

[Guide to Minutes](#)

[Agenda Index](#)

These Minutes were confirmed by City Council on May 17, 2005

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

WEDNESDAY, MAY 4, 2005

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

CALL TO ORDER - 9:40 a.m.

S5.1 Mayor Miller took the Chair and called the Members to order.

The Special meeting opened with O Canada.

S5.2 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 Wednesday, May 4, 2005, in the Council Chamber, Toronto City Hall, such meeting to start at 9:30 a.m., for the following purposes:

- (1) to complete consideration of unfinished business from the Council meeting on April 12, 13 and 14, 2005;
- (2) to introduce and enact General Bills; and
- (3) to introduce and enact a confirming by-law for this Special meeting.”

PRESENTATION OF REPORTS

S5.3 Deputy Mayor Pantalone presented the following Reports for consideration by Council:

Deferred Clause from October 26, 27 and 28, 2004:

Board of Health Report 7, Clause 1f

Deferred Clause from February 1, 2 and 3, 2005:

Policy and Finance Committee Report 2, Clause 24c

Deferred Clause from February 16, 2005:

Etobicoke York Community Council Report 2, Clause 10b

Deferred Clauses from April 12, 13 and 14, 2005:

Policy and Finance Committee Report 4, Clauses 1a, 4a, 15a, 19a and 22a

Administration Committee Report 3, Clauses 4a, 14a and 15a

Community Services Committee Report 3, Clause 1a

Planning and Transportation Committee Report 3, Clause 8a

Works Committee Report 3, Clause 2a

Etobicoke York Community Council Report 3, Clause 58a

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

S5.4 **DECLARATION OF INTEREST**

Councillor Shiner declared an interest in Motion J(3), moved by Councillor Chow, seconded by Deputy Mayor Pantalone, regarding an Interim Control By-law for the King Spadina Part II Plan, in that his family owns property within the subject area.

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

S5.5 **The following Clauses were held by Council for further consideration:**

Board of Health Report 7, Clause 1f.

Policy and Finance Committee Report 2, Clause 24c.

Etobicoke York Community Council Report 2, Clause 10b.

Policy and Finance Committee Report 4, Clauses 1a, 4a, 15a, 19a and 22a.

Administration Committee Report 3, Clauses 4a, 14a and 15a.

Community Services Committee Report 3, Clause 1a.

Planning and Transportation Committee Report 3, Clause 8a.

Works Committee Report 3, Clause 2a.

Etobicoke York Community Council Report 3, Clause 58a.

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

Administration Committee Report 3, Clauses 4a and 15a.

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

- S5.6 **Works Committee Report 3, Deferred Clause 2a, headed “Review of Automated Vehicle Location (AVL) and Management Control System Pilot Project in Solid Waste Management Services”.**

Motion:

Councillor Giambone moved that the Clause be referred to the Works Committee and the e-City Committee and the City Manager be requested to report to the Works Committee on the implementation of a co-ordinated effort across the Corporation, including the City’s agencies, boards and commissions, on the Automated Vehicle Location and Management Control System Pilot Project, such report to be submitted to Council for consideration at its meeting on June 14, 2005.

Vote:

Adoption of motion by Councillor Giambone:

Yes - 29

Councillors:	Altobello, Balkissoon, Bussin, Carroll, Cho, Chow, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Walker, Watson
No - 1	
Councillor:	Davis

Carried by a majority of 28.

S5.7 Etobicoke York Community Council Report 2, Deferred Clause 10b, headed “Request for Approval of Variances from By-law No. 280-1998 and Chapter 215, Signs, of the former City of Etobicoke Code for a Third Party Roof Sign at 839 Oxford Street (Ward 6 - Etobicoke-Lakeshore)”.

Motion:

Councillor Grimes moved that the Clause be amended by deleting from the recommendation of the Etobicoke York Community Council, the words “25 percent”, and inserting instead the words “40 percent”, so that the recommendation now reads as follows:

“The Etobicoke York Community Council recommends to City Council that the application for variances from By-law No. 280-1998 and Chapter 215, Signs, of the Former City of Etobicoke Municipal Code, to permit a third party roof sign at 839 Oxford Street, be approved subject to the face of the sign being reduced by 40 percent.”

Votes:

The motion by Councillor Grimes carried.

Adoption of Clause, as amended:

Yes - 31	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, De Baeremaeker, Di Giorgio, Feldman, Ford, Giambrone, Grimes, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker
No - 11	
Mayor:	Miller

Councillors: Chow, Cowbourne, Davis, Del Grande, Fletcher, Hall, Holyday, Milczyn, Pantalone, Watson

Carried by a majority of 20.

S5.8 Policy and Finance Committee Report 4, Deferred Clause 1a, headed “Recommendations for Mid-Term Changes to the Council-Committee Structure and Process”.

Advice by Mayor:

Mayor Miller advised the Council that, in accordance with the direction of City Council from its meeting on April 12, 13 and 14, 2005, the following motions had been brought forward to continue Council’s debate on this matter, and that, as a result, Council would now continue the debate on Part (1) of motion (e) by Councillor Ootes, moved by Councillor Holyday in the absence of Councillor Ootes, to refer the Clause back to the Policy and Finance Committee for further consideration:

Motions Brought Forward from Council meeting of April 12, 13 and 14, 2005:

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

(1) in accordance with the following Recommendation (1) contained in the Recommendations Section of the communication dated April 7, 2005, from Councillor Mammoliti, Chair, Council Reference Group on Mid-term Changes to the Council Committee Structure:

“(1) that Recommendation (1) of the communication of March 23, 2005 from Councillor Giorgio Mammoliti, Chair, Council Reference Group on Mid-term Changes to the Council-Committee Structure, be amended so that the special Rapid Housing Committee be approved in principle pending the report requested of the CAO on its terms of reference, and that it be composed of five members of Council to allow the Striking Committee to make recommendations on its membership in time for mid-term implementation.”;

(2) in accordance with the following Recommendation (2) contained in the Recommendations Section of the communication dated April 7, 2005, from Councillor Mammoliti, Chair, Council Reference Group on Mid-term Changes to the Council Committee Structure:

- “(2) that Recommendation (3) of the communication of March 23, 2005 from Councillor Giorgio Mammoliti, Chair, Council Reference Group on Mid-term Changes to the Council-Committee Structure be deleted and replaced with the following:
- ‘that the Economic Development and Parks Committee functions be split; and that economic development, culture, and tourism matters be considered by an independent, stand-alone Economic Development Committee; and that parks, forestry and recreation matters become part of the Community Services Committee mandate; and that heritage matters become part of the Planning and Transportation Committee mandate.’ ”;
- (3) in accordance with the following Recommendation (3) contained in the Recommendations Section of the communication dated April 7, 2005, from Councillor Mammoliti, Chair, Council Reference Group on Mid-term Changes to the Council Committee Structure:
- “(3) that Recommendation (5)(a) of the communication of March 23, 2005, from Councillor Giorgio Mammoliti, Chair, Council Reference Group on Mid-term Changes to the Council-Committee Structure be amended by changing the pilot basis for the Question Period to three Council meetings (June, July, and October, 2005) to test the concept and its implementation, and that the City Clerk be asked to report back to the Policy and Finance Committee on October 27, 2005 on an evaluation of the pilot and the merits of continuing the Question Period to the end of the term.”; and
- (4) in accordance with the following Recommendation (4) contained in the Recommendations Section of the communication dated April 7, 2005, from Councillor Mammoliti, Chair, Council Reference Group on Mid-term Changes to the Council Committee Structure:
- “(4) that Recommendation (12) of the communication from Councillor Giorgio Mammoliti, Chair, Council Reference Group on Mid-term Changes to the Council-Committee Structure, as amended by the Policy and Finance Committee, be further amended to remove the words “deliberation and”, and that the recommendation now read:
- ‘(12) Improve the budget deliberation process at Council by adopting an interim procedure allotting 30 minutes for each Member to speak at the beginning of the Council meeting, to ask questions of the Mayor, Budget Chair, Standing Committee Chair, Community Council Chair, or staff, and to speak and place motions; and

follow the speaking period with voting on the budget by program with capital and operating budgets considered together; and an additional three minutes to move amendments or ask questions of a speaker.’ ”

(b) Councillor Hall moved that:

(1) consideration of the Clause, with the exception of Recommendations (A)(1), (A)(3), (A)(4), (B)(7), (B)(9) and B(10), be deferred until after the New *City of Toronto Act* has been passed into law by the Province of Ontario and the City Manager reports further through the Policy and Finance Committee;

(2) Part (1) of motion (a) by Councillor Mammoliti be amended by adding the following words:

“subject to a provision that all issues to be considered by the Rapid Affordable Housing Committee be first submitted to the respective Community Council for community meetings, the hearing of public deputations and to provide an opportunity for the Community Councils to make recommendations to the Rapid Affordable Housing Committee”; and

(3) the Clause be amended by:

(a) amending the communication dated March 23, 2005, from the Chair, Council Reference Group on Mid-Term Changes to the Council Committee Structure, by:

(i) deleting the following Recommendation (B)(9):

“(9) a commentator role be established for the new Rapid Affordable Housing Committee on a pilot basis until October 2005, and the Mayor appoint a Member of Council to carry out this role; and the City Clerk report to the Policy and Finance Committee recommending interim procedural rules required during the pilot period.

This commentator will provide an additional view, or a differing view, to that being recommended by the Committee. This will ensure that all sides of an issue are raised at Council, especially on important or controversial matters, and it will provide a meaningful role to more Members of Council. During the pilot period, speaking

order for Rapid Affordable Housing Committee issues will be:

- (i) Committee Chair;
- (ii) commentator; and
- (iii) item holder. No final amendments to the Council Procedures will be made until the success of the pilot is assessed.”; and

- (ii) deleting Part (ix) from Recommendation (B)(10)(a), as follows:

“(ix) The Chair of the Film Board;”; and

- (b) adding the following:

“That the Council Reference Group on Mid-Term Changes to the Council-Committee Structure continue to actively consult with Members of Council and prepare a final report in consultation with the Mayor’s Office and the City Manager’s Office upon reviewing the new *City of Toronto Act*.”

