

[Guide to Minutes](#)

These Minutes were confirmed by City Council on April 16, 2002.

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**MINUTES OF THE COUNCIL
OF THE
CITY OF TORONTO**

**WEDNESDAY, FEBRUARY 13, 2002,
THURSDAY, FEBRUARY 14, 2002 AND
FRIDAY, FEBRUARY 15, 2002**

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

CALL TO ORDER

- 1.1 Deputy Mayor Ootes took the Chair and called the Members to order.

The meeting opened with O Canada.

1.2 **CONFIRMATION OF MINUTES**

Councillor Duguid, seconded by Councillor Holyday, moved that the Minutes of the regular meeting of Council held on the 4th, 5th and 6th days of December, 2001, and the Minutes of the Special meeting of Council held on the 20th day of December, 2001, be confirmed in the form supplied to the Members, which carried.

1.3 **ENQUIRIES AND ANSWERS**

- (1) Council had before it the following regarding a review of the City of Toronto's spending associated with the City of Toronto's Bid for the 2008 Olympics:
- (a) Enquiry dated December 13, 2001, from Councillor Walker (See Attachment No. 1, Page 195); and

- (b) Answer to the foregoing Enquiry dated February 12, 2002, from Mayor Lastman (See Attachment No. 2, Page 196).

Disposition:

Consideration of the foregoing Enquiry and Answer was deferred to the next regular meeting of City Council scheduled to be held on April 16, 2002.

- (2) Council had before it the following regarding MFP Financial Services Limited:

- (a) Enquiry dated December 13, 2001, from Councillor Walker; and
- (b) Answer to the foregoing Enquiry dated February 11, 2002, from the Commissioner of Corporate Services.

Procedural Motion:

Councillor Walker moved that, notwithstanding the provisions of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, the foregoing Enquiry and Answer be considered with Clause No. 1 of Report No. 1 of The Audit Committee, headed "Status of Litigation with MFP Financial Services", the vote upon which was taken as follows:

Yes - 34	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Filion, Flint, Ford, Hall, Holyday, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 5	
Mayor:	Lastman
Councillors:	Duguid, Mammoliti, Minnan-Wong, Ootes

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

Disposition:

Having regard to the foregoing decision of Council, the foregoing Enquiry and Answer were considered with Clause No.1 of Report No. 1 of The Audit Committee, headed "Status of Litigation with MFP Financial Services".

PRESENTATION OF REPORTS

1.4 Councillor Disero presented the following Reports for consideration by Council:

Report No. 1 of The Policy and Finance Committee,
Report No. 1 of The Administration Committee,
Report No. 1 of The Planning and Transportation Committee,
Report No. 1 of The Works Committee,
Joint Report No. 1 of The Planning and Transportation Committee
and The Economic Development and Parks Committee,
Report No. 1 of The Etobicoke Community Council,
Report No. 1 of The Humber York Community Council,
Report No. 1 of The Scarborough Community Council,
Report No. 1 of The Board of Health,
Report No. 1 of The Audit Committee,
Report No. 2 of The Audit Committee,
Report No. 2 of The Policy and Finance Committee,
Report No. 2 of The Administration Committee,
Report No. 1 of The Community Services Committee,
Report No. 1 of The Economic Development and Parks Committee,
Report No. 2 of The Planning and Transportation Committee,
Report No. 2 of The Works Committee,
Joint Report No. 1 of The Planning and Transportation Committee
and The Community Services Committee,
Report No. 2 of The Etobicoke Community Council,
Report No. 2 of The Humber York Community Council,
Report No. 1 of The Midtown Community Council,
Report No. 1 of The North York Community Council,
Report No. 2 of The Scarborough Community Council,
Report No. 1 of The Toronto East York Community Council,
Report No. 2 of The Board of Health,
Report No. 1 of The Nominating Committee, and
Report No. 1 of The Striking Committee,

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

1.5 Councillor Disero, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 3 of The Audit Committee,

and moved, seconded by Councillor Nunziata, that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived in connection with this Report, and that

Council now give consideration to such Report, which carried, more than two-thirds of Members present having voted in the affirmative.

- 1.6 Councillor Disero, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 3 of The Works Committee,

and moved, seconded by Councillor Nunziata, that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived in connection with this Report, and that Council now give consideration to such Report, which carried, more than two-thirds of Members present having voted in the affirmative.

1.7 **DECLARATIONS OF INTEREST**

Councillor Ashton declared his interest in Clause No. 1 of Report No. 2 of The Administration Committee, headed “Harmonization of Management Benefit Plans”, insofar as it pertains to the motion by Councillor Miller, in that his wife is a former employee of the City of Toronto.

Councillor Augimeri declared her interest in Motion J(15), moved by Councillor Bussin, seconded by Councillor Pantalone, respecting Provincial Government De-indexing of Injured Workers Workplace Safety and Insurance Board Compensation Payments, in that her husband is a former Director of the Office of the Worker Advisor of the Ministry of Labour, a former Chair of the Workers’ Compensation Board, now known as the Workplace Safety Insurance Board, and is currently working as a consultant representing injured workers in their appeals before the Workplace Safety Insurance Board; and in Motion J(35), moved by Councillor Di Giorgio, seconded by Councillor Li Preti, respecting an Official Plan and Zoning Amendment Application for 1415 Lawrence Avenue West, in that her mother owns a condominium in the subject area.

Councillor Balkissoon declared his interest in Items (a) and (i), entitled “Terms of Reference” and “Management Letters for 2000 – Agencies, Boards and Commissions”, respectively, as embodied in Clause No. 4 of Report No. 3 of The Audit Committee, headed “Other Items Considered by the Committee”, in that his wife is an employee of the Toronto Public Library Board.

Councillor Disero declared her interest in Clause No. 13 of Report No. 1 of The Economic Development and Parks Committee, headed “Appointment to the Board of Heritage Toronto by City Council to Fill a Board Vacancy”, and in Item (a), entitled “Appointment to the Etobicoke Community Preservation Panel”, as embodied in Clause No. 3 of Report No. 1 of The Nominating Committee, headed “Other Items Considered by the Committee”, in that her landlord is a member of the Preservation Board; and in Motion J(27), moved by Councillor

Pantalone, seconded by Councillor McConnell, respecting the appointment of the City Nominee to the Toronto Port Authority by the Waterfront Reference Group, in that she is one of the parties named in a litigation matter related to the Toronto Port Authority.

Mayor Lastman declared his interest in Items (g) and (h), entitled “2002 Business Improvement Area Operating Budgets: Report No. 1 (All Wards)” and “Harmonization of Business Improvement Area Practices and Procedures (All Wards)”, respectively, as embodied in Clause No. 27 of Report No. 2 of The Policy and Finance Committee, headed “Other Items Considered by the Committee”, in that his son is the President of the Kennedy Road BIA; and in Clause No. 18 of Report No. 1 of The North York Community Council, headed “Final Report - UD03-BES - Bessarion-Leslie Context Plan - Ward 24 - Willowdale”, in that the applicant’s solicitor is employed by the same law firm as his son who is not a real estate lawyer and does not personally act on this file; and in Motion J(25), moved by Councillor Minnan-Wong, seconded by Councillor Feldman, respecting consultation on Aviation Policy affecting Toronto, in that an employee of his office is a partner of the Campaign Manager of Ms. Barbara Hall.

Councillor Lindsay Luby declared her interest in Clause No. 12 of Report No. 2 of The Policy and Finance Committee, headed “SAP Implementation Final Report”, in that her husband is an employee of the company named therein.

Councillor Li Preti declared his interest in Clause No. 1 of Report No. 2 of The Administration Committee, headed “Harmonization of Management Benefit Plans”, in that he is a consultant involved in this area.

Councillor Miller declared his interest in Clause No. 33 of Report No. 2 of The Humber York Community Council, headed “1968 Bloor Street West - Committee of Adjustment Application Appeal; Keltro Holdings (Parkdale-High Park, Ward 13)”, in that his spouse is the owner of a property adjacent to 1968 Bloor Street West.

Councillor Shaw declared her interest in Clause No. 17 of Report No. 2 of The Scarborough Community Council, headed “Request for Direction - Appeal of Site Plan Control Application TF SPC 2001 0078, Minor Variance Application TF VAR 2001 0237, The Norfinch Group Inc., 2500 Eglinton Avenue East, Eglinton Community (Ward 37 - Scarborough Centre)”, in that she and her family own property within the subject area.

Councillor Shiner declared his interest in Clause No. 4 of Report No. 1 of The Toronto East York Community Council, headed “Draft By-law – Proposed Stop Up and Closure of a Portion of the Public Lane Extending Easterly from Brant Street, South of Adelaide Street West, Abutting Premises Nos. 19 and 23 Brant Street (Trinity-Spadina, Ward 20)”, and in Motion J(12), moved by Councillor Chow, seconded by Councillor Miller, respecting support for a Committee of Adjustment Decision related to 552 Adelaide Street West (Evangel Hall), in that his family owns property within the subject areas.

Councillor Walker declared his interest in Item (I), entitled “Preliminary Report - Applications to Amend the Official Plan and Zoning By-law - 1430 Yonge-St. Clair Inc. - 1430 Yonge Street - File Number 101029, TD CMB 20010008. (St. Paul’s - Ward 22)”, as embodied in Clause No. 34 of Report No. 1 of The Midtown Community Council, headed “Other Items Considered by the Community Council”, in that his daughter is an employee of a video store that occupies space at the subject address; and in Motion J(27), moved by Councillor Pantalone, seconded by Councillor McConnell, respecting the appointment of the City Nominee to the Toronto Port Authority by the Waterfront Reference Group, in that he is one of the parties named in a litigation matter related to the Toronto Port Authority.

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

1.8 The following Clauses were held by Council for further consideration:

Report No. 1 of The Policy and Finance Committee, Clause No. 1.

Report No. 1 of The Administration Committee, Clause No. 1.

Report No. 1 of The Planning and Transportation Committee, Clause No. 1.

Report No. 1 of The Works Committee, Clauses Nos. 1 and 2.

Joint Report No. 1 of The Planning and Transportation Committee and The Economic Development and Parks Committee, Clause No. 1.

Report No. 1 of The Etobicoke Community Council, Clause No. 1.

Report No. 1 of The Humber York Community Council, Clauses Nos. 1 and 2.

Report No. 1 of The Scarborough Community Council, Clause No. 1.

Report No. 1 of The Board of Health, Clauses Nos. 1 and 2.

Report No. 1 of The Audit Committee, Clause No. 1.

Report No. 2 of The Audit Committee, Clause No. 1.

Report No. 2 of The Policy and Finance Committee, Clauses Nos. 1, 2, 3, 5, 12, 14, 19, 20, 21, 23, 24 and 25.

Report No. 2 of The Administration Committee, Clauses Nos. 1, 2, 3, 4, 13, 18, 20, 21 and 22.

Report No. 1 of The Community Services Committee, Clauses Nos. 1, 2, 3, 5 and 9.

Report No. 1 of The Economic Development and Parks Committee, Clauses Nos. 1, 2, 3, 4, 5, 6, 7, 10 and 12.

Report No. 2 of The Planning and Transportation Committee, Clauses Nos. 1, 2, 3, 4 and 6.

Report No. 2 of The Works Committee, Clauses Nos. 1, 2, 3, 6, 8, 9, 13, 16, 17 and 27.

Report No. 3 of The Works Committee, Clauses Nos. 1, 2 and 3.

Joint Report No. 1 of The Planning and Transportation Committee and The Community Services Committee, Clause No. 1.

Report No. 2 of The Etobicoke Community Council, Clauses Nos. 22 and 33.

Report No. 2 of The Humber York Community Council, Clauses Nos. 2, 3, 16, 30 and 33.

Report No. 1 of The Midtown Community Council, Clauses Nos. 18, 19, 26, 28, 30, 31 and 33.

Report No. 1 of The North York Community Council, Clauses Nos. 6 and 17.

Report No. 2 of The Scarborough Community Council, Clauses Nos. 2, 16, 17 and 26.

Report No. 1 of The Toronto East York Community Council, Clauses Nos. 5, 14, 15, 16, 17, 19, 23 and 63.

Report No. 2 of The Board of Health, Clauses Nos. 1 and 3.

Report No. 3 of The Audit Committee, Clauses Nos. 1 and 4.

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

Report No. 2 of The Audit Committee, Clause No. 1.

Report No. 2 of The Policy and Finance Committee, Clauses Nos. 2, 3, 21, 23 and 24.

Report No. 2 of The Administration Committee, Clauses Nos. 4 and 13.

Report No. 1 of The Economic Development and Parks Committee, Clauses Nos. 2 and 5.

Report No. 2 of The Planning and Transportation Committee, Clauses Nos. 2 and 6.

Report No. 2 of The Works Committee, Clauses Nos. 2, 3, 9, 13 and 27.

Report No. 3 of The Works Committee, Clauses Nos. 2 and 3.

Report No. 2 of The Humber York Community Council, Clauses Nos. 2 and 33.

Report No. 1 of The Midtown Community Council, Clause No. 26.

Report No. 2 of The Scarborough Community Council, Clauses Nos. 2 and 16.

Report No. 2 of The Board of Health, Clause No. 1.

Report No. 3 of The Audit Committee, Clauses Nos. 1 and 4.

The Clauses not held by Council for further consideration were deemed to have been adopted by Council, without amendment, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code.

CONSIDERATION OF REPORTS CLAUSES WITH MOTIONS, VOTES, ETC.

1.9 Clause No. 18 of Report No. 2 of The Administration Committee, headed “Security on the Toronto Transit Commission”.

Motion:

Councillor Moscoe moved that the Clause be amended by adding thereto the following:

“It is further recommended that a copy of the Clause be forwarded to the Toronto Transit Commission, with a request that it be included on an upcoming Commission agenda for consideration.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

1.10 Clause No. 8 of Report No. 2 of The Works Committee, headed “Intersection Safety Program to Reduce Red-Light Running”.

Vote:

The Clause was adopted, without amendment.

Councillor Walker requested that his opposition to this Clause be noted in the Minutes of this meeting.

- 1.11 **Clause No. 3 of Report No. 2 of The Humber York Community Council, headed “319 Hillmount Avenue - Fence and Hedge Encroachment (Eglinton-Lawrence, Ward 15)”.**

Motion:

Councillor Moscoe moved that the Clause be struck out and referred to the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services for further discussion with the Ward Councillor.

