
Government Management Committee

Meeting No.	18	Contact	Yvonne Davies, Committee Administrator
Meeting Date	Tuesday, October 21, 2008	Phone	416-392-7443
Start Time	9:30 AM	E-mail	ydavies@toronto.ca
Location	Committee Room 1, City Hall		

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Meeting Date	Tuesday, October 21, 2008	Phone	416-392-7443
Start Time	9:30 AM	E-mail	ydavies@toronto.ca
Location	Committee Room 1, City Hall		

GM18.4	Amended			Ward: All
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Local Food Procurement Policy and Implementation Plan

City Council Decision

City Council on October 29 and 30, 2008, adopted the following motions:

1. City Council receive, for information, the report presented to the Government Management Committee at its meeting of May 15, 2008, entitled, "Proposed Local and Sustainable Food Procurement Policy and Implementation Plan".
2. City Council adopt a Local Food Procurement Policy, in order to reduce greenhouse gas and smog causing emissions generated by the import of food from outside of Ontario. The Local Food Procurement Policy will establish:
 - i. that it is the policy of City Council to progressively increase the percentage of food being served at City-owned facilities or purchased for City operations from local sources;
 - ii. that "local" is defined as food that is grown in the Greater Toronto Area, the Greenbelt of Ontario and other regions of Ontario; and
 - iii. that a phased approach be used for the initial implementation of the Local Food Procurement Policy, with Phase I to be undertaken by Children's Services.
3. A new and enhanced budget request of \$15,000 be submitted by the General Manager of Children's Services, as part of the 2009 Operating Budget process, to pilot increasing the purchase of some locally produced foods in 2009.
4. The Director of the Toronto Environment Office and the General Manager of Children's Services report back to the Government Management Committee, prior to the 2010

budget process, on the outcome of the 2009 implementation phase, including an evaluation of the approach and the potential financial implications of applying this model to other divisions in the City of Toronto.

5. The Director of the Toronto Environment Office report on the ongoing policy development work and an action plan for City-wide implementation of the Local Food Procurement Policy prior to the 2010 budget process, and the policy development work and action plan investigate the mechanism available and/or required to achieve a purchasing target of 50 percent local food as soon as possible, with annual measurements gauging progress.

(October 6, 2008) Report from Richard Butts, Deputy City Manager, and Nancy Matthews, General Manager, Children's Services Division

Committee Recommendations

The Government Management Committee recommends that:

1. City Council receive for information the report presented to the Government Management Committee at its meeting of May 15, 2008 entitled, "Proposed Local and Sustainable Food Procurement Policy and Implementation Plan".
2. City Council adopt a Local Food Procurement Policy in order to reduce greenhouse gas and smog causing emissions generated by the import of food from outside of Ontario. The Local Food Procurement Policy will establish:
 - (i) that it is the policy of City Council to progressively increase the percentage of food being served at City owned facilities or purchased for City operations from local sources;
 - (ii) that "local" is defined as food that is grown in the Greater Toronto Area, the Greenbelt of Ontario and other regions of Ontario; and
 - (iii) that a phased approach be used for the initial implementation of the Local Food Procurement Policy, with Phase I to be undertaken by Children's Services.
3. A new and enhanced budget request of \$15,000 be submitted by the General Manager of Children's Services as part of the 2009 Operating Budget process to pilot increasing the purchase of some locally produced foods in 2009.
4. The Director of the Toronto Environment Office and the General Manager of Children's Services report back to the Government Management Committee prior to the 2010 budget process on the outcome of the 2009 implementation phase, including an evaluation of the approach and the potential financial implications of applying this model to other divisions in the City of Toronto.
5. The Director of the Toronto Environment Office report on the ongoing policy

development work and an action plan for City-wide implementation of the Local Food Procurement Policy prior to the 2010 budget process.

Financial Impact

The 2009 impact of implementing the first phase of a Local Food Procurement Policy is a \$15,000 gross and net increase to Children's Services 2009 Operating Budget if the new and enhanced request by the General Manager, Children's Services is approved as part of the 2009 Operating Budget Process.

Options for expanding the implementation of the policy will have further financial implications, which will be reported as part of the implementation strategy.

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

Summary

On May 15, 2008 the Government Management Committee considered a staff report from the Deputy City Manager Richard Butts (report dated May 1, 2008) that recommended the establishment of a local and sustainable food procurement policy and implementation plan for the City of Toronto.

The staff report was submitted in response to Council's direction through the City's Climate Change, Clean Air and Sustainable Energy Action Plan to undertake a review of City procurement policies regarding the purchase of local food products. That direction was based on the premise that there is a reduction in greenhouse gas emissions when food is grown and consumed locally, as opposed to food imports that are transported greater distances from the field to the point of purchase.

The Government Management Committee deferred consideration of the item and requested a follow-up report that would provide additional information on certification procedures, identification protocols for local and non-local grown foods, and additional information on financial impacts.

This report responds to those requests from the Committee. It is recommended that the City embark on implementing a Local Food Procurement Policy in a phased manner in order to gain a better understanding and knowledge about the opportunities, financial implications and operational adjustments that may be required to incorporate a greater quantity of local food into its food service operations. The Toronto Environment Office will work with Children Services Division in piloting some specific strategies in 2009 to examine the implications of increasing the amount of locally grown food used in directly operated Childcare Centres where food is prepared on site.

Drawing from this experience, it is further recommended that the General Manager of Children's Services and the Director of the Toronto Environment Office report back prior to the 2010 budget process with an implementation strategy that provides further options for expanding the implementation to other centres and potentially other divisions in the City.