- (c) Councillor Cowbourne moved that:

- (1) Part (1) of motion (a) by Councillor Mammoliti be referred to the Planning and Transportation Committee to allow for citizen engagement on the proposed Rapid Affordable Housing Committee; and
- (2) the Clause be amended by referring the following recommendations contained in the communication (March 23, 2005) from the Chair, Council Reference Group on Mid-Term Changes to the Council Committee Structure, to the Planning and Transportation Committee to allow for citizen engagement on the proposed Rapid Affordable Housing Committee:
 - (a) Recommendation (A)(1);
 - (b) Recommendation (A)(2); and
 - (c) Recommendation (B)(9).

- (d) Councillor Giambrone moved that:

- (1) Parts (3) and (4) of motion (a) by Councillor Mammoliti be referred to the Council Reference Group on Mid-Term Changes to the Council-Committee Structure for further consideration and report back to Council through the Policy and Finance Committee; and

- (2) the Clause be amended by referring the following recommendations contained in the communication (March 23, 2005) from the Chair, Council Reference Group on Mid-Term Changes to the Council Committee Structure, relating to: question period, speaking times, use of the microphones, commentator, and budget question period, back to the Council Reference Group on Mid-Term Changes to the Council-Committee Structure for further consideration and report back to Council through the Policy and Finance Committee:

- (a) Recommendation (B)(5);
- (b) Recommendation (B)(6);
- (c) Recommendation (B)(7);
- (d) Recommendation (B)(8);
- (e) Recommendation (B)(9); and
- (f) Recommendation (B)(12).

- (e) Councillor Ootes moved that:

- (1) the Clause be referred back to the Policy and Finance Committee for further consideration;

- (2) Parts (1) and (4) of motion (a) by Councillor Mammoliti, be received;

- (3) the Clause be amended:

- (a) to provide that the following recommendations contained in the communication (March 23, 2005) from the Chair, Council Reference Group on Mid-Term Changes to the Council Committee Structure, be received:

- (i) Recommendation (A)(1);
- (ii) Recommendation (A)(2);
- (iii) Recommendation (B)(5), with the exception of Parts (b), (v) and (vi);
- (iv) Recommendation (B)(9);
- (v) Recommendation (B)(10)(a)(i);
- (vi) Recommendation (B)(10)(a)(x); and
- (vii) Recommendation (B)(12); and

- (b) by adding the following:

“That:

- (1) with the exception of development applications, Community Council items can only be held by Members of the Community Council that made the recommendation;
- (2) only members of the Community Council that made the recommendation can speak to the item (all Members of Council can vote on the item); and
- (3) time specific items have to be time-sensitive and non-time sensitive items can be made time specific by a two-thirds majority vote of Council.”

Permission to Withdraw Motion:

Councillor Mammoliti, with the permission of Council, withdrew Part (2) of his motion (a).

Debate on Referral:

Councillor Lindsay Luby in the Chair.

Mayor Miller in the Chair.

Motion:

- (f) Councillor Lindsay Luby moved that Part (1) of motion (e) by Councillor Ootes, moved by Councillor Holyday in the absence of Councillor Ootes, be amended to provide that those portions of the Clause related to structural changes for City Council and its Committees be referred back to the Policy and Finance Committee for further consideration, and those portions of the Clause related to procedural changes be referred to the Council Procedures and Meeting Management Working Group for consideration.

Vote on Referral:

Adoption of motion (f) by Councillor Lindsay Luby:

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Cho, Chow, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Minnan-Wong, Moscoe, Nunziata, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 5	

Councillors: Bussin, Davis, Ford, Mihevc, Pantalone

Carried by a majority of 30.

Adoption of Part (1) of motion (e) by Councillor Ootes, moved by Councillor Holyday in the absence of Councillor Ootes, as amended:

Yes - 24
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Cho, Cowbourne, Del Grande, Di Giorgio, Feldman, Filion, Ford, Holyday, Jenkins, Kelly, Li Preti, Minnan-Wong, Nunziata, Pitfield, Rae, Shiner, Stintz, Thompson, Walker, Watson
No - 16
Mayor: Miller
Councillors: Bussin, Chow, Davis, De Baeremaeker, Fletcher, Giambrone, Hall, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Saundercook, Soknacki

Carried by a majority of 8.

In summary, City Council referred those portions of this Clause related to structural changes for City Council and its Committees back to the Policy and Finance Committee for further consideration, and referred those portions of this Clause related to procedural changes to the Council Procedures and Meeting Management Working Group for consideration.

The following Recommendations were referred to the Policy and Finance Committee:

Recommendation (1):

- “(1) (a) a special Rapid Affordable Housing Committee be created composed of five members of Council, to consider and make recommendations on all affordable housing matters and affordable housing policy issues of both City-wide and local interest; and
- (b) the Rapid Affordable Housing Committee report to the Policy and Finance Committee except for matters requiring a statutory public hearing in which case it will report directly to Council.

The new Committee will bring together affordable housing matters that are currently considered by other Committees and Community Councils. This will ensure that affordable housing is dealt with as a City-wide issue and recognize that Council has identified

affordable housing as a priority. All staff who now attend those Committees will be required to attend the new Rapid Affordable Housing Committee to ensure co-ordination in one place of planning, housing, transportation and other matters as they relate to affordable housing. The Committee will consider projects being processed through the Let's Build Program, private and not-for-profit projects, and projects within TCHC's mandate for new and redeveloped affordable housing projects.

For example the new Committee will:

- (i) consider items now dealt with by the Planning and Transportation Committee for affordable housing related applications of City-wide interest for Official Plan amendments, Zoning By-law amendments, plans of subdivision approvals and related matters;
- (ii) make recommendations on housing policies and funding of social housing projects now considered by the Community Services Committee;
- (iii) consider and make recommendations on affordable housing applications that are currently considered by Community Councils;
- (iv) hold public meetings required under section 17, 34, and 51 of the *Planning Act* (OPAs, ZBLAs, plans of subdivision) for affordable housing matters within one or more Community Council jurisdictions, now undertaken by Community Councils;
- (v) consider matters now dealt with by other Committees related to the acquisition and sale of City property involving affordable housing;”.

Recommendation (2):

- “(2) the Chief Administrative Officer report to the May 5, 2005, Policy and Finance Committee with a detailed terms of reference for the new Rapid Affordable Housing Committee so that it can be operational by the end of June and, in consultation with the City Clerk, recommend the necessary amendments to the Toronto Municipal Code, Chapter 27, Council Procedures to reflect this change;”.

Recommendation (3):

- “(3) the current Economic Development and Parks Committee with its present mandate, be maintained.

Several options were discussed regarding the Economic Development and Parks

Committee:

- (i) maintain the current Economic Development and Parks Committee;
- (ii) split the Committee into two separate committees, one for Parks, Forestry and Recreation issues and one for Economic Development, Culture and Tourism issues; and
- (iii) disperse the current functions to other Committees, e.g., to the Community Services Committee or the Planning and Transportation Committee.

The workload of the current Economic Development and Parks Committee is enough to sustain a Standing Committee: the Committee met 9 times in 2004 and considered 181 items. The majority of the items (approximately 110 of the 181 items) related to economic development, culture, tourism and special events. Maintaining the current Committee will also maintain the functional co-ordination and Council Members' expertise and interest that has developed over time."

Recommendation (4):

- "(4) responsibility for making recommendations on the acquisition, sale and leasing of City property and offers of compensation under the *Expropriations Act* be moved from the Administration Committee to the Policy and Finance Committee, and the Policy and Finance Committee be renamed the Executive Committee; and amend the Toronto Municipal Code, Chapter 27, Council Procedures to reflect this change;

Moving this responsibility will bring an additional major corporate policy issue with significant financial implications to the Policy and Finance Committee, which already has responsibility for human resources, and fiscal policy and budget."

Recommendation (10):

- "(10) (a) the Mayor be authorized to appoint:
- (i) Standing Committee Chairs;
 - (ii) Deputy Mayor(s);
 - (iii) Audit Committee Chair;
 - (iv) Budget Advisory Committee Chair;
 - (v) Employee and Labour Relations Committee designated Chair (if the Mayor does not wish to Chair);
 - (vi) The new Rapid Housing Committee Chair;
 - (vii) Nominating Committee and the Striking Committee designated Chairs (if the

- Mayor does not wish to Chair);
- (viii) Chairs of the Roundtables on the Environment; Arts and Culture; Beautiful City; Seniors; Children, Youth and Education; Access, Equity and Human Rights;
 - (ix) The Chair of the Film Board;
 - (x) Chairs of other special committee which report directly to Standing Committees, except sub-committees; and
- (b) the Mayor's appointments not be subject to debate or amendments by the Striking Committee, and a 2/3 majority vote of Council be required to debate or amend the Mayor's appointments."

Recommendation (11):

- "(11) the Toronto Municipal Code, Chapter 27, Council Procedures or the terms of reference of the body be amended, where required, to make these changes to the appointment process.

In the current process the Mayor recommends the membership of the Striking Committee to Council and Council can approve or amend the Mayor's recommendations. Once established the Striking Committee recommends appointments to various positions and bodies. In the new process, the Mayor will submit his appointments list to the Striking Committee at the time that it is considering the City Clerk's canvass of interest from Members of Council. The recommended change will make the process more transparent and will give the Mayor a clearer and more effective role in the appointments process."