Vote:

The motion by Councillor Moscoe carried.

- 1.12 **Clause No. 31 of Report No. 1 of The Midtown Community Council, headed “Interim Control By-law No. 401-2001 - 31 Kimbark Boulevard – Toronto (Eglinton-Lawrence - Ward 16)”.**

Motion:

Councillor Johnston moved that the Clause be amended by adding thereto the following:

“It is further recommended that Council adopt the supplementary report dated February 4, 2002, from the Commissioner of Urban Development Services, embodying the following recommendation:

‘It is recommended that the Commissioner of Urban Development Services and the City Solicitor, at the hearing before the Ontario Municipal Board on March 25, 2002, request that Interim Control By-laws Nos. 319-2000 and 401-2001 be amended to reduce the area of interim control in respect to 31 Kimbark Boulevard as set out in the attached Map 1.’ ”

Votes:

The motion by Councillor Johnston carried.

The Clause, as amended, carried.

1.13 Clause No. 33 of Report No. 1 of The Midtown Community Council, headed “Road Alteration Proposal - South Side of Bowood Avenue East Side of Yonge Street (Don Valley West – Ward 25)”.

Motion:

Councillor Flint moved that the Clause be amended by adding thereto the following:

“It is further recommended that Council adopt the supplementary report dated February 8, 2002, from the Commissioner of Works and Emergency Services, embodying the following recommendations:

‘It is recommended that, should Council decide a layby is advisable at this location and subject to funding being made available, the following be adopted:

- (1) a by-law be prepared and public notice given, pursuant to the provisions of the Municipal Act, for the alteration of the pavement of Bowood Avenue, east of Yonge Street, by widening the pavement on the south side for the purpose of creating a lay-by, as described below:

“The widening of the pavement from a width of 8.5 metres to a width of 11.0 metres on the south side of Bowood Avenue, from a point 15.8 metres east of Yonge Street to a point 20.9 metres further east, generally as shown on attached Drawing No. M-3045-2, dated February 7, 2002.”;

- (2) coincident with the implementation of the layby:
 - (a) the “No Parking Anytime” prohibition on the south side of Bowood Avenue, from Yonge Street to a point 91.4 metres further east, be rescinded;
 - (b) stopping be prohibited at anytime on the south side of Bowood Avenue, from Yonge Street to a point 15.8 metres further east thereof;
 - (c) parking be permitted for a maximum period of fifteen minutes on the south side of Bowood Avenue, from a point 15.8 metres east of Yonge Street to a point 20.9 metres further east; and
 - (d) parking be prohibited at anytime on the south side of Bowood Avenue, from a point 36.7 metres east of Yonge Street to a point 91.4 metres east of Yonge Street; and

- (3) the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing including the introduction in Council of any Bills that are required.’ ”

Votes:

The motion by Councillor Flint carried.

The Clause, as amended, carried.

1.14 **Clause No. 6 of Report No. 1 of The North York Community Council, headed “Traffic Management/Operational Improvements - Sheppard Avenue Corridor - Wards 23 and 24 - Willowdale”.**

Motion:

Councillor Filion moved that the Clause be amended by amending Recommendation No. (5) embodied in the report dated January 11, 2002, from the Director, Transportation Services, District 3, Works and Emergency Services, as embodied in the Clause, to read as follows:

- “(5) the easterly southbound traffic lane on Doris Avenue be designated as a left turn only lane, between Sheppard Avenue East and a point 30.5 metres north of Sheppard Avenue East;”.

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

1.15 **Clause No. 17 of Report No. 2 of The Scarborough Community Council, headed “Request for Direction - Appeal of Site Plan Control Application TF SPC 2001 0078, Minor Variance Application TF VAR 2001 0237 The Norfinch Group Inc., 2500 Eglinton Avenue East, Eglinton Community (Ward 37 - Scarborough Centre)”.**

Motion:

Councillor Berardinetti moved that the Clause be amended by amending Recommendation No. (2) embodied in the report dated January 8, 2002, from the Director of Community Planning, East District, as embodied in the Clause, to read as follows:

- “(2) City Council appeal the Committee of Adjustment, Scarborough Panel’s decision of February 6, 2002, to approve minor variance TF VAR 2001 0237, insofar as it relates to the reduction of parking space length from 5.7 metres

to 5.1 metres, and the City Solicitor and staff also be directed to attend any Ontario Municipal Board hearing related to the associated minor variance, in support of Council's position in Recommendation No. (1) above; and".

Votes:

The motion by Councillor Berardinetti carried.

The Clause, as amended, carried.

1.16 **Clause No. 5 of Report No. 1 of The Toronto East York Community Council, headed "Draft By-laws – Official Plan Amendment and Rezoning - 96 St. Patrick Street (Trinity-Spadina, Ward 20)".**

Motion:

Councillor Chow moved that the Clause be amended by adding thereto the following:

"It is further recommended that Council adopt the supplementary report dated February 5, 2002, from the Commissioner of Urban Development Services, embodying the following recommendations:

'It is recommended that:

- (1) City Council amend the draft Official Plan and Zoning By-laws for 96 St. Patrick Street to permit stand-alone commercial uses in the 4 proposed two-storey live/work units accessed from the ground floor with the following restrictions:
 - (a) the commercial uses be restricted to the commercial uses permitted in the live/work unit definition contained in By-law 438-86; and
 - (b) only the owner or owners of the unit are permitted to work in the unit;
- (2) City Council authorize the City Solicitor to make any stylistic or technical changes to the draft by-laws as may be required; and
- (3) no further notice be given in respect of the proposed by-laws.' "

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

Motion to Re-Open:

Councillor Chow, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Chow moved that the Clause be further amended by deleting Recommendation No. (5) embodied in the report dated January 11, 2002, from the Director, Community Planning, South District, as embodied in the Clause, and inserting in lieu thereof the following new Recommendation No. (5):

“(5) before the issuance of a building permit, require the Owner to enter into a Site Plan Approval Agreement under Section 41 of the Planning Act.”

Votes:

The motion by Councillor Chow carried.

The Clause, as further amended, carried.

1.17 Clause No. 14 of Report No. 1 of The Toronto East York Community Council, headed “Variances from Chapter 297, Signs, of the Former City of Toronto Municipal Code - 444 College Street (College Park) (Toronto Centre-Rosedale, Ward 27)”.

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Rae moved that Council adopt the following recommendation:

“It is recommended that Council adopt the report dated January 30, 2002, from the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that:

(1) City Council approve Application No. 901068 for minor variances

from Chapter 297, Signs, of the former City of Toronto Municipal Code to permit seven curved fascia signbands over the existing entrances to College Park and 21 projecting illuminated vinyl banners, as shown in the attached plans as filed with the Commissioner of Urban Development Services;

- (2) the applicant be required, as a condition of approval, to illuminate the heritage building, as described in this report;
- (3) the applicant be advised, upon approval of Application No. 901068, of the requirement to obtain the necessary permits from the Commissioner of Urban Development Services;
- (4) the applicant be required to provide construction details of all the proposed signage to the satisfaction of the Manager of Heritage Preservation Services prior to the issuance of a building permit;
- (5) the owner enter into and the appropriate Civic officials prepare and execute an Encroachment Agreement for the encroaching signs including indemnifying the City from and against all actions, suits or demands and from all loss, costs, damages, charges and expenses that may result from such permission granted and to assure their appropriate installation and maintenance; and
- (6) the City Solicitor be requested to introduce a Bill in Council for an amendment to By-law No. 118, as amended, of the former Metro Toronto respecting Signs over Metropolitan Roads, to permit the signage as set out in Appendix A of this report.’ ”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

1.18 Clause No. 16 of Report No. 1 of The Toronto East York Community Council, headed “Sidewalk/Boulevard Vending Permit - Spadina Avenue, West Side, 11.7 Metres North of Dundas Street West (Trinity-Spadina, Ward 20)”.

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Chow moved that Council adopt the following recommendations:

“It is recommended that:

- (1) City Council approve the application for a sidewalk/vending permit on Spadina Avenue, west side, 11.7 metres north of Dundas Street West, on a trial basis for six months; and
- (2) the Commissioner of Urban Development Services be requested to submit a report to the Toronto East York Community Council on the issues of pedestrian traffic flow and cleanliness in the immediate area.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

Motion to Re-Open:

Councillor Chow, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Chow moved that Recommendation No. (1) be amended by adding thereto the words “on condition that the vending location not be directly in front of 294-296 Spadina Avenue”.

Votes:

The motion by Councillor Chow carried.

The Clause, as further amended, carried.

In summary, Council adopted the following recommendations:

“It is recommended that:

- (1) City Council approve the application for a sidewalk/vending permit on Spadina Avenue, west side, 11.7 metres north of Dundas Street West, on a

trial basis for six months, on condition that the vending location not be directly in front of 294-296 Spadina Avenue; and

- (2) the Commissioner of Urban Development Services be requested to submit a report to the Toronto East York Community Council on the issues of pedestrian traffic flow and cleanliness in the immediate area.”

1.19 Clause No. 30 of Report No. 1 of The Midtown Community Council, headed “Eglinton Theatre - Designation as a Heritage Building (St. Paul’s - Ward 22)”.

Motion:

Councillor Walker moved that the Clause be struck out and referred to the Commissioner of Economic Development, Culture and Tourism for further consideration and resubmission to City Council, through the Midtown Community Council, as considered appropriate by the Commissioner and the Managing Director of Culture.

Vote:

The motion by Councillor Walker carried.

1.20 Clause No. 1 of Report No. 1 of The Economic Development and Parks Committee, headed “2008 Toronto Olympic and Paralympic Games Bid (All Wards)”.

Motion:

Deputy Mayor Ootes, with the permission of Council, moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on April 16, 2002, in order to provide an opportunity for the City Auditor to submit additional reports in this regard.

Vote:

The motion by Deputy Mayor Ootes carried.

1.21 Clause No. 17 of Report No. 1 of The North York Community Council, headed “Final Report - Application to Amend the Official Plan and Zoning By-law 7625 - TB CMB 2001 0008 - Murphy Hilgers Architects Inc. for North York General Hospital – 155 McNicoll Avenue – Ward 24 - Willowdale”.

Motion:

Councillor Shiner moved that the Clause be amended in accordance with the report dated

February 1, 2002, from the Commissioner of Urban Development Services, embodying the following recommendation:

“It is recommended that City Council adopt all the recommendations embodied in the Final Report – Application to Amend the Official Plan and Zoning By-law 7625 – TB CMB 2001 0008 – Murphy Hilgers Architects Inc. for North York General Hospital – 155 McNicoll Avenue; respecting Item 2, ‘the matter of allowing the entire second floor of the existing building for professional medical offices’.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

1.22 **Clause No. 33 of Report No. 2 of The Etobicoke Community Council, headed “Final Report - Application to Amend the Etobicoke Official Plan and Zoning Code, Mystic Pointe 3 Holdings Inc. Manitoba Street, East of Grand Avenue (Formerly 2 Algoma Street) File No. TA CMB 2001 0008”.**

Motion:

Councillor Jones moved that the Clause be amended by amending the recommendations of the Etobicoke Community Council by:

- (1) adding to the end of new Recommendation No. (4)(f) the words “and the local community”, so that such new recommendation shall now read as follows:

“(4)(f) pay the outstanding Phase 1 payment-in-lieu of parkland contribution and the sum of \$175,000.00 towards park improvements in the immediate area, to include any such improvements deemed appropriate by the Commissioner of Economic Development, Culture and Tourism, in consultation with the local Councillor and the local community;”; and

- (2) amending new Recommendation No. (5) by:

- (a) deleting the word “request” and inserting in lieu thereof the word “direct”;
- (b) adding after the words “from Parcel ‘G’ ”, the words “to connect”; and
- (c) adding to the end thereof, the words “and future trail system”,

so that such new recommendation shall now read as follows:

- “(5) direct the Director of Community Planning, West District, in the Site Plan approval process, to secure on behalf of the City, a public walkway easement on terms satisfactory to the said Director in consultation with the Commissioner of Economic Development, Culture and Tourism, and in a form satisfactory to the City Solicitor, such public walkway easement to run from Parcel ‘G’ to connect to the Mimico Creek valley and future trail system;”.

Votes:

The motion by Councillor Jones carried.

The Clause, as amended, carried.

1.23 **Clause No. 1 of Report No. 1 of The Works Committee, headed “Traffic Calming Policy”.**

Motion:

- (a) Councillor Holyday moved that consideration of the Clause be deferred pending resolution of the funding issues.

Vote on Deferral:

Adoption of motion (a) by Councillor Holyday:

Yes - 8	
Councillors:	Augimeri, Balkissoon, Duguid, Ford, Holyday, Kelly, Minnan-Wong, Soknacki
No - 31	
Mayor:	Lastman
Councillors:	Ashton, Cho, Chow, Di Giorgio, Disero, Filion, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Sutherland, Tziretas, Walker

Lost by a majority of 23.

Motions:

- (b) Councillor Moscoe moved that the Clause be amended:

- (1) by deleting the word “warrant”, wherever it occurs in the Clause, and inserting in lieu thereof the word “criteria”;
- (2) in accordance with the recommendations of the Works Committee embodied in the communication dated September 10, 2001, from the City Clerk, subject to amending Recommendation No. (3) embodied in the report dated August 31, 2001, from the Commissioner of Works and Emergency Services, appended thereto, by deleting the words “or by a survey conducted by the Ward Councillor”, and inserting in lieu thereof the words “at the request of the Ward Councillor or, in the case of boundary streets, the Ward Councillors”;
- (3) to provide that:
 - (a) on streets without any sidewalks, a poll for speed humps not be done unless preceded by a poll for sidewalks undertaken within the preceding two-year period; and
 - (b) on collector roads, surveys include those streets that feed directly into the collector roads; and
- (4) by adding thereto the following:

“It is further recommended that:

 - (a) the Ministry of the Environment be advised that City Council and staff will not be reporting any traffic calming project valued at less than \$50,000.00 to the Ministry of the Environment;
 - (b) the assistance of the Association of Municipalities of Ontario be sought in pursuing any requests to change the statutes or regulations;
 - (c) the Minister of the Environment be requested to rescind the Order that proposed traffic calming installations valued at less than \$150,000.00 be subject to the provisions of the Environmental Assessment Act;
 - (d) consideration of all traffic calming projects presently being actively evaluated by staff be grandfathered and be reviewed under existing policies;
 - (e) the Budget Advisory Committee be directed to review the Works and Emergency Services Department budget to include either the \$750,000.00 for traffic calming, flatlined from last year’s budget, or at least sufficient funds to accommodate those traffic calming projects

that have already been approved by Council to date, and that the Works and Emergency Services Department budget be further adjusted to offset this amount; and

- (f) the Commissioner of Works and Emergency Services be directed to delete, from all future staff reports, requirements to report individual traffic calming projects valued at less than \$50,000.00, to the Minister of the Environment.”