Background Information (Committee)

Report - Local Food Procurement Policy and Implementation Plan

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16137.pdf>

Communications (Committee)

(October 16, 2008) submission from Jamie Kirkpatrick, Campaigner, Toronto Environmental Alliance (GM.New.GM18-4.1)

<http://www.toronto.ca/legdocs/mmis/2008/gm/comm/communicationfile-9038.pdf>

(October 21, 2008) submission from Elbert van Donkersgoed, Executive Director, Greater Toronto Area Agricultural Action Committee (GM.New.GM18-4.2)

<http://www.toronto.ca/legdocs/mmis/2008/gm/comm/communicationfile-9039.pdf>

(October 21, 2008) submission from Jamie Reaume, Executive Director, Holland Marsh Growers' Association (GM.New.GM18-4.3)

<http://www.toronto.ca/legdocs/mmis/2008/gm/comm/communicationfile-9040.pdf>

(October 21, 2008) submission from Andreea Ionescu,

BetterDaycareFoodNetwork (GM.New.GM18-4.4)

<http://www.toronto.ca/legdocs/mmis/2008/gm/comm/communicationfile-9041.pdf>

Speakers (Committee)

Jamie Kirkpatrick, Toronto Environmental Alliance, (TEA) (Submission Filed)

Elena Quistini, Pasta Quistini

Elbert van Donkersgoed, Executive Director, Greater Toronto Area, Agricultural Action Committee (Submission Filed)

Jamie Reaume, Executive Director, Holland Marsh Growers Association (Submission Filed)

Andreea Ionescu, BetterDaycareFoodNetwork (Submission Filed)

Miguel van den Oever

Councillor Gord Perks

(Deferred from May 15, 2008 - 2008.GM14.3)

4a Proposed Local and Sustainable Food Procurement Policy and Implementation Plan

(May 1, 2008) Report from Richard Butts, Deputy City Manager

Financial Impact

In order to estimate the financial implications of adopting a local and sustainable food procurement policy, staff have drawn from the experience of the University of Toronto (U of T) which adopted a 10% local and sustainable procurement policy in 2006. The University found, on average, a 15% increase in the cost for procurement of food that is local and sustainable. This increase was only experienced on the percentage of the budget allocated to the purchase of local and sustainable food.

The U of T in its procurement policy set a target that 10% of the food would be certified as local and sustainable and they interpreted this as 10% of the food budget should be spent on

these purchases. For example, if the total food budget was \$1 million, then \$100,000 should be allocated for local and sustainable food purchases. The average 15% cost increase would be on that \$100,000, representing a \$15,000 increase in the food budget.

If the City of Toronto were to follow a similar approach for its current \$11 million annual food budget it would result in an increase of \$165,000 in the required operating budget (10% of \$11 million equals \$1.1 million times 15% equals \$165,000).

The U of T example provides an indication of what might be the financial implications. However, City Operations are very different in terms of client groups, the amount of food being prepared on-site and food preparation operations. As the City gets more experience in implementing a local and sustainable food procurement policy it will be able to more accurately identify and quantify probable cost changes.

Estimating what the financial implications might be on contracts with vendors operating food concessions out of City facilities is also difficult at this time. There is a possibility that it may result in less revenue being generated for the City from these contracts because the vendor may have increased operating costs.

To address potential cost pressures in 2008, it is recommended that an amount up to a maximum of \$100,000 be allocated from the approved 2008 operating budget of the Toronto Environment Office for the Live Green Toronto program. This money would only be accessed to support any identified cost increases associated with the implementation of the local food procurement policy in 2008.

For 2009 and beyond the financial implications of implementing the Local and Sustainable Food Procurement policy should be identified and integrated into the operating budget submissions of the engaged Divisions and appropriate City Agencies, Boards and Commissions. The budget submissions should clearly articulate what is the local and sustainable food objective and the estimated cost comparison to alternative purchases.

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

Summary

In July 2007, Council unanimously adopted the Climate Change, Clean Air and Sustainable Energy Action Plan, the "Climate Change Action Plan". Included in that plan are directions to take action to promote the production and consumption of locally grown food, including a review of the City's own food procurement policy. This report offers recommendations for establishing and implementing a local and sustainable food procurement policy for all City operations.

With respect to local and sustainable food, "local" is being defined as food that is grown in the GTA, Greenbelt, and other regions in Ontario, "sustainable" is food produced by farmers who are utilizing food production and processing processes that are environmentally and socially responsible and which will guarantee the lands will be viable for agricultural production for future generations. "Food" includes fruits, vegetables, meats, poultry, dairy products, eggs, fish

and seafood, grains, legumes, nuts, seed, beverages, oils, fats and sweeteners, as well as foods made from a combination of these ingredients.

There is well documented evidence that there is significant greenhouse gas and smog causing emissions associated with the growing, transportation, processing, packaging, and storage and preparation of food. One study in the United States found that of the energy used in the food system, 36% is for production, 24% for transportation and 40% for processing and packaging. In order to achieve the greenhouse gas emission reduction targets of the Climate Change Action Plan, action must be taken on all sources of emissions. A shift in consumption to food that is grown locally and in a sustainable manner will help reduce the emissions associated with food transportation and production.

