

## Executive Committee

<b>Meeting No.</b>	8	<b>Contact</b>	Patsy Morris, Committee Administrator
<b>Meeting Date</b>	Monday, April 30, 2007	<b>Phone</b>	416-392-9151
<b>Start Time</b>	9:30 AM	<b>E-mail</b>	pmorris@toronto.ca
<b>Location</b>	Committee Room 1, City Hall		

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### Attendance

Members of the Executive Committee were present for some or all of the time periods indicated under the section headed "Meeting Sessions", which appears at the end of the Minutes.

Mayor David R. Miller, Chair	X
Councillor Brian Ashton	X
Councillor Shelley Carroll	X
Councillor Glenn De Baeremaeker	X
Councillor Paula Fletcher	X
Councillor Norm Kelly	X
Councillor Gloria Lindsay Luby	X
Councillor Giorgio Mammoliti	X
Councillor Pam McConnell	X
Councillor Joe Mihevc	X
Councillor Howard Moscoe	X
Councillor Joe Pantalone, Vice-Chair	X
Councillor Kyle Rae	X

On motion by Councillor Carroll, the Executive Committee adopted the Minutes of the regular Meeting held on March 26, 2007 and the Special Meeting held on April 16, 2007.

EX8.1	ACTION	Adopted	Transactional	Ward: All
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## **Toronto's 2005 Performance Measurement and Benchmarking Report**

(April 16, 2007) report from the City Manager

### **Recommendations**

The City Manager recommends that:

1. in the review of Service Plans provided by City Divisions in the coming months, Standing Committees also consider applicable sections of the attached report entitled Toronto's 2005 Performance Measurement and Benchmarking Report;
2. the City's Web site continue to be used as the method to meet the provincial requirement of publicly reporting the City's annual results under the provincially-mandated Municipal Performance Measurement Program (MPMP); and
3. this and the attached report entitled Toronto's 2005 Performance Measurement and Benchmarking Report, also be posted on the City's Web site in addition to MPMP results.

### **Financial Impact**

As this report deals with performance measurement results of prior years, there are no financial implications arising from this report.

### **Summary**

This and the attached report entitled Toronto's 2005 Performance Measurement and Benchmarking Report, provides service level and performance measurement results in seventeen service areas. It includes up to six years of Toronto's historical data to examine internal trends, and compares results externally to fourteen other municipalities through the Ontario Municipal CAOs Benchmarking Initiative (OMBI).

This report strengthens accountability and enhances the level of transparency in the way performance measures are reported.

Note: Documents entitled "Attachment A - 2005 Performance Measurement and Benchmarking Report" and "Attachment B - OMBI (Ontario Municipal CAO's Benchmarking Initiative) 2005 Performance Benchmarking Report" was distributed to Members of Council and select Officials only and a copy is on file in the Office of the City Clerk.

Results show that for 91% of the service level indicators, Toronto's service levels have been maintained (stable) or have increased in recent years. In comparison to other municipalities, Toronto is higher than the OMBI median for 58% of the service level indicators.

Toronto's internal trends in performance measurement results (efficiency, customer service and community impact) indicate that 67% of the measures had results that were either improved or stable in recent years. In relation to other municipalities Toronto is better than the OMBI median for 51% of these performance measures, which is comparable to the other large single-tier municipalities in OMBI who also have responsibility for the full range of services included in this report.

### **Committee Recommendations**

On motion by Councillor Kelly, the Executive Committee recommended to City Council that:

1. in the review of Service Plans provided by City Divisions in the coming months, Standing Committees also consider applicable sections of the attached report entitled Toronto's 2005 Performance Measurement and Benchmarking Report;
2. the City's Web site continue to be used as the method to meet the Provincial requirement of publicly reporting the City's annual results under the provincially-mandated Municipal Performance Measurement Program (MPMP); and
3. this and the attached report entitled Toronto's 2005 Performance Measurement and Benchmarking Report, also be posted on the City's Web site in addition to MPMP results.

### **Decision Advice and Other Information**

Ms. Shirley Hoy, City Manager, and Mr. Lorne Turner, Senior Financial Advisor, Executive Management, City Manager's Office, provided a presentation to the Executive Committee regarding Toronto's 2005 Performance Measurement and Benchmarking Report and filed a copy of their presentation material.

Note: Documents entitled "Attachment A - 2005 Performance Measurement and Benchmarking Report" and "Attachment B - OMBI (Ontario Municipal CAO's Benchmarking Initiative) 2005 Performance Benchmarking Report" was distributed to Members of Council and select Officials only and a copy is on file in the Office of the City Clerk.

### **Links to Background Information**

Toronto's 2005 Performance Measurement and Benchmarking Report

(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3161.pdf>)

Attach. A - Toronto's 2005 Performance Measurement and Benchmarking Report

(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3162.pdf>)

Attach. B - OMBI 2005 Performance Benchmarking Report (OMBI Joint Report)

(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3163.pdf>)

Attach. C - Results compared to other Municipalities

(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3164.pdf>)

EX8.2	ACTION	Amended	Transactional	Ward: All
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## **Remuneration and Expenses of Members of Council and of Council Appointees to Local Boards and Other Special Purpose Bodies for the year ended December 31, 2006**

(March 9, 2007) report from the Treasurer and City Clerk

### **Financial Impact**

There are no financial implications arising from this report.

### **Summary**

This report is submitted for information purposes as required under Section No. 284(1) of the Municipal Act (S.O. 2001) and provides a statement of Remuneration and Expenses of Members of Council and of Council Appointees to Local Boards and other Special Purpose Bodies for the year ended December 31, 2006.

### **Committee Recommendations**

On motion by Councillor Mammoliti, the Executive Committee recommended to City Council that:

- I. the City Clerk be directed to withdraw \$1,123.20 from Councillor Ford's and Councillor Holyday's 2007 Global Office Budget with respect to the office space used at the Etobicoke Civic Centre;
- II. Note 2 to Appendix B attached to the report (March 9, 2007) from the Treasurer and the City Clerk, entitled "Remuneration and Expenses of Members of Council and of Council Appointees to Local Boards and Other Special Purpose Bodies for the year ended December 31, 2006", be amended by adding at the end of the last sentence, the following words "but will be charged in 2007", so that it now reads as follows:
  - "2. As per Administration Committee Report No 2, Clause 6d, approved by Council on July 25, 26 and 27, 2006, Councillor Holyday and Councillor Ford were requested to reimburse the City retroactively, to their Constituency Budget or their Global Office Budget for the office space used at Etobicoke Civic Centre. Invoices totalled \$1,123.20 for each councillor were subsequently sent and remain outstanding. The amounts are not reflected in the Councillors' total office expenses reports, but will be charged in 2007."
- III. the City Clerk continue to charge Councillor Holyday's Global Office Budget for the office space used at the Etobicoke Civic Centre; and
- IV. the Auditor General and the Integrity Commissioner be requested to investigate the lack of expenses charged to the Councillor's Office Budget of Councillors Holyday and Ford as it relates to the Code of Conduct and the acceptance of gifts, benefits as well as goods and services paid through personal funds.

**Which carried on the following recorded vote:**

**Yeas: Ashton, Carroll, Fletcher, Kelly, McConnell, Pantalone, Moscoe, Lindsay Luby, Mammoliti, and Mihevc.**

**Nays: None.**

### **Links to Background Information**

Remuneration & Expenses of Members of Council & Special Purpose Bodies

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-2882.pdf>

Appendix A to H - Remuneration & Benefits for Members of Council

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-2883.pdf>

### **2a Remuneration and Expenses of Members of Council and of Council Appointees to Local Boards and Other Special Purpose Bodies for the year ended December 31, 2006**

(April 24, 2007) memo from Councillor Doug Holyday

#### **Summary**

Communication from Councillor Doug Holyday attaching a copy of the memo he sent to the Manager, Council Services, City Clerk's Office relating to the use of touch down space at the Etobicoke Civic Centre.

#### **Communications**

(April 24, 2007) memo from Councillor Doug Holyday - EXSupplementary2007-ex08-2a

<http://www.toronto.ca/legdocs/mmis/2007/ex/comm/communicationfile-1203.pdf>

<b>EX8.3</b>	<b>ACTION</b>	Amended	Transactional	Ward: All
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### **Toronto Community Housing Corporation 2007 – 2009 Community Management Plan**

(March 9, 2007) report from the City Manager

#### **Recommendations**

The City Manager recommends that:

1. City Council, in its role as Shareholder of the Toronto Community Housing Corporation, receive Toronto Community Housing Corporation's 2007 – 2009 Community Management Plan; and
2. the City Manager forward a copy of this report to the Board of Directors of the Toronto Community Housing Corporation as the City's comments.

## **Financial Impact**

The recommendations in this report have no financial impact.

Through the submission of its 2007 – 2009 CMP, TCHC has requested a \$7 million increase to its annual operating subsidy. The City's operating agreement with TCHC does not include a mechanism to increase annual funding for the specific items identified in the 2007 – 2009 CMP. If the agreement were to be amended to allow for these items, the Shelter, Support and Housing Administration (SSHA) operating budget would have to increase by \$7 million annually to accommodate TCHC's request. This request from TCHC will be reviewed and reported on as part of the 2007 operating budget process.

## **Summary**

The City's Shareholder Direction to Toronto Community Housing Corporation (TCHC) requires TCHC to submit an annual Community Management Plan (CMP) to the City for comment. The CMP is a rolling three-year business plan including long-term business strategies, key multi-year targets and financial plans, but is not a detailed activity plan. The City's comments on the CMP are to be taken into consideration in preparing detailed action plans to be approved by TCHC's Board of Directors.

A review by staff indicates that the 2007 – 2009 CMP complies with the requirements of the Shareholder Direction. The CMP is an ambitious plan that proposes to improve housing for TCHC tenants and the services and activities TCHC undertakes. Through implementing the Plan, TCHC will help deliver on the Mayor's commitment to provide 1,000 new affordable housing units, especially through the revitalization of Regent Park. The CMP highlights the need for the City and TCHC to co-ordinate their capital programs on projects of mutual interest such as Regent Park, Lawrence Heights and the Railway lands. As part of its CMP, TCHC has requested a \$7 million annual increase to its funding. This request will be reviewed and reported on as part of the 2007 operating budget process.

## **Speakers**

Ms. Pat McKendry;

Ms. Eva Tavares and filed a written submission with respect thereto; and  
Councillor Raymond Cho, Ward 42, Scarborough-Rouge River.

## **Committee Recommendations**

On motion by Councillor Fletcher, the Executive Committee recommended that:

1. City Council, in its role as Shareholder of the Toronto Community Housing Corporation, receive Toronto Community Housing Corporation's 2007 – 2009 Community Management Plan;
2. the City Manager forward a copy of this report to the Board of Directors of the Toronto Community Housing Corporation as the City's comments;
3. City Council request the Toronto Community Housing Corporation (TCHC) to review current tenant participation and governance structures and levels of participation in life of TCHC, including participation based on mother tongue, and report back in the 2007 Community Management Plan;

4. City Council request TCHC to look into a city-wide TCHC newsletter, including frequency and cost; and
5. City Council strongly support TCHC should the CMHC introduce programs for building cladding in relation to energy savings and community renewal.