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of Parts (4)(a) and (f) of motion (b) by Councillor Moscoe, ruled such Parts out of order.

Councillor Moscoe challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 25 Councillors: Ashton, Balkissoon, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland, Tziretas, Walker
No - 6 Councillors: Chow, Layton, Mammoliti, McConnell, Moscoe, Rae

Carried by a majority of 19.

Vote Be Now Taken:

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

Yes - 22 Councillors: Berardinetti, Di Giorgio, Disero, Duguid, Ford, Hall, Holyday, Johnston, Jones, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Soknacki, Tziretas
No - 14

Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Filion, Flint, Kelly, Korwin-Kuczynski, Milczyn, Moscoe, Shaw, Walker
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Lost, less than two-thirds of Members present having voted in the affirmative.

Motion:

(c) Councillor Disero moved that the Clause be amended by adding thereto the following:

“It is further recommended that, in the event City Council adopts recommendations from any Community Council or the Works Committee with respect to not proceeding with the Environmental Assessment, as required by the Ministry of the Environment, for any individual requests, Council provide an indemnification for employees carrying out the Council-adopted recommendations in respect of all costs, expenses and fines as a result of any proceeding brought against employees for contravention of the Environmental Assessment Act, and that Chapter 39 (Defence and Indemnification) of the City of Toronto Municipal Code be amended accordingly.”

Disposition of Clause - Motion:

Having regard that Council had not concluded its debate on this matter prior to the end of the meeting, Councillor Moscoe, with the permission of Council, moved that consideration of this Clause be deferred to the next regular meeting of City Council scheduled to be held on April 16, 2002; such Clause to be the first item of business and identified as a “time-sensitive” issue.

Vote:

The motion by Councillor Moscoe carried.

1.24 **Clause No. 20 of Report No. 2 of The Administration Committee, headed “Urban Aboriginal Economic Development”.**

Motion:

Councillor McConnell moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to:

- (1) work with the Aboriginal Affairs Committee to explore economic development opportunities for Aboriginal people in Toronto; and

- (2) submit a report to the Economic Development and Parks Committee, within six months, on possible initiatives.”

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

- 1.25 **Clause No. 12 of Report No. 1 of The Economic Development and Parks Committee, headed “2002 Business Improvement Area Operating Budgets: Report No. 2 (All Wards)”.**

Motion:

Councillor McConnell moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Chief Financial Officer and Treasurer, in consultation with the Commissioner of Economic Development, Culture and Tourism, be requested to submit a report to the March 27, 2002 meeting of the Economic Development and Parks Committee:

- (1) identifying the amount of funds, if any, owed to Business Improvement Areas (BIAs) as a result of the 10 percent withheld by the City as contingency to cover the potential costs of commercial property tax appeals within the BIAs; and
- (2) on any funds being held by the City for BIAs, which were not requested during the fiscal year in which they were collected, and for which the City does not have the authority to disperse, together with a proposal for how to appropriately disperse these funds.”

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

- 1.26 **Clause No. 14 of Report No. 2 of The Policy and Finance Committee, headed “Internal Financing of Firefighter Protective Clothing (Bunker Suits) and Canadian Content and Lease versus Purchase of Bunker Suits”.**

Motion:

Councillor Ashton moved that the Clause be amended by adding thereto the following:

“It is further recommended that Council adopt the following recommendations of the Audit Committee embodied in the communication dated February 11, 2002, from the City Clerk:

‘The Audit Committee recommends that the City Auditor:

- (1) undertake a detailed review of the report (December 18, 2001) from the Acting Chief Financial Officer and Treasurer, titled “Canadian Content and Lease versus Purchase of Bunker Suits”, and report on the veracity of the figures provided by the manufacturer as to Canadian content; and
- (2) review and report on the City’s procedure for ascertaining Canadian content, in order to ensure future credibility.’ ”

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

1.27 **Clause No. 3 of Report No. 2 of The Planning and Transportation Committee, headed “Harmonization of the Sign By-law Concerning Posters on Utility Poles”.**

Motion:

Councillor Jones moved that the Clause be amended by adding thereto the following:

“It is further recommended that the following motion be referred to the Planning and Transportation Committee for consideration at its public meeting scheduled to be held on March 25, 2002:

Moved by Councillor Jones:

‘It is recommended that the location and placement of all collars be determined by the Commissioner of Works and Emergency Services, in consultation with the local Ward Councillor.’ ”

Votes:

The motion by Councillor Jones carried.

The Clause, as amended, carried.

1.28 **Clause No. 16 of Report No. 2 of The Works Committee, headed “Scarlett Road/CP Rail Grade Separation Feasibility Study (York South-Weston, Parkdale-High Park)”.**

Motion:

Councillor Nunziata moved that the Clause be amended by striking out the Operative Paragraph embodied in Recommendation No. (2) of the Works Committee, and inserting in lieu thereof the following new Operative Paragraph:

“**Therefore Be It Resolved** that acceptable access to the Warren Park Community to the south of Dundas Street West must be maintained with any changes to the road network and/or CP Rail bridge at Dundas Street West and Scarlett Road, and that in any subsequent study it be noted that Council’s position is that the plan shown in Exhibit 3 is not acceptable to the Warren Park Community.”

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

1.29 **Clause No. 16 of Report No. 2 of The Humber York Community Council, headed “Request to Implement Required Traffic and Parking By-laws for the Maple Clair Village Subdivision (York South-Weston, Ward 11)”.**

Motion:

Councillor Nunziata moved that the Clause be amended by amending the report dated January 14, 2002, from the Director, Transportation Services, District 1, as embodied in the Clause, by:

- (1) deleting Recommendation No. (5) and inserting in lieu thereof the following new Recommendation No. (5):

“(5) a 30 km/h speed limit be introduced on Tarragona Boulevard, from Symes Road to Gunns Road, in conjunction with the existing traffic calming;” and

- (2) inserting the following new Recommendation No. (8) and renumbering the remaining recommendations accordingly:

“(8) the former City of Toronto Municipal Code, Chapter 400-69, Schedule XVI, be amended to introduce a 40 km/h speed limit on Mondovi Gate, from St. Clair Avenue West to Tarragona Boulevard;”.

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

1.30 **Clause No. 26 of Report No. 2 of The Scarborough Community Council, headed “Sale of Surplus Vacant Land East Side of August Avenue, South of Danforth Avenue (Ward 35 - Scarborough Southwest)”.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Altobello moved that Council adopt the following recommendation:

“It is recommended that Council adopt the report dated February 7, 2002, from the Commissioner of Corporate Services, embodying the following recommendations:

‘It is recommended that:

- (1) the Offer to Purchase from Annie Papasar to purchase the City-owned property located on the east side of August Avenue, south of Danforth Avenue in the amount of \$155,000.00, be accepted on the terms outlined in the body of this report, and that either one of the Commissioner of Corporate Services or the Director of Real Estate Services be authorized to accept the Offer on behalf of the City;
- (2) authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to this property;
- (3) the Acting City Solicitor be authorized to complete the transaction on behalf of the City, including payment of necessary expenses and amending the closing date to such earlier or later date as she considers reasonable; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Altobello carried.

The Clause, as amended, carried.

- 1.31 **Clause No. 2 of Report No. 1 of The Humber York Community Council, headed “Sign By-law Variance Application for 327 Oakwood Avenue Owner: Domenic Bonavota; Applicant: Astral Media Outdoor (Nick D’Bona) (Davenport, Ward 17)”.**

Motion:

Councillor Disero moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on April 16, 2002.

Vote:

The motion by Councillor Disero carried.

- 1.32 **Clause No. 15 of Report No. 1 of The Toronto East York Community Council, headed “Sidewalk/Boulevard Vending Permit - John Street, East Side, 9.0 Metres North of Richmond Street West (Trinity-Spadina, Ward 20)”.**

Motion to Re-Open:

Councillor Hall, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 30	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Shiner, Silva, Tziretas, Walker
No - 12	
Councillors:	Bussin, Chow, Di Giorgio, Johnston, Layton, Li Preti, Mihevc, Ootes, Pantalone, Pitfield, Rae, Sutherland

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

Disposition of Clause:

Having regard that Council had not concluded its debate on this matter prior to the end of the meeting, consideration of this Clause was deferred to the next regular meeting of City Council scheduled to be held on April 16, 2002.

1.33 **Clause No. 17 of Report No. 1 of The Toronto East York Community Council, headed “Sidewalk/Boulevard Vending Permit - Richmond Street West, North Side, East of Peter Street (Trinity-Spadina, Ward 20)”.**

Motion to Re-Open:

Councillor Hall, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 28	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Disero, Duguid, Feldman, Filion, Ford, Hall, Holyday, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Pitfield, Shiner, Silva, Tziretas, Walker
No - 14	
Councillors:	Bussin, Chow, Di Giorgio, Flint, Johnston, Jones, Layton, Mihevc, Miller, Moeser, Ootes, Pantalone, Rae, Sutherland

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

Disposition of Clause:

Having regard that Council had not concluded its debate on this matter prior to the end of the meeting, consideration of this Clause was deferred to the next regular meeting of City Council scheduled to be held on April 16, 2002.

1.34 **Clause No. 18 of Report No. 1 of The Midtown Community Council, headed “Introduction of Permit Parking on the South Side of Acores Avenue – Between Ossington Avenue and Shaw Street (St. Paul’s - Ward 21)”.**

Motion:

Councillor Mihevc moved that the Clause be amended by adding thereto the following:

“It is further recommended that Council adopt the supplementary report dated February 11, 2002, from the Commissioner of Works and Emergency Services,

embodying the following recommendations, subject to striking out Recommendation No. (3) and inserting in lieu thereof a new Recommendation No. (3), so that the recommendations embodied in such report shall now read as follows:

‘It is recommended that:

- (1) approval be given to establish a new permit parking area substantially as described herein, and that staff be directed to consult with the Ward Councillor;
- (2) the City Clerk be requested to conduct a poll of affected residents along the east-west leg of Minho Boulevard to determine support for shifting permit parking from the south side to the north side of this street; and
- (3) in the meantime, the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction of all necessary bills, for permit parking on Acores Avenue and the north-south portion of Minho Boulevard.’ ”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

1.35 **Clause No. 19 of Report No. 1 of The Midtown Community Council, headed “Introduction of Permit Parking on the South and East Sides of Minho Boulevard – Between Acores Avenue and Shaw Street (St. Paul’s - Ward 21)”.**

Motion:

Councillor Mihevc moved that the Clause be amended by adding thereto the following:

“It is further recommended that Council adopt the supplementary report dated February 11, 2002, from the Commissioner of Works and Emergency Services, embodying the following recommendations, subject to striking out Recommendation No. (3) and inserting in lieu thereof a new Recommendation No. (3), so that the recommendations embodied in such report shall now read as follows:

‘It is recommended that:

- (1) approval be given to establish a new permit parking area substantially

as described herein, and that staff be directed to consult with the Ward Councillor;

- (2) the City Clerk be requested to conduct a poll of affected residents along the east-west leg of Minho Boulevard to determine support for shifting permit parking from the south side to the north side of this street; and
- (3) in the meantime, the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction of all necessary bills, for permit parking on Acores Avenue and the north-south portion of Minho Boulevard.’ ”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

1.36 **Clause No. 28 of Report No. 1 of The Midtown Community Council, headed “Application for Drive-Thru from McDonalds Restaurant at 710 St. Clair Avenue West (St. Paul’s - Ward 21)”.**

Motion:

Councillor Mihevc moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) Council adopt the supplementary report dated February 1, 2002, from the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that:

- (1) City Council amend the exemption clauses for mixed-use and non-residential development in the former Cities of York and Toronto substantially in accordance with the draft by-laws attached as Attachments 1 and 2; and
- (2) City Council authorize the City Solicitor to make any stylistic or technical changes to the draft by-laws as may be required and to introduce the necessary Bills in Council.’;

- (2) Council receive the supplementary report dated February 8, 2002, from the Commissioner of Works and Emergency Services, headed ‘Application for Drive-Thru from McDonalds Restaurant at 710 St. Clair Avenue West – Request for “No Standing” Regulations’; and
- (3) the Commissioner of Works and Emergency Services be requested to undertake a focused traffic study related to the proposed drive-through and the Christie/St. Clair intersection.”

Votes:

The motion by Councillor Mihevc carried.

Adoption of Clause, as amended:

Yes - 33	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Jones, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Tziretas, Walker
No - 1	
Councillor:	Minnan-Wong

Carried by a majority of 32.

1.37 Clause No. 5 of Report No. 1 of The Community Services Committee, headed “Federal Affordable Housing Program”.

Motion:

Councillor Duguid moved that the Clause be amended by striking out Recommendation No. (1) of the Community Services Committee, and inserting in lieu thereof the following new Recommendation No. (1):

“The Community Services Committee recommends:

- (1) that the Acting Commissioner of Community and Neighbourhood Services be requested to:

- (a) work with the Association of Municipalities of Ontario on a plan to speed the delivery of affordable housing funding to the City of Toronto, regardless of whether or not such funding comes through the Province of Ontario; and
- (b) report thereon to the next regular meeting of City Council scheduled to be held on April 16, 2002, through the Community Services Committee, on the status of the program; and”.

Votes:

The motion by Councillor Duguid carried.

The Clause, as amended, carried.