Recommendation (13):

- "(13) the Chief Administrative Officer be requested to review the current situation regarding Council's ability to delegate to Standing Committees, Community Councils, or staff, within Council approved policy.

Many of the ideas and changes discussed during the Reference Group's process were about being more effective and reducing the overall amount of time spent in Committee and Council meetings. Many people feel that additional improvements could be made if Council could delegate more of its decision making, within approved policies. The current delegation practices have not been reviewed in several years."

Recommendation (14):

- "(14) the Mayor and the Chief Administrative Officer be requested to report to the Policy and Finance Committee, when the implications of the *City of Toronto Act* review are clearer, on a process for Council's review of longer term changes to the governance system;".

Recommendation (15):

“(15) the City Solicitor be authorized to introduce the necessary bills in Council; and”.

Recommendation (16):

“(16) the appropriate City officials be authorized and directed to take the necessary actions to give effect to these recommendations.”

The following Recommendations were referred to the Council Procedures and Meeting Management Working Group:

Recommendation (5):

- “(5) (a) a Question Period at the beginning of each Council meeting (following the agenda review), on a pilot basis for the remainder of the term be established; and the City Clerk assess the functioning of the pilot and report to the Policy and Finance Committee on the assessment at the beginning of the next Council term; and
- (b) the Question Period have the following rules:
- (i) each Member of Council will be allotted 10 minutes to ask questions of the Mayor, the Standing Committee Chair, or staff on items that have been held;
 - (ii) there will be no extensions and answers must be short and succinct;
 - (iii) the entire 10 minutes must be used in one block of time (no carry over of time);
 - (iv) there will be no questions of staff during debate of the item, unless the Chair determines that there is a need for statutory officers such as the City Solicitor or the Treasurer to advise Council of legal or financial implications to amendments after question period;
 - (v) the Chair may still permit staff to make a statement if the integrity of staff has been impugned or called into question by a member at any point during the meeting (Section 27-20, Municipal Code); and
 - (vi) during debate, questions of movers of motions will be limited to 3 minutes;”.

Recommendation (6):

- “(6) the City Clerk report to the May 5, 2005, Policy and Finance Committee on implementation issues and concerns related to establishing the Question Period, including any interim procedural rules required during the pilot period.

The benefits of Question Period are that it will improve the functioning of Council and save time overall. It will also encourage Council Members to attend Standing Committee meetings more regularly, even if they are not members, so that they can be aware of all of the issues and have the opportunity to hear from members of the public and staff at that time. It will also encourage Council Members to seek briefings from staff prior to the Council meeting. No final amendments to the Council Procedures will be made until the success of the pilot is assessed.”

Recommendation (7):

- “(7) speaking time allocation at Council meetings be reduced to 4 minutes with a 4-minute extension and reduce questions of Councillors to clarify their motions to 3 minutes, and amend the Toronto Municipal Code, Chapter 27, Council Procedures to reflect these changes;”.

Recommendation (8):

- “(8) the Chair turn off the microphones of individual members when their time limit is reached.

These changes will reduce meeting time overall and will encourage Members of Council to be clear, succinct and efficient in their comments. The changes will be supported by technology modifications that are being developed to improve audio-visual functioning in the Council Chamber and give the Chair more control over the microphones.”

Recommendation (9):

- “(9) a commentator role be established for the new Rapid Affordable Housing Committee on a pilot basis until October 2005, and the Mayor appoint a Member of Council to carry out this role; and the City Clerk report to the Policy and Finance Committee recommending interim procedural rules required during the pilot period.

This commentator will provide an additional view, or a differing view, to that being recommended by the Committee. This will ensure that all sides of an issue are raised at Council, especially on important or controversial matters, and it will provide a meaningful

role to more Members of Council. During the pilot period, speaking order for Rapid Affordable Housing Committee issues will be:

- (i) Committee Chair;
- (ii) commentator; and
- (iii) item holder. No final amendments to the Council Procedures will be made until the success of the pilot is assessed.”

Recommendation (12):

“(12) the budget deliberation process at Council be improved by adopting an interim procedure allotting 30 minutes for each Member to speak at the beginning of the Council meeting, to ask questions of the Mayor, Budget Chair, Standing Committee Chair, Community Council Chair, or staff, and to speak and place motions; and follow the speaking period with deliberation and voting on the budget by program with capital and operating budgets considered together; and an additional three minutes to move amendments or ask questions of a speaker;”.

S5.9 Policy and Finance Committee Report 4, Deferred Clause 19a, headed “Support for the Efforts of the Undocumented Workers Committee”.

Councillor Altobello in the Chair.

Vote:

Adoption of Clause, without amendment:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Soknacki
No - 12	
Councillors:	Balkissoon, Del Grande, Ford, Holyday, Kelly, Minnan-Wong, Nunziata, Pitfield, Shiner, Stintz, Thompson, Watson

Carried by a majority of 14.

S5.10 Board of Health Report 7, Deferred Clause 1f, headed “Shade Policy and Technical Considerations for the City of Toronto”.*Ruling by Acting Chair:*

Acting Chair Altobello ruled that, as the Medical Officer of Health was present in the Council Chamber and available to respond to questions from Members of Council, this Clause would now be considered by Council.

Councillor Ford challenged the ruling of the Acting Chair.

Vote to Uphold Ruling of Acting Chair:

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Stintz, Watson
No - 7	
Councillors:	Del Grande, Feldman, Ford, Holyday, Mammoliti, Rae, Shiner

Carried by a majority of 22.

Deputy Mayor Pantalone in the Chair.

Motion:

Councillor Filion moved that the Clause be amended by adding the words “or as soon as possible”, to Recommendation (2) of the Board of Health.

Votes:

The motion by Councillor Filion carried.

Adoption of Clause, as amended:

Yes - 12	
Councillors:	Augimeri, Bussin, Cho, Davis, Filion, Fletcher, Giambrone, Jenkins, McConnell, Mihevc, Moscoe, Pantalone

No - 19 Councillors: Altobello, Ashton, Balkissoon, Del Grande, Grimes, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 5.

In summary, City Council did not adopt this Clause.

S5.11 Administration Committee Report 3, Deferred Clause 14a, headed “Declaration as Surplus - Avondale Composting and Borrow Pit Site, Located East of Keele Street, Between Kirby Road and Teston Road (City of Vaughan)”.

Motion:

Councillor Moscoe moved that the Clause be amended by referring Recommendation (3) of the Administration Committee to the City Manager, with a request that she canvass all City agencies, boards and commissions on the following and report to City Council for its June 14, 2005 meeting, through the Policy and Finance Committee:

- (a) any current discussions, on any issue, with the City of Vaughan and York Region; and
- (b) any concessions required from the City of Vaughan or York Region regarding any outstanding needs of the City of Toronto.

Vote:

Adoption of the Clause, as amended by the motion by Councillor Moscoe:

Yes - 34 Mayor: Miller Councillors: Altobello, Balkissoon, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1 Councillor: Holyday

Carried by a majority of 33.

Deputy Mayor Bussin in the Chair.

S5.12 Policy and Finance Committee Report 4, Deferred Clause 4a, headed “Eucan Advertising on Ecomupi Recycling/Garbage Containers”.

Deputy Mayor Pantalone in the Chair.

Motion:

- (a) Councillor Davis moved that the Clause be amended to provide that, during the pilot test period, only new locations be used for advertising on Ecomupis and Ecoboxes, and existing silverboxes not be displaced.
- (b) Councillor Hall moved that the Clause be amended by deleting the recommendation of the Policy and Finance Committee and inserting instead the following:

“That the City of Toronto be permitted to advertise on the Ecomupi recycling/garbage containers for the interim period commencing after the three month test is completed and until a Council decision is made on Eucan’s proposal at no cost to the City.”

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

“That Eucan be instructed to sell advertising on a month-to-month basis, and, in the event that City Council decides not to proceed with this project subsequent to the pilot project, Eucan will be obligated to immediately remove all advertising on bins used for the pilot project, upon one week’s notice.”

- (d) Councillor Shiner moved that the Clause be amended to provide that the only advertising that will be permitted on the Ecomupi recycling/garbage containers from the end of the test period, until the Council decision and final recommendations, will be advertising for the Agencies, Boards, Commissions and Departments of the City of Toronto at no cost to the City, with the exception of the cost of preparing the advertisements.

Votes:

Adoption of motion (b) by Councillor Hall:

Yes - 16

Councillors:	Altobello, Augimeri, Balkissoon, Cowbourne, Davis, Di Giorgio, Giambrone, Hall, Holyday, Lindsay Luby, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Saundercook
No - 18	
Councillors:	Bussin, De Baeremaeker, Del Grande, Feldman, Filion, Ford, Grimes, Jenkins, Kelly, Mammoliti, Minnan-Wong, Nunziata, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson

Lost by a majority of 2.

Adoption of motion (a) by Councillor Davis:

Yes - 11	
Councillors:	Cho, Chow, Davis, Filion, Fletcher, Giambrone, McConnell, Mihevc, Moscoe, Saundercook, Shiner
No - 29	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Rae, Soknacki, Stintz, Thompson, Watson

Lost by a majority of 18.

Adoption of motion (d) by Councillor Shiner:

Yes - 19	
Councillors:	Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Kelly, McConnell, Mihevc, Moscoe, Palacio, Shiner, Stintz
No - 22	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, De Baeremaeker, Del Grande, Di Giorgio, Ford, Grimes, Jenkins, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Walker, Watson

Lost by a majority of 3.

Adoption of motion (c) by Councillor Balkissoon:

Yes - 26	
Councillors:	Altobello, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Fillion, Fletcher, Ford, Giambrone, Hall, Holyday, Lindsay Luby, Mihevc, Moscoe, Nunziata, Palacio, Pitfield, Rae, Saundercook, Stintz, Walker, Watson
No - 15	
Councillors:	Ashton, Augimeri, Cho, De Baeremaeker, Feldman, Grimes, Jenkins, Kelly, Mammoliti, McConnell, Minnan-Wong, Pantalone, Shiner, Soknacki, Thompson

Carried by a majority of 11.