### **Decision Advice and Other Information**

On motion by Councillor Moscoe, the Executive Committee:

1. requested the Deputy City Manager and Chief Financial Officer to submit a report to the May 28, 2007 meeting of the Executive Committee on the feasibility of substantially increasing the borrowing capacity of the Housing Company through loan guarantees in order to accelerate the retirement of deferred maintenance; and
2. directed that once the aforementioned report has been submitted to the Executive Committee, the City strongly encourage the Minister of Municipal Affairs and Housing to match loan guarantees so that the deferred maintenance can be further accelerated.

Mr. Derek Ballantyne, Chief Executive Officer, Toronto Community Housing Corporation provided a presentation to the Executive Committee regarding the Toronto Community Housing Corporation 2007 – 2009 Community Management Plan and filed a copy of his presentation material.

### **Links to Background Information**

Toronto Community Housing Corporation 2007 - 2009 Community Management Plan

(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3165.pdf>)

Attach. 2 - Transmittal Letter from TCHC Chief Executive Officer

(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3166.pdf>)

Attach. 3 - 2007 - 2009 TCHC Community Management Plan

(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3167.pdf>)

### **3a Toronto Community Housing Corporation 2007 - 2009 Community Management Plan**

(April 16, 2007) memo from from Ms. Pat McKendry, TCHC Tenant

#### **Summary**

Communication from Pat McKendry, TCHC Tenant, addressing two issues pertaining to the Community Management Plan, Tenant Participation System and Communications.

EX8.4	ACTION	Adopted	Transactional	Ward: All
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## **Amendment of Federal Gas Tax Funding Agreement to Facilitate Flow of Funds Set Aside for unincorporated Areas**

(April 16, 2007) report from the City Manager

### **Recommendations**

The City Manager recommends that:

1. the City of Toronto, represented by the Mayor, enter into an amending agreement with Her Majesty in Right of Canada (“Canada”), Her Majesty in Right of the Province of Ontario (“Ontario”) and the Association of Municipalities of Ontario (“AMO”) to amend the June 17, 2005 Canada-Ontario-AMO-City of Toronto Agreement for the Transfer of Federal Gas Tax Revenues under the New Deal for Cities and Communities; and
2. Council authorize the finalization of the proposed amending agreement generally in accordance with the terms and conditions outlined in this report and otherwise to the satisfaction of the City Manager and in a form satisfactory to the City Solicitor.

### **Financial Impact**

There are no financial implications for the City of Toronto as a result of the adoption of the recommendations in this report.

### **Summary**

This report seeks Council authority for the City of Toronto, represented by the Mayor, to enter into an agreement with the Federal Government, the Provincial Government and the Association of Municipalities of Ontario (AMO) for the purpose of making amendments to the Canada-Ontario-AMO-Toronto Agreement for the Transfer of Federal Gas Tax Revenues under the New Deal for Cities and Communities (June 17, 2005). The amendments will provide the framework for the Provincial Government to begin to administer the allocation of \$5.8 million in federal gas tax revenues that were set aside in the Agreement for Ontario’s unincorporated areas. These amendments will expand on the commitments on the parts of Canada and Ontario, add sections specific to unincorporated areas and add language in various parts of the Agreement to make it inclusive of the unincorporated areas context. The amendments will have no implications for the \$407.3 million allocated to the City of Toronto over the period 2005-6 to 2009-10 under the terms of the existing Agreement.

### **Committee Recommendations**

On motion by Councillor Lindsay Luby, the Executive Committee recommended to City Council that:

1. the City of Toronto, represented by the Mayor, enter into an amending agreement with Her Majesty in Right of Canada (“Canada”), Her Majesty in Right of the Province of Ontario (“Ontario”) and the Association of Municipalities of Ontario (“AMO”) to



amend the June 17, 2005 Canada-Ontario-AMO-City of Toronto Agreement for the Transfer of Federal Gas Tax Revenues under the New Deal for Cities and Communities; and

2. Council authorize the finalization of the proposed amending agreement generally in accordance with the terms and conditions outlined in this report and otherwise to the satisfaction of the City Manager and in a form satisfactory to the City Solicitor.

### Links to Background Information

Amendment of Federal Gas Tax Funding Agreement to Facilitate Flow of Funds  
<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3169.pdf>

EX8.5	ACTION	Amended	Policy	Ward: All
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### Spadina Subway Extension - Update

(April 16, 2007) report from the City Manager, Deputy City Manager and Chief Financial Officer, Interim Chief General Manager, Toronto Transit Commission

### Recommendations

The City Manager, Deputy City Manager and Chief Financial Officer, and Interim Chief General Manager of the Toronto Transit Commission recommends that:

1. Council approve a project delivery structure for the implementation of the Spadina Subway Extension Project (“the Project”) as outlined in Appendix A to this report;
2. Council authorize the City Manager, Deputy City Manager and Chief Financial Officer, City Solicitor, and Interim Chief General Manager, Toronto Transit Commission, to negotiate and execute an Operating Memorandum of Understanding relating to the Spadina Subway Extension, on behalf of the City of Toronto and Toronto Transit Commission with the York Region, in a form satisfactory to the City Solicitor, on terms and conditions as outlined in Appendix B to this report;
3. Council authorize the City Manager, Deputy City Manager and Chief Financial Officer, and City Solicitor to approach the Province to seek amendment to the *City of Toronto Act, 2006*, prior to the commencement of subway operations in York Region in order to effect the terms of the above-noted Operating Memorandum of Understanding, for the reasons outlined in this report;
4. Council direct the Deputy City Manager and Chief Financial Officer, and City Solicitor to finalize for execution by the City a Project capital cost agreement on behalf of the City the capital contribution from of Toronto with the Region of York as previously directed, with amended terms and conditions in respect of the timing of receipt of a \$29.98 million one-time payment from York Region as set out in Appendix C to this report; and

5. the capital contribution from the City not exceed its share (59.96%) of the one-third funding that would be attributable to the municipal sector, and that a request be made to the Provincial and Federal Governments to provide a full two-thirds funding of actual Project capital costs.

### **Financial Impact**

This report will have no financial impact on the 2007 operating or capital budgets. The financial impact of subway operations, once they commence, will be included in annual capital and operating budgets.

However, as current Project capital cost estimates (\$2.1 billion) are only preliminary, and will be refined once additional data is available, there is a risk of higher actual costs over current estimates. Therefore, City staff intends on pursuing enhanced funding arrangements with both the Federal and Provincial governments, whereby each would commit to funding its full one-third share of Project capital funding.

Finally, City staff intends on approaching the Province to discuss the potential for receiving operating subsidies, until such a time as the subway extension line reaches full ridership.

### **Summary**

This report provides a status update to the Spadina Subway Extension Project from existing Downsview Station in Toronto, to the Vaughan Corporate Centre at Highway 7 in York Region (“the Project”), including information pertaining to a recently-announced Federal funding commitment of \$697 million.

Furthermore, this report recommends a project delivery structure for implementing the Project, along with operational and maintenance principles to be contained in a Memorandum of Understanding (MOU) between the City, the Toronto Transit Commission (TTC), and the Regional Municipality of York (“York Region”).

### **Committee Recommendations**

The Executive Committee recommended that:

1. Council approve a project delivery structure for the implementation of the Spadina Subway Extension Project (“the Project”) as outlined in Appendix A to this report;
2. Council authorize the City Manager, Deputy City Manager and Chief Financial Officer, City Solicitor, and Interim Chief General Manager, Toronto Transit Commission, to negotiate and execute an Operating Memorandum of Understanding relating to the Spadina Subway Extension, on behalf of the City of Toronto and Toronto Transit Commission with the York Region, in a form satisfactory to the City Solicitor, on terms and conditions as outlined in Appendix B to this report;
3. Council authorize the City Manager, Deputy City Manager and Chief Financial Officer, and City Solicitor to approach the Province to seek amendment to the City of Toronto Act, 2006, prior to the commencement of subway operations in York Region in order to effect the terms of the above-noted Operating Memorandum of Understanding, for the reasons outlined in this report;

4. Council direct the Deputy City Manager and Chief Financial Officer, and City Solicitor to finalize for execution by the City, a Project capital cost agreement with the Region of York as previously directed, with amended terms and conditions in respect of the timing of receipt of a \$29.98 million one-time payment from York Region as set out in Appendix C to this report; **(Motion by Mayor Miller)**
  
5. the capital contribution from the City not exceed its share (59.96%) of the one-third funding that would be attributable to the municipal sector, and that a request be made to the Provincial and Federal Governments to provide a full two-thirds funding of actual Project capital costs; and
  
6. City Council direct staff not to enter into any agreement with Park Downsview as it pertains to the Park Downsview Station until such time as Park Downsview has agreed to abide by the city’s official plan and the area secondary plan and has agreed to respect the city’s planning protocol as it pertains to all non park related development. **(Motion by Councillor Moscoe)**

**Links to Background Information**

Spadina Subway Extension - Update  
<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3170.pdf>

<b>EX8.6</b>	ACTION	Adopted	Transactional	Ward: All
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**Authority to Execute a Letter of Agreement with the Government of Ontario for Ontario Bus Replacement Program Funding**

(April 16, 2007) report from the Deputy City Manager and Chief Financial Officer

**Recommendations**

The Deputy City Manager and Chief Financial Officer recommends that:

1. the Mayor and the Deputy City Manager and Chief Financial Officer be authorized to execute the Letter of Agreement under the Ontario Bus Replacement Program (OBRP) between the City of Toronto and the Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario, generally in accordance with the terms set out in Appendix A, and to the satisfaction of the Deputy City Manager and Chief Financial Officer and the City Solicitor.
  
2. the appropriate officials be authorized and directed to take necessary actions to give effect thereto.

**Financial Impact**

Once the Ministry of Transportation has received signed copies of the Letter of Agreement, the related authorizing municipal by-law, and certified copies of agreements between the Toronto Transit Commission and the bus manufacturer, the Ministry can, in accordance with the OBRP,

make arrangements for the payment of OBRP funding to the City. Funding for 2007 will be \$16,530,981. The funding for this program is assumed in the 2007-2011 Approved Capital Budget.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### Summary

This report recommends that staff be authorized to execute a transit capital funding Letter of Agreement under the Ontario Bus Replacement Program (OBRP) between the City and the Provincial Government. The Ontario Bus Replacement Program is a provincial Ministry of Transportation program funding the replacement of transit buses. The Ministry created the OBRP in recognition of municipalities' need to replace aging transit buses to support the development of strong communities, increase public transportation reliability, reduce municipal operating costs, and invest in the renewal of transportation systems. As part of the 2007 OBRP agreement between the City and the Province, the Ministry of Transportation will provide up to a maximum of \$16,530,981 in accordance with and subject to the terms set out in the Letter of Agreement and the Guidelines and Requirements, payable after April 1, 2007.