Background Information (Committee)

Report - Proposed Local and Sustainable Food Procurement Policy and Implementation Plan
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16134.pdf>

GM18.8	Adopted			Ward: 2
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23 Brydon Drive – Application by the Madresa Ashraful Uloom under the Madresa Ashraful Uloom Act, 2008

City Council Decision

City Council on October 29 and 30, 2008, adopted the following motions:

1. City Council adopt the confidential instructions to staff contained in the confidential communication (October 22, 2008) from the Government Management Committee.
2. The confidential instructions adopted by City Council be released at the discretion of the City Solicitor.

Confidential Attachment 1 to the report (September 30, 2008) from the Treasurer and the City Solicitor, remains confidential in its entirety, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information related to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

The confidential communication (October 22, 2008) from the Government Management Committee remains confidential at this time, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information related to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board. The confidential instructions adopted by City Council will be made public at the discretion of the City Solicitor.

Confidential Attachment - 1 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

(September 30, 2008) Report from Treasurer, and City Solicitor

Committee Recommendations

The Government Management Committee recommends that:

1. Council adopt the confidential instructions to staff contained in the confidential communication (October 22, 2008) from the Government Management Committee.
2. The confidential instructions adopted by City Council be released at the discretion of the City Solicitor.

Financial Impact

Financial impacts arising from the adoption of the recommendations are discussed in confidential Attachment 1 to this report.

Summary

This report provides information on a request made by the Madresa Ashraful Uloom (the Madresa), through its solicitors, to have City Council pass a resolution supporting the extension of time in which the Madresa may make an application to the Superior Court of Justice to determine whether the property at 23 Brydon Drive was incorrectly classified for assessment and taxation purposes for the 1994 to 2000 taxation years.

The confidential portion of this report contains information and confidential recommendations regarding the Madresa's request.

Background Information (Committee)

Report - 23 Brydon Drive - Application by the Madresa Ashraful Uloom under the Madresa Ashraful Uloom Act, 2008

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrrd/backgroundfile-16141.pdf>

Confidential Attachment 1 - GM18-8

Communications (Committee)

(October 20, 2008) submission from Phillip L. Sanford, McCarthy Tetrault LLP (GM.New.GM18-8.1)

<http://www.toronto.ca/legdocs/mmis/2008/gm/comm/communicationfile-9042.pdf>

Speakers (Committee)

Phillip L. Sanford, McCarthy Tetrault LLP, on behalf of the Madresa Ashraful Uloom (Submission Filed)

GM18.9	Adopted			Ward: 27
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481 University Avenue – New Lease with 481 University Avenue Inc. for the Operation of City Courtrooms

City Council Decision

City Council on October 29 and 30, 2008, adopted the following motions:

1. City Council authorize entering into a Lease Agreement with 481 University Avenue Inc. (the “Landlord”) to use and occupy approximately 17,000 square feet of rentable area on the ground floor of the building known as 481 University Avenue (the “Premises”) for the operation of City court services, commencing on May 1st, 2009 and expiring on April 30, 2019, substantially on the terms and conditions as set out in “Appendix A” and on such other terms and conditions as approved by the Chief Corporate Officer, or his or her designate, and in a form and content acceptable to the City Solicitor.
2. City Council authorize the City Solicitor to complete the lease, deliver any notices, pay expenses and amend the commencement and other dates to such earlier or later date(s), on such terms and conditions, as she may, from time to time, determine.
3. City Council authorize the Chief Corporate Officer to administer and manage the Lease Agreement including the provision of any consents, approvals, 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.

(September 29, 2008) Report from Chief Corporate Officer

Committee Recommendations

The Government Management Committee recommends that Council:

1. Authorize entering into a Lease Agreement with 481 University Avenue Inc. (the “Landlord”) to use and occupy approximately 17,000 square feet of rentable area on the ground floor of the building known as 481 University Avenue (the “Premises”) for the operation of City court services, commencing on May 1st, 2009 and expiring on April 30th, 2019, substantially on the terms and conditions as set out in “Appendix A” and on such other terms and conditions as approved by the Chief Corporate Officer, or his or her designate, and in a form and content acceptable to the City Solicitor.
2. Authorize the City Solicitor to complete the lease, deliver any notices, pay expenses and amend the commencement and other dates to such earlier or later date(s), on such terms and conditions, as she may, from time to time, determine.
3. Authorize the Chief Corporate Officer to administer and manage the Lease Agreement

including the provision of any consents, approvals, 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.

Financial Impact

The proposed Agreement is for a base rent of \$15.00 per square foot of rentable area (17,000 square feet) for the first five (5) years and \$18.00 per square foot of rentable area for the last five (5) years, commencing on May 1st, 2009. Throughout the term, the City will also be responsible for additional rent for operating and hydro costs, which are estimated at \$16.88 per square foot per annum. The resulting annual rents are outlined in the following chart:

Lease Term	Annual Net Rent	Additional Rent (Estimate)	Total Annual Rent	Total for the Term
Years 1-5	\$255,000	\$286,960	\$541,960	\$2,709,800
Years 6-10	\$306,000	\$289,960	\$595,960	\$2,979,800
Total For 10 Year Term	—	—	—	\$5,689,600

Leasehold Improvements must also be completed to the premises in accordance with the final floor plan approved by the City. The cost of the Leasehold Improvements will be determined by both the Landlord and the City and the Landlord will contribute \$15 per square foot (\$255,000) towards the cost of these improvements. Any amount owing above this contribution will be amortized over the Lease Term at an annual rate of 9% and added to the annual net rent paid by the City. Early estimates indicate that total Leasehold Improvement costs will be approximately \$935,000. Considering the Landlords contribution, the City will be responsible for \$680,000 or an additional \$6.23 per square foot per year, resulting in annual lease improvement costs of approximately \$105,958. Therefore, the total cost for the term will be approximately \$6,749,180 (a total of \$5,689,600 towards rents plus \$1,059,580 for leasehold improvements).