Adoption of Clause, as amended:

Yes - 22	
Councillors:	Augimeri, Balkissoon, Bussin, Carroll, De Baeremaeker, Del Grande, Di Giorgio, Ford, Grimes, Hall, Mammoliti, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 19	
Councillors:	Altobello, Ashton, Cho, Chow, Cowbourne, Davis, Feldman, Fillion, Fletcher, Giambrone, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Shiner, Walker

Carried by a majority of 3.

In summary, City Council amended this Clause by adding the following:

“That Eucan be instructed to sell advertising on a month-to-month basis, and, in the event that City Council decides not to proceed with this project subsequent to the pilot project, Eucan will be obligated to immediately remove all advertising on bins used for the pilot project, upon one week’s notice.”

S5.13 Policy and Finance Committee Report 4, Deferred Clause 15a, headed “Ideas Day/Employee Suggestion Program”.

Motion:

Councillor Giambrone moved that the Clause be amended by adding the following:

“That the City Manager be requested to report to the Policy and Finance Committee after the first ‘Ideas Day’ has been held, and after consultation with the appropriate employee representatives, on the possibility of establishing a permanent program to collect employee ideas.”

Votes:

The motion by Councillor Giambrone carried.

Adoption of Clause, as amended:

Yes - 29	
Councillors:	Altobello, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 4	
Councillors:	Davis, Ford, Hall, Mammoliti

Carried by a majority of 25.

S5.14 Policy and Finance Committee Report 4, Deferred Clause 22a, headed “Adequacy of Employee Benefits Reserve Funds”.

Motions:

(a) Councillor Shiner moved that the Clause be amended by:

(1) amending staff Recommendation (1) contained in the Recommendations Section of the report dated March 21, 2005, from the Chief Financial Officer and Treasurer, to read as follows:

“(1) Council replenish the Employee Benefits Reserve Fund as contained in Table 2 whereby the net contribution to the City’s Employee Benefits Reserve Funds be increased by \$15 million per year beginning in 2006 until such time as these reserve funds maintain a balance of four years of employee benefit cash costs;” and

(2) deleting the following staff Recommendation (2):

“(2) these funding recommendations be considered during the 2006 budget process; and”.

- (b) Councillor Balkissoon moved that consideration of the Clause be deferred to the Council meeting of October 6, 2005, and the City Manager be requested to report directly to Council for such meeting, as requested by the Audit Committee, on ways and means of controlling this debt.

Vote on Deferral:

Adoption of motion (b) by Councillor Balkissoon:

Yes - 16 Councillors: Altobello, Ashton, Balkissoon, Del Grande, Di Giorgio, Feldman, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Shiner, Stintz, Watson
No - 16 Councillors: Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Soknacki, Walker

Lost, there being a tie vote.

Votes on Clause:

Adoption of motion (a) by Councillor Shiner:

Yes - 8 Councillors: Altobello, Balkissoon, Del Grande, Kelly, Li Preti, Palacio, Shiner, Stintz
No - 25 Councillors: Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Saundercook, Soknacki, Walker, Watson

Lost by a majority of 17.

Adoption of Clause, without amendment:

Yes - 26

Councillors:	Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Saundercook, Soknacki, Walker, Watson
No - 6	
Councillors:	Altobello, Balkissoon, Del Grande, Kelly, Shiner, Stintz

Carried by a majority of 20.

S5.15 Community Services Committee Report 3, Deferred Clause 1a, headed “Over-Expenditure of Blanket Contract No. 47006971 - Outdoor Outfits Ltd.”.

Motion:

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

“That the Treasurer be requested to report to the Policy and Finance Committee for its meeting on September 22, 2005, outlining the new practices that have been implemented and the value and percentage of purchases that are being made without appropriate blanket orders or purchase orders.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

S5.16 Planning and Transportation Committee Report 3, Deferred Clause 8a, headed “Installation of Telecommunication Towers”.

Motions:

- (a) Councillor Moscoe moved that the Clause be amended to provide that Members of Council who wish, may opt their Wards out of the Site Plan control process, as it applies to free-standing telecommunication towers and radio transmission towers, by submitting a written request to the City Clerk.

Mayor Miller in the Chair.

- (b) Councillor Milczyn moved that the Clause be amended by deleting the following Recommendation (2) of the Planning and Transportation Committee:

“(2) the installation of Telecommunication Towers be subject to Site Plan control;”.

- (c) Councillor Palacio moved that the Clause be amended by deleting Recommendation (2) of the Planning and Transportation Committee and inserting instead the following:

“(2) the installation of Telecommunication Towers be subject to a protocol that leads to a bump-up process;”.

Deputy Mayor Bussin in the Chair.

- (d) Councillor Kelly moved that consideration of the Clause be deferred until such time as the Chief Planner and Executive Director reports to the Planning and Transportation Committee on a draft protocol regarding the process of establishing telecommunications towers in Toronto that has been prepared after consultation with the industry.

Vote on Deferral:

Adoption of motion (d) by Councillor Kelly:

Yes - 6	Councillors: Ashton, Cho, Ford, Kelly, Li Preti, Milczyn
No - 33	Councillors: Altobello, Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson

Lost by a majority of 27.

Permission to Withdraw Motion:

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

Votes on Clause:

Adoption of motion (b) by Councillor Milczyn:

Yes - 14 Councillors:	Ashton, Cho, Di Giorgio, Feldman, Ford, Grimes, Holyday, Mammoliti, Milczyn, Minnan-Wong, Rae, Saundercook, Stintz, Watson
No - 27 Councillors:	Altobello, Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Fillion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pitfield, Shiner, Soknacki, Thompson, Walker

Lost by a majority of 13.

Adoption of motion (c) by Councillor Palacio:

Yes - 13 Councillors:	Ashton, Augimeri, Cho, Di Giorgio, Feldman, Grimes, Mammoliti, Milczyn, Palacio, Saundercook, Shiner, Stintz, Walker
No - 28 Councillors:	Altobello, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Fillion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Pitfield, Rae, Soknacki, Thompson, Watson

Lost by a majority of 15.

Adoption of Clause, without amendment:

Yes - 35 Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pitfield, Rae, Shiner, Soknacki, Thompson, Walker, Watson
No - 6 Councillors:	Cho, Feldman, Kelly, Mammoliti, Saundercook, Stintz

Carried by a majority of 29.

S5.17 **IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE**

Procedural Motion:

Councillor De Baeremaeker, at 6:37 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 Special meeting of Council, in accordance with the provisions of the *Municipal Act, 2001*:

- (a) Policy and Finance Committee Report 2, Deferred Clause 24c, headed “Status of Labour Negotiations”, as it contains information related to labour relations or employee negotiations; and
- (b) Etobicoke York Community Council Report 3, Clause 58a, headed “1555 Jane Street, Section 37 Agreement, Committee of Adjustment Decision and Application to Amend the Official Plan and Zoning By-law No. 7625 (Ward 12 - York South-Weston)”, as discussion related to this Clause is subject to solicitor-client privilege.

Vote:

The motion by Councillor De Baeremaeker carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 6:41 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act, 2001*.

Committee of the Whole rose, reconvened as Council at 7:17 p.m., and met in public session in the Council Chamber.

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

S5.18 **Etobicoke York Community Council Report 3, Deferred Clause 58a, headed “1555 Jane Street, Section 37 Agreement, Committee of Adjustment Decision and Application to Amend the Official Plan and Zoning By-law No. 7625 (Ward 12 - York South-Weston)”.**

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act, 2001*, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

- (a) Councillor Hall moved that the Clause be received.
- (b) Councillor Di Giorgio moved that the Clause be amended by adding the following:

“That the Chief Planner and Executive Director, City Planning, and the City Solicitor be requested to report to the Etobicoke York Community Council on:

- (1) an interpretation of Sections 34 (17) and (19) of the *Planning Act*, and whether it is applicable to this Application, as it relates to the decision made by City Council at its meeting on June 22, 23 and 24, 2004 [Toronto West Community Council Report 3, Clause 16b, headed ‘Site Plan Bump Up Report - Site Plan Approval Application; Applicant: Medallion Properties Inc., Architect: Dietrich Boecker Architect, 1555 Jane Street (Ward 12 - York South-Weston)’]; and
- (2) any changes which have been made or which will be made to the Section 37 agreement which was registered on title in February 2003, respecting this Application.”

Votes:

Adoption of motion (a) by Councillor Hall:

Yes - 14
Mayor: Miller
Councillors: Ashton, Carroll, Chow, Feldman, Hall, Holyday, Lindsay Luby, McConnell, Mihevc, Moscoe, Shiner, Soknacki, Stintz
No - 19
Councillors: Altobello, Augimeri, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Kelly, Li Preti, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Thompson, Walker

Lost by a majority of 5.

Adoption of motion (b) by Councillor Di Giorgio:

Yes - 21

Councillors:	Altobello, Augimeri, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Kelly, Li Preti, Lindsay Luby, McConnell, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Thompson, Walker
No - 12	
Mayor:	Miller
Councillors:	Ashton, Carroll, Chow, Feldman, Hall, Holyday, Mihevc, Moscoe, Shiner, Soknacki, Stintz

Carried by a majority of 9.

Adoption of Clause, as amended:

Yes - 20	
Councillors:	Altobello, Augimeri, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Kelly, Li Preti, Lindsay Luby, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Thompson, Walker
No - 13	
Mayor:	Miller
Councillors:	Ashton, Carroll, Chow, Feldman, Hall, Holyday, McConnell, Mihevc, Moscoe, Shiner, Soknacki, Stintz

Carried by a majority of 7.