### Committee Recommendations

On motion by Councillor Lindsay Luby, the Executive Committee recommended to City Council that:

1. the Mayor and the Deputy City Manager and Chief Financial Officer be authorized to execute the Letter of Agreement under the Ontario Bus Replacement Program (OBRP) between the City of Toronto and the Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario, generally in accordance with the terms set out in Appendix A, and to the satisfaction of the Deputy City Manager and Chief Financial Officer and the City Solicitor; and
2. the appropriate officials be authorized and directed to take necessary actions to give effect thereto.

### Links to Background Information

Letter of Agreement with the Government of Ont. for Ont. Bus Replacement Program  
(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3210.pdf>)

EX8.7	ACTION	Adopted	Transactional	Ward: 11, 14, 17, 18, 20, 21, 22, 28, 29, 35
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### Affordable Housing - Funding Recommendations Request for Proposals 9155-06-7380 and TCHC - Wards 11, 14, 17, 18, 20, 21, 22, 28, 29 and 35

(April 17, 2007) report from the Affordable Housing Committee

## Recommendations

The Affordable Housing Committee on April 17, 2007, recommended to the Executive Committee and City Council that:

1. City Council approve the following affordable housing projects selected through the RFP and recommend submission of all project information to the Ministry of Municipal Affairs and Housing for consideration as projects to be funded under the Canada-Ontario Affordable Housing Program – Rental and Supportive Component (“the Program”):
  - a. West Toronto Support Services for Senior Citizens and the Disabled Inc. at 2335-2337 St. Clair Avenue West;
  - b. Parkdale Activity - Recreation Centre (Toronto) at 194 Dowling Avenue;
  - c. St. Clair West Affordable Housing (Ossington) Group Incorporated at 1120 Ossington Avenue;
  - d. St. Clare’s Multifaith Housing Society at 48 Abell Street (to be assigned a new municipal address on the future extension of Sudbury Street);
  - e. WoodGreen Community Housing Inc. at 270 Donlands Avenue;
  - f. St Clare’s Multifaith Housing Society at 200 Madison Avenue;
  - g. 873815 Ontario Limited, at 201-213 Vaughan Road; and
  - h. 544 Birchmount Holdings Limited at 544 Birchmount Road;
2. City Council approve the following affordable housing projects of the Toronto Community Housing Corporation and recommend submission of all project information to the Ministry of Municipal Affairs and Housing for consideration as projects to be funded under the Program:
  - a. 88 Carleton Street; and
  - b. 501 Adelaide Street East;
3. the Deputy City Manager responsible for the Affordable Housing Office be authorized and directed to submit the list of recommended projects, and any other documentation, to the Province of Ontario for consideration by the Ministry of Municipal Affairs and Housing, as required by the Program;
4. authority be granted to exempt the listed projects from taxation for municipal and school purposes for the term of the municipal capital facility agreement;
5. authority be granted for exempting all projects not subject to a waiver under the Development Charges Act, from payment of development charges;

6. authority be granted to designate the listed projects as social housing accommodation, allowing all or part of the project relief from normal parking standards, where applicable;
7. authority be granted to enter into a municipal capital facility agreement and such other agreements, licences, security and documents, with the recommended proponents of each of the listed projects, or to an other entity associated and controlled by it and acceptable to the Director of Affordable Housing Development, to provide for the development and operation of affordable housing, on such terms and conditions as the Director Affordable Housing Development considers appropriate and in a form approved by the City Solicitor;
8. the Director, Affordable Housing Office Development be authorized and directed, on behalf of the City, to execute municipal capital facility agreements and such other agreements and documents deemed necessary, on terms and conditions satisfactory to the Director, Affordable Housing Development and in a form approved by the City Solicitor;
9. authority be granted to enter into leases of the City owned properties at 200 Madison Avenue and 194 Dowling Avenue, for the purpose of developing the affordable housing projects and any ancillary uses, substantially on the terms and conditions outlined in Appendix 2 to this report and in a form acceptable to the City Solicitor, such grant by way of below market rent being in the interest of the municipality;
10. the City solicitor be authorized to complete the lease transactions for 200 Madison Avenue and 194 Dowling Avenue on behalf of the City, including payment of any necessary expenses and amending the commencement date of the lease and any other dates to such earlier or later dates and on such terms and conditions as she may from time to time consider reasonable;
11. the Chief Corporate Officer shall administer and manage the leases for 200 Madison Avenue and 194 Dowling Avenue, including the provision of any consents, approvals, waiver notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction;
12. authority be granted for the City to make or provide its consent as owner to any regulatory applications by the proponents of the projects at 200 Madison Avenue and 194 Dowling Avenue, and to grant licences for the purposes of entering onto the City owned properties to carry out pre-development activities, and that the Director, Real Estate Services, or his designate be authorized to execute the applications, consents and licences;
13. that St. Clare's Multifaith Housing Society be permitted to further encumber its existing housing projects at 25 Leonard Street and 38 Pears Avenue, in order to make funds available for the two projects being proposed by it under the Program, on such terms and conditions satisfactory to the General Manager Shelter, Support and Housing

Administration in his sole discretion and in a form approved by the City Solicitor;

14. the Toronto Parking Authority be requested to look at options of purchasing property on St. Clair Avenue to address the lack of affordable public parking available for the housing proposal at 2335-2337 St. Clair Avenue West;
15. considering the increased level of funding and lower rents the program is targeted towards, persons living with mental disabilities, ex-psychiatric patients, victims of domestic violence and individuals with a dual diagnosis, that on site support service programs be confirmed on site, as required, and co-ordinated through provincial support programs; and
16. Toronto City Council urge the Provincial Minister of Municipal Affairs and Housing to immediately release the remaining \$56 million in federal/provincial funding from the Affordable Housing Program and make an additional funding allocation to Toronto to support the development of much needed new rental housing.

### Financial Impact

The funding sources to build the 800 units (10 projects) in this report under the Program are set out below and detailed in Appendices 1 and 6.

Direct capital assistance for the construction of the 800 units from all orders of government is:

<b>Government Assistance - Capital</b>	<b>Amount</b>
Affordable Housing Program federal contribution	\$ 21,466,200
Affordable Housing Program provincial contribution	\$ 35,023,800
Minimum Expected PST and GST rebates	\$ 4,032,000
Municipal Development Fees and Charges at current rates	\$ 5,519,000
Value of City Land (two projects) for mortgage purposes with development proposed, plus contribution to cost of demolition and environmental reports	\$ 2,513,000
	\$ 68,554,000 total

Private equity and mortgage financing must be obtained as set out below:

<b>Proponent Contributions - Capital</b>	<b>Approximate Amount</b>
Minimum Proponent Equity	\$ 38,000,000
Minimum Private First Mortgage Financing	\$ 53,000,000
	\$ 91,000,000 total

Therefore the total capital cost is approximately \$160m. from all sources.

Rent supplements and property tax exemptions will support the annual operating costs of the projects after construction. The current Net Present Values of these two supports are estimated as follows:

<b>Government Assistance – Operating</b>	<b>Estimated Amount</b>
Net Present Value of Rent Supplements (excluding TCHC)	\$ 13,900,000
Net Present Value of Property Tax Exemptions	\$ 8,286,000
	\$ 22,186,000 total

The Administration Agreement with the province set out the terms and rate of an Administration Fee paid to the City for the costs of delivering the Program, including selecting projects and monitoring affordability for the term of the Contribution Agreement with the recommended proponents. For the units recommended in this report, the funding received from the province is as follows:

<b>Provincial Administration Fee Paid to City</b>	<b>Amount</b>
\$100,000 for program participation plus 1.3% of federal and provincial funds above 50 units	\$ 788,870

The detailed budget implications for the current year will be reported to Budget Committee in mid 2007 and any future year budget implications associated with these projects will be reported and included in future year program budgets as development proceeds and housing units occupied.

The Deputy City Manager and Chief Financial Officer have reviewed this report and agrees with the financial impact information.

### **Summary**

This report is for Council approval of 10 affordable housing developments which will result in approximately 800 new affordable homes in the City of Toronto. The approval includes eight affordable housing developments, with approximately 600 units, selected from proposals submitted in response to a Request for Proposals (“RFP”) issued by the City, and 200 units in two Toronto Community Housing Corporation (“TCHC”) developments. All 10 are assisted under a joint program between the City, the province of Ontario and the government of Canada.

Federal and provincial capital funding of \$70,000 per unit is available under the Canada-Ontario Affordable Housing Program – Rental and Supportive (“the Program”). City of Toronto support is in accordance with existing affordable housing policies and programs. This report recommends that the City administer the projects for terms ranging from 25 to 50 years. Contributions from the City include waiver of development fees and charges, exemption from property taxes, the lease of two City properties and 110 rent supplements as requested by the proponents responding to the RFP.

An Administration Fee is paid to the City by the province, under the terms of an Administration Agreement with the province. The fee is accounted for in the 2007 Affordable Housing Office Budget Submission.

### **Communications**

(April 27, 2007) e-mail from Mr. Michael DesRoches, Organizer, Ontario Coalition Against Poverty - EXMain2007-ex08-7(a)

(April 27, 2007) e-mail from Ms. Margaret Vandenbroucke, Chair, Homelessness Action Group, Trinity-St. Paul's - EXMain2007-ex08-7(b)

(<http://www.toronto.ca/legdocs/mmis/2007/ex/comm/communicationfile-1246.pdf>)

(April 27, 2007) e-mail from Ms. Nancy Singer, Executive Director, Kehilla Residential Programme - EXMain2007-ex08-7(c)

(April 27, 2007) e-mail from Mr. James Railton, Former Student, Parkdale Community Legal Services - EXMain2007-ex08-7(d)



(April 26, 2007) e-mail from Ms. Susan Meikle, Executive Director, Toronto North Support Services - EXMain2007-ex08-7(e)

(<http://www.toronto.ca/legdocs/mmis/2007/ex/comm/communicationfile-1249.pdf>)

(April 26, 2007) e-mail from Mr. Jim Ward PhD, Social Research & Community Development, Jim Ward Associates - EXMain2007-ex08-7(f)

(<http://www.toronto.ca/legdocs/mmis/2007/ex/comm/communicationfile-1250.pdf>)

(April 27, 2007) e-mail from Mr. Steve Lurie, Executive Director, Canadian Mental Health Assn. Toronto Branch - EXMain2007-ex08-7(g)

(April 26, 2007) e-mail from Ms. Carol Dunphy, Coordinator, The Dream Team - EXMain2007-ex08-7(h)

(April 27, 2007) e-mail from Ms. Marissa Bastidas, Executive Director, on behalf of the Board of Directors of - EXMain2007-ex08-7(i)

(April 26, 2007) e-mail from Mr. Paul Quinn, Executive Director, Gerstein Crisis Centre - EXMain2007-ex08-7(k) (<http://www.toronto.ca/legdocs/mmis/2007/ex/comm/communicationfile-1254.pdf>)

(April 27, 2007) e-mail from Mr. Dean Goodman - EXMain2007-ex08-7(l)

(April 27, 2007) e-mail from Ms. Lynn Harrison - EXMain2007-ex08-7(m)

(April 27, 2007) e-mail from Ms. Margaret Lynch, Executive Director, Eden Community Homes - EXMain2007-ex08-7(n)

(<http://www.toronto.ca/legdocs/mmis/2007/ex/comm/communicationfile-1257.pdf>)