1.38 **Clause No. 30 of Report No. 2 of The Humber York Community Council, headed “138 and 140 Spears Avenue - Committee of Adjustment Application Appeal (York South-Weston, Ward 11)”.**

Motion:

Councillor Nunziata moved that the Clause be amended by adding thereto the following:

“It is further recommended that Council adopt the following motion:

‘WHEREAS the Ontario Municipal Board, at its meeting held on February 12, 2002, deferred consideration of this application to its meeting scheduled to be held on May 13, 2002;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Works and Emergency Services be requested to submit the further reports requested in the Clause to the Humber York Community Council for its meeting scheduled to be held on April 2, 2002;

AND BE IT FURTHER RESOLVED THAT City Council authorize the Acting City Solicitor to attend the Ontario Municipal Board hearing in opposition to the decision of the Committee of Adjustment.’ ”

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

1.39 **Clause No. 23 of Report No. 1 of The Toronto East York Community Council, headed “OMB Hearing Regarding Skydome Charter-Bus Parking Requirements and Related Court Application to Close and Convey a Portion of Van de Water Crescent”.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Chow moved that Council adopt the following recommendation:

“It is recommended that Council adopt the confidential report dated February 13, 2002, from the Acting City Solicitor, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information that is subject to Solicitor/Client privilege, save and except the following recommendations embodied therein:

‘It is recommended that:

- (1) the settlement proposed by Concord Adex as set out in the report of the Acting City Solicitor not be accepted at this time; and
- (2) the Acting City Solicitor be authorized to report further, in consultation with the appropriate City officials, in the event of any significant changes in the proposal from Concord Adex and/or the position of Sportsco and the Toronto Blue Jays.’ ”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

1.40 **Clause No. 1 of Report No. 1 of The Humber York Community Council, headed “Sign By-law Variance Application for 140 Rogers Road Owner: Aldo and Linda Vicenzi, Applicant: Astral Media Outdoor Advertising (Nick D’Bona) (Davenport, Ward 17)”.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Disero moved that Council adopt the following recommendations:

“It is recommended that:

- (1) the application for relief from the provisions of Sign By-law No. 3369-79, as amended, to permit a third party off-premises sign at 140 Rogers Road be approved as a variance to the Sign By-law on a temporary basis, to expire on the date falling one year after the date the building permit for the sign is issued, subject to:
 - (a) a building permit being obtained for the temporary sign within three months of approval by City Council;
 - (b) the temporary sign being installed substantially in accordance with the application plans on file with the Building Division, West District, within three months of building permit issuance;
 - (c) the owner of the property providing an undertaking satisfactory to the Director of Community Planning, West District, to remove the temporary sign by the date falling one year after the date the building permit for the sign is issued; and
 - (d) the owner of the property providing a letter of credit or other form of security satisfactory to the Director of Community Planning, West District, to secure the undertaking in Part (c) above; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Votes:

The motion by Councillor Disero carried.

The Clause, as amended, carried.

Councillor Ashton requested that his opposition to this Clause be noted in the Minutes of the meeting.

1.41 Clause No. 19 of Report No. 1 of The Toronto East York Community Council, headed “Installation of Pedestrian Actuated Traffic Control Signal - Kingston Road, Approximately 30.0 Metres East of Glen Manor Drive (Beaches-East York, Ward 32)”.

Motion to Re-Open:

Councillor Bussin, with the permission of Council, moved that, in accordance with §27-49

of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Bussin moved that the Clause be amended by deleting Recommendation No. (2) embodied in the report dated January 22, 2002, from the Director, Transportation Services, District 1, and inserting in lieu thereof the following new Recommendation No. (2):

- “(2) the recommendations contained in Revised Appendix ‘A’ related to the associated adjustment of traffic and parking regulations be adopted, viz.:

‘Revised Appendix “A”

‘It is recommended that:

- (1) the current parking prohibition on the north side of Kingston Road from 7:00 a.m. to 6:00 p.m., Monday to Friday, between 43.5 metres east of Glen Manor Drive and a point 35.5 metres further east, be rescinded;
- (2) the identified School Bus Loading Zone on the north side of Kingston Road from a point 43.5 metres east of Glen Manor Drive and a point 35.5 metres further east, be rescinded;
- (3) the current stopping prohibition on the north side of Kingston Road from 7:00 a.m. to 9:00 a.m., except Saturdays, Sundays and Public Holidays, between Queen Street East and a point 43.5 metres east of Glen Manor Drive, be rescinded;
- (4) the current stopping prohibition on the north side of Kingston Road from 7:00 a.m. to 9:00 a.m., except Saturdays, Sundays and Public Holidays, between a point 78.0 metres east of Glen Manor Drive and Birchmount Road, be rescinded;
- (5) a School Bus Loading Zone be identified on the north side of Kingston Road from a point 31.0 metres east of the east curb of Glen Manor Drive to a point 87.0 metres further east;
- (6) standing be prohibited on the north side of Kingston Road between the hours of 7:00 a.m. and 6:00 p.m., Monday to Friday, from a point 31.0 metres east of the east curb of Glen Manor Drive to a point 87.0 metres further east;

- (7) stopping be prohibited on the north side of Kingston Road, from 7:00 a.m. to 9:00 a.m., except Saturdays, Sundays and Public Holidays, between Queen Street East and a point 31.0 metres east of Glen Manor Drive;
- (8) stopping be prohibited on the north side of Kingston Road, from 7:00 a.m. to 9:00 a.m., except Saturdays, Sundays and Public Holidays, between a point 87.0 metres east of Glen Manor Drive and Birchmount Road; and
- (9) the appropriate schedules of Chapter 400 of the Municipal Code and of By-law No. 22-76 be amended as required.’ ”

Votes:

The motion by Councillor Bussin carried.

The Clause, as amended, carried.

1.42 Clause No. 2 of Report No. 2 of The Administration Committee, headed “Save the Rouge Valley System, Request to Protect a Property Owned by Village Securities, East Side of Staines Road, North of Finch Avenue East (Ward 42 – Scarborough Rouge River)”.

Motion:

Councillor Berardinetti moved that the Clause be struck out and referred back to the Administration Committee for further consideration at its next meeting scheduled to be held on March 26, 2002; and the Commissioner of Corporate Services be requested to:

- (1) review options to facilitate the acquisition of the Village Securities property;
- (2) meet with the owners of Village Securities to discuss options; and
- (3) submit a report in this regard to the next meeting of the Administration Committee scheduled to be held on March 26, 2002, such report to address the funds remaining in the Beare Road Account.

Vote:

The motion by Councillor Berardinetti carried.

1.43 Clause No. 1 of Report No. 2 of The Administration Committee, headed “Harmonization of Management Benefit Plans”.

Motions:

- (a) Councillor Berardinetti moved that the Clause be amended by striking out and referring the following Recommendation No. (I)(2) of the Personnel Sub-Committee to the Chief Financial Officer and Treasurer with a request that he submit a report to the Personnel Sub-Committee, within three months, on the pensions and benefits for elected officials:

“(2) amending Recommendation No. (3) by inserting the words ‘(as defined under OMERS) with the City of Toronto’ after the words ‘credited service’ so that Recommendation No. (3) shall now read as follows:

‘(3) Grandparenting provisions for retiree benefits be implemented for elected officials who are within five years of being eligible to retire or have 10 years of credited service (as defined under OMERS) with the City of Toronto at the time of implementation, or come from the former municipalities of Toronto or North York, to the elected officials’ former retiree benefits if more generous. The retiree benefits are applicable from the first date of retirement; and’ ”

- (b) Councillor Miller moved that the Clause be amended by adding to the end of Recommendation No. (4) of the Personnel Sub-Committee, the words “or union members”, so that such recommendation shall now read as follows:

“(4) that this policy supersede, replace and repeal any authorities, by-laws, policies and procedures of the seven former municipalities pertaining to current management and non-union employees and elected officials employee and retiree benefit plans, for greater certainty, this does not affect existing retirees or union members; and”.

Votes:

Motion (a) by Councillor Berardinetti carried.

Motion (b) by Councillor Miller carried.

The Clause, as amended, carried.

- 1.44 **Clause No. 2 of Report No. 1 of The Board of Health, headed “South Region Animal Centre at Exhibition Place”.**

Motions:

- (a) Councillor Mihevc, seconded by Councillor Sutherland, moved that the Clause be amended by adding thereto the following:

“It is further recommended that Council adopt the following motion:

‘WHEREAS establishing a South Region Animal Centre at the Horse Palace at Exhibition Place will result in consistent and integrated animal sheltering and field services across the City; and

WHEREAS establishing an Animal Centre at Exhibition Place offers a mutually beneficial partnership between Exhibition Place and Toronto Animal Services; and

WHEREAS the Exhibition Place Horse Palace location offers South Region residents excellent public access to animal sheltering services; and

WHEREAS the City of Toronto has had a long-standing relationship with the Toronto Humane Society;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the staff recommendations to locate a South Region Animal Centre in the Horse Palace at Exhibition Place;

AND BE IT FURTHER RESOLVED THAT Toronto Animal Services establish a co-operative “second-chance” animal adoption program with the Toronto Humane Society and other eligible partner organizations;

AND BE IT FURTHER RESOLVED THAT Toronto Animal Services participate with the Toronto Humane Society and other stakeholders in the development and delivery of programs and materials related to:

- (1) responsible pet ownership, including strategies to address pet overpopulation, pet sterilization, feral cat populations, pet health and safety, care of animals by-law and pet identification;
- (2) events including: Responsible Pet Ownership Week, Be Kind to Animals Week, National Homeless Animals’ Day, National Animal Shelter Appreciation Week; and
- (3) shelter services, including animal adoptions, sterilization, microchip and rabies clinics and owner-surrendered animal intake;

AND BE IT FURTHER RESOLVED THAT the Board of Health, through its Animal Services Advisory Committee, facilitate discussions between the Toronto Humane Society and the relevant organizations regarding animal cruelty investigations within the City of Toronto;

AND BE IT FURTHER RESOLVED THAT budget issues relating to the establishment and delivery of South Region Animal Sheltering Services be brought to Budget Advisory Committee for consideration in the 2002 Budget process.’ ”

Councillor Disero in the Chair.

- (b) Councillor Sutherland moved that, in the event motion (a) by Councillor Mihevc, seconded by Councillor Sutherland, fails, the Clause be received; and that City Council request the Medical Officer of Health to report back to the Special meeting of City Council scheduled to be held on March 4, 2001, on the feasibility of entering into an agreement for a South Region Animal Shelter with the Toronto Humane Society, based on their proposal dated January 28, 2002.

Deputy Mayor Ootes in the Chair.

- (c) Councillor Holyday moved that the Clause be struck out and Council instruct the Medical Officer of Health, in consultation with the appropriate City staff, to prepare tenders for the operation of the Animal Shelter in the South District.
- (d) Councillor Korwin-Kuczynski moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on April 16, 2002, and the Medical Officer of Health be requested to submit a report to such meeting on the feasibility of the Toronto Humane Society providing the services for the South Region at a cost-effective price.

Vote on Deferral:

Adoption of motion (d) by Councillor Korwin-Kuczynski:

Yes - 8	
Councillors:	Balkissoon, Ford, Holyday, Korwin-Kuczynski, Mammoliti, Nunziata, Pitfield, Walker
No - 31	
Mayor:	Lastman

Councillors:	Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Feldman, Fillion, Flint, Hall, Jones, Kelly, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
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Lost by a majority of 23.

Motion:

- (e) Councillor McConnell moved that motion (a) by Councillor Mihevc, seconded by Councillor Sutherland, be amended by adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT City Council re-affirm the City of Toronto’s position that animals sheltered by the City will not be sold or gifted for research purposes.”

Vote Be Now Taken:

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

Yes - 27	
Mayor:	Lastman
Councillors:	Augimeri, Bussin, Chow, Di Giorgio, Duguid, Feldman, Fillion, Flint, Ford, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Shaw, Silva, Soknacki, Sutherland
No - 7	
Councillors:	Hall, Holyday, Mammoliti, Milczyn, Nunziata, Tziretas, Walker

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

Votes:

Adoption of motion (e) by Councillor McConnell:

Yes - 37	
Mayor:	Lastman

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

Adoption of motion (a) by Councillor Mihevc, seconded by Councillor Sutherland, as amended:

Yes - 28	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Duguid, Feldman, Filion, Flint, Hall, Jones, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Moeser, Moscoe, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki
No - 11	
Councillors:	Ford, Holyday, Kelly, Korwin-Kuczynski, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Sutherland, Tziretas, Walker

Carried by a majority of 17.

Deputy Mayor Ootes, having regard to the foregoing decisions of Council, declared motions (b) and (c), by Councillors Sutherland and Holyday, respectively, redundant.

Adoption of Clause, as amended:

Yes - 30	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Duguid, Feldman, Filion, Flint, Hall, Jones, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moeser, Moscoe, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland
No - 9	
Councillors:	Ford, Holyday, Kelly, Korwin-Kuczynski, Mammoliti, Milczyn, Nunziata, Tziretas, Walker

Carried by a majority of 21.

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

“It is further recommended that Council adopt the following motion:

‘WHEREAS establishing a South Region Animal Centre at the Horse Palace at Exhibition Place will result in consistent and integrated animal sheltering and field services across the City; and

WHEREAS establishing an Animal Centre at Exhibition Place offers a mutually beneficial partnership between Exhibition Place and Toronto Animal Services; and

WHEREAS the Exhibition Place Horse Palace location offers South Region residents excellent public access to animal sheltering services; and

WHEREAS the City of Toronto has had a long-standing relationship with the Toronto Humane Society;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the staff recommendations to locate a South Region Animal Centre in the Horse Palace at Exhibition Place;

AND BE IT FURTHER RESOLVED THAT Toronto Animal Services establish a co-operative “second-chance” animal adoption program with the Toronto Humane Society and other eligible partner organizations;

AND BE IT FURTHER RESOLVED THAT Toronto Animal Services participate with the Toronto Humane Society and other stakeholders in the development and delivery of programs and materials related to:

- (1) responsible pet ownership, including strategies to address pet overpopulation, pet sterilization, feral cat populations, pet health and safety, care of animals by-law and pet identification;
- (2) events including: Responsible Pet Ownership Week, Be Kind to Animals Week, National Homeless Animals’ Day, National Animal Shelter Appreciation Week; and
- (3) shelter services, including animal adoptions, sterilization, microchip and rabies clinics and owner-surrendered animal intake;

AND BE IT FURTHER RESOLVED THAT the Board of Health, through its Animal Services Advisory Committee, facilitate discussions between the Toronto Humane Society and the relevant organizations regarding animal cruelty investigations within the City of Toronto;

AND BE IT FURTHER RESOLVED THAT budget issues relating to the establishment and delivery of South Region Animal Sheltering Services be brought to Budget Advisory Committee for consideration in the 2002 Budget process;

AND BE IT FURTHER RESOLVED THAT City Council re-affirm the City of Toronto's position that animals sheltered by the City will not be sold or gifted for research purposes.' ”

1.45 **Clause No. 5 of Report No. 2 of The Policy and Finance Committee, headed “ABC Governance Issues Work Program”.**

Motion:

Councillor Silva moved that the Clause be amended by inserting in Recommendation No. (4) of the Policy and Finance Committee, after the words “Councillor Kyle Rae”, the words “and Councillor Mario Silva”, so that such recommendation shall now read as follows:

“(4) that the Striking Committee be requested to give consideration to Councillor Kyle Rae and Councillor Mario Silva being appointed to the aforementioned Ad Hoc Committee.”