S5.19 Policy and Finance Committee Report 2, Deferred Clause 24c, headed “Status of Labour Negotiations”.

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act, 2001*, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

- (a) Mayor Miller moved that consideration of the Clause be deferred to the next regular meeting of City Council on May 17, 2005.
- (b) Councillor Minnan-Wong moved that motion (a) by Mayor Miller be amended by adding the words “and Council direct that it be considered as a time sensitive matter”.

Votes:

Motion (b) by Councillor Minnan-Wong carried.

Motion (a) by Mayor Miller carried, as amended.

In summary, City Council deferred consideration of this Clause to its next regular meeting on May 17, 2005, and directed that it be considered as a time sensitive matter.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

S5.20 F(1) Waiving of fees for Community Festivals on St. Clair Avenue West

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

Moved by: Councillor Mihevc

Seconded by: Councillor Moscoe

“WHEREAS City Council at its meeting on September 28, 29, 30 and October 1, 2004, approved Policy and Finance Committee Report 7, Clause 1, headed ‘St. Clair Avenue West Transit Improvements Environmental Assessment – Yonge Street to Gunns Road (just west of Keele Street) (St. Paul’s, Davenport, York South-Weston)’; and

WHEREAS the report resolved that ‘City departments waive fees related to hosting community festivals on St. Clair Avenue West from 2005 to 2007 (the construction period and immediately thereafter)’; and

WHEREAS City staff interpretation of the wording contained in the aforementioned report limits the waiving of fees and charges to City departments; and

WHEREAS the revitalization of St. Clair Avenue West and the strengthening of the local small business community, including supporting community events and festivals on the street, remain high priorities of the City of Toronto; and

WHEREAS City staff have been consulted in writing this Motion;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 7, Clause 1, headed ‘St. Clair Avenue West Transit Improvements Environmental Assessment – Yonge Street to Gunns Road (just west of Keele Street) (St. Paul’s, Davenport, York South-Weston)’, be re-opened for further consideration, only as it

pertains to the waiving of fees for Community Festivals on St. Clair Avenue West;

AND BE IT FURTHER RESOLVED THAT City Council clarify the intent of Policy and Finance Committee Report 7, Clause 1, headed ‘St. Clair West Transit Improvements Environmental Assessment – Yonge Street to Gunns Road (just west of Keele Street) (St. Paul’s, Davenport, York South-Weston)’, only as it pertains to the waiving of fees and costs for community festivals on St. Clair West from 2005 to 2007, by approving that all necessary barricades, non-departmental permit fees for community festivals on St. Clair Avenue West from 2005 to 2007 are to paid for by the City;

AND BE IT FURTHER RESOLVED THAT City Council request that the Toronto Transit Commission and the Toronto Police Service waive costs for Community Festivals on St. Clair Avenue West, from 2005 to 2007;

AND BE IT FURTHER RESOLVED THAT this Resolution be forwarded to the Toronto Transit Commission and Toronto Police Services Board for their consideration and endorsement.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(1), 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 1, Page 58)

[Note:

City Council on February 1, 2 and 3, 2005, re-opened Policy and Finance Committee Report 7, Clause 1, headed “St. Clair Avenue West Transit Improvements Environmental Assessment – Yonge Street to Gunns Road (just west of Keele Street) (St. Paul’s, Davenport, York South-Weston)”, for further consideration, only as it pertains to the waiving of fees for Community Festivals on St. Clair Avenue West.]

Vote:

The balance of Motion F(1) was adopted, without amendment.

Deputy Mayor Pantalone in the Chair.

S5.21 J(1) **Defense of Committee of Adjustment Decision - 27 Flanders Road (Ward 21)**

Councillor Mihevc moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion at this Special meeting of Council, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Mihevc

Seconded by: Councillor Moscoe

“**WHEREAS** an application was made to the Committee of Adjustment for variances including, gross floor area, side and rear yard setbacks, and minimum parking dimensions for the property known as 27 Flanders Road (Ward 21); and

WHEREAS the immediate neighbourhood expressed concerns regarding the proposal; and

WHEREAS on January 12, 2005, the Committee of Adjustment refused the application on the grounds that it does not represent an appropriate development of the property, and does not meet the general intent of the zoning by-law; and

WHEREAS the Ontario Municipal Board will be considering an appeal with respect to this decision by the Committee of Adjustment for residential development at 27 Flanders Road;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize the City Solicitor to appear at the Ontario Municipal Board to defend the decision of the Committee of Adjustment.”

Advice by Deputy Mayor:

Deputy Mayor Pantalone advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(1) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(1) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(1), a Notice of Decision (January 13, 2005) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and

East York Panel, which is on file in the City Clerk's Office.

Vote:

Motion J(1) was adopted, without amendment.

Mayor Miller in the Chair.

S5.22 J(2) **Review of Councillor Remuneration**

Councillor Mammoliti moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion at this Special meeting of Council, the vote upon which was taken as follows:

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Balkissoon, Bussin, Carroll, Cho, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Pantalone, Pitfield, Saundercook, Stintz, Thompson, Watson
No - 8	
Councillors:	Chow, Davis, Holyday, Milczyn, Nunziata, Shiner, Soknacki, Walker

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

Councillor Mammoliti gave Notice of the following Motion to permit consideration at the next regular meeting of City Council on May 17, 2005:

Moved by: **Councillor Mammoliti**

Seconded by: **Councillor Moscoe**

“WHEREAS there has been no review of City Councillors' salaries in seven years; and

WHEREAS it is clear that the smaller municipalities in and around the Greater Toronto Area (GTA) provide much more in the way of remuneration; and

WHEREAS a comparison of salaries for Mayors and Councillors in the GTA is as follows:

Salary Comparison
Mayors and Councillors

Mayor's Salaries

Vaughan/York	\$164,075
Mississauga/Peel	158,704
York Region	158,626
Durham	157,049
Montreal	150,000
Toronto	143,635

Councillor's Salaries

Mississauga	\$113,296
Vaughan/York	102,657
Richmond Hill/York	97,611
Markham/York	95,265
Toronto	84,715;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) the Mayor and City Manager be requested to appoint an arm's-length review Panel to review Council remuneration;
- (2) this arm's-length Panel include an external Human Resources firm, a Labour Relations expert, members of the Toronto Board of Trade and Labour Council and two City of Toronto Ratepayer Presidents; and
- (3) the Panel report back to Council, through the Administration Committee, no later than July 2005."

Deputy Mayor Pantalone in the Chair.

S5.23 J(3) Interim Control By-Law - King-Spadina Part II Plan

Councillor Chow moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion at this Special meeting of Council, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Chow moved that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion, which carried:

Moved by: Councillor Chow

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** City Council at its meeting of November 26 to 29, 2002, directed the Commissioner of Urban Development Services to review land use policies and regulations with respect to nightclubs and entertainment facilities in ‘The Kings’; and

WHEREAS the King-Spadina Part II Plan adopted by City Council in 1996, permits entertainment uses without a size restriction; and

WHEREAS significant development has occurred in the King-Spadina Part II Plan area and continues to expand rapidly including: 289 units at 21 Widmer; 306 units at 430 King Street; 313 units at 46-62 Spadina Avenue; 300 units at 340 Front Street, 33 floors of residential and 20 floors of hotel at the Ritz Carlton; 30 floors of residential units at the Toronto Film Festival building and 260 units at 255 Wellington Street, for a total of over 2,500 condominium units and hotel rooms; and

WHEREAS many of the above-mentioned development proposals are before Council for approval; and

WHEREAS over 50,000 patrons now come to the many night clubs in the area, with one third of these patrons visiting clubs that opened only two years ago; and

WHEREAS the Toronto Entertainment District Association (TEDA) has requested that the City place a moratorium on the approval of new clubs in the neighbourhood, as the rising noise level and behaviour of the patrons continues to drive away tourists from hotels in the district; and

WHEREAS the Chief Planner and Executive Director, City Planning, senior police officers and licensing officials all acknowledge that certain entertainment uses and residential uses conflict with each other and have indicated that these conflicts must be analysed thoroughly and mitigated; and

WHEREAS an increasing number of residents across the City suffer from unacceptable levels of noise that impact on their privacy and enjoyment of their properties from adjacent or nearby entertainment facilities; and

WHEREAS there are often issues such as overcrowding and unlicensed alcohol sales associated with certain of these facilities; and

WHEREAS the patrons of such facilities tend to exit en masse at 2:00 a.m. and contribute to increased congestion of the roads and sidewalks; and

WHEREAS the Toronto Police Service has significant concerns with issues relating to traffic movement and crowd management and as a result, are required to redeploy officers for extended periods of time; and

WHEREAS there is a significant increase in litter and debris in and around these facilities; and

WHEREAS, from time to time, there are incidents of property damage and violence associated with a minority of the patrons; and

WHEREAS facilities, such as places of amusement, entertainment facilities, banquet halls, restaurants, taverns, nightclubs, and social halls, exist and operate throughout the City; and

WHEREAS specific concerns have been raised in this regard with respect to the Entertainment District, areas of College Street, and in industrial areas in isolated areas of the City; and

WHEREAS there is a need to create and define one or more specific business classes, along with the development of appropriate operating standards, to better regulate certain entertainment facilities and distinguish them from restaurants, bars and bistros;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the staff recommendations contained in the Recommendations Section of the attached report dated May 4, 2005, from the Chief Planner and Executive Director, City Planning, regarding an Interim Control By-law for the King-Spadina area;

AND BE IT FURTHER RESOLVED THAT the necessary Bills be introduced to give effect thereto;

AND BE IT FURTHER RESOLVED THAT the Executive Director of Municipal Licensing and Standards:

- (1) consult with the Chief of Police and report to the October meeting of the Planning and Transportation Committee on immediate amendments to Chapter 545, Licensing, to implement standards to define and regulate such uses, and that notice be given as required by the Municipal Code Chapter 162, Notice, Public; and

- (2) include in the 2006 budget process, a business case to undertake a broad review of the licensing requirements of all facilities that provide food and entertainment activities, and make recommendations to deal with problems including but not limited to:
- (a) noise containment;
 - (b) occupancy and capacity;
 - (c) security;
 - (d) litter and waste containment; and
 - (e) congestion of roads and sidewalks.”