(April 27, 2007) e-mail from Mr. Robert DaCosta, V.P., Organizational Dev. & Community Linkages, St. Joseph's - EXMain2007-ex08-7(o)

(April 29, 2007) e-mail from Ms. Maureen Fair, Acting Executive Director, St. Christopher House - EXMain2007-ex08-7(p)

(April 27, 2007) e-mail from Mr. Michael Steeves, Homelessness Action Group, Coordinator - EXMain2007-ex08-7(j)

## **Committee Recommendations**

On motion by Councillor Mammoliti, the Executive Committee recommended that:

1. City Council approve the following affordable housing projects selected through the RFP and recommend submission of all project information to the Ministry of Municipal Affairs and Housing for consideration as projects to be funded under the Canada-Ontario Affordable Housing Program – Rental and Supportive Component (“the Program”):
  - a. West Toronto Support Services for Senior Citizens and the Disabled Inc. at 2335-2337 St. Clair Avenue West;
  - b. Parkdale Activity - Recreation Centre (Toronto) at 194 Dowling Avenue;
  - c. St. Clair West Affordable Housing (Ossington) Group Incorporated at 1120 Ossington Avenue;
  - d. St. Clare’s Multifaith Housing Society at 48 Abell Street (to be assigned a new municipal address on the future extension of Sudbury Street);

- e. WoodGreen Community Housing Inc. at 270 Donlands Avenue;
  - f. St Clare's Multifaith Housing Society at 200 Madison Avenue;
  - g. 873815 Ontario Limited, at 201-213 Vaughan Road; and
  - h. 544 Birchmount Holdings Limited at 544 Birchmount Road;
2. City Council approve the following affordable housing projects of the Toronto Community Housing Corporation and recommend submission of all project information to the Ministry of Municipal Affairs and Housing for consideration as projects to be funded under the Program:
- a. 88 Carleton Street; and
  - b. 501 Adelaide Street East;
3. the Deputy City Manager responsible for the Affordable Housing Office be authorized and directed to submit the list of recommended projects, and any other documentation, to the Province of Ontario for consideration by the Ministry of Municipal Affairs and Housing, as required by the Program;
4. authority be granted to exempt the listed projects from taxation for municipal and school purposes for the term of the municipal capital facility agreement;
5. authority be granted for exempting all projects not subject to a waiver under the Development Charges Act, from payment of development charges;
6. authority be granted to designate the listed projects as social housing accommodation, allowing all or part of the project relief from normal parking standards, where applicable;
7. authority be granted to enter into a municipal capital facility agreement and such other agreements, licences, security and documents, with the recommended proponents of each of the listed projects, or to an other entity associated and controlled by it and acceptable to the Director of Affordable Housing Development, to provide for the development and operation of affordable housing, on such terms and conditions as the Director Affordable Housing Development considers appropriate and in a form approved by the City Solicitor;
8. the Director, Affordable Housing Office Development be authorized and directed, on behalf of the City, to execute municipal capital facility agreements and such other agreements and documents deemed necessary, on terms and conditions satisfactory to the Director, Affordable Housing Development and in a form approved by the City Solicitor;

9. authority be granted to enter into leases of the City owned properties at 200 Madison Avenue and 194 Dowling Avenue, for the purpose of developing the affordable housing projects and any ancillary uses, substantially on the terms and conditions outlined in Appendix 2 to this report and in a form acceptable to the City Solicitor, such grant by way of below market rent being in the interest of the municipality;
10. the City solicitor be authorized to complete the lease transactions for 200 Madison Avenue and 194 Dowling Avenue on behalf of the City, including payment of any necessary expenses and amending the commencement date of the lease and any other dates to such earlier or later dates and on such terms and conditions as she may from time to time consider reasonable;
11. the Chief Corporate Officer shall administer and manage the leases for 200 Madison Avenue and 194 Dowling Avenue, including the provision of any consents, approvals, waiver notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction;
12. authority be granted for the City to make or provide its consent as owner to any regulatory applications by the proponents of the projects at 200 Madison Avenue and 194 Dowling Avenue, and to grant licences for the purposes of entering onto the City owned properties to carry out pre-development activities, and that the Director, Real Estate Services, or his designate be authorized to execute the applications, consents and licences;
13. that St. Clare's Multifaith Housing Society be permitted to further encumber its existing housing projects at 25 Leonard Street and 38 Pears Avenue, in order to make funds available for the two projects being proposed by it under the Program, on such terms and conditions satisfactory to the General Manager Shelter, Support and Housing Administration in his sole discretion and in a form approved by the City Solicitor;
14. the Toronto Parking Authority be requested to look at options of purchasing property on St. Clair Avenue to address the lack of affordable public parking available for the housing proposal at 2335-2337 St. Clair Avenue West;
15. considering the increased level of funding and lower rents the program is targeted towards, persons living with mental disabilities, ex-psychiatric patients, victims of domestic violence and individuals with a dual diagnosis, that on site support service programs be confirmed on site, as required, and co-ordinated through provincial support programs; and
16. Toronto City Council urge the Provincial Minister of Municipal Affairs and Housing to immediately release the remaining \$56 million in federal/provincial funding from the Affordable Housing Program and make an additional funding allocation to Toronto to support the development of much needed new rental housing.

## **Links to Background Information**

Affordable Housing - Funding Recommendations Request for Proposals  
<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3172.pdf>

Affordable Housing Report - April 3, 2007

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3173.pdf>

App 1 - Summary of Recommended Projects from the RFP

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3174.pdf>

App. 2 - Major Terms and Conditions - Lease of City Land

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3175.pdf>

App. 3 - Responses to the RFP

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3176.pdf>

App. 4 - Report from the Fairness Monitor Consultant

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3177.pdf>

App. 5 - Code of Conduct for Members of the RFP Selection Team

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3178.pdf>

App. 6 - Summary of TCHC Recommended Projects

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3179.pdf>

EX8.8	ACTION	Amended	Policy	Ward: All
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### **Coordinated Street Furniture Program - Results of Request for Proposals (RFP) 9103-06-7316**

**Confidential Attachment - The security of the property of the City and receipt of advice which is subject to solicitor-client privilege.**

(April 17, 2007) report from the Deputy City Manager and the Director, Purchasing and Materials Management

#### **Recommendations**

The Deputy City Manager and Director of Purchasing and Materials Management recommends that:

1. City Council accept the proposal by Astral Media Outdoor LP as having achieved the highest evaluated score, to provide a coordinated street furniture program for the City of Toronto as described in the City's RFP 9103-06-7316;
2. the appropriate City officials be authorized to enter into negotiations as contemplated in the RFP with the recommended Vendor, finalize contract provisions and finalize an Agreement with the recommended Vendor incorporating terms and conditions substantially as set out in Attachment 3 of this report, any additional confidential direction provided by City Council in consideration of the matters contained in Confidential Attachment 4, and such other terms and conditions as may be satisfactory to the Deputy City Manager and City Solicitor;

3. the Director of Urban Design, in consultation with City officials, the Design Jury and Technical review team, negotiate with the recommended Vendor any appropriate design refinements to the preferred proposal;
4. the Deputy City Manager, in consultation with the appropriate City officials, be authorized and directed to establish a Pedestrian Realm organizational unit that shall have strategic responsibility and accountability for planning, design oversight, implementing and managing sidewalk spaces to achieve a beautiful, functional and safe pedestrian realm; more particularly this unit would comprise the functional elements of street furniture management and administration, pedestrian space policy, planning and coordination, leveraging City investment with public and private sectors through neighbourhood beautification projects and project management/coordination for capital streetscape works;
5. the Deputy City Manager and Chief Financial Officer, in conjunction with the Deputy City Manager responsible for Transportation Services, report back to the Budget Committee as soon as the agreement between the City and the recommended Vendor is finalized, on the financial implication arising from the final terms of the agreement, including the maintenance of existing revenues for affected City programs, the establishment of the Pedestrian Realm unit and the disposition of any net revenues;
6. City Council direct that the confidential information in Attachments 4 and 5 not be released publicly as it contains advice which is subject to solicitor-client privilege and confidential instructions to staff; and
7. City Council confirm that approval of advertising on street furniture as permitted under the Agreement shall constitute a deemed variance as necessary and such advertising shall, as with the City's previous agreements, not be subject to the requirement for any further approvals under the City's sign by-laws.

### **Financial Impact**

Entering into an Agreement with the recommended Vendor based on the Vendor's proposal will result in receipt by the City of guaranteed revenue of \$428.8 million (\$ current year/\$252.2 million net present value NPV) over the 20 year term of the Agreement, including an initial payment of \$36.5 million on execution of the Agreement. This initial payment comprises a lump sum amount of \$28.0 million and prepayment of the first three years guaranteed amounts. Annual payments will be made to the City based on a formula of: the greater of the minimum annual guaranteed amount or percentage of gross revenue.

The successful Vendor shall, at no cost to the City, provide the City with a capital investment in street furniture of approximately \$202.4 million (\$ current year/\$167.1 NPV) and at no cost to the City, provide ongoing maintenance estimated at \$294.3 million (\$ current year/\$168.4 million NPV) over the term. These two amounts represent expenditures which the City will avoid as a result of the Agreement.

The successful Vendor is also required to contribute \$100,000 toward the “Design Links” study as previously endorsed by Council, and \$285,000 to cover the costs of the City’s RFP process. These amounts are payable upon execution of the Agreement.

The successful Vendor is required, prior to execution of the Agreement, to provide the City with an irrevocable letter of credit in the amount of \$16 million applicable in full for the first 10 years of the Agreement and reducing incrementally thereafter, to secure the performance of the Vendor under the Agreement. The successful Vendor shall also provide an indemnity from its parent company Astral Media Inc., guaranteeing performance of the successful Vendor’s obligations under the eventual agreement.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **Summary**

This report provides information and recommendations on the results of the Coordinated Street Furniture Program Request for Proposals No. 9103-06-7316. Staff are seeking City Council’s authority to enter into negotiations with the Vendor best satisfying the requirements of the RFP, Astral Media Outdoor LP, to finalize contract provisions, incorporate technical and design refinements to the recommended family of street furniture; and enter an Agreement with the recommended Vendor.

In order to achieve the widespread benefits of beautiful, functional and safe pedestrian spaces envisioned by “Vibrant Streets”, including adequately managing the street furniture program, it will be essential to establish a dedicated organizational unit that would have strategic responsibility and accountability for planning, design oversight, implementing and managing the pedestrian realm. This can be achieved through the use of a portion of the revenues generated by the street furniture program at no new net cost to the City’s budget. In addition, substantial investment in streetscape and public realm improvements can and should be funded by revenue derived from this program.