Votes:

The motion by Councillor Silva carried.

The Clause, as amended, carried.

1.46 **Clause No. 3 of Report No. 1 of The Economic Development and Parks Committee, headed “Request for Proposal No. 0613-01-0203 for the Operation of Concession Services for the Parks and Recreation Division (Various Wards)”.**

Motion:

Councillor Duguid moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Chair of the Personnel Sub-Committee, in conjunction with the Director of Employee and Labour Relations and the General

Manager of Parks and Recreation, be requested to meet with Local 79 officials, in six month's time, to review any personnel issues arising from the implementation of the new agreements."

Votes:

The motion by Councillor Duguid carried.

The Clause, as amended, carried.

1.47 **Clause No. 20 of Report No. 2 of The Policy and Finance Committee, headed "Communications and Reporting Protocol for the Waterfront Reference Group and the Waterfront Revitalization Initiative".**

Motion:

Councillor Miller moved that the Clause be amended by adding thereto the following:

"It is further recommended that the City Clerk be requested to share the notification list with the Waterfront Revitalization Corporation for its public consultation process."

Votes:

The motion by Councillor Miller carried.

The Clause, as amended, carried.

1.48 **Clause No. 1 of Joint Report No. 1 of The Planning and Transportation Committee and The Economic Development and Parks Committee, headed "Float Homes and Year-Round Liveaboards on Parks and Recreation Property".**

Motion:

Councillor Kelly moved that the Clause be amended by deleting Recommendation No. (8) of the joint Planning and Transportation and Economic Development and Parks Committees and inserting in lieu thereof the following:

"(8) (a) Recommendation No. (1) of the further recommendations of the Joint Planning and Transportation and Economic Development and Parks Committees, as embodied in the confidential communication dated November 20, 2001, from the City Clerk, Planning and Transportation

Committee, to City Council, be struck out and replaced with the following:

- '(1) that the Acting City Solicitor be directed to commence such legal action as deemed appropriate to seek an interpretation of the lease among the City, the Toronto and Region Conservation Authority and Bluffer's Park Marina Limited to determine whether the lease permits the use of the leased property for residential or related purposes, including float homes and liveboards, and to seek an injunction to prevent any additional float homes at Bluffer's Park Marina until after such legal action has been concluded, and further, that the Acting City Solicitor be directed to take no action to implement any court decision against float home owners or liveboards until after the results of such legal action have been reported to City Council;'; and
- (b) Recommendation No. (2) of the further recommendations of the Joint Planning and Transportation and Economic Development and Parks Committees, as embodied in such communication, be adopted, such recommendation to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to Solicitor/Client privilege."

Votes:

The motion by Councillor Kelly carried.

The Clause, as amended, carried.

1.49 **Clause No. 6 of Report No. 1 of The Economic Development and Parks Committee, headed "2001 Caribana Financial Report (All Wards)".**

Motion:

Councillor Mihevc moved that the Clause be amended by amending the recommendations of the Economic Development and Parks Committee by:

- (1) adding to the end of Recommendation No. (2) the words "this will be accomplished through the establishment of a joint Festival Management Committee, where both organizations are represented and where the Festival Organizer, in consultation with a designated City staff person, facilitates the process and mediates any dispute that may arise;"; so that such recommendation shall now read as follows:

- “(2) the City support the Caribbean Cultural Committee and the Toronto Mas Bands Association working together to plan and implement the 2002 Caribana Festival, including the hiring of a Festival organizer; this will be accomplished through the establishment of a joint Festival Management Committee, where both organizations are represented and where the Festival Organizer, in consultation with a designated City staff person, facilitates the process and mediates any dispute that may arise;”;
- (2) deleting Recommendation No. (3) and renumbering the remaining recommendations accordingly; and
- (3) adding thereto the following new recommendations:
- “(9) that the Festival Management Committee members act in a voluntary capacity without direct or indirect financial remuneration;
- (10) that the City support the Caribbean Cultural Committee in its restructuring, such support to include ensuring that the organization receives sufficient resources from the 2002 festival to undertake such tasks;
- (11) that the City’s Staff Liaison Committee require the participation from the Caribbean Cultural Committee and the Toronto Mas Bands Association for the administration of the 2002 Caribana festival; and
- (12) that the City re-affirm its support, in the medium- and long-term, for a restructured and revitalized Caribbean Cultural Committee as the historical, central organizer, producer and owner of the Caribana Festival.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

1.50 Clause No. 3 of Report No. 2 of The Administration Committee, headed “Request for Expression of Interest No. 9155-01-7765 - Operation of the City Hall Store”.

Motion:

Mayor Lastman moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Corporate Services be requested to submit a report to the Administration Committee, as soon as possible, on a process for offering the City Hall store location for lease on the open market, or a store location fronting on Nathan Phillips Square, if feasible.”

Votes:

The motion by Mayor Lastman carried.

The Clause, as amended, carried.

1.51 **Clause No. 3 of Report No. 1 of The Community Services Committee, headed “Briefing on Influenza Vaccinations for Paramedics”.**

Having regard that the Clause was submitted without recommendation:

Motions:

(a) Councillor Duguid moved that Council adopt the following recommendations:

“It is recommended that:

- (1) the Clause, together with the communication dated February 12, 2002, from the Director, Emergency Health Services Branch, Ministry of Health and Long-Term Care, be received;
- (2) City Council support the decision of EMS management to not suspend paramedics who have not taken the influenza vaccine and Council request the Minister of Health and Long-Term Care to allow municipalities that make every effort to ensure compliance with the influenza vaccinations some flexibility in determining how best to encourage paramedics to be vaccinated; and
- (3) paramedics be advised of City Council’s support for this approach and be requested to voluntarily take an influenza vaccination to reduce the risks of exposing vulnerable patients to influenza.”

(b) Councillor Walker moved that Council adopt the following recommendation:

“It is recommended that the following motion be referred to the Community Services Committee for consideration at the appropriate time:

Moved by Councillor Walker:

‘It is recommended that the City join with CUPE Local 416’s representation of the paramedics’ legal challenge to the Province of Ontario legislation enforcing mandatory influenza vaccinations for paramedics.’ ”

Votes:

Motion (a) by Councillor Duguid carried.

Motion (b) by Councillor Walker carried.

The Clause, as amended, carried.

- 1.52 **Clause No. 4 of Report No. 1 of The Economic Development and Parks Committee, headed “Proposed Licence Agreement with Hydro One Networks Inc. (‘Hydro’) for Parkland within Ontario Hydro Corridor Lands Abutting the Canadian Pacific Railway Line Between Ossington Avenue and Shaw Street (Ward 21 St. Paul’s)”.**

Motions:

- (a) Councillor Layton moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the Chief Administrative Officer be requested to:
 - (a) co-ordinate a report to the next meeting of the Policy and Finance Committee indicating the status of the sale of all Hydro One rights-of-way within the City and any potential issues that City staff have identified, either in terms of concerns relating to the City’s objectives or opportunities that the sale may present;
 - (b) notify and consult with the Chief Administrative Officers in neighbouring municipalities in this regard;
 - (c) notify the appropriate provincial and Hydro One officials of City Council’s actions and seek their input, assistance and co-operation in the interest of achieving public objectives; and
 - (d) co-ordinate the actions of all the City’s departments in this regard; and

- (2) the Association of Municipalities of Ontario be requested to assist in this matter, and the City seek their advice in this regard.”
- (b) Councillor Ashton moved that motion (a) by Councillor Layton be amended by adding thereto the following:
- “(3) the Acting City Solicitor be requested to submit a report to the Planning and Transportation Committee on the potential for ‘public access easements’.”

Votes:

Motion (b) by Councillor Ashton carried.

Motion (a) by Councillor Layton carried, as amended.

The Clause, as amended, carried.

1.53 **Clause No. 22 of Report No. 2 of The Etobicoke Community Council, headed “Designation of 2245 Lawrence Avenue West (Humber Heights Consolidated School) (Ward 2 - Etobicoke North)”.**

Motion:

Councillor Ford moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on April 16, 2002.

Vote:

The motion by Councillor Ford carried.

1.54 **Clause No. 2 of Report No. 1 of The Community Services Committee, headed “Update on Transfer of Care Delays Experienced by Toronto Emergency Medical Services”.**

Motion:

Councillor Duguid moved that the Clause be amended by adding thereto the following:

“It is further recommended that the General Manager, Emergency Medical Services, be requested to submit a report to the Community Services Committee on the proposal recently put forward by EMS staff calling on the Province of Ontario to address offload delays by:

- (1) opening up urgent care centres to take EMS patients;

- (2) financially rewarding hospitals that have high Emergency Department volumes and effective off-loading ambulance times; and
- (3) investing in information technology to allow real-time information sharing on actual patient loads and capacity between hospitals and ambulance communication centres.”

Votes:

The motion by Councillor Duguid carried.

The Clause, as amended, carried.

1.55 Clause No. 63 of Report No. 1 of The Toronto East York Community Council, headed “Introduction of Southbound Right-turn Prohibition from Booth Avenue to the On Ramp for the Westbound F.G. Gardiner Expressway (Toronto-Danforth, Ward 30)”.

Motion:

Councillor Layton moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to:

- (1) review the operation of this intersection and this prohibition and hold an on-site meeting with the film studio owner and the Ward Councillor and submit a report to the Toronto East York Community Council, within three months, on possible solutions; and
- (2) investigate ways to reduce speeding by motorists approaching the ramp.”

Votes:

The motion by Councillor Layton carried.

The Clause, as amended, carried.

1.56 Clause No. 1 of Report No. 1 of The Policy and Finance Committee, headed “Other Item Considered by the Committee”.

Motion:

Councillor Bussin moved that, notwithstanding the provisions of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, the Clause, together with Motion F(2), moved by Councillor Bussin, seconded by Councillor Miller, be struck out and referred to the Sub-Committee of the Toronto Police Services Board which is reviewing the issue of a public surveillance camera program, with a request that the Sub-Committee permit Councillor Bussin to participate.

Vote:

The motion by Councillor Bussin carried, more than two-thirds of Members present having voted in the affirmative. (See also Minute No. 1.76, Page 98)

1.57 Clause No. 17 of Report No. 2 of The Works Committee, headed “Student Pick-Up/Drop-Off Areas”.

Motion:

Councillor Miller moved that the Clause be received.

Vote:

The motion by Councillor Miller carried.

1.58 Clause No. 9 of Report No. 1 of The Community Services Committee, headed “City of Toronto Consolidated Grants Allocation Report: Termite Research Grant and Update on the Termite Research Program”.

Motion:

Councillor Soknacki moved that the Clause be amended by adding to Recommendation No. (2) embodied in the report dated December 24, 2001, from the Acting Commissioner of Community and Neighbourhood Services, as embodied in the Clause, the following words:

“such report to include comments on:

- (a) any environmental issues concerning the active components, including Canadian and American regulatory status; and
- (b) the commercial viability of any product and/or service in which the City of Toronto may have a financial interest, including a review of the latest business plan; and”

so that such recommendation shall now read as follows:

- “(2) staff report back with a full evaluation of the three-year research project in 2002 following receipt of the final report from the Termite Research Program regarding ‘Towards a Neighbourhood-Based Termite Program’, such report to include comments on:
- (a) any environmental issues concerning the active components, including Canadian and American regulatory status; and
 - (b) the commercial viability of any product and/or service in which the City of Toronto may have a financial interest, including a review of the latest business plan; and”.

Votes:

The motion by Councillor Soknacki carried.

The Clause, as amended, carried.

1.59 **Clause No. 2 of Report No. 1 of The Works Committee, headed “Road Salt Management Plan”.**

Motion:

Councillor Silva moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on:

- (1) the impact on the City of Toronto of the Federal Government’s classification of road salt as ‘toxic’; and
- (2) a development strategy to reduce the use of road salt on the City of Toronto’s roads.”

Votes:

The motion by Councillor Silva carried.

The Clause, as amended, carried.

1.60 Clause No. 1 of Report No. 3 of The Works Committee, headed “Procurement and Distribution of Organic Collection Containers - Request for Proposals No. 0401-01-0282”.

Motions:

- (a) Councillor Shiner moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the contract for Phase II, as referred to in Recommendation No. (3) embodied in the joint report dated January 30, 2002, from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, as embodied in the Clause, be subject to the provision that Norseman Plastics agrees to work co-operatively with the City of Toronto to make changes to the containers if suggested by the City of Toronto after Phase I is implemented; if the changes suggested by the City of Toronto are substantive, e.g. major modifications requiring new moulds, significantly more resin, etc., there would be a requirement to adjust the Phase II prices and Norseman Plastics would be required to negotiate in good faith with the City of Toronto to seek agreement on fair and reasonable terms; and if the City of Toronto was not satisfied that the terms were fair and reasonable, the City of Toronto would have the right to discontinue its agreement with Norseman Plastics for Phase II (or any part of Phase II) and re-tender the containers or enter into any necessary agreements with others to meet this requirement; and
- (2) the Chief Administrative Officer and the Chief Financial Officer and Treasurer be requested to submit a joint report to Council, through the Administration Committee and the Policy and Finance Committee, on future Requests for Quotations, so as not to lock the City into long-term agreements of which City Council is not aware, to clearly outline all options and restrictions and to allow the City of Toronto the flexibility to make changes.”

- (b) Councillor Layton moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the Commissioner of Works and Emergency Services be requested to conduct an evaluation of the implementation of the container and submit the evaluation to the Works Committee for review; and
- (2) the Design Exchange be requested to assist in the evaluation of the container and submit any proposed modifications.”

- (c) Councillor Kelly moved that Part (1) of motion (a) by Councillor Shiner be amended by deleting the word “substantive” and inserting in lieu thereof the word “substantial”.