Council also had before it, during consideration of Motion J(3), a report (May 4, 2005) from the Chief Planner and Executive Director, City Planning, entitled “Proposed Interim Control By-law to Prohibit Entertainment Facilities and Associated Patios East of Spadina Avenue in the King-Spadina Part II Plan Area (Ward 20 - Trinity-Spadina)” (See Attachment 1, Page 53).

Vote:

Adoption of Motion J(3), without amendment:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Thompson, Watson
No - 2	
Councillors:	Ford, Minnan-Wong

Carried by a majority of 26.

Summary:

In adopting Motion J(3), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (May 4, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that:

- (1) City Council adopt the following resolution:

Whereas Section 38 of the *Planning Act* authorizes Council to pass resolutions directing that a review or study be undertaken in respect of land use planning policies within the area of the municipality which is to be the subject of an Interim Control By-law, therefore be it resolved that Council request the Chief Planner and Executive Director, City Planning, to undertake a review or study in respect of land use policies for those lands east of Spadina Avenue in the King-Spadina Part II Plan area that are identified on Attachment 2;

- (2) City Council, after adopting the resolution in Recommendation (1) above, grant authority for the introduction of the necessary Bills in Council to substantially give effect to the following:

No person shall, in the area referred to in Recommendation (1) above, use any lot or erect any building or structure for an entertainment facility and/or a patio in conjunction with an entertainment facility for a period of one year; and

- (3) City Council direct the Chief Planner and Executive Director, City Planning, to re-focus the budget and terms of reference for the 2005 King Spadina Review to include as Phase I a review of land use permissions for the Plan area both east and west of Spadina Avenue and to submit the findings and recommendations of Phase I in a report to City Council prior to undertaking further phases.”

Deputy Mayor Bussin in the Chair.

S5.24 J(4) GO Georgetown/Weston Sub-Division Corridor

Councillor Nunziata moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion at this Special meeting of Council, the vote upon which was taken as follows:

Yes - 28 Councillors:	Augimeri, Balkissoon, Bussin, Cho, Chow, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Stintz, Thompson, Watson
No - 1 Councillor:	Moscoe

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

Councillor Nunziata 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:

Moved by: Councillor Nunziata

Seconded by: Councillor Grimes

‘**WHEREAS** GO Transit has begun a Class Environmental Assessment for expansion of commuter rail service in the GO Georgetown/Weston Sub-Division Corridor; and

WHEREAS the project will address the expansion of the Georgetown GO Transit line and the Blue 22 airport link that would, rationally and technically, require two separate Environmental Assessments; and

WHEREAS there has been an overwhelming and resounding concern by residents that the closure of any street or roadway could separate and divide communities, and thus be catastrophic to their continued viability; and

WHEREAS GO Transit is undertaking a Class B Environmental Assessment which addresses the potential for low to medium negative environmental effects, and/or medium public or agency concerns and a Class C Environmental Assessment requires more information and analysis to identify environmental effects and more comprehensive public and agency notice; and

WHEREAS resounding concern was expressed by the over 3,000 residents that attended GO Transit’s Public Information Session on April 28, 2005, about the negative environmental and social impacts of the GO Georgetown/Weston Sub-Division Corridor; and

WHEREAS at the same meeting, the proponents presented their proposal that would entail the closure of John Street to vehicular traffic which would have negative implications on the local community; and

WHEREAS on April 12, 13 and 14, 2005, Toronto City Council adopted Motion J(3) with respect to the Environmental Assessment for expansion of commuter rail service in the GO Georgetown/Weston Sub-Division Corridor which clearly stated that:

‘the City of Toronto adopt the official position concerning the Class Environmental Assessment for expansion of commuter rail service in the GO Georgetown/Weston Sub-Division Corridor that no streets be closed’;

and

WHEREAS an underlying principle of the Environmental Assessment process is that when there are serious unresolved concerns, one has the right to request the Minister of the Environment to ‘bump-up’ a project;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto take the official position that it will oppose any proposal of the GO Transit Georgetown/Weston Sub-Division Corridor that completely or partially closes any roadway;

AND BE IT FURTHER RESOLVED THAT the City of Toronto advise GO Transit that a station in Weston and a tunneled alignment through Weston is the City’s preferred option;

AND BE IT FURTHER RESOLVED THAT staff be requested to investigate and report to the Planning and Transportation Committee on any legal requirement that would necessitate a ‘bump up’ of the GO Georgetown/Weston Sub-Division Corridor Environmental Assessment.”;

the vote upon which was taken as follows:

Yes - 37 Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Thompson, Watson
No - 1 Councillor:	Filion

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

Advice by Deputy Mayor:

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(4) to the Planning and Transportation Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(4) to the Planning and Transportation Committee was taken as follows:

<p>Yes - 31 Councillors: Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Thompson, Watson</p>
<p>No - 7 Councillors: Ashton, Fillion, Ford, Jenkins, Kelly, McConnell, Mihevc</p>

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

Motions:

- (a) Councillor Moscoe moved that Motion J(4) be amended by:
- (1) referring the first and second Operative Paragraphs to the Planning and Transportation Committee for consideration and report back to City Council for its meeting on June 14, 2005; and
 - (2) adding the following Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the City of Toronto advise the GO Transit Board of Directors that the City is reviewing its position on the GO Georgetown/Weston Sub-Division Corridor.”
- (b) Councillor Milczyn moved that Motion J(4) be amended by adding the following Operative Paragraph:
- “AND BE IT FURTHER RESOLVED THAT** any additional costs related to the GO Transit Georgetown/Weston Sub-division Corridor be borne by the rail line proponents.”
- (c) Mayor Miller moved that Motion J(4) be amended by adding the following Operative Paragraphs:
- “AND BE IT FURTHER RESOLVED THAT** the Chief Planner and Executive Director, City Planning, in consultation with appropriate City officials, be requested to report to Council for its meeting on June 14, 2005, through the Planning and Transportation

Committee, with detailed information on:

- (1) any complete or partial closing of roadways which are being proposed as a result of the GO Georgetown/Weston Sub-Division Corridor;
- (2) the establishment of a station in Weston and a tunneled alignment through Weston; and
- (3) any legal requirement that would necessitate a bump-up of the GO Georgetown/Weston Sub-Division Corridor Environmental Assessment;

AND BE IT FURTHER RESOLVED THAT Council adopt this Motion in principle, and that Council's final decision on this matter be made when the reports requested herein are before Council for consideration."

Permission to Withdraw Motion:

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

Votes:

Adoption of motion (c) by Mayor Miller:

Yes - 22	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Palacio, Thompson
No - 14	
Councillors:	Altobello, Del Grande, Di Giorgio, Ford, Holyday, Li Preti, Milczyn, Nunziata, Pitfield, Saundercook, Shiner, Stintz, Walker, Watson

Carried by a majority of 8.

Adoption of motion (b) by Councillor Milczyn:

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion,

	Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Ashton

Carried by a majority of 34.

Adoption of Motion J(4), as amended:

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 1	
Councillors:	Ford

Carried by a majority of 34.

Summary:

Council adopted Motion J(4), subject to adding the following new Operative Paragraphs:

“AND BE IT FURTHER RESOLVED THAT any additional costs related to the GO Transit Georgetown/Weston Sub-division Corridor be borne by the rail line proponents;

AND BE IT FURTHER RESOLVED THAT the Chief Planner and Executive Director, City Planning, in consultation with appropriate City officials, be requested to report to Council for its meeting on June 14, 2005, through the Planning and Transportation Committee, with detailed information on:

- (1) any complete or partial closing of roadways which are being proposed as a result of the GO Georgetown/Weston Sub-Division Corridor;
- (2) the establishment of a station in Weston and a tunneled alignment through Weston;
and

- (3) any legal requirement that would necessitate a bump-up of the GO Georgetown/Weston Sub-Division Corridor Environmental Assessment;

AND BE IT FURTHER RESOLVED THAT Council adopt this Motion in principle, and that Council's final decision on this matter be made when the reports requested herein are before Council for consideration."

Mayor Miller in the Chair.

BILLS AND BY-LAWS

Deputy Mayor Pantalone in the Chair.

S5.25 On May 4, 2005, at 3:31 p.m., Councillor Chow, seconded by Councillor Milczyn, 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. 339	By-law No. 336-2005	To effect interim control on those lands generally bounded by Queen Street West, Spadina Avenue, Front Street West, John Street and Simcoe Street,
--------------	---------------------	--

the vote upon which was taken as follows:

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Thompson, Walker, Watson
No - 2	
Councillors:	Ford, Minnan-Wong

Carried by a majority of 27.

Deputy Mayor Bussin in the Chair.

S5.26 On May 4, 2005, at 6:36 p.m., Councillor Davis, seconded by Councillor Walker, 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. 333	By-law No. 337-2005	To amend Municipal Code Chapter 257, Signing Authority, to reflect the reorganization of the City's administrative structure.
Bill No. 334	By-law No. 338-2005	To amend The City of Toronto Municipal Code Chapters 1, 19, 27, 59, 67, 71, 79, 169 and 195 to reflect the reorganization of the City's administrative structure.
Bill No. 335	By-law No. 339-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Gary Drive.
Bill No. 336	By-law No. 340-2005	To amend By-law No. 90-95 of the former Borough of East York (Site Plan Control).
Bill No. 337	By-law No. 341-2005	To designate the property at 6 Howard Street (James Chalmers Building) as being of cultural heritage value or interest.
Bill No. 338	By-law No. 342-2005	To designate the property at 736 Dundas Street East (Adam Beck Cigar Box Manufacturing Company Building) as being of cultural heritage value or interest.
Bill No. 340	By-law No. 343-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Blue Jays Way, Front Street West and Peter Street.
Bill No. 341	By-law No. 344-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding The Kingsway at Edenbridge Drive,

the vote upon which was taken as follows:

Yes - 34 Mayor: Miller Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 0

Carried, without dissent.