### **Communications**

- (January 2, 2007) letter from Councillor Cesar Palacio - EXMain2007-ex08-8(a) (<http://www.toronto.ca/legdocs/mmis/2007/ex/comm/communicationfile-1148.pdf>)
- (April 26, 2007) e-mail from Ms. Doreen (Betty) Craddock - EXMain2007-ex08-8(b)
- (April 26, 2007) e-mail from Ms. Joanne Fisher, Resident of Ward 20 - EXMain2007-ex08-8(c)
- (April 27, 2007) e-mail from Ms. Kate Chung - EXMain2007-ex08-8(d)
- (April 27, 2007) e-mail from Ms. Valerie Schatzker - EXMain2007-ex08-8(e)
- (April 29, 2007) e-mail from Ms. Sara Lipson - EXMain2007-ex08-8(h)
- (April 29, 2007) e-mail from Mr. Hamish Wilson - EXMain2007-ex08-8(i)
- (April 30, 2007) e-mail from Ms. Doreen (Betty) Craddock - EXMain2007-ex08-8(f)
- (April 30, 2007) e-mail from Ms. Kate Chung - EXMain2007-ex08-8(g)
- (April 30, 2007) e-mail from Narina Nagra, Safety Director, METRAC - EXMain2007-ex08-8(j)

### **Speakers**

Mr. Joe Clark

Mr. Jonathan Goldsbie, Toronto Public Space Committee  
Mr. Rami Tabetlo, Coordinator, IllegalSigns.ca  
Mr. Miro Wagner  
Mr. David Henderson  
Mr. Matthew Blackett, Publisher, Space Magazine  
Mr. Liam O'Doherty  
Mr. John Jory, President, Clear Channel Outdoor Canada  
Mr. Paul Seaman, Vice-President, Public Affairs, Clear Channel Outdoor Canada  
Mr. Daniel Quinn  
Mr. Jan Suurmond  
Mr. Franz Hartmann, Toronto Environmental Alliance  
Mr. Dave Meslin  
Mr. John Kiru, Toronto Association of Business Improvement Areas  
Councillor Janet Davis, Ward 31, Beaches-East York  
Councillor Gord Perks, Ward 14, Parkdale-High Park  
Councillor Adam Vaughan, Ward 20, Trinity-Spadina

### **Committee Recommendations**

On motion by Mayor Miller, the Executive Committee recommended to City Council that:

1. City Council accept the proposal by Astral Media Outdoor LP as having achieved the highest evaluated score, to provide a coordinated street furniture program for the City of Toronto as described in the City's RFP 9103-06-7316;
2. the appropriate City officials be authorized to enter into negotiations as contemplated in the RFP with the recommended Vendor, finalize contract provisions and finalize an Agreement with the recommended Vendor incorporating terms and conditions substantially as set out in Attachment 3 of this report, any additional confidential direction provided by City Council in consideration of the matters contained in Confidential Attachment 4, and such other terms and conditions as may be satisfactory to the Deputy City Manager and City Solicitor;
3. the Director of Urban Design, in consultation with City officials, the Design Jury and Technical review team, negotiate with the recommended Vendor any appropriate design refinements to the preferred proposal;
4. the Deputy City Manager, in consultation with the appropriate City officials, be authorized and directed to establish a Public Realm organizational unit that shall have strategic responsibility and accountability for planning, design oversight, implementing and managing sidewalk spaces to achieve a beautiful, functional and safe pedestrian realm; more particularly this unit would comprise the functional elements of street furniture management and administration, pedestrian space policy, planning and coordination, leveraging City investment with public and private sectors through neighbourhood beautification projects and project management/coordination for capital streetscape works;
5. the Deputy City Manager and Chief Financial Officer, in conjunction with the Deputy City Manager responsible for Transportation Services, report back to the Budget

Committee as soon as the agreement between the City and the recommended Vendor is finalized, on the financial implication arising from the final terms of the agreement, including the maintenance of existing revenues for affected City programs, the establishment of the Public Realm Unit and the disposition of any net revenues;

6. City Council direct that the confidential information in Attachments 4 and 5 not be released publicly as it contains advice which is subject to solicitor-client privilege and confidential instructions to staff; and
7. City Council confirm that approval of advertising on street furniture as permitted under the Agreement shall constitute a deemed variance as necessary and such advertising shall, as with the City's previous agreements, not be subject to the requirement for any further approvals under the City's sign by-laws.

### **Decision Advice and Other Information**

On motion by Deputy Mayor Pantalone, the Executive Committee referred the following motions to the City Manager for consideration and report directly to Council for its meeting scheduled to be held on May 23, 2007, along with appropriate recommendations:

Moved by Councillor Fletcher:

“That the Executive Committee request the City manager to report on ensuring the City's principles of equity and diversity in the adverting on bus shelters and pillars in the right-of-way; and

That the City Manager be requested to report directly to Council on the mandate and the reporting relationship of the proposed Public Realm Department or Business Unit.

Moved by Councillor McConnell:

“That the Executive Committee:

- I. request the City Manager to report to Council for its meeting scheduled to be held on May 23, 2007, on:
  - a. the process for approval of street furniture locations;
  - b. the distribution of revenue, and whether investments in public realm resulting from this revenue will be correlated to the wards in which they are located;
  - c. the mechanisms and protocols in place to protect BIAs, historical districts and tourism areas from the proliferation of public realm signage;
  - d. the complete timeline of the roll out of installation of street



furniture; and

- II. recommends that current and proposed locations for all types of street furniture, along with their advertising content, be plotted on a ward map and circulated to Councillors annually.

Moved by Councillor Mihevc:

“That the Executive Committee request that:

1. City staff define in a report directly to Council, how local BIAs will be able to access their one advertising panel, and decide on the appropriate location(s);
2. City staff work with the recommended proponent to identify as soon as possible, after the Agreement is signed, a preliminary list of locations for each piece of street furniture, particularly the large elements, transit shelters, washrooms and info pillars, in each ward to be installed for the first few years of the Agreement. Further, ensure Councillors have input into the rollout, including identifying priority locations for specific pieces of furniture;
3. staff be directed to request the recommended proponent to provide a clarification to staff before the meeting of Council of the meaning of “scrolling advertising of fixed images, referred to in the report dated April 17, 2007, from the Deputy City Manager, Director, Purchasing and Materials Management;
4. staff be requested, as part of the final negotiation of the Agreement, to address on terms and conditions satisfactory to the Deputy City Manager and the City Solicitor, the following issues:
  - a. if video images are to be included under the Agreement that the addition of appropriate limitations such as split screens, the number of advertisement changes per minute, be included to ensure that such advertising does not affect safety for motorists or have negative impacts for nearby residents and businesses;
  - b. that a maximum brightness level for ads be defined;
  - c. that the process for approving the placement of shelters and other street furniture under the Agreement, at new locations, include a process for considering and responding to the concerns of the community and the Ward Councillor, including consideration by the Community Council, if appropriate, if agreements are not achieved at a staff or individual Councillor level;

- d. confirmation that the total square footage of advertising space permitted under the Request for Proposals may only be achieved through the use of the 120 pillars and transit shelters with caissons as permitted under the Agreement and specifically not include third party advertising options;
- e. that a clear and accessible complaints protocol be negotiated with the recommended proponent that would allow residents and Councillors easy access to address issues that arise such as cleanliness and broken fixtures, and also that do not meet community standards;
- f. ensuring that the agreement with the local community concerning the passenger islands on St. Clair Avenue West (i.e., that commercial ads space will not be provided in the shelters) will be respected under the Agreement; and
- g. ensure that the final Agreement include a “No censorship” clause related to political/public advocacy and like ads.

Moved by Councillor Mihevc on behalf of Councillor Perks:

“That the Executive Committee request Deputy City Manager Richard Butts to submit a report directly to Council for its meeting scheduled to be held on May 23, 2007, on the green aspects of the recommended proponents and how they might be strengthened as part of the final negotiations with the proponent so that a strategy for achieving 100 per cent renewable energy is pursued.

Moved by Mayor Miller on behalf of Councillor Davis:

“That:

1. Deputy City Manager Richard Butts be requested to submit a report to the Executive Committee for its meeting on June 25, 2007, with an implementation plan and a process that incorporates Councillors’ input in the placement of street furniture in their Ward;
2. the “security eyes” be removed from the information pillar design;
3. the General Manager, Transportation Services, be requested to submit a report to the Public Works and Infrastructure Committee every six months beginning in January 2008 on the implementation of the Street Furniture contract, including revenue, completion rate, installation locations, public complaints, and maintenance issues and any other pertinent

information; and

4. in order to achieve an immediate reduction in the clutter and advertising on City streets, existing street furniture elements with advertising, such as benches, be replaced as soon as possible with new street furniture without advertising.

Moved by Mayor Miller on behalf of Councillor Vaughan:

“That staff, in consultation with the proponents, come forward with a garbage can that will fit older or narrow streets in Toronto; and

That a protocol be developed to govern the placement and location of the various street furniture elements that includes consultation with the relevant local councillor.”

Moved by Councillor Moscoe:

“That the Executive Committee recommends:

1. that City Council approve the recommendations in the report (April 17, 2007) from Deputy City Manager Richard Butts and the Director, Purchasing and Materials Management;
2. the City adopt a holistic approach to the urban design environment;
3. in that regard, the Public Realm Organizational Unit with Municipal Licensing and Standards, be responsible for making recommendations to the appropriate city committee(s) about city action required to enhance both the public and adjacent private realm;
4. adopt the following principles outlined in communication EX8.8(a), from Councillor Palacio:
  - a. no saltbox, bench, garbage can or other piece of street furniture should be allowed out of a Toronto Works Yard to be placed on City street if it has graffiti on it;
  - b. no piece of street furniture or public works property may be moved or maintained without the graffiti being removed; and
  - c. any additional privately owned street furniture, utility

boxes or equipment, which are subject to City of Toronto Transportation's authorization to be placed on City owned right-of-way, should be subject to the same strict "no graffiti when installed" policy. This should include phone booths, A-frame signs, post-office boxes and newspaper boxes;

5. the Public Realm Organizational Unit be requested to report back to the Executive Committee in concert with staff from Municipal Licensing and Standards setting standards for poster and graffiti removal from the public realm based on the following principles:

i. each city department or ABC that has equipment on the street shall be responsible for removing graffiti and posters from their equipment and facilities within time frames established by the Public Realm Organizational Unit. For example:

TTC	bus poles
Parking Authority	pay and display machines
Toronto Hydro	hydro poles (etc.);

ii. a funding allocation approved by the Budget Committee shall be provided from revenues generated by the contract for each department or ABC as required;

iii. each division and ABC shall budget an appropriate amount for graffiti and poster removal; and

iv. divisions and ABCs will seek assistance from licensing and standards with enforcement activities.

6. that Deputy City Manager Richard Butts be requested to consult with the City's Accessibility Committee to ensure that the new street furniture meets City accessibility standards.

7. That:

i. it be a requirement of this agreement, that prior to the finalization of this agreement, the company agree to remove any and all structures that were erected in violation of our current Sign By-laws; and

ii. the agreement contain penalty clauses that protect the City from

future violations of the City's Sign By-laws; and

8. That prior to finalizing the agreement, Deputy City Manager Richard Butts be requested to provide an environmental impact statement on the proposed contract with a view to, if necessary, amending the contract to ensure that the environmental impact on the City is less than it is at present and that this statement be submitted to the Council meeting to be held on May 23, 2007.