Withdrawal of Motion:

Councillor Kelly, with the permission of Council, withdrew his motion (c).

Votes:

Part (1) of motion (a) by Councillor Shiner carried.

Part (2) of motion (a) by Councillor Shiner carried.

Motion (b) by Councillor Layton carried.

Adoption of Clause, as amended:

Yes - 35	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Sutherland, Walker
No - 2	
Councillors:	Ford, Milczyn

Carried by a majority of 33.

1.61 Clause No. 7 of Report No. 1 of The Economic Development and Parks Committee, headed “Major Cultural Organizations - Multi-Year Agreement (All Wards)”.

Motion:

Councillor Mihevc moved that the Clause be amended by adding to Recommendation No. (3) embodied in the report dated January 4, 2002, from the Commissioner of Economic Development, Culture and Tourism, as embodied in the Clause, the words “in consultation with the organizations and with the Toronto Arts Council”, so that such recommendation shall now read as follows:

- “(3) the Commissioner of Economic Development, Culture and Tourism report on establishing funding agreements with other significant/specialized City-funded arts and cultural organizations, including the Caribbean Cultural Committee (Caribana), in consultation with the organizations and with the Toronto Arts Council; and”.

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

- 1.62 **Clause No. 1 of Report No. 1 of The Scarborough Community Council, headed “Final Report - Combined Application - TF CMB 2001 0008 - Kreadar Enterprises - Reno Depot Inc., North-West Corner of Midland and McNicoll Avenues, Milliken Employment District (Ward 41 – Scarborough Rouge River)”.**

Motions:

- (a) Councillor Jones moved that the Clause be amended by adding thereto the following:

“It is further recommended that Kreadar Enterprises - Reno Depot Inc. be requested to consider innovative approaches to on-site stormwater management in the design and landscaping of the Building Box retail store site.”

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

“It is further recommended that staff from Legal Services and Urban Development Services be directed to attend at the Ontario Municipal Board Hearing in support of the Community Council recommendation.”

Votes:

Motion (a) by Councillor Jones carried.

Adoption of motion (b) by Councillor Balkissoon:

Yes - 26

Councillors:	Altobello, Ashton, Balkissoon, Bussin, Chow, Di Giorgio, Feldman, Flint, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Soknacki, Sutherland, Walker
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No - 1 Councillor:	Cho
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Carried by a majority of 25.

The Clause, as amended, carried.

1.63 **Clause No. 10 of Report No. 1 of The Economic Development and Parks Committee, headed “International Alliance Program - Proposed Missions for 2002 (All Wards)”.**

Motions:

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

- (1) in accordance with the supplementary report dated February 12, 2002, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:

“It is recommended that:

- (1) the dates and number of missions be revised as outlined in Table 1 of this report;
- (2) the selection criteria for mission delegates be adopted as outlined in this report;
- (3) the proposed Members of Council in Table 1 be approved for the 2002 missions; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”; and

- (2) by adding thereto the following:

“It is further recommended that Taipei and Hong Kong be added to the destinations planned for the Far East in May of this year.”

(b) Councillor Holyday moved that the Clause be amended by adding thereto the following:

“It is further recommended that, in future, all trips out of the country be limited to only two Members of Council and appropriate City of Toronto staff.”

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

“It is further recommended that the following Members of Council (or appropriate replacements) be authorized to attend meetings with Vatican Officials in Rome to discuss the City of Toronto’s preparedness for World Youth Day and to finalize the plans for the event, and the funding for this mission be allocated from the City World Youth Day Secretariat, as contemplated in the proposed 2002 Operating Budget:

Councillor Augimeri,
Councillor Disero,
Councillor Mihevc, and
Councillor Pantalone.”

- (d) Councillor Mammoliti moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) Milan, Italy, be considered in the fall mission, if some of the fall destinations are being reconsidered; otherwise, a business mission be approved to Milan in the spring of 2003 in follow up to an official visit to Toronto by officials of the City of Milan in April of this year, and, in the event the trip does not occur in 2002, then the Commissioner of Economic Development, Culture and Tourism be directed to include such trip in the 2003 budget planning process;
- (2) Councillor Chow be added as a member of the delegation to Taipei and Hong Kong;
- (3) Councillor Tziretas be added as a member of the delegation to Athens; and
- (4) each delegation be required to submit a written report to Council, through the Economic Development and Parks Committee, after each visit.”

- (e) Councillor Moscoe moved that motion (b) by Councillor Holyday be amended by:

- (1) deleting the words “Members of Council” and inserting in lieu thereof the word “Councillors”; and
- (2) adding thereto the words “save and except those meetings or conferences to which the City of Toronto has delegate status”.

Councillor Disero in the Chair.

Deputy Mayor Ootes in the Chair.

- (f) Councillor Chow moved that the Clause be amended by adding thereto the following:
“It is further recommended that:
- (1) the Commissioner of Economic Development, Culture and Tourism be requested to provide Members of Council with a detailed agenda of the dates when missions are at which cities and which industry is targeted, in order to seek input from interested Members of Council who have expertise (commercial, cultural and linguistic) with these cities and industries; and
 - (2) the Commissioner of Economic Development, Culture and Tourism be requested to submit an annual report to the Economic Development and Parks Committee outlining a detailed analysis of how and when cities are chosen for the International Alliance Program.”
- (g) Councillor Li Preti moved that:
- (1) the Clause be amended by adding thereto the following:
“It is further recommended that the previously approved International Alliance visit to South America be reconsidered for 2003.”; and
 - (2) motion (c) by Councillor Mihevc be amended to provide that only the Chair of the World Youth Day Liaison Committee and the Chair of the Planning and Transportation Committee be authorized to attend meetings with Vatican officials, in Rome, to discuss the City of Toronto’s preparedness for World Youth Day.
- (h) Councillor Nunziata moved that:
- (1) motion (c) by Councillor Mihevc be referred to the World Youth Day Liaison Committee for further consideration; and
 - (2) Part (4) of motion (d) by Councillor Mammoliti be amended by adding thereto the words “such report to include a detailed list of individual Councillor’s expenses”.
- (i) Councillor Hall moved that, in the event Part (1) of motion (h) by Councillor Nunziata does not carry, motion (c) by Councillor Mihevc be amended by:
- (1) deleting the word “Rome” and inserting in lieu thereof the word “Toronto”; and

- (2) deleting the words “and the funding for this mission be allocated from the City World Youth Day Secretariat, as contemplated in the proposed 2002 Operating Budget”.
- (j) Councillor Augimeri moved that Part (1) of motion (d) by Councillor Mammoliti be amended by adding London to the spring 2003 mission.
- (k) Councillor Moeser moved that the Clause be amended by adding thereto the following:

“It is further recommended that any further funding requirements not previously approved be reported as quickly as possible to the Policy and Finance Committee, through the Budget Advisory Committee.”
- (l) Councillor Milczyn moved that motion (c) by Councillor Mihevc be amended by deleting the names “Councillor Augimeri, Councillor Disero, Councillor Mihevc and Councillor Pantalone”, and inserting in lieu thereof the words “the Chair and Vice-Chair of the World Youth Day Committee”.

Withdrawal of Motion:

Councillor Milczyn, with the permission of Council, withdrew his motion (l).

Votes:

Part (1) of motion (a) by Councillor Feldman carried.

Part (2) of motion (a) by Councillor Feldman carried.

Adoption of Part (1) of motion (e) by Councillor Moscoe:

Yes - 22	
Councillors:	Augimeri, Balkissoon, Cho, Chow, Di Giorgio, Duguid, Feldman, Fillion, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Tziretas
No - 12	
Councillors:	Altobello, Berardinetti, Disero, Flint, Ford, Holyday, Kelly, Moeser, Nunziata, Ootes, Shaw, Walker

Carried by a majority of 10.

Part (2) of motion (e) by Councillor Moscoe carried.

Adoption of motion (b) by Councillor Holyday, as amended:

Yes - 14 Councillors:	Altobello, Balkissoon, Berardinetti, Duguid, Ford, Hall, Holyday, Jones, Layton, Lindsay Luby, Moeser, Nunziata, Ootes, Walker
No - 20 Councillors:	Augimeri, Cho, Chow, Di Giorgio, Disero, Feldman, Filion, Flint, Johnston, Kelly, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Shaw, Tziretas

Lost by a majority of 6.

Adoption of Part (1) of motion (h) by Councillor Nunziata:

Yes - 12 Councillors:	Duguid, Ford, Hall, Holyday, Layton, Li Preti, Lindsay Luby, Milczyn, Moeser, Nunziata, Ootes, Tziretas
No - 22 Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Filion, Flint, Jones, Kelly, Korwin-Kuczynski, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw, Walker

Lost by a majority of 10.

Adoption of motion (i) by Councillor Hall:

Yes - 9 Councillors:	Feldman, Hall, Holyday, Johnston, Lindsay Luby, Moeser, Nunziata, Ootes, Rae
No - 27 Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Ford, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Shaw, Tziretas, Walker

Lost by a majority of 18.

Adoption of Part (2) of motion (g) by Councillor Li Preti:

Yes - 5 Councillors:	Altobello, Balkissoon, Duguid, Li Preti, Ootes
No - 31 Councillors:	Augimeri, Berardinetti, Cho, Chow, Di Giorgio, Disero, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Pantalone, Rae, Shaw, Tziretas, Walker

Lost by a majority of 26.

Adoption of motion (c) by Councillor Mihevc, without amendment:

Yes - 19 Councillors:	Augimeri, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Layton, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Shaw, Tziretas, Walker
No - 16 Councillors:	Altobello, Balkissoon, Berardinetti, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Milczyn, Moeser, Nunziata, Ootes, Rae

Carried by a majority of 3.

Adoption of motion (j) by Councillor Augimeri:

Yes - 15 Councillors:	Augimeri, Disero, Flint, Johnston, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Shaw, Walker
No - 21 Councillors:	Altobello, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Duguid, Feldman, Filion, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Moeser, Nunziata, Ootes, Rae, Tziretas

Lost by a majority of 6.

Adoption of Part (1) of motion (d) by Councillor Mammoliti, without amendment:

Yes - 22

Councillors:	Augimeri, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Ootes, Pantalone, Rae, Shaw, Tziretas, Walker
No - 13	
Councillors:	Altobello, Balkissoon, Berardinetti, Chow, Filion, Ford, Hall, Holyday, Milczyn, Miller, Moeser, Moscoe, Nunziata

Carried by a majority of 9.

Adoption of Parts (2) and (3) of motion (d) by Councillor Mammoliti:

Yes - 26	
Councillors:	Augimeri, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Shaw, Tziretas, Walker
No - 9	
Councillors:	Altobello, Balkissoon, Ford, Hall, Holyday, Kelly, Miller, Moeser, Nunziata

Carried by a majority of 17.

Part (2) of motion (h) by Councillor Nunziata carried.

Part (4) of motion (d) by Councillor Mammoliti carried, as amended.

Councillor Moscoe requested that his opposition to Part (4) of motion (d) by Councillor Mammoliti, as amended, be noted in the Minutes of this meeting.

Part (1) of motion (f) by Councillor Chow carried.

Part (2) of motion (f) by Councillor Chow carried.

Part (1) of motion (g) by Councillor Li Preti carried.

Motion (k) by Councillor Moeser carried.

Adoption of Clause, as amended:

Yes - 27

Councillors:	Augimeri, Balkissoon, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Johnston, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Ootes, Pantalone, Rae, Shaw, Tziretas
No - 8	
Councillors:	Altobello, Berardinetti, Ford, Holyday, Jones, Kelly, Moeser, Nunziata

Carried by a majority of 19.

In summary, Council amended this Clause:

- (1) in accordance with the supplementary report dated February 12, 2002, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:

“It is recommended that:

- (1) the dates and number of missions be revised as outlined in Table 1 of this report;
- (2) the selection criteria for mission delegates be adopted as outlined in this report;
- (3) the proposed Members of Council in Table 1 be approved for the 2002 missions; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”; and

- (2) by adding thereto the following:

“It is further recommended that:

- (a) Taipei and Hong Kong be added to the destinations planned for the Far East in May of this year;
- (b) Councillor Chow be added as a member of the delegation to Taipei and Hong Kong;
- (c) Councillor Tziretas be added as a member of the delegation to Athens;

- (d) the following Members of Council (or appropriate replacements) be authorized to attend meetings with Vatican Officials in Rome to discuss the City of Toronto's preparedness for World Youth Day and to finalize the plans for the event, and the funding for this mission be allocated from the City World Youth Day Secretariat, as contemplated in the proposed 2002 Operating Budget:

Councillor Augimeri,
Councillor Disero,
Councillor Mihevc, and
Councillor Pantalone;

- (e) the previously approved International Alliance visit to South America be reconsidered for 2003;
- (f) Milan, Italy, be considered in the fall mission, if some of the fall destinations are being reconsidered; otherwise, a business mission be approved to Milan in the spring of 2003 in follow up to an official visit to Toronto by officials of the City of Milan in April of this year, and, in the event the trip does not occur in 2002, then the Commissioner of Economic Development, Culture and Tourism be directed to include such trip in the 2003 budget planning process;
- (g) any further funding requirements not previously approved be reported as quickly as possible to the Policy and Finance Committee, through the Budget Advisory Committee;
- (h) each delegation be required to submit a written report to Council, through the Economic Development and Parks Committee, after each visit, such report to include a detailed list of individual Councillor's expenses;
- (i) the Commissioner of Economic Development, Culture and Tourism be requested to submit an annual report to the Economic Development and Parks Committee outlining a detailed analysis of how and when cities are chosen for the International Alliance Program; and
- (j) the Commissioner of Economic Development, Culture and Tourism be requested to provide Members of Council with a detailed agenda of the dates when missions are at which cities and which industry is targeted, in order to seek input from interested Members of Council who have expertise (commercial, cultural and linguistic) with these cities and industries."

1.64 Clause No. 1 of Report No. 1 of The Planning and Transportation Committee, headed "Harmonization of the Noise By-law".