Mayor Miller in the Chair.

S5.27 On May 4, 2005, at 7:22 p.m., Councillor Pitfield, seconded by Councillor Walker, 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. 342	By-law No. 345-2005	To confirm the proceedings of the Council at its Special meeting held on the 4th day of May, 2005,
--------------	---------------------	--

the vote upon which was taken as follows:

Yes - 27 Mayor: Miller Councillors: Altobello, Ashton, Augimeri, Cho, Chow, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Ford, Giambrone, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mihevc, Moscoe, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Thompson, Walker
No - 1 Councillor: Stintz

Carried by a majority of 26.

OFFICIAL RECOGNITIONS:

S5.28 **Condolence Motions**

Mayor Miller in the Chair.

Councillor Walker, seconded by Mayor Miller, moved that:

“WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Mr. Charles Thomas (Tom) Clifford on Saturday, April 23, 2005, in his 81st year; and

WHEREAS he is survived by his brother Bill (Jean) and sister-in-law Bessie, and his eleven nieces and nephews; and

WHEREAS Tom proudly served overseas in World War II and was a member of the Royal Canadian Military Institute; and

WHEREAS Tom was a former School Trustee and City Councillor (Ward 8 – Broadview) for twenty seven years and chaired every standing committee of the former City Council in his time at City Hall; and

WHEREAS he also held the positions of Toronto Harbour Commissioner, Toronto Hydro Commissioner, and served on the Board of Governors - Toronto East General Hospital; and

WHEREAS Tom was also a member of the Rameses Shriners, President of Riverdale Kiwanis Club, and President of the Gilbert and Sullivan Society; and

WHEREAS Tom was a faithful parishioner throughout his whole life, first of Simpson Avenue United Church and then of Yorkminster Park Baptist Church; and

WHEREAS even after he retired as a Councillor in 1991, Tom still remained very active in his community; and

WHEREAS his generous and tireless volunteer work, including his work at Riverdale Hospital up until two months ago, touched the lives of many over the course of his lifetime; and

WHEREAS Tom was known for his integrity, honesty, dedication, loyalty and his genuine affection for people; and

WHEREAS Tom’s life revolved around his family, his church, his community and his friends; and

WHEREAS Tom was a warm and wonderful human being – a true gentleman who will be

missed by all who knew him and by those whose lives he touched;

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 his brother Bill (Jean) of Owen Sound, sister-in-law Bessie, and his eleven nieces and nephews.”

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

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Mr. Robert (Bob) Hunter on the morning of Monday May 2, 2005, after a long battle with cancer; and

WHEREAS Mr. Hunter was born in St. Boniface, Manitoba in 1941, but also lived and made his presence felt in Winnipeg, Vancouver, Toronto, and, as well as, across the world; and

WHEREAS Mr. Hunter was the co-founder of Greenpeace in 1971, and served as its first president until 1978, and as such, helped shape environmental activism worldwide and elevate the importance of preserving our natural environment to the highest levels of awareness; and

WHEREAS Mr. Hunter was Canada’s first ‘eco-warrior’ and fought tirelessly to protect the Earth’s most endangered and vulnerable animals; and

WHEREAS Mr. Hunter was named by TIME Magazine as one of the most important ‘eco-heroes’ of the twentieth century; and

WHEREAS Mr. Hunter was a popular broadcast journalist, most recently serving as Ecology Specialist on CityTV, as well as, his regular morning appearances as the host of CityTV’s Paper Cuts and a television writer whose credits include ‘The Beachcombers’; and

WHEREAS Mr. Hunter was an accomplished author, and his books included ‘Occupied Canada: A Young White Man Discovers His Unsuspected Past’, for which he received the Governor General’s Award in 1991;

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 his wife Bobbi and his children Will, Emily, Conan and Justine.”

Mayor Miller, seconded by Councillor Saundercook, moved that:

“WHEREAS the Members of City Council are saddened to learn of the passing of Mr. Don Jennison on Tuesday, April 26, 2005, in his 77th year; and

WHEREAS Mr. Jennison was a respected member of the Swansea community in High Park; and

WHEREAS Mr. Jennison worked tirelessly to support issues of social justice, public education, public health care and the betterment of his neighbourhood; and

WHEREAS Mr. Jennison stood against arbitrary decisions by governments and acted to support the rights of citizens, especially those most vulnerable in society; and

WHEREAS Mr. Jennison believed strongly in citizen participation in local democracy and actively participated himself; and

WHEREAS Mr. Jennison was a great man, filled with compassion, kindness, good humour and a passion for justice in our world; and

WHEREAS Mr. Jennison was an active member of World 19, the Council of Canadians, Toronto and Ontario Health Coalitions, the Council on Monetary and Economic Reform, The Alliance of Seniors to Protect Canada’s Social Programs, the Swansea Area Ratepayers Association, the Swansea Historical Society and many other activities too numerous to list; and

WHEREAS he will be sorely missed by the Swansea community, friends and family who are here today;

NOW THEREFORE BE IT RESOLVED THAT the Clerk be directed to convey, on behalf of the Members of Toronto City Council, our sincere sympathy to the family of Mr. Don Jennison; his wife, Joyce, his three children and his six grandchildren.”

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 Charles Thomas (Tom) Clifford, Robert (Bob) Hunter, and Don Jennison.

S5.29 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

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

Deputy Mayor Pantalone, at 12:25 p.m., proposed that Council now recess and reconvene at 2:00 p.m. Council concurred in the proposal by Deputy Mayor Pantalone.

S5.30 ATTENDANCE

Councillor Ashton, seconded by Councillor Ford, moved that the absence of Councillor Ootes from this Special meeting of Council be excused, which carried.

May 4, 2005	9:40 a.m. to 12:25 p.m.*	2:10 p.m. to 6:37 p.m.*	Ctte. of the whole in-Camera 6:41 p.m.	7:17 p.m. to 7:23 p.m.*
Miller	x	x	x	x
Altobello	x	x	x	x
Ashton	x	x	x	x
Augimeri	x	x	x	x
Balkissoon	x	x	-	-
Bussin	x	x	-	-
Carroll	-	x	x	x
Cho	x	x	x	x
Chow	x	x	x	x
Cowbourne	x	x	-	-
Davis	x	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	-	-
Fletcher	x	x	x	x
Ford	x	x	x	x
Giambrone	x	x	x	x
Grimes	x	x	-	-
Hall	x	x	x	x
Holyday	x	x	x	x
Jenkins	x	x	-	-
Kelly	x	x	x	x

Minutes of a Special Meeting of the Council of the City of Toronto
May 4, 2005

May 4, 2005	9:40 a.m. to 12:25 p.m.*	2:10 p.m. to 6:37 p.m.*	Ctte. of the whole in-Camera 6:41 p.m.	7:17 p.m. to 7:23 p.m.*
Li Preti	x	x	x	x
Lindsay Luby	x	x	x	x
Mammoliti	x	x	-	-
McConnell	x	x	x	x
Mihevc	x	x	x	x
Milczyn	x	x	-	-
Minnan-Wong	x	x	x	x
Moscoe	x	x	x	x
Nunziata	x	x	x	x
Ootes	-	-	-	-
Palacio	x	x	x	x
Pantalone	x	x	-	-
Pitfield	x	x	x	x
Rae	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	-
Total	43	44	34	33

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

Council adjourned on May 4, 2005, at 7:23 p.m.

DAVID R. MILLER,

ULLI S. WATKISS,

Mayor

City Clerk

ATTACHMENT 1 [Notice of Motion J(3)]

Report (May 4, 2005) from the Chief Planner and Executive Director, City Planning, entitled "Proposed Interim Control By-law to Prohibit Entertainment Facilities and Associated Patios East of Spadina Avenue in the King-Spadina Part II Plan Area (Ward 20 - Trinity-Spadina)" (See Minute S5.23, Page 35):

Purpose:

To propose an Interim Control By-law to prohibit entertainment facilities and associated patios, on lands east of Spadina Avenue in the King-Spadina Part II Plan area for a one year period. The by-law will enable the Chief Planner and Executive Director, City Planning Division to review the impact of entertainment uses and recommend appropriate zoning standards.

Financial Implications and Impact Statement:

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

Recommendations:

- (1) City Council adopt the following resolution:

Whereas Section 38 of the *Planning Act* authorizes Council to pass resolutions directing that a review or study be undertaken in respect of land use planning policies within the area of the municipality which is to be the subject of an Interim Control By-law, therefore be it resolved that Council request the Chief Planner and Executive Director, City Planning Division, to undertake a review or study in respect of land use policies for those lands east of Spadina Avenue in the King-Spadina Part II Plan area that are identified on Attachment 2;

- (2) City Council, after adopting the resolution in Recommendation (1) above, grant authority for the introduction of the necessary Bills in Council to substantially give effect to the following:

No person shall, in the area referred to in Recommendation (1) above, use any lot or erect any building or structure for an entertainment facility and/or a patio in conjunction with an entertainment facility for a period of one year; and

- (3) City Council direct the Chief Planner and Executive Director, City Planning Division, to re-focus the budget and terms of reference for the 2005 King Spadina Review to include as Phase I a review of land use permissions for the Plan area both east and west of Spadina

Avenue and to submit the findings and recommendations of Phase I in a report to City Council prior to undertaking further phases.