Moved by Councillor Rae:

"That:

1. Astral Media submit a written declaration to the satisfaction of the Chief Building Official in consultation with the Executive Director, Municipal Licensing and Standards and the City Solicitor stating that all of their signs erected across the City of Toronto are in compliance with City By-laws by the time of the execution of the agreement; and
2. in co-ordination with the roll-out of the street furniture program in the City of Toronto, notice should be given to terminate the agreements with the third party operator of the bus shelter and advertising options located outside the entrance of 1200 Bay Street, at the north west corner of Bay and Bloor.

Mr. Andrew Koropeski, Director, Toronto and East York District, Transportation Services; Mr. Robert Freedman, Director, Urban Design, City Planning and Mr. George Kapelis, Ryerson University and Architect, provided a presentation to the Executive Committee regarding the Coordinated Street Furniture Program – Results of Request for Proposals (RFP) 9103-06-7316.

The Executive Committee held a public meeting on April 30, 2007, in accordance with the *City of Toronto Act, 2006*, and notice of the proposed award of contract for the Design, Construction, Installation and Maintenance of Street Furniture (with Advertising) on the Public Highway was posted on the City's web site for a minimum of 5 days.

### **Links to Background Information**

Coordinated Street Furniture Program

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3206.pdf>

Attachment 1 - Coordinated Street Furniture Program Overview

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-2962.pdf>

Attachment 2 Report of the Fairness Commissioner

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-2963.pdf>

Attachment 3 Summary of Draft Agreement Provisions

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-2964.pdf>

EX8.9	ACTION	Adopted	Transactional	Ward: All
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## **Enwave Energy Corporation 2007 Annual General Shareholders Meeting**

(April 16, 2007) report from the City Manager

### **Recommendations**

The City Manager recommends that City Council:

1. appoint the City Manager or her designate as the City's proxy holder to attend and vote the common shares of Enwave Energy Corporation ("Enwave") owned by the City at the annual meeting of the shareholders of Enwave to be held on May 30, 2007 or any adjournment of that meeting;
2. direct the proxy holder to vote as follows at the Annual Shareholders' Meeting:
  - a. to approve the minutes of the Annual Meeting of Shareholders of February 13, 2006 and Special Shareholders Meeting of July 5, 2006;
  - b. to receive the annual financial statements of the Corporation for the period ended October 31, 2006 together with the auditor's report thereon;
  - c. to receive the un-audited financial statements for the first quarter ended January 31, 2007;
  - d. to reappoint the auditors, Ernst & Young LLP, Chartered Accountants, and to authorize the directors to fix their remuneration;
  - e. to reappoint John McManus as a director of Enwave to hold office until the second annual meeting of the shareholders of the Corporation to be held after the May 30, 2007 annual shareholders meeting, or until his successor is elected or appointed, and
  - f. to transact such other business as may properly come before the Meeting or any adjournment or adjournments thereof;
3. authorize and direct the Deputy City Manager and Chief Financial Officer and the City Clerk to execute on behalf of the City the common share proxy substantially in the form of Attachment 2 to this report; and
4. that the contents of Confidential Attachment 5 to this report remain confidential in their entirety after the consideration of this report by Council.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **Summary**

This report recommends that the City Manager or her designate be appointed the proxy holder for the City at the Annual Shareholders' Meeting of Enwave Energy Corporation to be held on May 30, 2007 or any adjournment thereof, and to obtain instructions as to how the proxy holder is to vote at the Meeting.

## **Committee Recommendations**

On motion by Councillor Lindsay Luby, the Executive Committee recommended that City Council:

1. appoint the City Manager or her designate as the City's proxy holder to attend and vote the common shares of Enwave Energy Corporation ("Enwave") owned by the City at the annual meeting of the shareholders of Enwave to be held on May 30, 2007 or any adjournment of that meeting;
2. direct the proxy holder to vote as follows at the Annual Shareholders' Meeting:
  - a. to approve the minutes of the Annual Meeting of Shareholders of February 13, 2006 and Special Shareholders Meeting of July 5, 2006;
  - b. to receive the annual financial statements of the Corporation for the period ended October 31, 2006 together with the auditor's report thereon;
  - c. to receive the un-audited financial statements for the first quarter ended January 31, 2007;
  - d. to reappoint the auditors, Ernst & Young LLP, Chartered Accountants, and to authorize the directors to fix their remuneration;
  - e. to reappoint John McManus as a director of Enwave to hold office until the second annual meeting of the shareholders of the Corporation to be held after the May 30, 2007 annual shareholders meeting, or until his successor is elected or appointed, and
  - f. to transact such other business as may properly come before the Meeting or any adjournment or adjournments thereof;
3. authorize and direct the Deputy City Manager and Chief Financial Officer and the City Clerk to execute on behalf of the City the common share proxy substantially in the form of Attachment 2 to this report; and
4. that the contents of Confidential Attachment 5 to this report remain confidential in their entirety after the consideration of this report by Council.

### Links to Background Information

Enwave Energy Corporation 2007 Annual General Shareholders Meeting  
<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3196.pdf>

Attachments - Enwave Energy Corporation

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3197.pdf>

EX8.10	ACTION	Amended	Policy	Ward: All
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### New Municipal Code Chapter 19 - Business Improvement Areas

(April 11, 2007) letter from the Economic Development Committee

#### Recommendations

The Economic Development Committee recommends to the Executive Committee and Council that:

1. Council adopt a new City of Toronto Municipal Code, Chapter 19, “Business Improvement Areas” generally in accordance with Attachment No. 1;
2. Council dissolve all existing Business Improvement Area Boards, as listed in Attachment No. 2, and re-establish them as City boards under Section 141 of the Act;
3. Council delegate to the appropriate community councils the authority to establish new BIA Boards following the designation of the BIA, unless the BIA is located within the boundaries of more than one community council, in which case new BIA Boards shall continue to be established by Council;
4. Municipal Code Chapter 27, Council Procedures, be amended to delegate to the community councils the authority to establish new BIA Boards unless the BIA is located within the boundaries of more than one community council; and
5. authority be granted to the City Solicitor to submit any bills required to enact the new Municipal Code Chapter 19 and to amend Municipal Code Chapter 27, generally in accordance with the report recommendations and Attachment No. 1 of this report, subject to any necessary refinements, including stylistic, format and organization, as may be identified by the City Solicitor and City Clerk, and any other bills required to give effect to these recommendations.

#### Financial Impact

These recommendations will have no financial impact on the City.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.



## Summary

This report recommends the adoption of a new City of Toronto Municipal Code, Chapter 19 (“Chapter 19”) – “Business Improvement Areas” (“BIAs”), made necessary by the enactment of the City of Toronto Act, 2006 (the “Act”).

The new Chapter 19 will provide within one document a clear set of guidelines governing the establishment of BIAs and BIA activities, and will help ensure improved BIA administration, financial management, and accountability.

The new Chapter 19 contains many of the BIA-related provisions of the Municipal Act, 2001, as well as new provisions related to financial management, the activities that BIAs are allowed to undertake, and clarifications and refinements with respect to procedures for establishing or amending the boundaries of a BIA.

It is intended that the new Code Chapter 19 shall apply to new BIAs to be created after the enactment of the Act, and to all existing BIAs previously established under the Municipal Act, 2001. To this end, it is recommended that Council dissolve all existing Boards of Management (“Boards”) and re-establish them as City Boards.

This report also recommends that Council delegate to the community councils the authority to establish new BIA Boards in order to streamline the appointment procedure for BIA Board members.

## Communications

(April 26, 2007) e-mail from Mr. Larry Perlman - EXMain2007-ex08-10(a)

(April 30, 2007) e-mail from Mr. James L. Robinson, Executive Director, Downtown Yonge BIA - EXMain2007-ex08-10(b)

## Speakers

Mr. James Robinson, Executive Director, Downtown Yonge Business Improvement Area, and filed a written submission with respect thereto; and

Mr. John Kiru, Toronto Association of Business Improvement Areas

## Committee Recommendations

The Executive Committee recommended that:

1. Council adopt a new City of Toronto Municipal Code, Chapter 19, “Business Improvement Areas” generally in accordance with Attachment No. 1, subject to:
  - i. amending Section 19-3 "Designation of a Business Improvement Area", by:
    - a. amending Section 3. C to read as follows:
      - “3. C. to advocate and promote the business improvement area as a business, employment, tourist or shopping area”; and

- b. adding a new section F to read as follows:
    - “F. to undertake strategic planning necessary to address business improvement area issues”; and
  - ii. amending Section 19-4, entitled "Limitations"; by deleting Clause F; (**Motion by Councillor Rae**)
2. Council dissolve all existing Business Improvement Area Boards, as listed in Attachment No. 2, and re-establish them as City boards under Section 141 of the Act;
  3. Council delegate to the appropriate community councils the authority to establish new BIA Boards following the designation of the BIA, unless the BIA is located within the boundaries of more than one community council, in which case new BIA Boards shall continue to be established by Council;
  4. Municipal Code Chapter 27, Council Procedures, be amended to delegate to the community councils the authority to establish new BIA Boards unless the BIA is located within the boundaries of more than one community council; and
  5. authority be granted to the City Solicitor to submit any bills required to enact the new Municipal Code Chapter 19 and to amend Municipal Code Chapter 27, generally in accordance with the report recommendations and Attachment No. 1 of this report, subject to any necessary refinements, including stylistic, format and organization, as may be identified by the City Solicitor and City Clerk, and any other bills required to give effect to these recommendations.

### **Financial Impact**

These recommendations will have no financial impact on the City.

The Deputy City Manager and Chief Financial Officer has reviewed the report and agrees with the Financial Impact information.

### **Decision Advice and Other Information**

The Executive Committee:

1. referred Clause F, contained in Section 4, of the Toronto Municipal Code, entitled "Limitations", to the General Manager, Economic Development, Culture and Tourism for a report, in consultation with the City Manager's Office and the City Solicitor, such report to be submitted to the Economic Development Committee; (**Motion by Councillor Rae**) and
2. requested the General Manager of Economic Development, Culture and Tourism and the City Solicitor to consult with Councillor Mammoliti respecting Toronto Municipal Code, Chapter 19-4 G., as it relates to cost sharing programmes with Emery Village BIA, and also how it relates to the façade program, and submit a report thereon directly to Council for consideration at its meeting scheduled to be held on May 23, 2007. (**Motion by Councillor Mammoliti**)

The Executive Committee held a public meeting on April 30, 1007, in accordance with the *City of Toronto Act, 2006*, and notice of the proposed amendments to the Toronto Municipal Code, Chapter 19, Business Improvement Areas, and Toronto Municipal Code, Chapter 27, Council Procedures, was posted on the City's web site for a minimum of 5 days.

**Links to Background Information**

New Municipal Code Chapter 19 - Business Improvement Areas-March 19,2007 report  
<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3207.pdf>  
 New Municipal Code Chapter 19 - Business Improvement Areas  
<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3200.pdf>

<b>EX8.11</b>	Information	Received	Transactional	Ward: All
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**City of Toronto 2006 Investment Report**

(April 16, 2007) report from the Deputy City Manager and Chief Financial Officer

**Financial Impact**

Investment income earnings on the City’s general funds, sinking funds, pension funds and trust funds accrue to each of the respective portfolios under management. Unrestricted earnings are allocated to a corporate revenue account in the operating budget. The following table highlights the 2006 operating budget impact.

