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These Minutes were confirmed by City Council on February 1, 2005

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

MONDAY, DECEMBER 6, 2004

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

CALL TO ORDER - 2:08 p.m.

S15.1 Mayor Miller took the Chair and called the Members to order.

The meeting opened with O Canada.

S15.2 NOTICE OF SPECIAL MEETING

Mayor Miller 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 on Monday, December 6, 2004, in the Council Chamber, Toronto City Hall, such meeting to start at 2:00 p.m., for the following purposes:

- (1) to complete consideration of unfinished business from the Council meeting on November 30, December 1 and 2, 2004;
- (2) to introduce and enact General Bills; and
- (3) to introduce and enact a confirming by-law for this special meeting.”

PRESENTATION OF REPORTS

S15.3 Councillor Davis presented the following Deferred Clauses for consideration by Council:

Policy and Finance Committee Report 8, Clause 1b,
Policy and Finance Committee Report 9, Clauses 20a, 21a, 22a, 37a, 41a, 42a and 49a,
Administration Committee Report 8, Clause 8b,
Administration Committee Report 9, Clauses 1a, 10a, 11a and 22a,
Community Services Committee Report 8, Clause 7a,
Economic Development and Parks Committee Report 8, Clause 12a,
Planning and Transportation Committee Report 9, Clause 7a,
Works Committee Report 10, Clauses 5a and 10a,
Etobicoke York Community Council Report 9, Clauses 1a and 2a,
Audit Committee Report 6, Clauses 4a and 6a, and
Board of Health Report 7, Clause 1b,

and moved, seconded by Councillor Watson, that Council now give consideration to such Deferred Clauses, which carried.

S15.4 DECLARATIONS OF INTEREST

Councillor Ashton declared his interest in Administration Committee Report 9, Deferred Clause 22a, headed "Possible Acquisition of Toronto District School Board Property Located on Wanita Road for Stormwater Management Purposes (Ward 44 - Scarborough East)", in that he lives near the subject lands.

Councillor Cowbourne declared her interest in Administration Committee Report 9, Deferred Clause 22a, headed "Possible Acquisition of Toronto District School Board Property Located on Wanita Road for Stormwater Management Purposes (Ward 44 - Scarborough East)", in that she lives near the subject lands.

Councillor McConnell declared her interest in Policy and Finance Committee Report 9, Deferred Clause 22a, headed "Funding Approvals for the 2005 Supports to Daily Living Program", in that her husband is the Executive Director of the Riverdale Housing Action Group, which is being recommended for funding under the Support to Daily Living Program.

Councillor Shiner declared his interest in Motion I(2), moved by Councillor Chow, seconded by Councillor Rae, respecting 499 King Street West – Opposition to Application for a Liquor Licence, in that his family owns property in the immediate area.

**CONSIDERATION OF REPORTS
CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION**

S15.5 The following Clauses were held by Council for further consideration:

Policy and Finance Committee Report 8, Clause 1b.

Policy and Finance Committee Report 9, Clauses 20a, 21a, 22a, 37a, 41a, 42a and 49a.

Administration Committee Report 8, Clause 8b.

Administration Committee Report 9, Clauses 1a, 10a, 11a and 22a.

Community Services Committee Report 8, Clause 7a.

Economic Development and Parks Committee Report 8, Clause 12a.

Planning and Transportation Committee Report 9, Clause 7a.

Works Committee Report 10, Clauses 5a and 10a.

Etobicoke York Community Council Report 9, Clauses 1a and 2a.

Audit Committee Report 6, Clauses 4a and 6a.

Board of Health Report 7, Clause 1b.

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

Works Committee Report 10, Clause 5a.

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

S15.6 Policy and Finance Committee Report 9, Deferred Clause 20a, headed “Funding Approvals for the 2005 Redirection of Emergency Hostel Funding Initiative”.*Motion:*

Councillor Del Grande moved that the Clause be amended to provide that there be a reduction of \$1 million in funding to community agencies, and that the Commissioner of Community and Neighbourhood Services be requested to identify how best to achieve this reduction.

Votes:

Adoption of motion by Councillor Del Grande:

Yes - 7	
Councillors:	Del Grande, Ford, Holyday, Li Preti, Milczyn, Nunziata, Palacio
No - 28	
Mayor:	Miller
Councillors:	Augimeri, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Rae, Saundercook, Shiner, Stintz, Walker, Watson

Lost by a majority of 21.

The Clause was adopted, without amendment.