Comments:

King-Spadina Part II Plan

City Council adopted the King-Spadina Part II Plan in April 1996 to encourage revitalization of the King-Spadina area, bounded generally by Queen Street West, Simcoe Street, Front Street West and Bathurst Street (see Attachment 1). The area had seen a decline in its traditional manufacturing base. This Part II Plan was established to encourage flexible development of a very wide variety of residential, retail, entertainment, office and light industrial uses, in conjunction with a high degree of certainty of built form and the retention and re-use of existing buildings. The Plan has been highly successful in revitalizing the area as between 1996 and 2001 alone, over 4,400 residential units were developed and employment in the area increased by approximately 3,500 jobs.

Interim Control By-law West of Spadina Avenue

On March 3, 2004, City Council adopted Interim Control By-law No. 158-2004 to prohibit entertainment facilities and associated patios for lands within the King-Spadina Part II Plan area west of Spadina Avenue. On the basis of concerns that larger restaurants and clubs may be operating more like entertainment facilities, this by-law was amended, by By-law 1010-2004 on December 2, 2004 to include restaurants and clubs greater than 200 m² in non-residential gross floor area. The Interim Control By-law, as amended, was further amended by By-law 159-2005 on February 16, 2005 to extend the period of interim control for an additional year to March 3, 2006.

Entertainment Uses East of Spadina Avenue

Since the enactment of the Interim Control By-law for the area west of Spadina, the residential community in the King-Spadina area east of Spadina Avenue has continued to raise concerns with the impact of entertainment facilities, specifically nightclub uses, on the quality of life in the area east of Spadina Avenue.

For a number of years, this portion of the Plan area east of Spadina Avenue has been cultivated as the City's entertainment district for a range of entertainment uses. A vibrant and active entertainment district is a key objective in defining this downtown community and provides an important contribution to the local economy generally and the tourism economy in particular. However, it was not expected that nightclub uses or residential uses would establish at a scale or in the number and concentration currently in place or now anticipated east of Spadina Avenue.

This situation presents issues not only of compatibility with residential uses, but of achieving the Plan objective of a truly mixed use urban community. For these reasons staff are proposing that an

interim control by-law be enacted for the King Spadina Part II Plan area east of Spadina Avenue to prohibit entertainment facilities and associated patios for a period of one year.

Enactment of an interim control by-law for entertainment facilities and associated patios east of Spadina Avenue will allow the City to undertake a review of land uses and land use conflicts between entertainment facilities and other land uses permitted in the Plan area. It is intended that this review will be undertaken concurrently with the interim control by-law currently in force in the Plan area west of Spadina Avenue.

King Spadina Part II Plan Review

City Council approved funding in the 2005 Capital Budget for a King-Spadina Part II Plan Review.

The focus of this review was to be on built form policies for the area on and east of Spadina Avenue, and public realm policies for the entire Plan area.

Concerns regarding entertainment uses in the area raise important questions about the policy objective of the Part II Plan to provide maximum flexibility for a range of uses. Any changes to this policy framework will have a bearing on built form and public realm policies.

It is recommended that the King-Spadina Part II Plan Review be restructured into two distinct phases. Phase I would focus on a review of land uses throughout the area (the area west of Spadina Avenue is currently being reviewed and the Interim Control By-law for that area expires in approximately 10 months). Phase II would focus on the originally intended built form policies for the area on and east of Spadina Avenue and the public realm policies for the entire Plan area.

More specifically, Phase I would consider and evaluate conflicts that have emerged between land uses and make recommendations on how a range of residential and employment uses, including entertainment uses, may continue to be accommodated in the Plan area. This review is to include a technical component related to noise impacts and the identification of possible approaches to mitigate impacts between land uses. The Phase I review would be completed and reported on to City Council prior to the initiation of Phase II.

Other Relevant Authorities

The issues and concerns regarding entertainment facilities in the King-Spadina area fall under the responsibility of a number of different authorities. Land use policies and permissions are within the authority of the City Planning Division. Enforcement of land use permissions under the zoning by-law falls under the authority of the City's Municipal Licensing and Enforcement Division, as does the issuance of business licenses and the enforcement of the Noise By-law under the Municipal Code.

The Provincial Alcohol and Gaming Commission deals with matters related to liquor licensing and enforcement. The Toronto Police Services deals with matters related to overcrowding of establishments, disturbances and infractions within the public realm, and crime.

It is important that these various authorities work together in considering and evaluating options to address entertainment facility issues in the King-Spadina area.

Conclusions:

The enactment of an Interim Control By-law for the lands identified in Attachment 2 will allow the City to undertake the necessary review of land use policies as they apply to entertainment facilities and associated patios in the area on and east of Spadina Avenue in the King-Spadina Part II Plan area.

Contact:

Lynda Macdonald, Manager, West Section
Community Planning

Telephone No.: 416-392-7618

Fax No.: 416-392-1330

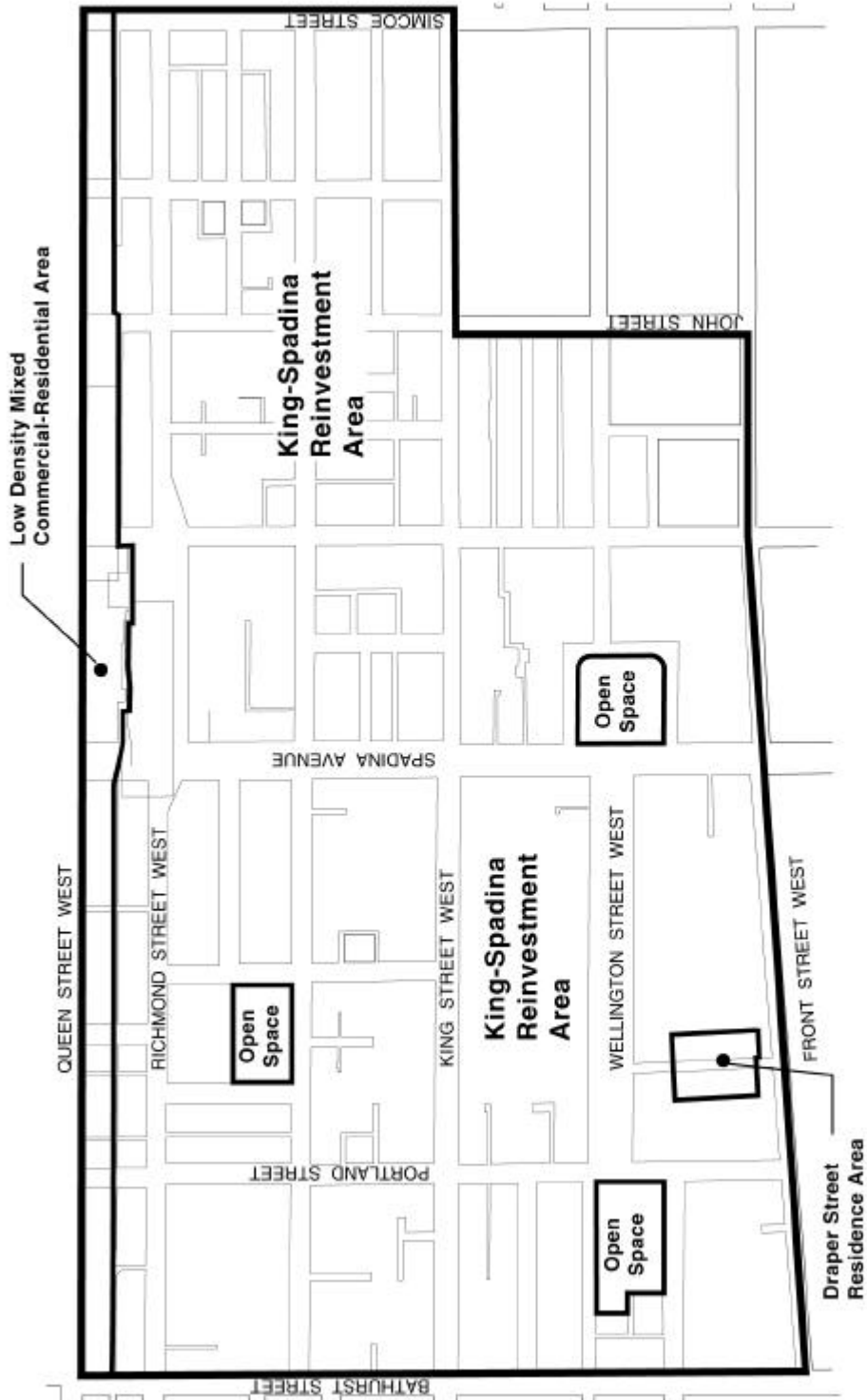
E-mail: lmacdon1@toronto.ca

List of Attachments:

Attachment 1: King-Spadina Part II Plan Area

Attachment 2: Proposed Interim Control By-law

Attachment 1: King-Spadina Part II Plan Area



19.8 King-Spadina Part II Plan

FISCAL IMPACT STATEMENT 1 [NOTICE OF MOTION F(1)]
(See Minute S5.20, Page 30)

Financial Implications:

<input checked="" type="checkbox"/> Operating	Current year impacts: \$ <u>19,000/year</u>	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	year	<input type="checkbox"/> Following
		<input type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify):		
<input type="checkbox"/> Accommodation within approved operating budget		<input type="checkbox"/> Third party funding
<input checked="" type="checkbox"/> New revenues		<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions		<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)		
<input type="checkbox"/> Impact on staffing levels: _____ (positions)		

<input type="checkbox"/> Capital	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"/> Third party funding
<input type="checkbox"/> New revenues		<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions		<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):

Notice of Motion – F(1) – Based on 4 events per year the TPS has estimated the operating costs to be \$19,000 per year. TPS normally recovers these costs from BIA(s).

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: April 14, 2005