The annual rent for any lease renewal will be subject to negotiations and based on the then fair market value of the Premises.

The total cost for leasing, operating costs and leasehold improvement is \$647,918 per year for the first five years. The first year funding requirements of \$647,918 are included in Courts Services' 2009 operating budget submission, as a new request. The new business case to increase court capacity has been included in the 2009 Court Services' 2009 operating budget submission. The increase to court capacity will require \$3.725 million in gross expenditures and is anticipated to yield \$4.430 million in additional revenues. The \$0.647 million for the additional leased space forms part of this request. The business case and funding requirements will be reviewed in conjunction with the 2009 operating budget process.

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

Summary

The purpose of this report is to obtain authority to enter into a new Lease Agreement with 481 University Avenue Inc. (Landlord) for 17,000 additional square feet of rentable area located on the ground floor of the building municipally known as 481 University Avenue. The proposed Agreement will commence on May 1st, 2009 and expire on April 30th, 2019.

Background Information (Committee)

Report - 481 University Avenue - New Lease with 481 University Avenue Inc. for the Operation of City Courtrooms

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16286.pdf>)

Appendix A - Major Terms and Conditions (GM18.9a)

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16287.pdf>)

Appendix B - Location Map (GM18.9a)

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16288.pdf>)

9a 481 University Avenue – New Lease with 481 University Avenue Inc. for the Operation of City Courtrooms

(October 6, 2008) Report from Chief Corporate Officer

Summary

The purpose of this report is to advise that a staff action report, “481 University Avenue – New Lease with 481 University Avenue Inc. for the Operation of City Courtrooms” will be on the Supplementary Agenda for the Government Management Committee meeting scheduled for October 21, 2008.

Background Information (Committee)

Item - 481 University Avenue - New Lease with 481 University Avenue Inc. for the Operation of City Courtrooms

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16143.pdf>)

GM18.10	Adopted			Ward: All
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Electricity Supply Arrangements

City Council Decision

City Council on October 29 and 30, 2008, adopted the following motions:

1. The Chief Corporate Officer or his designate be authorized to issue electricity pricing quotation requests and award hedging transaction contracts as described in this report in amounts representing financial commitments ranging up to \$50 million for forward

terms not exceeding five years and for each year not exceeding the overall value of the City's annual electricity expenditures, from a roster of qualified counterparties, selected in consultation with the Director of Purchasing and Materials Management.

2. City Council grant authority to renew the current roster of qualified counterparties for another five years to December 31, 2014, and a roster of eligible counterparties be established every five years thereafter in accordance with City purchasing policies and procedures.
3. The Chief Corporate Officer be authorized to execute new or amending electricity master agreements with counterparties governing the terms and conditions of contracts for differences effecting electricity price hedges that are:
 - a. satisfactory to the Chief Corporate Officer;
 - b. in compliance with the Statement of Policies and Goals previously adopted by Council; and
 - c. in a form that is satisfactory to the City Solicitor.
4. The Chief Corporate Officer be authorized to execute new or amended agency agreements with the Toronto Community Housing Corporation and the City's participating agencies, boards, commissions and corporations, all as required, on terms and conditions satisfactory to the Chief Corporate Officer and in form satisfactory to the City Solicitor; pursuant to these agreements all administrative costs, including any consulting costs, retailer consolidated billing fees and costs, and account enrolment costs be passed on proportionately to all City electricity end users participating in the program.
5. The Chief Corporate Officer be authorized to negotiate and execute a new amending retailer consolidated billing services agreement with Toronto Hydro Energy Services Inc. ("THESI") or to extend the provision of services for a further five years on a sole-source basis on terms and conditions satisfactory to the Chief Corporate Officer and at a cost that is commercially reasonable in the opinion of the Chief Corporate Officer and otherwise in a form satisfactory to the City Solicitor.
6. City Council authorize and direct the appropriate City officials to take any action necessary to give effect thereto.

(October 2, 2008) Report from Chief Corporate Officer; and Acting Director of Purchasing and Materials Management

Committee Recommendations

The Government Management Committee recommends that City Council grant authority to:

1. The Chief Corporate Officer or his designate be authorized to issue electricity pricing

quotation requests and award hedging transaction contracts as described in this report in amounts representing financial commitments ranging up to \$50 million for forward terms not exceeding five years and for each year not exceeding the overall value of the City's annual electricity expenditures, from a roster of qualified counterparties, selected in consultation with the Director of Purchasing and Materials Management.