S15.7 Policy and Finance Committee Report 9, Deferred Clause 21a, headed “Funding Approvals for the 2005 Community Partners Program”.*Motion:*

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

Yes - 1	
Councillor:	Ford
No - 32	
	Miller

Mayor:	
Councillors:	Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Pantalone, Rae, Saundercook, Shiner, Stintz, Walker, Watson

Lost by a majority of 31.

The Clause was adopted, without amendment.

S15.8 Policy and Finance Committee Report 9, Deferred Clause 22a, headed “Funding Approvals for the 2005 Supports to Daily Living Program”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

Yes - 1	
Councillor:	Ford
No - 33	
Mayor:	Miller
Councillors:	Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Stintz, Walker, Watson

Lost by a majority of 32.

The Clause was adopted, without amendment.

S15.9 Policy and Finance Committee Report 9, Deferred Clause 37a, headed “Homes for the Aged - Community-Based Services Furnishings and Equipment”.

Motions:

(a) Councillor Watson moved that the Clause be amended by deleting the recommendations of

the Policy and Finance Committee, and inserting instead the following:

- “(1) that funds in the amount of \$250,000.00 from the HFA Capital Reserve be made available in 2005 to furnish and equip the amenity space at Albion Lodge;
- (2) that funds totalling \$1.450 million, plus applicable interest, be transferred from the HFA Capital Reserve to the Corporate Capital Financing Reserve Fund;
- (3) that the aforementioned funds be made available to Economic Development, Culture and Tourism in the 2005 budget process for work on the Parks and Recreation work order system and the Forestry TMMS enhancement; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, and that leave be granted for the introduction of any necessary bills in Council to give effect thereto.”

Deputy Mayor Feldman in the Chair.

- (b) Councillor Chow moved that the Clause be amended by inserting in Staff Recommendation (1) contained in the report dated September 23, 2004, from the Commissioner of Community and Neighbourhood Services, the words “and other TCHC seniors’ supportive housing”, after the words “Homes for the Aged”, so that Recommendation (1) now reads as follows:
 - “(1) Council establish a Cost Centre called ‘HFA Community-Based Services’, within the Community Initiatives Reserve Fund, to be used to purchase furnishings, equipment and amenities as required by the Homes for the Aged and other TCHC seniors’ supportive housing community-based programs;”.
- (c) Councillor Carroll moved that Parts (2) and (3) of motion (a) by Councillor Watson be referred to the Budget Advisory Committee for further consideration.
- (d) Councillor Balkissoon moved that motion (a) by Councillor Watson be amended by adding the following:
 - “(5) that staff review the City’s Works and Emergency Services Department TMMS, Hansen and Aventes systems such that, as a first priority, an existing City Business System can be expanded to meet the needs of the Economic Development, Culture and Tourism Department.”
- (e) Councillor Walker moved that the Clause, together with all motions moved by Members of

Council, be referred to the Budget Advisory Committee for further consideration.

Vote Be Now Taken:

Councillor Giambrone 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 - 27
Councillors: Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Giambrone, Hall, Kelly, Li Preti, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 6
Councillors: Ashton, Del Grande, Ford, Holyday, Jenkins, Walker

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

Vote on Referral:

Adoption of motion (e) by Councillor Walker:

Yes - 28
Councillors: Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Jenkins, Kelly, Li Preti, Mammoliti, Moscoe, Nunziata, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 7
Councillors: Ashton, Chow, Hall, Holyday, McConnell, Mihevc, Milczyn

Carried by a majority of 21.

In summary, Council referred this Clause, together with the following motions by Members of Council, to the Budget Advisory Committee for further consideration:

Moved by Councillor Chow:

“That Staff Recommendation (1) contained in the report dated September 23, 2004, from the Commissioner of Community and Neighbourhood Services be

amended by inserting, after the words "Homes for the Aged", the words "and other TCHC seniors' supportive housing", so that Recommendation (1) now reads as follows:

- '(1) Council establish a Cost Centre called "HFA Community-Based Services", within the Community Initiatives Reserve Fund, to be used to purchase furnishings, equipment and amenities as required by the Homes for the Aged and other TCHC seniors' supportive housing community-based programs;.'

Moved by Councillor Watson:

"That the recommendations of the Policy and Finance Committee be deleted and the following be inserted instead:

- (1) that funds in the amount of \$250,000.00 from the HFA Capital Reserve be made available in 2005 to furnish and equip the amenity space at Albion Lodge;
- (2) that funds totalling \$1.450 million, plus applicable interest, be transferred from the HFA Capital Reserve to the Corporate Capital Financing Reserve Fund;
- (3) that the aforementioned funds be made available to Economic Development, Culture and Tourism in the 2005 budget process for work on the Parks and Recreation work order system and the Forestry TMMS enhancement; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, and that leave be granted for the introduction of any necessary bills in Council to give effect thereto."