Motions:

- (a) Councillor Mihevc moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on April 16, 2002; and the Commissioners of Economic Development, Culture and Tourism, Urban Development Services and Works and Emergency Services, and the Medical Officer of Health be requested to gather all communications received in this regard and forward same to the Chairs of the Economic Development and Parks, Planning and Transportation and Works Committees, and the Board of Health, with a request that they meet to resolve outstanding issues.
- (b) Councillor Moscoe moved that the following motion be referred to the meeting of the Chairs of the Economic Development and Parks, Planning and Transportation and Works Committees, and the Board of Health for consideration:

Moved by Councillor Moscoe:

“That the Clause be amended in accordance with the following motion:

‘WHEREAS it is recognized that, from time to time, emergency situations develop which require that immediate action be taken by residents, City staff and other government agencies during odd hours; and

WHEREAS specific approval by Council prior to taking the action necessary to deal with the emergency would not be in the best interest of the community;

NOW THEREFORE BE IT RESOLVED THAT the Clause be amended by amending Section 8 of the draft noise by-law by deleting reference to Council approval so that Section 8 would now read as follows:

“8. Exemption: Public Safety and Highways

Notwithstanding any other provision of this chapter, it shall be lawful to emit or cause or permit the emission of sound in connection with measures undertaken:

- (a) for the immediate health, safety or

welfare of the inhabitants of the City under emergency circumstances; or

- (b) for any emergency requiring immediate action for the construction, preservation, restoration or demolition of any highway.” ’ ”

Votes:

Motion (a) by Councillor Mihevc carried.

Motion (b) by Councillor Moscoe carried.

1.65 Clause No. 19 of Report No. 2 of The Policy and Finance Committee, headed “Bill 151 - The Toronto Waterfront Revitalization Corporation Act, 2001”.

Motions:

- (a) Councillor Moscoe moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Urban Development Services and the Acting City Solicitor be requested to submit a joint report to the Policy and Finance Committee when the following proposed amendment has been achieved or, in the event that the amendment has not been achieved, every two months:

- ‘(2) City staff request the following amendments to the Toronto Waterfront Revitalization Corporation Act, 2001, in addition to those recommended in the aforementioned Committee Recommendation No. (I) above:

- (a) that Provincial representatives be requested to amend Bill 151 by removing the words “or unless it is authorized to do so by regulation” wherever they appear in the Proposed Legislation or by stating that no regulation may be issued without consent of City Council and the Federal Government;.’ ”

- (b) Councillor Miller moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the meetings of the Board of Directors of the Waterfront Revitalization Corporation and its Committees be open and public in a manner consistent with the Municipal Act; and
- (2) the Conflict of Interest Code being developed be based on the obligations imposed on elected officials under the Municipal Act.”

Votes:

Motion (a) by Councillor Moscoe carried.

Motion (b) by Councillor Miller carried.

The Clause, as amended, carried.

1.66 **Clause No. 4 of Report No. 2 of The Planning and Transportation Committee, headed “Harmonization of the Division Fence By-law”.**

Motion:

Councillor Miller moved that the Clause be amended by adding thereto the following:

“It is further recommended that the following motion be adopted:

‘WHEREAS a major component of the Division Fence procedure that applied to the former City of Toronto was a mediation process that was available to neighbours to resolve fence-related issues; and

WHEREAS the City of Toronto should continue to provide and expand the use of an Alternative Dispute Resolution (ADR) process to resolve neighbourhood issues related to non-compliance with the City of Toronto Municipal Code; and

WHEREAS the Municipal Licensing and Standards Division of the Urban Development Services Department deals with a majority of neighbourhood issues related to non-compliance with the City of Toronto Municipal Code;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services be requested to have all Municipal Licensing and Standards Officers trained in ADR methods and to submit a report to the Planning and Transportation Committee on staffing needs and other issues related to the creation of an ADR Unit within the Municipal Licensing and

Standards Division of the Urban Development Services Department as part of the 2003 budget process.’ ”

Votes:

The motion by Councillor Miller carried.

The Clause, as amended, carried.

1.67 **Clause No. 6 of Report No. 2 of The Works Committee, headed “User Fees for Collection of Large Metal Appliances”.**

Motions:

- (a) Councillor Moscoe moved that the Clause be received.
- (b) Councillor Mammoliti moved that, in the event motion (a) by Councillor Moscoe does not carry, the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to investigate other methods of making up the difference in costs and report thereon to the Works Committee.”

Vote Be Now Taken:

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

Yes - 28	
Councillors:	Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Ford, Hall, Holyday, Jones, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Rae, Silva, Soknacki, Sutherland
No - 7	
Councillors:	Altobello, Balkissoon, Flint, Korwin-Kuczynski, Moeser, Tziretas, Walker

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

Vote:

Adoption of motion (a) by Councillor Moscoe:

Yes - 26	
Councillors:	Altobello, Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Filion, Ford, Holyday, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Pantalone, Rae, Silva, Sutherland
No - 9	
Councillors:	Balkissoon, Duguid, Flint, Hall, Moeser, Ootes, Soknacki, Tziretas, Walker

Carried by a majority of 17.

Deputy Mayor Ootes, having regard to the foregoing decision of Council, declared motion (b) by Councillor Mammoliti, redundant.

1.68 Clause No. 1 of Report No. 1 of The Board of Health, headed “Implementation of the Contingency Plan for the Prevention and Control of the West Nile Virus (WNV)”.

Motion:

Councillor Shiner moved that the Clause be struck out and referred back to the Medical Officer of Health; and the Medical Officer of Health be directed to again request the Provincial Government to provide 100 percent funding for this initiative and report thereon to Council, through the Board of Health.

Vote:

The motion by Councillor Shiner carried.

1.69 Clause No. 3 of Report No. 2 of The Board of Health, headed “Appointments to the Reference Group on a Strategy to Achieve a Phase-Out of Non-Essential Outdoor Uses of Pesticides”.

Motion:

Councillor Mihevc moved that the Clause be amended by adding thereto the following:

“It is further recommended that Council adopt the recommendations of the Striking Committee embodied in the communication dated January 31, 2002, from the City Clerk, subject to adding to Recommendation No. (1) the name ‘J. Layton’, so that the recommendations embodied in such communication shall now read as follows:

‘The Striking Committee, at its meeting held on January 31, 2002, recommended to City Council:

- (1) the appointment of the following Members of Council to the Reference Group on a Strategy to Achieve a Phase Out of Non-essential Outdoor Uses of Pesticides for a term of office expiring November 30, 2003, and until their successors are appointed:

N. Kelly
J. Layton
D. Minnan Wong
F. Nunziata
J. Pitfield
M. Tziretas; and

- (2) that the appropriate officials be authorized and directed to take any necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

1.70 **Clause No. 1 of Report No. 1 of The Administration Committee, headed “Redeployment of Council Transportation Unit Employees”.**

Motion:

- (a) Councillor Miller moved that the Clause be amended by striking out the recommendations of the Administration Committee and inserting in lieu thereof the following:

“It is recommended that the Commissioner of Corporate Services be requested to:

- (1) continue to work with the remaining unplaced employee to secure an alternate position; and
- (2) submit a report thereon to the next regular meeting of City Council scheduled to be held on April 16, 2002.”

- (b) Councillor Soknacki moved that motion (a) by Councillor Miller be amended by adding to Part (2) the words “for information purposes only”.

Vote Be Now Taken:

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

Yes - 23	
Councillors:	Augimeri, Bussin, Cho, Chow, Di Giorgio, Hall, Johnston, Jones, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Silva, Soknacki, Sutherland
No - 10	
Councillors:	Ashton, Balkissoon, Duguid, Flint, Ford, Holyday, Korwin-Kuczynski, Moeser, Shiner, Walker

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

Votes:

Adoption of motion (b) by Councillor Soknacki:

Yes - 11	
Councillors:	Duguid, Flint, Ford, Holyday, Lindsay Luby, Minnan-Wong, Moeser, Ootes, Pitfield, Soknacki, Sutherland
No - 24	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Filion, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Shiner, Silva, Walker

Lost by a majority of 13.

Adoption of motion (a) by Councillor Miller, without amendment:

Yes - 27	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Filion, Flint, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Pantalone, Pitfield, Shiner, Silva, Walker
No - 8	

Councillors: Duguid, Ford, Holyday, Lindsay Luby, Minnan-Wong, Ootes, Soknacki, Sutherland
--

Carried by a majority of 19.

The Clause, as amended, carried.

1.71 **Clause No. 1 of Report No. 1 of The Etobicoke Community Council, headed “Traffic Concerns - Westmore Drive Between Finch Avenue West and Humber College Boulevard (Ward 1 – Etobicoke North)”.**

Motion:

Councillor Holyday moved that the Clause be received.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 3 Councillors: Ford, Holyday, Minnan-Wong
No - 28 Councillors: Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Duguid, Feldman, Flint, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Silva, Sutherland, Walker

Lost by a majority of 25.

Adoption of Clause, without amendment:

Yes - 31 Councillors: Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Duguid, Feldman, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shiner, Silva, Sutherland, Walker
No - 2 Councillors: Ford, Holyday

Carried by a majority of 29.

1.72 Clause No. 1 of Report No. 2 of The Policy and Finance Committee, headed “Proposal to Establish an Independent Auditor General for the City of Toronto”.

Motion:

Councillor Minnan-Wong moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on April 16, 2002; such Clause to be identified as a “time-sensitive” issue.

Vote:

The motion by Councillor Minnan-Wong carried.

1.73 IN-CAMERA MEETING SESSIONS OF THE COMMITTEE OF THE WHOLE

February 13, 2002:

Motion:

Councillor Holyday, at 3:18 p.m., moved that Council now resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Clause No. 1 of Report No. 1 of The Audit Committee, headed “Status of Litigation with MFP Financial Services”, in accordance with the provisions of the Municipal Act, having regard that it concerns the security of the property of the municipality and pertains to litigation.

Vote:

The motion by Councillor Holyday carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 3:25 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 5:00 p.m., and met in public session in the Council Chamber.

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

1.74 **Clause No. 1 of Report No. 1 of The Audit Committee, headed “Status of Litigation with MFP Financial Services”.**

Report of the Committee of the Whole:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause.

Having regard that the Clause was submitted without recommendation:

Motions:

(a) Councillor Balkissoon moved that Council adopt the following recommendations:

“It is recommended that:

- (1) the Resolution requesting a judicial enquiry be amended by inserting in the eighth Recital, after the words ‘in effect for 90 days’, the words ‘and further, the report also failed to mention that MFP’s submission did not properly clarify the rates beyond 90 days as part of the required submission of the Request for Quotations (RFQ) conditions’;
- (2) the Chief Financial Officer and Treasurer remit payments to MFP upon advice of legal counsel to reduce further interest costs;
- (3) the Minutes of Settlement be amended to provide that the current leases can be renegotiated at the City’s option to facilitate reduction of the lease time frame and the City’s ultimate costs of the existing leases, and further, the appropriate City staff be directed to report to Council, through the appropriate Committee, on a reassessment of the lifespan of the leases, overall costs, no maintenance period, equipment retirement with payments outstanding, and whether it is beneficial to renegotiate any sections of the existing leases; and
- (4) City Council adopt the report dated February 12, 2002, from the City Auditor.”

(b) Councillor Miller moved that Council adopt the following recommendations:

“It is recommended that:

- (1) City Council adopt the confidential joint report dated February 13, 2002, from the Chief Administrative Officer and the Commissioner of Corporate Services;

- (2) the Minutes of Settlement be amended to provide that MFP agree to rewrite the Oracle contract so that the City of Toronto is required to pay only for those licences actually used;
 - (3) the Acting City Solicitor amend the pleadings in the litigation with MFP to seek rescission of the Oracle leasing contact with MFP; and
 - (4) City Council request that a Public Inquiry in respect of the MFP contracts be held under Section 100 of the Municipal Act.”
- (c) Councillor Walker moved that Council adopt the following recommendation:
- “It is recommended that City Council adopt the confidential joint report dated February 7, 2002, from the Chief Administrative Officer and the City Auditor.”
- (d) Councillor Minnan-Wong moved that Council adopt the following recommendations:
- “It is recommended that:
- (1) City Council adopt the report dated December 20, 2001, from the Chief Administrative Officer, subject to the Minutes of Settlement being amended to include that releases will be given to MFP by the City, releasing all of its officers, directors, employees and assignees from any further claim, with the exception of any claim for fraud, malfeasance, or any breach of trust;
 - (2) the Chief Administrative Officer be requested to submit a report to the Administration Committee outlining the efforts made by City staff to monitor the Y2K initiative, what policies were put in place in that regard, and the enforcement mechanisms implemented to ensure the Y2K process was administered efficiently.”
- (e) Councillor Soknacki moved that Council adopt the following recommendation:
- “It is recommended that the Minutes of Settlement be amended to provide that the City of Toronto’s releases to MFP only apply to the transactions listed in Schedule ‘A’.”
- (f) Councillor Ford moved that Council adopt the following recommendation:
- “It is recommended that the RCMP be requested to undertake an investigation into this matter.”
- (g) Councillor Bussin moved that Council adopt the following recommendation:

“It is recommended that the Minutes of Settlement be amended to provide that MFP agree to provide the City of Toronto with any additional documentation or staff deliberations made or undertaken with respect to MFP transactions.”

- (h) Councillor Di Giorgio moved that Council adopt the following recommendation:

“It is recommended that the Minutes of Settlement be amended to provide that MFP pay \$9.5 million to the City of Toronto.”

- (i) Councillor Johnston moved that Council adopt the following recommendation:

“It is recommended that City Council request the Provincial Government to re-establish ‘Project 80’.”

- (j) Councillor Hall moved that Part (2) of motion (b) by Councillor Miller be amended by inserting, after the words “that MFP”, the words “co-operate with the City in approaching Oracle to determine if the number of the Oracle licences acquired by the City can be reduced to the number actually used and, if acceptable to Oracle, to”.

Councillor Disero in the Chair.

Deputy Mayor Ootes in the Chair.

- (k) Councillor Pitfield moved that Council adopt the following recommendations:

“It is recommended that:

- (1) City Council adopt the report dated January 28, 2002, from the City Auditor, respecting the Leasing Contract between the City of Toronto and MFP Financial Services;
- (2) the report dated February 5, 2002, from the City Auditor, respecting an update on MFP Financial Services, be made public;
- (3) the Chief Administrative Officer, in consultation with the Acting City Solicitor, be requested to submit a report to the Budget Advisory Committee on a recommended amount of funds that will be required from the 2002 budget for the public enquiry; and
- (4) City Council adopt the Minutes of Settlement.”