2006 Budget	2006 Actual	Earnings in Excess of Budget
\$62.0 million	\$75.6 million	\$13.6 million

In addition to the above income realization, the City’s general funds also outperformed their respective industry bench mark indices by a combined \$11.333 million in market value appreciation. The City’s general funds have added more than \$80 million in cumulative market value in excess of the established industry benchmarks since 1999.

**Summary**

This report provides a review of the City of Toronto’s 2006 investment returns for all internally managed portfolios, including required disclosure of transactions in the City’s own debt.

**Decision Advice and Other Information**

On motion by Councillor Carroll, the Executive Committee received for information, the report (April 16, 2007) from the Deputy City Manager and the Chief Financial Officer respecting the City of Toronto 2006 Investment Report.

**Links to Background Information**

City of Toronto 2006 Investment Report  
<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-2941.pdf>

EX8.12	Information	Deferred	Transactional	Ward: All
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### **City Objectives in Shareholder Direction to Toronto Hydro Corporation**

(April 16, 2007) report from the City Manager

#### **Financial Impact**

Receipt of this report has no financial impact.

#### **Summary**

In response to a request by the Executive Committee, the City Manager consulted with other City and Hydro staff in reviewing the Shareholder Direction to Toronto Hydro Corporation (THC) and has concluded that the Direction still fairly articulates the City's goals and objectives for THC. The Direction has been amended a number of times since its initial approval in July 1999. Staff are not aware of any issue that would require amendment at this time.

#### **Decision Advice and Other Information**

On motion by Deputy Mayor Pantalone, the Executive Committee deferred consideration of the report from the City Manager respecting the City Objectives in Shareholder Direction to Toronto Hydro Corporation, until its meeting scheduled to be held on June 25, 2007.

#### **Links to Background Information**

City Objectives in Shareholder Direction to Toronto Hydro Corporation  
(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3203.pdf>)

EX8.13	Information	Deferred	Transactional	
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### **Comparison of New York City's Comstat System to the Toronto Police Service's Data Systems in Crime Prevention**

(March 15, 2007) report from the Chair, Toronto Police Services Board

#### **Summary**

The purpose of this report is to provide the Executive Committee with the Toronto Police Service's (TPS) response to the City of Toronto's request for a report regarding the comparison of New York City's Comstat system to the Toronto Police Service's data systems in crime prevention.

#### **Decision Advice and Other Information**

On motion by Mayor Miller, on behalf of Councillor Thompson, the Executive Committee deferred consideration of the report (March 15, 2007) from the Chair, Toronto Police Services Board, entitled "Comparison of New York City's Comstat System to the Toronto Police

Service's Data Systems in Crime Prevention", until its meeting scheduled to be held on May 28, 2007.

### Links to Background Information

Comparison of New York City's Comstat System to the Toronto Police Service's  
<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3204.pdf>

EX8.14	Information	Received	Transactional	
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### Toronto Police Service: 2006 Hate/Bias Crime Statistical Report

(April 12, 2007) report from the Chair, Toronto Police Services Board

#### Summary

The purpose of this report is to submit a copy of the Toronto Police Service 2006 Hate/Bias Crime Statistical Report.

#### Decision Advice and Other Information

On motion by Councillor Lindsay Luby, the Executive Committee received for information, the report (April 12, 2007) from the Chair, Toronto Police Services Board, entitled "Toronto Police Service: 2006 Hate/Bias Crime Statistical Report"

### Links to Background Information

Toronto Police Service: 2006 Hate/Bias Crime Statistical Report  
<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3205.pdf>

EX8.15	ACTION	Adopted	Transactional	Ward: All
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### Occupational Health and Safety Report Fourth Quarter and End of Year – 2006

(March 22, 2007) report from the Employee and Labour Relations Committee

#### Recommendations

The Employee and Labour Relations Committee recommends that:

1. the Corporate Occupational Health and Safety Policy, as amended by the Occupational Health and Safety Co-ordinating Committee for the period from April 2007 – April 2008, be endorsed and forwarded to City Council for approval;
2. as an overall goal, the City adopt a target of zero lost time workplace injuries;

3. as part of the City's internal responsibility system the City adopt a measurable target of 20 percent reduction in lost time injuries for 2008 and the City Manager report back to the Employee and Labour Relations Committee on recommended targets for subsequent years;
4. the City Manager report back to the Employee and Labour Relations Committee on the targets which each direct report to the City Manager is required to meet as part of their performance plan; and
5. the City Manager include information on Recommendations 2, 3 and 4 in every quarterly report to the Employee and Labour Relations Committee.

**Financial Impact:**

There are no financial implications to this report beyond what have already been approved in the current year's budget.

**Summary**

This report provides information on the status of the City's health and safety system, specifically on activities, priorities and performance during the fourth quarter of 2006. Information regarding performance during the year 2006, relative to previous years, is also provided. There was a significant decrease in the number of lost time injuries, medical aid injuries and recurrences in the fourth quarter of 2006, as well as throughout 2006 relative to the previous three years. Also included, for approval, is a revised corporate occupational health and safety policy for the period from April 2007 – April 2008. Revisions to the current policy have been made in response to recommendations of the Occupational Health and Safety Co-ordinating Committee (OHSCC). Updates on OHSCC, Ministry of Labour (MOL) and Workplace Safety and Insurance Board (WSIB) initiatives are also provided.

**Committee Recommendations**

The Executive Committee recommends that:

1. the Corporate Occupational Health and Safety Policy, as amended by the Occupational Health and Safety Co-ordinating Committee for the period from April 2007 – April 2008, be endorsed and forwarded to City Council for approval;
2. as an overall goal, the City adopt a target of zero lost time workplace injuries;
3. as part of the City's internal responsibility system the City adopt a measurable target of 20 percent reduction in lost time injuries for 2008 and the City Manager report back to the Employee and Labour Relations Committee on recommended targets for subsequent years;
4. the City Manager report back to the Employee and Labour Relations Committee on the targets which each direct report to the City Manager is required to meet as part of their performance plan; and
5. the City Manager include information on Recommendations 2, 3 and 4 in every quarterly report to the Employee and Labour Relations Committee.

## Links to Background Information

Occupational Health and Safety Report Fourth Quarter and End of Year - 2006

(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3099.pdf>)

Occupational Health and Safety Report Fourth Quarter and End of Year - 2006

(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3100.pdf>)

EX8.16	ACTION	Amended	Policy	Ward: 28
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## Staff Assessment of the Proposed “First Waterfront Place” Commercial Building Development

### Confidential Attachment - A proposed or pending acquisition or sale of land for municipal or local board purposes

(April 25, 2007) report from the City Manager and the Deputy City Manager and Chief Financial Officer

### Recommendations

In accordance with Council’s shareholder direction to the City of Toronto Economic Development Corporation (TEDCO), which requires Council approval of all leases in excess of 20 years, the City Manager and the Deputy City Manager and Chief Financial Officer recommend to Council that:

1. Council determine whether it wishes to consent to the lease agreement proposed by the Board of Directors of TEDCO as detailed in the report from the President and Chief Executive Officer of TEDCO and summarized in the confidential attachment;
2. should Council consent to the lease agreement, the following conditions be approved with respect to project financing:

the City’s construction loan to TEDCO not exceed \$132 million;

- a. the construction loan be secured by a first charge on the land and improvements comprising the project, the assignment of all tenant leases, including the lease with the lead tenant, and other security normally granted to a construction lender of a project of this nature;
- b. the construction loan be advanced with an interest rate of 5%, paid monthly, as funded by the development budget;
- c. all costs associated with the City’s financing be included in the project’s development budget including external legal and consulting fees;
- d. the construction loan be advanced on a cost-to-complete basis with all cost overruns funded by TEDCO;

- e. the construction loan be advanced based on monthly progress draws certified by the project architect, as applicable, and the President and Chief Executive Officer of TEDCO;
  - f. TEDCO be required to provide quarterly status reports to City Council and monthly status reports to the Deputy City Manager and Chief Financial Officer during construction, the form of which will be agreed upon by TEDCO and the City;
  - g. Altus Helyar or other quantity surveyor selected by the City be the project monitor;
  - h. in the event that long-term financing of the project by a third-party lender is not available or permitted, the City provide first mortgage financing to a maximum of \$132 million;
  - i. the terms of the City long-term financing be consistent with the financing terms that would otherwise be available for the project from a recognized commercial mortgage lender for a non-recourse loan having a twenty (20) year term and a thirty (30) year amortization, save and except that the rate of interest be equal to the greater of the City's cost of debt and 5.5%;
  - j. TEDCO be authorized to fund its equity contribution of \$10 million from the TEDCO Environmental Reserve Fund; and
  - k. any other term that is deemed by the City Solicitor and the Deputy City Manager and Chief Financial Officer to be in the interest of the City;
3. the capital investment in the proposed TEDCO project be financed through the following means:
- a. a construction loan to be temporarily financed on a short-term basis through the City's own-source cash flow, temporary borrowing by issuance of promissory notes or a combination of both sources of funds, to be determined by the Deputy City Manager and Chief Financial Officer;
  - b. a long-term financing, if required from the City, financed through the issuance of debenture(s) with a term not exceeding thirty years, or through a withdrawal from the Strategic Infrastructure Partnership Reserve Fund, if necessary; and
4. the City Solicitor in consultation with the Deputy City Manager and Chief Financial Officer and the President and Chief Executive Officer of TEDCO determine what information contained in the confidential attachment may be publicly released following the execution of the final agreements related to the project.

### **Financial Impact**

The Board of Directors of TEDCO has requested that the City provide it with construction



financing, and potentially permanent financing, of \$132 million in order for TEDCO to proceed with the project. Table 1 provides a summary of the proposed project financing.

Table 1 Summary of First Waterfront Place Capital Financing (\$ millions)	
Loan from City	132.0
TEDCO Equity Contribution (inclusive of land)	15.0
TWRC Contribution	12.5
Total	159.5

Currently, Section 9 of the City of Toronto Act (1985) prohibits TEDCO from borrowing funds from any source other than the City of Toronto. In the spring of 2006, Council approved of TEDCO's request to seek a change in the legislation. However, the Province has yet to amend the legislation.

In any event, it appears unlikely that any such amendment would result in third-party permanent financing for this project. Upon completion, the project's loan-to-value ratio is expected to be in excess of 90%. A third-party lender will likely only advance financing up to 75% of the value of the building. Either the City or TEDCO or a third-party investor will be required to increase the overall equity investment in the project in order to attract third-party permanent financing for the project.

If, for whatever reason, TEDCO is unable to secure external permanent financing, the City will have to extend its financing to TEDCO over a thirty-year period that will start when the project is complete and begins to generate rental revenue (Q4, 2009). The primary source of repayment for this permanent financing will be revenues generated by the project. In the event that there is a shortfall in available revenues, this shortfall is expected to be funded through other TEDCO revenues or assets as determined in an agreement to be negotiated between TEDCO and the City prior to the disbursement of the funding.