Moved by Councillor Carroll:

"That Parts (2) and (3) of the motion by Councillor Watson be referred to the Budget Advisory Committee for further consideration."

Moved by Councillor Balkissoon:

"That the motion by Councillor Watson be amended by adding the following:

- '(5) that staff review the City's Works and Emergency Services Department TMMS, Hansen and Aventes systems such that, as a first priority, an

existing City Business System can be expanded to meet the needs of the Economic Development, Culture and Tourism Department.’ ”

S15.10 Policy and Finance Committee Report 9, Deferred Clause 49a, headed “2005 Recommended Operating and Capital Budgets for Toronto Water”.

Motions:

- (a) Councillor Pitfield moved that the Clause be amended by deleting the additional Recommendation (v), as recommended by the Policy and Finance Committee, and replacing it with the following:

“(v) the Toronto Water Budget as submitted in the joint report dated November 12, 2004, from the Chief Financial Officer and Treasurer and Acting Commissioner of Works and Emergency Services, entitled ‘2005 Recommended Operating and Capital Budgets for Toronto Water’, be increased for 2005 by \$813,244.00 to facilitate the retention of 12 plant technicians/plant technician trainee positions, otherwise scheduled to be deleted from the water filtration facilities, so that there will not be less than two staff in each water plant on off-hour shifts.”

- (b) Councillor Holyday moved that the Clause be amended by deleting the following additional Recommendation (v) of the Policy and Finance Committee:

“(v) the Toronto Water Budget as submitted in the joint report (November 12, 2004) from the Chief Financial Officer and Treasurer and Acting Commissioner of Works and Emergency Services, entitled ‘2005 Recommended Operating and Capital Budgets for Toronto Water’ be increased by \$813,244.00 and 12 positions to reflect the decision by the Works Committee on November 9, 2004, that layoff notices to Toronto Water Plant staff be rescinded until staff report back after having met with representatives of CUPE Local 416.”

Vote Be Now Taken:

Councillor Nunziata 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 - 18
Councillors: Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Ford, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pitfield, Rae, Soknacki
No - 12

Councillors:	Ashton, Balkissoon, Del Grande, Feldman, Holyday, Kelly, Milczyn, Saundercook, Shiner, Thompson, Walker, Watson
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Lost, less than two-thirds of Members present having voted in the affirmative.

Votes:

Adoption of motion (b) by Councillor Holyday:

Yes - 6	Councillors:	Ford, Holyday, Kelly, Mammoliti, Milczyn, Saundercook
No - 24	Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pitfield, Rae, Shiner, Soknacki, Thompson, Walker, Watson

Lost by a majority of 18.

Adoption of motion (a) by Councillor Pitfield:

Yes - 25	Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Thompson, Walker, Watson
No - 5	Councillors:	Ford, Holyday, Kelly, Mammoliti, Milczyn

Carried by a majority of 20.

Adoption of Clause, as amended:

Yes - 24	Councillors:	Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Thompson, Walker, Watson
No - 6		

Councillors: Ashton, Ford, Holyday, Kelly, Mammoliti, Milczyn

Carried by a majority of 18.

S15.11 IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE

Mayor Miller in the Chair.

Procedural Motion:

Deputy Mayor Feldman, at 3:15 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act*:

- (a) Planning and Transportation Committee Report 9, Deferred Clause 7a, headed “Removal of Fence at 7 Kingsgrove Boulevard, Ward 5 - Etobicoke Lakeshore”, as it contains information pertaining to litigation or potential litigation; and
- (b) Motion F(1), moved by Councillor Pitfield, seconded by Deputy Mayor Bussin, regarding Harbour Remediation & Transfer Inc. Claim and Related Third Party Claim Concerning Fred Dominelli and 939923 Ontario Limited, as it contains information pertaining to litigation or potential litigation.

Vote:

The motion by Deputy Mayor Feldman carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 3:20 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act*.

Committee of the Whole rose, reconvened as Council at 4:25 p.m., and met in public session in the Council Chamber.

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

S15.12 Planning and Transportation Committee Report 9, Deferred Clause 7a, headed “Removal of Fence at 7 Kingsgrove Boulevard, Ward 5 - Etobicoke Lakeshore”.

Report of the Committee of the Whole:

Deputy Mayor Feldman, 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 the Clause.

Vote:

The Clause was adopted, without amendment.

Councillor Milczyn requested that his opposition to this Clause be noted in the minutes of this meeting.

