FOR 2003-2004 WINTER SEASONS ANNUAL SERVICES	PRICE DIFFERENCE	PERCENT DIFFERENCE
\$46,310.46	\$124,762.00	+ \$78,451.54	+ 169%

TOTAL BID FOR 2002-2003 WINTER SEASONS ANNUAL SERVICES	TOTAL BID FOR 2004-2005 (OPTIONAL) WINTER SEASONS ANNUAL SERVICES	PRICE DIFFERENCE	PERCENT DIFFERENCE
\$46,310.46	\$127,881.05	+ \$81,570.59	+ 176%

TOTAL BID FOR 2002-2003 WINTER SEASONS ANNUAL SERVICES	TOTAL BID FOR 2005-2006 (OPTIONAL) WINTER SEASONS ANNUAL SERVICES	PRICE DIFFERENCE	PERCENT DIFFERENCE
\$46,310.46	\$131,078.07	+ \$84,767.61	+ 183%

The price increases for the 2003-2004, 2004-2005 and 2005-2006 Winter seasons are attributed to projected increases in fuel, supplies, labour and transportation and additional locations added to the scope of work, due to a change of geographic boundaries.

The Fair Wage Office has reported that the recommended firm has indicated that it has reviewed and understands the Fair Wage Policy and labour trades requirements and has agreed to comply fully.

Conclusion:

This report requests authority from the Bid Committee to award a contract for the period November 15, 2003 to December 31, 2003 and for the Administration Committee and Council to award the balance of the contract for the period January 1, 2004 to September 30, 2004 with the option to renew for the two (2) additional one (1) year periods (2004-2005 and 2005-006 Winter seasons) under the same terms and conditions, for the Supply of all Labour, Materials and Equipment required to provide Winter Maintenance at locations of the Toronto Fire Services to Lima's Gardens & Construction Inc., being the lowest Quotation received.

Contact:

Arnold Louie
Coordinator, Facilities & Materials Mgmt
Fire Services
Telephone: (416) 338-9071
Facsimile: (416) 338-9494
Email: alouie@toronto.ca

Contact:

Dan Sukara
Purchasing Manager
Purchasing and Materials Mgmt
Telephone: (416) 397-4814
Facsimile: (416) 392-
Email: dsukara@toronto.ca

ATTACHMENT NO. 2 [Notice of Motion J(21)]

Report dated January 28, 2004, from the Commissioner of Urban Development Services, entitled "Request for Direction, South of Pickford Road, North of Craggview Drive, Between Westcroft Drive and Weir Crescent, 758893 Ontario Limited, File Numbers TF ZBL 2003 0010 and TF SUB 2003 0005, West Hill Community, Scarborough East - Ward 43". (See Minute No. S4.12, Page 31)

Purpose:

The purpose of this report is to obtain further instructions regarding the position Council wishes the City take at the Ontario Municipal Board (OMB) hearing of these subdivision and zoning applications scheduled for 4 days and to commence February 16th, 2004.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that the City Solicitor and appropriate staff attend the Ontario Municipal Board to:

- (1) if presented, oppose the original proposal for Plan of Subdivision and Zoning By-law Amendment put forward with the initial application submission (Attachment 1); and
- (2) support a settlement based on 'Alternate Proposal - Option 1' for Plan of Subdivision and Zoning By-law Amendment (Attachment 2), provided that conditions outlined in this report are addressed.

Background:

The applicant initially submitted applications for a plan of subdivision and zoning by-law amendment to create 17 residential lots and 2 smaller blocks (these blocks would be consolidated with other lands to create for future lots). The proposal extends Pickford Road southward to connect with Craggview Drive. The details are shown on Attachment 1.

A previous draft plan approval had been given on some of these lands. The draft plan approval extended Pickford Road southward, but did not extend all the way to Craggview Drive. The latest request changed the lot configuration and extended Pickford Road thorough to Craggview Drive.

Council did not make a decision on the latest applications within 90 days so the applicant appealed

the lack of decision to the OMB.

A Community Consultation Meeting was held after the applications were appealed. The meeting was an opportunity to inform residents of the proposal, hear their concerns and assist staff in further identifying issues prior to the Ontario Municipal Board hearing.

At its meeting of September 22-25, 2003, City Council adopted a Request for Direction report directing staff to attend the Ontario Municipal Board to represent the City's interests. Staff was also directed to continue to negotiate with the applicant in an attempt to resolve any outstanding matters, and to consider the issues raised by residents. The residents' issues focused on:

- maintaining the existing section of Pickford Road as a cul-de-sac; and
- creating lots that respected the neighbourhood character.

To address these concerns and comments the applicant put forward two revised plans. (Attachments 2 and 3).