2. Renew the current roster of qualified counterparties for another five years to December 31, 2014 and a roster of eligible counterparties be established every five years thereafter in accordance with City purchasing policies and procedures.
3. The Chief Corporate Officer be authorized to execute new or amending electricity master agreements with counterparties governing the terms and conditions of contracts for differences effecting electricity price hedges that are:
 - a. satisfactory to the Chief Corporate Officer;
 - b. in compliance with the Statement of Policies and Goals previously adopted by Council; and
 - c. in a form that is satisfactory to the City Solicitor.
4. The Chief Corporate Officer be authorized to execute new or amended agency agreements with the Toronto Community Housing Corporation and the City's participating agencies, boards, commissions and corporations, all as required, on terms and conditions satisfactory to the Chief Corporate Officer and in form satisfactory to the City Solicitor; pursuant to these agreements all administrative costs, including any consulting costs, retailer consolidated billing fees and costs, and account enrolment costs be passed on proportionately to all City electricity end users participating in the program.
5. The Chief Corporate Officer be authorized to negotiate and execute a new amending retailer consolidated billing services agreement with Toronto Hydro Energy Services Inc. ("THESEI") or to extend the provision of services for a further five years on a sole-source basis on terms and conditions satisfactory to the Chief Corporate Officer and at a cost that is commercially reasonable in the opinion of the Chief Corporate Officer and otherwise in a form satisfactory to the City Solicitor.
6. Authorize and direct the appropriate City officials to take any action necessary to give effect thereto.

Financial Impact

The total estimated annual cost of electricity, for fiscal 2007, (based on current usage and market pricing) for the City and its Agencies, Boards, Commissions and Corporations, is estimated to be \$180 million (\$127 million for commodity costs and \$53 million for distribution and other charges), including \$87 million for the City alone (\$61 million for commodity and \$26 million for distribution and other charges). Electricity costs are included in the annual operating budgets of City Divisions, Agencies, Boards, Commissions and

Corporations.

Allowing for electricity commodity price hedge transactions of up to \$50 million would enhance City staff's ability to better manage the City's overall electricity costs, along with its exposure to market risks. Approving the recommendations will also enable the City to continue paying and allocating electricity bill payments through an electronic, consolidated billing process.

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

Summary

The purpose of this report is to seek an amendment to existing authorities in order to permit improved management of the City's electricity price risk hedging arrangements by enhancing the diversification of the City's electricity price hedging portfolio.

Background Information (Committee)

Report - Electricity Supply Arrangements

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16144.pdf>)

GM18.11	Adopted			Ward: 28
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Renewal of Telecommunication License at First Canadian Place for Police and Emergency Services

City Council Decision

City Council on October 29 and 30, 2008, adopted the following motions:

1. City Council authorize the renewal of License agreement dated April 1, 1993, between Olympia & York Developments Limited, as Licensor, and the Metropolitan Toronto Police Services Board, as Licensee, as renewed and amended, by a renewal agreement between First Place Tower Brookfield Properties Inc. as Licensor and the City, as Licensee, for a further 5 year term commencing as April 1, 2008, and expiring on March 31, 2013, and in accordance with the term set out in Appendix "A", except that:
 - a. for the use of the Tower Space and roof space, an annual license fee of One Hundred and Eighty-Five Thousand, Eight Hundred and Ninety-Five Dollars (\$185,895.00), payable in equal monthly instalment of Fifteen Thousand, Four Hundred and Ninety-One Dollars and Twenty-Five Cents (\$15,491.25), each in advance, on the first day of each calendar month;
 - b. for the use of the Equipment Room, an annual license fee of Twenty-Nine Thousand, Seven Hundred and Forty Three Dollars and Twenty Cents (\$29,743.20), payable in equal monthly instalments of Two Thousand, Four

Hundred and Seventy-Eight Dollars and Sixty Cents (\$2,478.60), each in advance on each calendar month; and

- c. a right to renew for a further 5-year term, upon the then prevailing market value of antenna space on the rooftop of First Canadian Place.
2. City Council authorize the Chief Corporate Officer to administer and manage the lease agreement including the provision of any consents, approvals, 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.

(October 3, 2008) Report from Chief Corporate Officer

Committee Recommendations

The Government Management Committee recommends that City Council:

1. Authorize the renewal of License agreement dated April 1, 1993, between Olympia & York Developments Limited, as Licensor and the Metropolitan Toronto Police Services Board, as Licensee, as renewed and amended, by a renewal agreement between First Place Tower Brookfield Properties Inc. as Licensor and the City, as Licensee, for a further 5 year term commencing as April 1, 2008 and expiring on March 31, 2013 and in accordance with the term set out in Appendix "A", except that:
 - a. for the use of the Tower Space and roof space, an annual license fee of One Hundred and Eighty-Five Thousand, Eight Hundred and Ninety-Five Dollars (\$185,895.00), payable in equal monthly instalment of Fifteen Thousand, Four Hundred and Ninety-One Dollars and Twenty-Five Cents (\$15,491.25), each in advance, on the first day of each calendar month;
 - b. for the use of the Equipment Room, an annual license fee of Twenty-Nine Thousand, Seven Hundred and Forty Three Dollars and Twenty Cents (\$29,743.20), payable in equal monthly instalments of Two Thousand, Four Hundred and Seventy-Eight Dollars and Sixty Cents (\$2,478.60), each in advance on each calendar month; and
 - c. a right to renew for a further 5 year term, upon the then prevailing market value of antenna space on the rooftop of First Canadian Place.
2. Authorize the Chief Corporate Officer to administer and manage the lease agreement including the provision of any consents, approvals, 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.

Financial Impact

The proposed renewal of this Licence agreement has already been approved in the current

year's budget.

The annual financial impact for the Telecommunication Antenna and Equipment Room Rental are \$185,895.00 and \$29,743.20 respectively, totalling \$1,078,191.20 in rent for this five year renewal term.

Transaction Component	Annual Rate	5 Year Total Rent
Telecommunication Antenna	\$185,895.00	\$929,475.00
Equipment Room	\$29,743.20	\$148,716.00
Total	\$215,638.20	\$1,078,191.00

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

Summary

The purpose of this Report is to obtain City Council approval to renew a License Agreement for the City's telecommunications tower and equipment on the rooftop and in an equipment room at First Canadian Place, 100 King St. West for communication among the City's Emergency Services.