S15.13 F(1) Harbour Remediation & Transfer Inc. Claim and Related Third Party Claim Concerning Fred Dominelli and 939923 Ontario Limited

Deputy Mayor Feldman called upon the following Motion appearing on the Order Paper:

Moved by: Councillor Pitfield

Seconded by: Deputy Mayor Bussin

“WHEREAS at its meeting of October 26, 27 and 28, 2004, Council directed the City Solicitor to report to the first possible Council meeting on the status of settlement discussions with Harbour Remediation & Transfer Inc. (‘HR&T’), Costa Trucking and Contracting Ltd. (‘Costa Trucking’) and concerning a third party claim by HR&T, in which it seeks indemnification from the City for a claim against it by Fred Dominelli and 939923 Ontario Limited (‘939923’); and

WHEREAS there have been settlement discussions between the parties since October 28, 2004; and

WHEREAS the City Solicitor was given instructions to report to the first possible Council meeting; and

WHEREAS consideration of this matter by Council is required on an urgent basis to provide instructions to staff;

NOW THEREFORE BE IT RESOLVED THAT the staff recommendations contained in the Recommendations Section of the attached confidential report dated November 30, 2004, from the City Solicitor, entitled ‘Harbour Remediation & Transfer Inc. Claim and

Related Third Party Claim Concerning Fred Dominelli and 939923 Ontario Limited', be adopted;

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

Council also had before it, during consideration of Motion F(1), a confidential report dated November 30, 2004, from the City Solicitor, which is to remain confidential, in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation.

Report of the Committee of the Whole:

Deputy Mayor Feldman, 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 F(1):

Moved by Councillor Shiner:

“That Motion F(1) be amended by:

- (1) deleting the first Operative Paragraph and inserting instead the following:

‘NOW THEREFORE BE IT RESOLVED THAT the confidential report dated November 30, 2004, from the City Solicitor, be received.’; and

- (2) issuing confidential instructions to staff which are to remain confidential, in their entirety, in accordance with the *Municipal Act*, as they contain information pertaining to litigation or potential litigation.”

Vote:

Adoption of Motion F(1), as amended by the motion by Councillor Shiner:

Yes - 25

Councillors: Augimeri, Balkissoon, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Giambrone, Hall, Holyday, Jenkins, Kelly, McConnell, Moscoe, Nunziata, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson

No - 11
Councillors: Ashton, Di Giorgio, Filion, Ford, Grimes, Li Preti, Mammoliti,
Mihevc, Milczyn, Minnan-Wong, Pantalone

Carried by a majority of 14.

In summary, Council amended Motion F(1) by deleting the first Operative Paragraph and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT the confidential report dated November 30, 2004, from the City Solicitor, be received.”

Council also issued confidential instructions to staff which are to remain confidential, in their entirety, in accordance with the *Municipal Act*, as they contain information pertaining to litigation or potential litigation.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

Mayor Miller in the Chair.

S15.14 F(2) OMB Appeal – Application for Front Yard Parking at 1501 Islington Avenue

Consideration of the following Motion was deferred to the next regular meeting of City Council on February 1, 2005, as it remained on the Order Paper at the conclusion of this Special meeting:

Moved by: Councillor Lindsay Luby

Seconded by: Councillor Grimes

“WHEREAS the Etobicoke Committee of Adjustment refused an application to permit a front yard parking pad at 1501 Islington Avenue; and

WHEREAS the applicant has appealed the Committee's decision to the Ontario Municipal Board; and

WHEREAS the front yard parking pad is more than minor in nature, is not appropriate and does not meet the intent of the zoning by-law;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor send a member of her staff to attend the Ontario Municipal Board to oppose the application, to ask that the

City be added as a party to the hearing and to make appropriate arrangements for expert witnesses.”

Council also had before it, for consideration with Motion F(2), a Notice of Decision dated November 3, 2004, from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Etobicoke York Panel, which is on file in the City Clerk’s Office.

S15.15 I(1) Strategy to Reduce and Eliminate Unsolicited Junk E-mails

Consideration of the following Motion was deferred to the next regular meeting of City Council on February 1, 2005, as it remained on the Order Paper at the conclusion of this Special meeting:

Moved by: Councillor Palacio

Seconded by: Councillor Nunziata

“**WHEREAS** City staff and Councillors’ staff spend hours of productivity every day, going through and deleting unwanted ‘junk’ e-mails; and

WHEREAS my office has repeatedly asked our Information and Technology Division to find ways of blocking or screening unsolicited e-mails, without success; and

WHEREAS our computer systems constantly get affected by incoming viruses, because of a lack of a SPAM filtering solution; and

WHEREAS this is costing taxpayers hundreds of thousands of dollars in wasted staff time;

NOW THEREFORE BE IT RESOLVED THAT the Executive Director of Corporate Information and Technology report to the e-City Committee on a strategy to reduce and eliminate the volume of unsolicited external e-mails to City staff and Councillors;

AND BE IT FURTHER RESOLVED THAT the Executive Director of Corporate Information and Technology be asked to expedite the implementation of a SPAM filtering solution, which will help address unsolicited emails.”