According to an analysis carried out by the City's real estate advisors, it is estimated that the project will generate sufficient net revenues to repay the City's loan and generate a return on TEDCO's equity investment. However, the project faces a number of risks that may impact on actual performance. These risks are described more fully in the confidential attachment to this report.

### **Credit Rating Implications**

The financing of the building through the issuance of short- and long-term debt will increase the City's gross amount of outstanding debt even though it is being issued on behalf of TEDCO. It is anticipated that the debt will be considered self-liquidating since it will be funded by a portion of the leasing payments and will not affect the City's credit rating.

However, if for any reason the future cash flow generated by the project is no longer able to cover the debt charges, there could be a negative impact on the City's operating budget and its credit rating unless the situation is rectified.

## **Capital Financing Strategy**

The City Solicitor advises that currently there is a technical issue with the Financial Activities regulation to the City of Toronto Act, 2006 (O. Reg. 610/06) as it relates to the City's borrowing powers.

Prior to the City of Toronto Act, 2006 coming into force, Toronto (and all other municipalities) had the legal authority to borrow for a municipal purpose. Under the *Municipal Act, 2001*, as it was amended at the end of 2006, all Ontario municipalities other than Toronto (Toronto now being governed by City of Toronto Act, 2006 rather than the Municipal Act) continue to have that same power to borrow for a municipal purpose.

However, the City's power to borrow under the Financial Activities Regulation is narrower than the City's previous borrowing authority, i.e. for the purpose of obtaining long-term financing of any capital work of the City.

The difference between the old and new authority is relevant to the proposed financing for TEDCO in relation to First Waterfront Place. The First Waterfront Place project will be a capital work of TEDCO, not a capital work of the City. Despite the fact that the City is the sole shareholder of TEDCO, and the First Waterfront Place project is an important one for Toronto, the building will not be a capital work of the City.

It is the intention to first utilize the equity contributions of TEDCO and the TWRC and then finance the construction loan on a temporary basis by using own-source cash flow until permanent debenture financing is required. It is anticipated that approval of the requested change to the regulation discussed above will be received in a few months. However, in the unlikely event that Provincial approval related to the debenture authority is not received prior to completion of construction, it is recommended that the Strategic Infrastructure Partnership Reserve Fund (which includes waterfront purposes) be utilized as a funding source for the permanent financing.

## **Summary**

The purpose of this report is to provide Executive Committee and Council with staff's assessment of the financial, planning and economic development implications associated with the "First Waterfront Place" (the "project") commercial building development proposed by the City of Toronto Economic Development Corporation (TEDCO).

It is estimated that the total development cost for the project will be approximately \$159.5 million. The Board of Directors of TEDCO has requested that the City provide it with construction financing, and potentially permanent financing, of \$132 million, in order for it to proceed with the project.

Staff have retained the services of real estate advisors, Sannek Associates Inc. (Sannek), to provide a financial assessment of the potential risk and returns associated with the proposed City contribution to this project. According to Sannek's assessment, the project is likely to yield a financial return that is lower than would be acceptable for a private investor given the

project's risk profile.

However, First Waterfront Place is not just a land development project; it is an investment by the City in its waterfront. A lower-than-market rate of return should be weighed against the other benefits that will be achieved by this project. By securing the first large employer for this area, the project will make the East Bayfront substantially more attractive for other potential employers. This will increase the value of other lands to be used for commercial development. It will also help to achieve the overall goal of a live-work environment on the waterfront with its associated transportation and environmental benefits.

In addition, this project will achieve certain specific planning goals such as creating a buffer between the continued industrial land use on the Redpath Sugars Ltd. site to the west and the proposed residential land uses to the east.

### **Committee Recommendations**

The Executive Committee recommended to City Council that:

- I. in accordance with Council's shareholder direction to the City of Toronto Economic Development Corporation (TEDCO), which requires Council approval of all leases in excess of 20 years:
  1. Council consent to the lease agreement proposed by the Board of Directors of TEDCO as detailed in the report from the President and Chief Executive Officer of TEDCO and summarized in the confidential attachment; **(Motion by Deputy Mayor Pantalone)**
  2. Council consent to the lease agreement based on the following conditions with respect to project financing: **(Motion by Deputy Mayor Pantalone)**
    - a. the City's construction loan to TEDCO not exceed \$132 million;
    - b. the construction loan be secured by a first charge on the land and improvements comprising the project, the assignment of all tenant leases, including the lease with the lead tenant, and other security normally granted to a construction lender of a project of this nature;
    - c. the construction loan be advanced with an interest rate of 5%, paid monthly, as funded by the development budget;
    - d. all costs associated with the City's financing be included in the project's development budget including external legal and consulting fees;
    - e. the construction loan be advanced on a cost-to-complete basis with all cost overruns funded by TEDCO;
    - f. the construction loan be advanced based on monthly progress draws certified by the project architect, as applicable, and the President and Chief Executive Officer of TEDCO;

- g. TEDCO be required to provide quarterly status reports to the City of Toronto and monthly status reports to the Deputy City Manager and Chief Financial Officer during construction, the form of which will be agreed upon by TEDCO and the City; **(Motion by Deputy Mayor Pantalone)**
  - h. Altus Helyar or other quantity surveyor selected by the City be the project monitor;
  - i. in the event that long-term financing of the project by a third-party lender is not available or permitted, the City provide first mortgage financing to a maximum of \$132 million;
  - j. the terms of the City long-term financing be consistent with the financing terms that would otherwise be available for the project from a recognized commercial mortgage lender for a non-recourse loan having a twenty (20) year term and a thirty (30) year amortization, save and except that the rate of interest be equal to the greater of the City's cost of debt and 5.5%;
  - k. TEDCO be authorized to fund its equity contribution of \$10 million from the TEDCO Environmental Reserve Fund; and
  - l. any other term that is deemed by the City Solicitor and the Deputy City Manager and Chief Financial Officer to be in the interest of the City; **(Motion by Deputy Mayor Pantalone)**
3. the capital investment in the proposed TEDCO project be financed through the following means:
- a. a construction loan to be temporarily financed on a short-term basis through the City's own-source cash flow, temporary borrowing by issuance of promissory notes or a combination of both sources of funds, to be determined by the Deputy City Manager and Chief Financial Officer;
  - b. a long-term financing, if required from the City, financed through the issuance of debenture(s) with a term not exceeding thirty years, or through a withdrawal from the Strategic Infrastructure Partnership Reserve Fund, if necessary;
4. the City Solicitor in consultation with the Deputy City Manager and Chief Financial Officer and the President and Chief Executive Officer of TEDCO determine what information contained in the confidential attachment may be publicly released following the execution of the final agreements related to the

project;

- II. TEDCO be required to optimize and maximize access to the public atrium space; **(Motion by Councillor McConnell)**
- III. Council adopt the confidential instructions to staff contained in Attachment 1 to the report (April 24, 2007) from the Chief Planner and Executive Director, City Planning Division and the City Solicitor; **(Motion by Mayor Miller)** and
- IV. Council authorize the public release of the confidential recommendations, together with attachments 2 and 3 contained in the April 4, 2007 report from the Chief Planner and Executive Director, Planning Division, and the City Solicitor, at the conclusion of the Council meeting.

### **Links to Background Information**

Staff Assessment of the Proposed "First Waterfront Place" Commercial Bldg. Dev.  
(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3318.pdf>)

## **16a Project Symphony Recommendations and Financial Assessment of the Proposed Development on the East Bayfront**

### **Confidential Attachment - The security of the property of the municipality or local board**

(April 20, 2007) report from the President and Chief Executive Officer, Toronto Economic Development Corporation

### **Recommendations**

The TEDCO Board of Directors and TEDCO Management recommend that Council adopt the confidential instructions to staff in Confidential Attachment 1.

### **Financial Impact**

This project requires construction financing from the City of Toronto of up to \$132 million (including construction financing at an interest rate of 5% per annum) and potential permanent financing upon completion of the building. The financial proforma analysis is based on an approximate total project cost of \$ 156 to \$162 million yielding a rate of return of approximately 8.0 to 8.5% IRR.

Property tax revenues as a result of this project will rise by approximately 25 times (i.e. 2500%). The City's share of new incremental realty taxes generated is projected to be \$42 million over 20 years in nominal dollars. After deducting the proposed tax abatement of \$18 million, the City would still earn \$24 million in new realty taxes over 20 years (nominal dollars). City Council has declared the East Bayfront and West Donlands as areas for the use of financial initiatives to attract employment related users.

The Deputy City Manager and Chief Financial Officer will provide a separate report on the

financial analysis of this project.

### **Summary**

This report provides an overview of the business agreements, financial arrangements and business case for the City of Toronto participating and backstopping certain financial obligations to allow TEDCO to proceed with the development of “Project Symphony”, a major, first in, employment use within the East Bayfront Precinct. This report has been approved by the TEDCO Board of Directors.

### **Decision Advice and Other Information**

On motion by Councillor McConnell, the Executive Committee requested the City Manager to report directly to Council for its meeting scheduled to be held on May 23, 2007, on how to ensure that district heating and cooling is available to this project and a strategy to address obstacles to this.

Mr. Jeffrey Steiner, President and Chief Executive Officer, TEDCO; Mr. John Macintyre, Vice-President, Community, TEDCO; and Mr. Winston Young, Chief Financial Officer, TEDCO, provided a presentation to the Executive Committee regarding this matter and filed a copy of their presentation material.

Mr. Joe Pennachetti, Deputy City Manager and Chief Financial Officer; Ms. Elaine Baxter-Trahair, Director, Waterfront Project, and Mr. Don Eastwood, General Manager, also provided a presentation to the Executive Committee outlining the public benefits, economic impact and the recommendations respecting this matter.

Mr. John Campbell, President, Toronto Waterfront Revitalization Corporation, also provided a presentation to the Executive Committee regarding this matter.

### **Links to Background Information**

Project Symphony Recommendations & Financial Assessment  
(<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3253.pdf>)

## **16b East Bayfront – West Precinct Report on Partial Settlement of Appeals of By-law 1049-2006 – First Waterfront Place**

### **Confidential Attachment - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board**

(April 24, 2007) report from the Chief Planner and Executive Director, City Planning Division and the City Solicitor

### **Recommendations**

The Chief Planner and Executive Director, City Planning Division and the City Solicitor recommend that:

1. Council adopt the confidential instructions to staff in Attachment 1; and

2. Council authorize the public release of the confidential recommendations, together with attachments 2 and 3 at the conclusion of the Council meeting.

### **Financial Impact**

The adoption of this report will eliminate costs associated with the need for a hearing on the matters dealt with herein.

### **Summary**

This report deals with Item Ex. 8.16 to be considered by Executive Committee. Staff seek further direction with respect to the Ontario Municipal Board hearing commencing June 5, 2007 on partial settlement of appeals of By-law 1049-2006 as they relate to First Waterfront Place.

### **Links to Background Information**

East Bayfront - West Precinct Report on Partial Settlement of Appeals of By-law  
<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3392.pdf>

### **Meeting Sessions**

Session Date	Session Type	Start Time	End Time	Public or Closed Session
2007-04-30	Morning	9:40 AM	12:30 PM	Public
2007-04-30	Afternoon	1:35 PM	6:15 PM	Public

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Chair