This renewal will permit the City's vital telecommunications infrastructure to continue at this central location for a further five year period expiring March 31, 2013.

Background Information (Committee)

Report - Renewal of Telecommunication License at First Canadian Place For Police and Emergency Services

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16145.pdf>)

GM18.12	Adopted			Ward: 23
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North York City Centre Service Road Acquisition

City Council Decision

City Council on October 29 and 30, 2008, adopted the following motions:

1. City Council authorize the public release of the confidential information in Attachment 1, upon final settlement and completion of all property transactions and claims related to the North York City Service Road.
2. The Offer to Sell from Wayne Steven Browne to sell to the City the property known municipally as 2 Anndale Drive be accepted substantially on the terms outlined in Appendix "A" and Attachment 1 to this report and that each of the Chief Corporate

Officer and the Director of Real Estate Services be authorized severally to accept the Offer on behalf of the City.

3. The City Solicitor be authorized to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as she considers reasonable.

Confidential Attachment 1 to the report (September 26, 2008) from the Chief Corporate Officer, remains confidential at this time, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information related to a proposed or pending acquisition or sale of land for municipal or local board purposes. Confidential Attachment 1 will be made public upon final settlement and completion of all property transactions and claims related to the North York City Service Road.

Confidential Attachment - 1 - A proposed or pending acquisition or sale of land for municipal or local board purposes

(September 26, 2008) Report from Chief Corporate Officer

Committee Recommendations

The Government Management Committee recommends that:

1. City Council authorize the public release of the confidential information in Attachment 1, upon final settlement and completion of all property transactions and claims related to the North York City Service Road.
2. The Offer to Sell from Wayne Steven Browne to sell to the City the property known municipally as 2 Anndale Drive be accepted substantially on the terms outlined in Appendix "A" and Attachment 1 to this report and that each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to accept the Offer on behalf of the City.
3. The City Solicitor be authorized to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as she considers reasonable.

Financial Impact

The total cost of this acquisition is listed in Attachment 1 and will be funded from the 2008 Approved Capital Budget for Transportation Services, Capital Account CTP800-8 (North York Centre).

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

Summary

Real Estate Services seeks authority for the City to acquire the property municipally known as 2 Anndale Drive. This property is required for the North York City Centre Service Road.

Negotiations with the owner of this property have been ongoing since November 2006. The owner has signed an irrevocable Offer to Sell his property to the City. Appendix “A” and Attachment 1 to this report describe the salient terms of this proposed acquisition, which are considered fair and reasonable.

Background Information (Committee)

Report - North York City Centre Service Road Acquisition

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16146.pdf>)

Site Map - GM18-12

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16147.pdf>)

Confidential Attachment 1 - GM18-12

GM18.13	Amended			Ward: 39, 41
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Real Estate Acquisitions – TTC Sheppard East LRT Project - Grade Separation at Agincourt GO Station and Widening of Sheppard Avenue East Between Highland Creek and Midland Avenue

City Council Decision

City Council on October 29 and 30, 2008, adopted the following motions:

1. Subject to the Toronto Transit Commission (TTC) obtaining project cashflow and commitment funding in the TTC 2009-2013 Capital Program, City Council grant authority to negotiate to acquire and to initiate expropriation proceedings, if necessary, for the property requirements shown on the attached Appendix “A1” together with permanent easements required for maintenance (the “Required Property”), for the purposes of constructing the grade separation at the Agincourt GO Station and for the widening of Sheppard between Highland Creek and Midland Avenue in connection with the TTC Sheppard East LRT Project.
2. City Council grant authority to the Chief Corporate Officer to serve and publish Notices of Application for Approval to Expropriate the Required Property, to forward to the Chief Inquiry Officer any requests for hearing that are received, to attend the hearing to present the City’s position and to report the Inquiry Officer’s recommendations to City Council for its consideration.
3. City Council grant authority to terminate the leasehold interests on City-owned property shown on the attached Appendix “B1” in accordance with the terms of each lease.

4. Upon completion of the construction, the Chief Corporate Officer review the remaining lands to determine their future disposition.
5. The Chief Corporate Officer be requested to take into account the following when negotiating the purchase of lands for this project:
 - to address safety concerns, the driveway for 4091 Sheppard Avenue East should not be located directly in front of the main lobby.
6. The Toronto Transit Commission, Transportation Services, Facilities and Real Estate, along with the local Councillor and the residents of 4091 and 4101 Sheppard Avenue East, work to resolve the traffic and safety concerns identified to the Toronto Transit Commission in July 2008.

(October 6, 2008) Report from Chief Corporate Officer

Committee Recommendations

The Government Management Committee recommends that:

1. Subject to the TTC obtaining project cashflow and commitment funding in the TTC 2009-2013 Capital Program, City Council grant authority to negotiate to acquire and to initiate expropriation proceedings, if necessary, for the property requirements shown on the attached Appendix "A1" together with permanent easements required for maintenance (the "Required Property"), for the purposes of constructing the grade separation at the Agincourt GO Station and for the widening of Sheppard between Highland Creek and Midland Avenue in connection with the TTC Sheppard East LRT Project.
2. City Council grant authority to the Chief Corporate Officer to serve and publish Notices of Application for Approval to Expropriate the Required Property, to forward to the Chief Inquiry Officer any requests for hearing that are received, to attend the hearing to present the City's position and to report the Inquiry Officer's recommendations to City Council for its consideration.
3. City Council grant authority to terminate the leasehold interests on City-owned property shown on the attached Appendix "B1" in accordance with the terms of each lease.
4. Upon completion of the construction, the Chief Corporate Officer review the remaining lands to determine their future disposition.