S15.16 I(2) 499 King Street West – Opposition to Application for a Liquor Licence

Mayor Miller called upon the following Motion appearing on the Order Paper:

Moved by: Councillor Chow

Seconded by: Councillor Rae

“**WHEREAS** the occupants of 499 King Street West have applied to the Alcohol and Gaming Commission of Ontario (AGCO) for a liquor sales licence to serve and sell alcohol at this location with a public hearing on December 20, 2004; and

WHEREAS the City Councillor has been advised by the Toronto Police Service of numerous Provincial Offence violations emanating from the numerous licensed establishments already existing in the immediate area of this location; and

WHEREAS the Toronto Police Service has further advised that there have been criminal activities and arrests emanating from the immediate area of this location; and

WHEREAS the City Councillor has also received complaints from residents regarding the misconduct of patrons from licensed establishments located in the immediate vicinity; and

WHEREAS the past and present conduct of patrons of nearby licensed establishments affords reasonable grounds to believe that a granting of a liquor licence at 499 King Street West may result in the behaviour of a certain and significant number of patrons not being in accordance with the law and combined with the other concerns noted above, demonstrates that a liquor licence for these premises is not in the public interest having regard to the needs and wishes of the Municipality in which the premises is located;

NOW THEREFORE BE IT RESOLVED THAT Council advise the Alcohol and Gaming Commission of the City of Toronto’s opposition to any new application or the expansion of any existing liquor licence or caterer’s endorsement for 499 King Street West;

AND BE IT FURTHER RESOLVED THAT Council authorize the City Solicitor to advise the AGCO that it opposes any new application or the expansion of any existing liquor licence or caterer’s endorsement for 499 King Street West and further instructs that a copy of this resolution be provided to the AGCO by December 19, 2004;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with an opportunity to participate in any proceedings involving 499 King Street West to oppose any new applications or expansion of the current liquor licence, and that the City Solicitor and necessary staff be authorized to participate in any proceedings before the AGCO which relate to 499 King Street West.”

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 I(2) to the Toronto and East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion I(2) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion I(2) was adopted, without amendment.

S15.17 J(1) Request to Re-open Appointment of Members of Council to Canadian National Exhibition Association, Board of Directors

Councillor Mammoliti moved that he be permitted to give Notice of the following Motion to permit consideration at the next regular meeting of City Council on February 1, 2005:

Moved by: Councillor Mammoliti

Seconded by: Councillor Palacio

“**WHEREAS** City Council, at its meeting of November 30, December 1 and 2, 2004, adopted, without amendment, the recommendations of the Striking Committee for appointment of Members of Council to the Board of Directors of the Canadian National Exhibition Association;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Striking Committee Report 7, Clause 1, headed ‘Appointment of Members of Council to the Canadian National Exhibition Association Board of Directors and Municipal Section’, be re-opened for further consideration as it pertains to the appointments of Members of Council to the CNEA Board of Directors, for the purpose of asking questions on the process for these appointments.”,

the vote upon which was taken as follows:

Yes - 21
Councillors: Ashton, Augimeri, Balkissoon, Cowbourne, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Mammoliti, McConnell, Milczyn, Minnan-Wong, Nunziata, Palacio, Saundercook, Stintz, Watson
No - 15

Councillors:	Carroll, Chow, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Jenkins, Lindsay Luby, Mihevc, Moscoe, Pantalone, Rae, Shiner, Thompson
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Carried by a majority of 6.

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on February 1, 2005.

S15.18 Consideration of the following matters was deferred to the next regular meeting of City Council on February 1, 2005, as they remained on the Order Paper at the conclusion of this Special meeting of Council:

Deferred Clauses:

Policy and Finance Committee Report 8

Clause 1b - "Capital Financing Strategy – 2004".

Policy and Finance Committee Report 9

Clause 41a - "Operating Variance Report for the Nine Months Ended September 30, 2004".

Clause 42a - "2004 Capital Variance Report for the Nine-Month Period Ended September 30, 2004".

Administration Committee Report 8

Clause 8b - "Complaint regarding Actions at Committee Meetings".

Administration Committee Report 9

Clause 1a - "Improvement Initiative - Court Services Fine Collection".