Comments:

Original Development Proposal – Attachment #1

Planning staff is of the opinion that the initial proposal is not good planning because it does not integrate well into the neighbourhood and because it does not respect or enhance the existing neighbourhood standards. Of particular concern are:

- proposed lots sizes (area and frontage);
- neighbourhood fit of lots and future dwellings; and
- compatibility with the existing neighbourhood.

Residents share staff's concerns and commented that the lots are too small. In addition, residents expressed concern that there would be more traffic on the existing portions of Pickford Road if the road was to extend southward to connect with Craggview Drive.

City Planning does not support this proposal and, if this proposal is presented to the OMB, the City Solicitor should be directed to attend the hearing in opposition.

Alternative Development Proposals

Lot Pattern and Sizes

Staff reviewed two alternative options that are identical with respect to the lotting pattern and sizes. Compared to the original application there is one less lot and lot sizes have increased both in terms

of frontage and area. 'Option 1' provides a through-street which connects Pickford Road to Craggview Drive (Attachment 2). 'Option 2' proposing two dead-end bulbs or cul-de-sacs has been withdrawn.

City Planning is satisfied with the lotting pattern and lot sizes for 'Option 1' conditional upon:

- (1) the lot line between lots 11 and 12 being adjusted to provide for more orderly development and distribution of rear yard amenity space;
- (2) staff reviewing proposed zoning standards in order to ensure compatibility with the existing neighbourhood standards;
- (3) the review by various agencies/departments to determine other relevant conditions; and
- (4) the withdrawal of approval of the existing draft plan that was approved on some of these lands.

Roads, Access and Life Safety

Urban Development Services and Works and Emergency Services (WES) staff support the proposed road configuration with 'Option 1'. This option implements good planning principles.

Section 51 (24) of the Planning Act outlines criteria to be considered when reviewing a draft plan of subdivision and states that "regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality....". This proposal can be viewed favourably under these criteria.

Also, under Section 51(24) of the Planning Act regard must be given to the following:

'The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them'. Again, 'Option 1' adequately addresses this criteria.

'Option 1' has been reviewed by Fire Chief (East District) and the Director of Building and Deputy Chief Building Official (East District) and they agree that the Pickford Road extension through the subdivision is the better design for proper and safe fire fighting access to the proposed residential buildings.

The Community's preference to retain the existing temporary turning bulb and to create a second cul-de-sac within this subdivision, thereby stopping through traffic, cannot be supported. The geometry is such that the bulb cannot meet Access Route Design specifications of the Ontario Building Code as used by Fire Services and Building Officials,

as standard practice. WES has more stringent requirements respecting turning radii and concerns about winter maintenance costs, potential damage to private property by City vehicles and ineffective routing for City services.

Given the points raised above staff could not advise that a cul-de-sac option represents good planning.

Conclusions:

The City Solicitor and appropriate staff should attend the scheduled Ontario Municipal Board hearing in support of the 'Alternate Proposal - Option 1' subject to the conditions outlined in this report and, if necessary in opposition to the original Plan of Subdivision and Zoning By-law Amendment submission.

Contact:

Paul Hamilton, Acting Director
Community Planning, East District
Tel: (416) 396-7006
Fax: (416) 396-4265
E-mail: phamilt@toronto.ca

(The attachments to this report are on file in the Office of the City Clerk.)

**FISCAL IMPACT STATEMENT NO. 1
NOTICE OF MOTION J(8)**

Financial Implications:

<input checked="" type="checkbox"/> Operating
<input type="checkbox"/> Current year impacts: \$ <u>162,757.69</u> (net)
<input type="checkbox"/> Future year impacts: _____
<input type="checkbox"/> Following year
<input type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify): 2004 interim estimates
<input checked="" type="checkbox"/> Accommodation within approved operating budget
<input type="checkbox"/> New revenues
<input type="checkbox"/> Reserve/Reserve Fund contributions
<input type="checkbox"/> Third party funding
<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)
<input type="checkbox"/> Impact on staffing levels: <u>N/A</u> _____ (positions)

<input type="checkbox"/> Capital
<input type="checkbox"/> Current year impacts: \$ _____ (net)
<input type="checkbox"/> Future year impacts: \$ _____ (net)
<input type="checkbox"/> Following year
<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):
<input type="checkbox"/> Accommodation within approved capital budget
<input type="checkbox"/> New revenues
<input type="checkbox"/> Reserve/Reserve Fund contributions
<input type="checkbox"/> Third party funding
<input type="checkbox"/> Debt
<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)
<input type="checkbox"/> Operating Impact:
<input type="checkbox"/> Program costs: \$ _____ (net)
<input type="checkbox"/> Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – J (8) – Funding for this award in 2004 is included in the 2004 Council approved interim estimates for Fire Services

- Consider
- Refer to Standing Committee

Submitted by:

Chief Financial Officer and Treasurer