Financial Impact

Under the Quick Wins initiative, the City received \$7.1 million from the Province to undertake environmental assessments for Transit City. However, funds have not yet been made available for any construction or for acquiring the Required Property.

All Transit City initiatives are included in the TTC's 2009-2013 Capital Program as "below-

the-line” items, all awaiting funding from Metrolinx which has just released its draft Regional Transportation Plan. When the plan is finalized and based on Metrolinx’s funding decisions for selected GTHA rapid transit initiatives, TTC staff will be seeking approval to negotiate commitments and cashflow requirements for special project expenditures for lines and facilities for 2009 and beyond. Although funds are not yet available for any construction or property acquisition, such funding will be identified prior to proceeding with any transactions.

Three properties required for temporary and permanent uses in the grade separation and the Sheppard widening construction are owned by the City and subject to a lease. The leases generate revenue in the amount of \$111,080.04 in net rent and \$19,613.36 in realty taxes annually. By terminating these leases the City will forgo revenue in the total amount of \$130,693.40 annually for a period of approximately two years. Upon completion of the proposed construction, the remaining land would be reviewed by the Chief Corporate Officer to determine their future disposition that is consistent with the City’s broader economic, social and environmental goals.

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

Summary

In March 2007, the Toronto Transit Commission (“TTC”) endorsed the *Toronto Transit City Light Rail Plan* (“Transit City”), as the basis and priority for rapid transit expansion in the City of Toronto (“City”). In June 2007, the Province of Ontario announced funding of \$17.5 billion for the implementation of the *MoveOntario 2002* rapid transit program in the Greater Toronto and Hamilton area (“GTHA”) over the next twelve years. In December 2007, City Council approved funds in the amount of \$7.1 million in the TTC 2008-2012 Capital Program budget for Transit City environmental assessments. In March 2008, the Province of Ontario announced funding to cover the \$7.1 million, as part of *MoveOntario 2002* Quick Wins initiative. These funds have been received by the City.

In July 2008, City Council approved amending Map 5 of the Official Plan to extend a Transit Priority Segment on Sheppard Avenue East (“Sheppard”) from McCowan Road to Meadowvale Road. City Council also approved the recommendations contained in the Sheppard East LRT Class Environmental Study to allow staff to begin the detailed design, as soon as possible, and be in a position to begin construction of the Sheppard East LRT (the “Line”) in 2009. Further, the TTC was requested, during the detailed design phase, to consider options to minimize the amount of property expropriated for the widening of Sheppard.

The Line is one of seven rapid and environmentally sustainable light rail transit lines endorsed by the TTC and the Line is to extend from the Don Mills Station on the Sheppard Subway Line to Meadowvale Road.

The first stage in the construction of the Line is to build the grade separation at the Agincourt GO Station. This report addresses, and seeks authority to acquire the property requirements for the grade separation and for the road widening of Sheppard between Highland Creek and Midland Avenue which are necessary in order to meet the requirement of the Official Plan with respect to 36 metre wide transit corridors.

Background Information (Committee)

Report - Real Estate Acquisitions - TTC Sheppard East LRT Project - Grade Separation at Agincourt GO Station and Widening of Sheppard Avenue East Between Highland Creek and Midland Avenue

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16149.pdf>)

Appendix A2 - Site Maps GM18-13

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16150.pdf>)

Appendix B2 - Site Maps GM18-13

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16151.pdf>)

Appendix C - GM18-13

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16152.pdf>)

GM18.14	Adopted			Ward: 44
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Release of City's Interest in the Most Easterly Portion of the Untravelled Cherry Street Road Allowance and the Adjoining Lane

City Council Decision

City Council on October 29 and 30, 2008, adopted the following motions:

1. The City release any right, title and interest it may have in the lane and the portion of Cherry Street shown as Parts 2, 3, 4, 5 and 6 on Sketch No. PS-2008-074 in favour of GO Transit, for nominal consideration, substantially on the terms set out in Appendix "A" and such other terms as may be satisfactory to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
2. The City accept a conveyance from GO Transit of the lands shown as Part 8 on Sketch No. PS-2008-074, for park purposes, and the lands shown as Parts 9, 10 and 11 on Sketch No. PS-2008-074, for the widening of Port Union Road and the construction of a roundabout at the foot of Port Union Road, for nominal consideration, substantially on the terms set out in Appendix "A" and such other terms as may be satisfactory to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
3. The City enter into a Subdivision Amending Agreement with GO Transit to amend the Subdivision Agreement for Plan 66M-2313, to confirm that the temporary road between Colinroy Avenue and Wynnecastle Road, shown as Part 1 on Sketch No. PS-2008-074, shall be a permanent road and the City shall be released from any obligation to re-convey these lands to GO Transit or its successors or assigns, in a form satisfactory to the City Solicitor.
4. The City enter into an Agreement with GO Transit giving GO Transit a right of passage over the one foot reserves at the east and west limits of Bridgend Street, for nominal consideration, substantially on the terms set out in Appendix "A" and such other terms as may be satisfactory to the Chief Corporate Officer, in a form satisfactory to the City

Solicitor.