Clause 10a - "Extension of Purchase Order 6013270 related to Request for Quotation 1004-03-3394 for the Supply, Delivery and Installation of Artopex Imagine Series Workstations to Various Locations throughout the City of Toronto".

Clause 11a - "Extension of Purchase Order 6013271 related to Request for Quotation 1004-03-3395 for the Supply, Delivery and Installation of Haworth Premise Series Workstations to Various Locations throughout the City of Toronto".

Clause 22a - "Possible Acquisition of Toronto District School Board Property Located on Wanita Road for Stormwater Management Purposes (Ward 44 - Scarborough East)".

Community Services Committee Report 8

Clause 7a - "Allocation of Capital Grant to Woodgreen Red Door Shelter to Meet the Space Standards for Shelters (Ward 31)".

Economic Development and Parks Committee Report 8

Clause 12a - "Humanitas: Feasibility Study for a New Cultural Attraction on Toronto's Waterfront (Various Wards)".

Works Committee Report 10

Clause 10a - "Contract 04WD-04RD, Tender Call 274-2004 Park Lawn Reverse Ramp (Ward 6 - Etobicoke-Lakeshore)".

Etobicoke York Community Council Report 9

Clause 1a - "Request for Exemption to Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 22 Nairn Avenue (Ward 17 - Davenport)".

Clause 2a - "Request for an Exemption to Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 24 Nairn Avenue (Ward 17 - Davenport)".

Audit Committee Report 6

Clause 4a - "CLASS Recreation Registration and Permitting System Information Technology Review - Economic Development, Culture and Tourism Department".

Clause 6a - "Hostel Operations Review - Community and Neighbourhood Services".

Board of Health Report 7

Clause 1b - “Shade Policy and Technical Considerations for the City of Toronto”.

Notices of Motion

F(2) Moved by Councillor Lindsay Luby, seconded by Councillor Grimes, regarding an OMB Appeal – Application for Front Yard Parking at 1501 Islington Avenue.

I(1) Moved by Councillor Palacio, seconded by Councillor Nunziata, regarding a Strategy to Reduce and Eliminate Unsolicited Junk E-mails.

BILLS AND BY-LAWS

Deputy Mayor Feldman in the Chair.

S15.19 On December 6, 2004, at 6:28 p.m., Councillor Moscoe, seconded by Councillor Holyday, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this Special meeting of Council, be passed and hereby declared as By-laws:

Bill No. 1120	By-law No. 1121-2004	To authorize the exemption from taxation for municipal and school purposes and from development charges for the municipal capital facility for affordable housing located on a site located at the northeast corner of Sherbourne Street and Wellesley Street.
Bill No. 1121	By-law No. 1122-2004	To authorize the entering into of an agreement for the provision of a municipal capital facility by Medallion Properties Inc.
Bill No. 1122	By-law No. 1123-2004	To authorize the entering into of an agreement for the provision of a municipal capital facility by Neighbourhood Link Homes.
Bill No. 1123	By-law No. 1124-2004	To authorize the entering into of an agreement for the provision of a municipal

		capital facility by The Governing Council of the Salvation Army in Canada.
Bill No. 1124	By-law No. 1125-2004	To authorize the entering into of an agreement for the provision of a municipal capital facility by The Governing Council of the Salvation Army in Canada.
Bill No. 1125	By-law No. 1126-2004	To authorize the entering into of an agreement for the provision of a municipal capital facility by MUC Shelter Corporation.
Bill No. 1126	By-law No. 1127-2004	To authorize the entering into of an agreement for the provision of a municipal capital facility by St. Clare's Multifaith Housing Society.
Bill No. 1127	By-law No. 1128-2004	To authorize the entering into of an agreement for the provision of a municipal capital facility by Toronto Community Housing Corporation.
Bill No. 1128	By-law No. 1129-2004	To authorize the entering into of an agreement for the provision of a municipal capital facility by Wellesley Central Residences Inc.
Bill No. 1129	By-law No. 1130-2004	To authorize the exemption from taxation for municipal and school purposes and from development charges for the municipal capital facility for affordable housing located on land known municipally as 2600 Eglinton Avenue West.
Bill No. 1130	By-law No. 1131-2004	To authorize the exemption from taxation for municipal and school purposes and from development charges for the municipal capital facility for affordable housing located on land known municipally as 1555 Jane Street.

Bill No. 1131	By-law No. 1132-2004	To authorize the exemption from taxation for municipal and school purposes and from development charges for the municipal capital facility for affordable housing located on land known municipally as 2802 Danforth Avenue.
Bill No. 1132	By-law No. 1133-2004	To authorize the exemption from taxation for municipal and school purposes for the municipal capital facility for affordable housing located on land known municipally as 164-168 Jarvis Street.
Bill No. 1133	By-law No. 1134-2004	To authorize the exemption from taxation for municipal and school purposes and from development charges for the municipal capital facility for affordable housing located on land known municipally as 418 Sherbourne Avenue.
Bill No. 1134	By-law No. 1135-2004	To authorize the exemption from taxation for municipal and school purposes for the municipal capital facility for affordable housing located on land known municipally as 101 Ontario Street.
Bill No. 1135	By-law No. 1136-2004	To authorize the exemption from taxation for municipal and school purposes and from development charges for the municipal capital facility for affordable housing located on land known municipally as 138 Pears Avenue.
Bill No. 1136	By-law No. 1137-2004	To authorize the exemption from taxation for municipal and school purposes and from development charges for the municipal capital facility for affordable housing located on land known municipally as 2 Murray Street.
Bill No. 1137	By-law No. 1138-2004	To authorize the entering into of an agreement for the provision of a municipal

capital facility by 873715 Ontario Ltd.,

the vote upon which was taken as follows:

Yes - 25 Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, De Baeremaeker, Del Grande, Feldman, Holyday, Kelly, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Rae, Saundercook, Shiner, Soknacki, Thompson, Walker, Watson
No - 1 Councillor:	Ford

Carried by a majority of 24.

S15.20 On December 6, 2004, at 6:29 p.m., Councillor Ford, seconded by Councillor Chow, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this Special meeting of Council, be passed and hereby declared as a By-law:

Bill No. 1138	By-law No. 1139-2004	To confirm the proceedings of the Council at its Special meeting held on the 6th day of December, 2004,
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the vote upon which was taken as follows:

Yes - 25 Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, De Baeremaeker, Del Grande, Feldman, Holyday, Kelly, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Rae, Saundercook, Shiner, Soknacki, Thompson, Walker, Watson
No - 1 Councillor:	Ford

Carried by a majority of 24.

OFFICIAL RECOGNITIONS:

Mayor Miller in the Chair.

S15.21 Condolence Motions

Deputy Mayor Pantalone, seconded by Mayor Miller, moved that:

“**WHEREAS** the Members of Toronto City Council are deeply saddened to learn of the December 1st, 2004 family tragedy in Toronto’s West End, which resulted in the passing of Brian Langer, Andrea Labbé and Zoë Labbé-Langer, and the injury of Brigitte Labbé-Langer; and

WHEREAS Brian Langer, Andrea Labbé and Zoë Labbé-Langer were integral and active members of their community who will be sadly missed by countless neighbours and friends; and

WHEREAS the family is calling for messages of support and expressions of love for the Labbé-Langer children with the establishment of the Labbé-Langer Memory Project; and

WHEREAS the Members of Toronto Council wish to express to family and friends both our deepest sympathy and our heartfelt hope for the future;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of Toronto City Council, our sincere sympathy to Brigitte Labbé-Langer and Margot Labbé-Langer, as well as to the family, friends and community members.”

Councillor Davis, seconded by Mayor Miller, moved that:

“**WHEREAS** the Members of City Council are deeply saddened to learn of the sudden and untimely passing of Andrew Aaron Stewart at the young age of 16; and

WHEREAS Andrew was killed tragically in an incident of terrible violence while on a lunch break from East York Collegiate Institute; and

WHEREAS Andrew is survived by his mother Cheryl Stewart, stepfather Mike Bennett, and grandparents Anne and Robert Stewart; and

WHEREAS Andrew is remembered by his many friends as someone with a big heart, who made everyone laugh, and who was like a big brother to many; and

WHEREAS Andrew was a talented athlete and a member of the East York Collegiate Basketball team and an active participant in parks and recreation programs at Secord and Terry Fox Community Centres; and

WHEREAS Andrew's friendship, caring, and sense of humour will be missed by his family, his many close friends, and East York Collegiate students and staff;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey on behalf of members of City Council, our sincere sympathy to his mother Cheryl Stewart, stepfather Mike Bennett, and grandparents Anne and Robert Stewart."