5. All taxes, legal and other fees up to \$2,000.00, resulting from the approval of recommendations in this report, be paid from the Land Acquisition Reserve Fund (XR1012).
6. The City Solicitor be authorized to complete the transactions on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions as she considers reasonable.

(October 3, 2008) Report from Chief Corporate Officer

Committee Recommendations

The Government Management Committee recommends that:

1. The City release any right, title and interest it may have in the lane and the portion of Cherry Street shown as Parts 2, 3, 4, 5 and 6 on Sketch No. PS-2008-074 in favour of GO Transit, for nominal consideration, substantially on the terms set out in Appendix "A" and such other terms as may be satisfactory to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
2. The City accept a conveyance from GO Transit of the lands shown as Part 8 on Sketch No. PS-2008-074, for park purposes, and the lands shown as Parts 9, 10 and 11 on Sketch No. PS-2008-074, for the widening of Port Union Road and the construction of a roundabout at the foot of Port Union Road, for nominal consideration, substantially on the terms set out in Appendix "A" and such other terms as may be satisfactory to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
3. The City enter into a Subdivision Amending Agreement with GO Transit to amend the Subdivision Agreement for Plan 66M-2313, to confirm that the temporary road between Colinroy Avenue and Wynnecastle Road, shown as Part 1 on Sketch No. PS-2008-074, shall be a permanent road and the City shall be released from any obligation to reconvey these lands to GO Transit or its successors or assigns, in a form satisfactory to the City Solicitor.
4. The City enter into an Agreement with GO Transit giving GO Transit a right of passage over the one foot reserves at the east and west limits of Bridgend Street, for nominal consideration, substantially on the terms set out in Appendix "A" and such other terms as may be satisfactory to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
5. All taxes, legal and other fees up to \$2,000.00 resulting from the approval of recommendations in this report be paid from the Land Acquisition Reserve Fund (XR1012).
6. The City Solicitor be authorized to complete the transactions on behalf of the City,

including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions as she considers reasonable.

Financial Impact

No revenue will be generated from the City's release of its interest in the Disputed Lands. GO Transit will transfer Parts 8, 9, 10 and 11 on Sketch No. PS-2008-074 to the City for nominal consideration. The City's estimated closing costs are \$2,000.00.

This transaction will result in conveyance of the land for Parks purposes as well as for the widening of Port Union Road the construction of a roundabout at the foot of Port Union Road. The parcel of land for Parks purposes will be incorporated into the existing park and operated and maintained within the existing budget. The construction of a roundabout is anticipated for 2009 and estimated cost in the amount of \$200,000 have been included in the 2009 Capital Budget Submission for Transportation Services.

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

Summary

On July 31, 2008, GO Transit purchased the lands municipally known as 19 Port Union Road, 6 and 12 Duthie Street (the "Port Union/Duthie Site") from Eden Oak (Cherry Street) Inc. ("Eden Oak"). GO Transit is proposing to construct an additional commuter parking lot for the Rouge Hill GO Station on these lands.

The Port Union/Duthie Site includes a lane and a portion of Cherry Street, shown as Parts 2, 3, 4, 5 and 6 on Sketch No. PS-2008-074 (the "Disputed Lands"), the ownership of which is uncertain.

This report seeks authority for the City to release any right, title and interest it may have in the Disputed Lands in favour of GO Transit, to accept a conveyance of certain lands from GO Transit for park and highway purposes and to enter into certain other Agreements with GO Transit, as detailed herein.

Background Information (Committee)

Report - Release of City's Interest in the most Easterly Portion of the Untravelled Cherry Street Road Allowance and the Adjoining Lane

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16153.pdf>)

Appendix A - Terms and Conditions (GM18-14)

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16154.pdf>)

Appendix B - Site Map and Sketch No. PS-2008-074 (GM18-14)

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16155.pdf>)

GM18.17	Adopted			Ward: 36
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Amendment to Right of Way Agreement - Toronto Parking Authority

Carpark #701

City Council Decision

City Council on October 29 and 30, 2008, adopted the following motions:

1. City Council authorize amending the current Right-of-Way Agreement to incorporate a limiting distance easement in favour of Fallingbrook Developments Limited, the owner of 1210 Kingston Road.
2. The appropriate City officials be authorized to take the actions necessary to give effect thereto.

(October 6, 2008) Report from President, Toronto Parking Authority

Committee Recommendations

The Government Management Committee recommends that:

1. City Council authorize amending the current Right of Way Agreement to incorporate a limiting distance easement in favour of Fallingbrook Developments Limited, the owner of 1210 Kingston Road.
2. The appropriate City Officials be authorized to take the actions necessary to give effect thereto.

Financial Impact

The TPA will receive a \$5,000 fee to be paid by the developer to grant this amendment to the Right of Way agreement.

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

Summary

The purpose of this report is to obtain authority to amend the current Right of Way Agreement to incorporate a limiting distance easement in favour of Fallingbrook Developments Limited, the owner of 1210 Kingston Road as detailed in the body of this report.

Background Information (Committee)

Report - Amendment to Right of Way Agreement - Toronto Parking Authority Carpark #701

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16158.pdf>)

Site Location Map - GM18-17

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16159.pdf>)

Aerial Map & ROW Plan - GM18-17

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-16179.pdf>)

Government Management Committee Report - Meeting No. 18
Considered by City Council on October 29 and 30, 2008

Submitted Tuesday, October 21, 2008

Deputy Speaker Gloria Lindsay Luby, Chair, Government Management Committee