Councillor Minnan-Wong, seconded by Councillor Stintz, moved that:

“WHEREAS December 6 is a day of remembrance to commemorate the anniversary of the 14 women who were massacred, in 1989, at L’Ecole Polytechnique in Montreal; and

WHEREAS in response to this violent act, the Canadian Government proclaimed December 6 as the National Day of Remembrance and Action on Violence Against Women; and

WHEREAS any woman can be a victim of violence and abused women can be of any age, race, class, or religion; and

WHEREAS violence against women is not limited to physical or sexual abuse, but includes other forms, such as threats, stalking and emotional, mental, and verbal abuse; and

WHEREAS the white ribbon campaign is one of the world's largest efforts committed to stopping violence towards women and wearing a white ribbon symbolizes a personal pledge never to commit violence against women or remain silent about an incident they know about;

NOW THEREFORE BE IT RESOLVED THAT Council observe a moment of silence in memory of the Montreal Massacre, as well as women everywhere whose lives are or have been affected by violence.”

Councillor Balkissoon, seconded by Councillor Ashton, moved that:

“WHEREAS the Members of City Council are deeply saddened to learn of the passing of Jack Johnston Poots on December 1, 2004; and

WHEREAS Jack was a much respected and admired civil servant with the former City of Scarborough; and

WHEREAS Jack began his employment with the Township of Scarborough at the age of fifteen as part of a program to make up for the shortage of workers during World War II; and

WHEREAS Jack steadily rose through the ranks of the civil service and was instrumental in achieving such local landmarks as the Scarborough Civic Centre and the Scarborough Centenary Hospital; and

WHEREAS after almost 50 years of public service to the people of Scarborough, Jack retired at the top of his field as the Chief Administrative Officer of the City of Scarborough;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to the Poots family.”

Leave to introduce the Motions was granted and the Motions carried unanimously.

Council rose and observed a moment of silence in memory of the late Brian Langer, Andrea Labbé, Zoë Labbé-Langer, Andrew Aaron Stewart, Jack Johnston Poots, and the victims of the Montreal Massacre.

S15.22 Presentations/Introductions/Announcements:

Mayor Miller, during the morning session of the meeting, advised the Council that Margaret O’Neil, Administrator, Scarborough Community Council, would be retiring from the City of Toronto on December 31, 2004, and extended, on behalf of Council, the appreciation of Council to Margaret for her exemplary efforts during her tenure with both the former City of Scarborough and the amalgamated City of Toronto, and the best wishes of Council for a happy retirement. Council gave Margaret O’Neil a standing ovation, in recognition of her dedicated service to the City.

S15.23 ATTENDANCE

Councillor Balkissoon, seconded by Councillor Walker, moved that the absence of Councillors Altobello and Ootes, from this Special Meeting of City Council, be excused, which carried.

December 6, 2004	2:08 p.m. to 3:15 p.m.*	Ctte. of the Whole in-Camera 3:20 p.m.	4:25 p.m. to 6:30 p.m.*	Roll Call 5:34 p.m.

Minutes of a Special Meeting of the Council of the City of Toronto
December 6, 2004

December 6, 2004	2:08 p.m. to 3:15 p.m.*	Ctte. of the Whole in-Camera 3:20 p.m.	4:25 p.m. to 6:30 p.m.*	Roll Call 5:34 p.m.
Miller	x	x	x	-
Altobello	-	-	-	-
+ Ashton	x	x	x	x
Augimeri	x	x	x	x
Balkissoon	x	x	x	x
Bussin	x	x	x	x
Carroll	x	x	x	x
Cho	x	x	x	-
Chow	x	x	x	x
Cowbourne	x	x	x	x
Davis	x	x	x	-
De Baeremaeker	x	x	x	x
Del Grande	x	x	x	x
Di Giorgio	x	x	x	x
Feldman	x	x	x	x
Filion	x	x	x	-
Fletcher	x	x	x	x
Ford	x	x	x	x
Giambrone	x	x	x	x
Grimes	x	x	x	-
Hall	x	x	x	x
Holyday	x	x	x	x
Jenkins	x	x	x	x
Kelly	x	x	x	x
Li Preti	x	x	x	x
Lindsay Luby	x	x	x	x
Mammoliti	x	x	x	x
McConnell	x	x	x	-
Mihevc	x	x	x	x
Milczyn	x	x	x	x
Minnan-Wong	x	x	x	-
Moscoe	x	x	x	x

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Nunziata	x	x	x	x
Ootes	-	-	-	-
Palacio	x	x	x	x
Pantalone	x	x	x	-
Pitfield	x	x	x	x
Rae	x	x	x	x
Saundercook	x	x	x	x
Shiner	x	x	x	x
Soknacki	x	x	x	x
Stintz	x	x	x	x
Thompson	x	x	x	x
Walker	x	x	x	x
Watson	x	x	x	x
Total	43	43	43	35

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

Council adjourned at 6:30 p.m.

**DAVID R. MILLER,
Mayor**

**ULLI S. WATKISS,
City Clerk**