- (l) Councillor Augimeri moved that motion (f) by Councillor Ford be referred to the Chief Administrative Officer for further consideration after the Public Inquiry has been concluded.
- (m) Councillor Chow moved that:
- (1) Part (1) of motion (d) by Councillor Minnan-Wong be amended by adding thereto the words “and subject to the settlement including provisions that should fraud, malfeasance or any breach of trust be found on the part of any of MFP’s officers, directors, employees and assignees by a public inquiry, then the Settlement is null and void and the law suit would proceed”;
 - (2) motion (e) by Councillor Soknacki be amended by adding thereto the words “save and except the Oracle contract”;
 - (3) Part (4) of motion (k) by Councillor Pitfield be amended by adding thereto the words “as amended by Council”; and
 - (4) Council adopt the following recommendation:

“It is recommended that the Chief Financial Officer and Treasurer be directed to hold \$9 million in trust until the issue of fraud, malfeasance and breach of trust is resolved.”
- (n) Councillor Lindsay Luby moved that Part (3) of motion (k) by Councillor Pitfield be amended by deleting the words “a recommended amount of funds that will be required from the 2002 budget for the public enquiry”, and inserting in lieu thereof the words “funds up to \$2.0 million for a Public Inquiry, as outlined in the report dated January 30, 2002, from the City Solicitor, addressed to the Audit Committee”.
- (o) Councillor Moeser moved that Council adopt the following recommendation:

“It is recommended that, in the event the Settlement offered by the City of Toronto is not accepted by MFP Financial Services Ltd., the Acting City Solicitor submit a report to the Audit Committee and the Administration Committee as soon as possible.”
- (p) Councillor Mihevc moved that consideration of motion (i) by Councillor Johnston be deferred until after the public enquiry.

Withdrawal of Motion:

Councillor Mihevc, with the permission of Council, withdrew his motion (p).

Procedural Motion:

Councillor Holyday, with the permission of Council, moved that, notwithstanding the provisions of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, Council vary the order of its proceedings to now permit the City Solicitor to comment on the amendments moved by Members of Council on this Clause, the vote upon which was taken as follows:

Yes - 23	
Mayor:	Lastman
Councillors:	Altobello, Berardinetti, Disero, Duguid, Feldman, Filion, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland, Tziretas
No - 22	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Flint, Ford, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Rae, Silva, Walker

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

Order of Voting:

The City Clerk proposed that Council vote on the motions in the following order:

- motions pertaining to a public enquiry;
- motions pertaining to the Minutes of Settlement;
- motions pertaining to litigation; and
- motions of a general nature,

noting that motions pertaining to litigation would become applicable in the event a settlement was not entered into.

Council concurred in the foregoing proposal.

Votes:

Adoption of Part (4) of motion (b) by Councillor Miller:

Yes - 45	
Mayor:	Lastman

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Fillion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
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No - 0

Carried, without dissent.

Adoption of Part (1) of motion (a) by Councillor Balkissoon:

Yes - 45	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Fillion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker

No - 0

Carried, without dissent.

Adoption of Part (4) of motion (a) by Councillor Balkissoon:

Yes - 45	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Fillion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker

No - 0

Carried, without dissent.

Adoption of motion (n) by Councillor Lindsay Luby:

Yes - 44	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Fillion, Flint, Ford, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Holyday

Carried by a majority of 43.

Adoption of Part (3) of motion (k) by Councillor Pitfield, as amended:

Yes - 42	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Fillion, Ford, Hall, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 3	
Councillors:	Flint, Holyday, Johnston

Carried by a majority of 39.

Adoption of motion (j) by Councillor Hall:

Yes - 22	
Mayor:	Lastman

Councillors:	Altobello, Berardinetti, Disero, Duguid, Feldman, Hall, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland, Tziretas
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No - 23	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Filion, Flint, Ford, Johnston, Jones, Layton, Li Preti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Rae, Silva, Walker

Lost by a majority of 1.

Adoption of Part (2) of motion (b) by Councillor Miller, without amendment:

Yes - 25	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Flint, Ford, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Pantalone, Rae, Silva, Walker

No - 20	
Mayor:	Lastman
Councillors:	Berardinetti, Disero, Duguid, Feldman, Filion, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland, Tziretas

Carried by a majority of 5.

Adoption of motion (g) by Councillor Bussin:

Yes - 32	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Ford, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Pantalone, Pitfield, Rae, Shaw, Silva, Sutherland, Walker

No - 13	
Mayor:	Lastman
Councillors:	Duguid, Feldman, Filion, Flint, Hall, Li Preti, Mammoliti, Nunziata, Ootes, Shiner, Soknacki, Tziretas

Carried by a majority of 19.

Adoption of Part (2) of motion (m) by Councillor Chow:

Yes - 29 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Feldman, Fillion, Flint, Ford, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Pitfield, Rae, Shiner, Silva, Tziretas, Walker
No - 16 Mayor: Councillors:	Lastman Berardinetti, Disero, Duguid, Hall, Holyday, Kelly, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Soknacki, Sutherland

Carried by a majority of 13.

Adoption of motion (e) by Councillor Soknacki, as amended:

Yes - 18 Mayor: Councillors:	Lastman Altobello, Berardinetti, Di Giorgio, Disero, Feldman, Hall, Korwin-Kuczynski, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Shaw, Shiner, Sutherland, Tziretas
No - 27 Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Duguid, Fillion, Flint, Ford, Holyday, Johnston, Jones, Kelly, Layton, Lindsay Luby, McConnell, Mihevc, Miller, Moscoe, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Walker

Lost by a majority of 9.

Adoption of motion (h) by Councillor Di Giorgio:

Yes - 20 Mayor: Councillors:	Lastman Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Ford, Johnston, Jones, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Miller, Moscoe, Pantalone, Rae, Silva, Walker
No - 25 Councillors:	Altobello, Ashton, Berardinetti, Disero, Duguid, Feldman, Fillion, Flint, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland, Tziretas

Lost by a majority of 5.

Adoption of Part (3) of motion (a) by Councillor Balkissoon:

Yes - 27	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Flint, Ford, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Pantalone, Rae, Shaw, Silva, Tziretas, Walker
No - 18	
Mayor:	Lastman
Councillors:	Disero, Duguid, Feldman, Filion, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland

Carried by a majority of 9.

Adoption of Part (1) of motion (m) by Councillor Chow:

Yes - 32	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Filion, Flint, Ford, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Pantalone, Pitfield, Rae, Silva, Soknacki, Tziretas, Walker
No - 13	
Councillors:	Berardinetti, Disero, Duguid, Feldman, Hall, Kelly, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Shaw, Shiner, Sutherland

Carried by a majority of 19.

Adoption of Part (1) of motion (d) by Councillor Minnan-Wong, as amended:

Yes - 24	
Mayor:	Lastman
Councillors:	Altobello, Berardinetti, Disero, Duguid, Feldman, Filion, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland, Tziretas
No - 21	

Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Flint, Ford, Johnston, Jones, Layton, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Rae, Silva, Walker
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Carried by a majority of 3.

Deputy Mayor Ootes, having regard to the foregoing decisions of Council, declared Part (3) of motion (m) by Councillor Chow, and Part (4) of motion (k) by Councillor Pitfield, redundant.

Adoption of motion (o) by Councillor Moeser:

Yes - 43
Mayor: Lastman
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 2
Councillors: Jones, Kelly

Carried by a majority of 41.

Adoption of Part (2) of motion (a) by Councillor Balkissoon:

Yes - 44
Mayor: Lastman
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 1
Councillor: Walker

Carried by a majority of 43.

Adoption of Part (3) of motion (b) by Councillor Miller:

Yes - 43	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 2	
Councillors:	Holyday, Li Preti

Carried by a majority of 41.

Adoption of motion (c) by Councillor Walker:

Yes - 42	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 3	
Councillors:	Feldman, Li Preti, Shiner

Carried by a majority of 39.

Adoption of Part (1) of motion (b) by Councillor Miller:

Yes - 44	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Li Preti

Carried by a majority of 43.

Adoption of Part (2) of motion (d) by Councillor Minnan-Wong:

Yes - 45	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

Adoption of motion (l) by Councillor Augimeri:

Yes - 28	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Filion, Hall, Holyday, Kelly, Korwin-Kuczynski, Mihevc, Minnan-Wong, Moeser, Moscoe, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland
No - 17	
Councillors:	Ashton, Duguid, Flint, Ford, Johnston, Jones, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Miller, Nunziata, Ootes, Tziretas, Walker

Carried by a majority of 11.

Adoption of motion (i) by Councillor Johnston:

Yes - 39	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Filion, Ford, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 6	
Councillors:	Duguid, Flint, Kelly, Lindsay Luby, Mammoliti, Moeser

Carried by a majority of 33.

Adoption of Parts (1) and (2) of motion (k) by Councillor Pitfield:

Yes - 45
Mayor: Lastman
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 0

Carried, without dissent.

Adoption of Part (4) of motion (m) by Councillor Chow:

Yes - 24
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Filion, Ford, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Ootes, Rae, Shaw, Silva, Walker
No - 21
Mayor: Lastman
Councillors: Bussin, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Pantalone, Pitfield, Shiner, Soknacki, Sutherland, Tziretas

Carried by a majority of 3.

In summary, Council adopted the following recommendations:

“It is recommended that:

- (1) City Council request that a Public Inquiry in respect of the MFP contracts be held under Section 100 of the Municipal Act, and, in accordance with the report (February 12, 2002) from the City Auditor, the following Resolution provided by external counsel and incorporating the recommended Terms of Reference be passed, as amended by Council:

Being a Resolution to Request a Judicial Inquiry Pursuant to Section 100 of the Municipal Act and to Provide the Terms of Reference Therefor

‘WHEREAS, under section 100 of the Municipal Act, R.S.O. 1990 c. M.45, a Council of a municipality may, by resolution, request a Judge of the Ontario Court (General Division), now the Superior Court of Justice, to inquire into or concerning any matter connected with the good government of the municipality, or the conduct of any part of its public business; and

WHEREAS any Judge so requested shall make inquiry and shall report with all convenient speed, to Council, the result of the inquiry and the evidence taken, and for that purpose shall have all the powers of a commission under Part II of the Public Inquiries Act, R.S.O. 1990 ch. P. 41; and

WHEREAS on approximately January 1, 1998, computer equipment acquired for the newly elected City Councillors’ offices was leased from MFP Financial Services Ltd. (“MFP”) for a three year term pursuant to a Master Equipment Lease Agreement numbered “784” and subsequently by equipment schedules under the Master Agreement for assets totaling approximately \$1,093,731.00; and

WHEREAS there is no written documentation that the procurement of the equipment was lawfully approved or that a competitive process was followed in awarding the leasing contract to MFP; and

WHEREAS in early 1999, staff were exploring financing options for the large-scale software and computer acquisitions anticipated as necessary to deal with what is commonly referred to as the “Y2K problem” and a Request for Quotations (“RFQ”) was issued in May 1999 to solicit bids for computer leasing; and

WHEREAS pursuant to a report from the City’s then Chief Financial Officer and Treasurer and the City’s then Executive Director, Information Technology, Council approval was obtained to lease \$43 million of computer and related equipment by the adoption of Clause No. 11 of Report No. 4 of The Policy and Finance Committee at Council’s meeting of July 27, 28, 29 and 30, 1999; and

WHEREAS the report indicated to Council that the bid by MFP was the preferred bid and Council authorized the City of Toronto to enter into a leasing contract with MFP for three years; and

WHEREAS the report to Council failed to mention that the rates quoted in the responses to the RFQ were only in effect for 90 days, and further, the report also failed to mention that MFP's submission did not properly clarify the rates beyond 90 days as part of the required submission of the Request for Quotations (RFQ) conditions, and staff entered into a Master Equipment Lease Agreement and a Program Agreement after the 90 day period expired, which agreements contemplated various Equipment Schedules to the Master Equipment Lease Agreement that would identify the equipment to be leased and lease terms and rates in respect of the equipment; and

WHEREAS in the fall of 1999, staff initiated a sale and lease back transaction with MFP of the City's computer equipment which had been bought prior to the Council authority of July 1999 and there was no mention of a sale and lease back to be bid on in the RFQ and no authorization of a sale and lease back was sought in the report to Council; and

WHEREAS, through the execution by staff of Equipment Schedules, the City has leased up to \$85 million of computer equipment although the Council approval indicated an estimated cost of acquisition of \$43 million of equipment; and

WHEREAS with two exceptions, the initial Equipment Schedules were not for three years as approved by Council, but were for longer terms, most commonly five years, and in the summer of 2000 a number of the equipment leases were restructured to extend the term of some of the Equipment Schedules beyond even the five year period; and

WHEREAS the report to Council indicated that the preferred bid by MFP contained an implicit interest rate of 4.6 percent and the Equipment Schedules executed by City staff contained lease rates with implicit interest rates significantly in excess of the 4.6 percent interest rate; and

WHEREAS in or about December 1999, the City's Director of the Y2K Project recommended the acquisition by the City of 10,000 Oracle Database enterprise software licences, the acquisition was approved by the City's then Y2K Steering Committee, with subsequent approval by the City's then Chief Administrative Officer, and the 10,000 licences were then acquired by lease through MFP by the addition of an Equipment Schedule to MFP's Master Equipment Lease Agreement; and

WHEREAS the acquisition of the 10,000 Oracle licences was a serious miscalculation and it is unclear as to whether such acquisition was co-ordinated with the City's agencies boards and commissions, why leasing was undertaken as opposed to the continued purchase of the licences directly from Oracle and how MFP was selected for leasing of the Oracle software;

and

WHEREAS the concerns of the City in respect of the MFP and Oracle transactions are more fully detailed in the attached reports from the Chief Administrative Officer and City Auditor, dated respectively in respect of the MFP transactions and the Oracle transaction, November 29, 2001, and February 6, 2002 and in respect of the 1998 computer lease numbered "784", the report from the City Auditor, dated January 28, 2002; and

WHEREAS the public inquiry would permit (i) the Commissioner to investigate the existence of any malfeasance, breach of trust or misconduct, (ii) the Commissioner to make recommendations that would be a benefit for the future conduct of the public business of the City, and (iii) the public to understand and evaluate fully the above noted transactions;

NOW THEREFORE the Council of the City of Toronto does hereby resolve that:

- (1) an inquiry is hereby requested to be conducted pursuant to section 100 of the Municipal Act which authorizes the Commissioner to inquire into, or concerning, any matter related to a supposed malfeasance, breach of trust or other misconduct on the part of a member of Council, or an officer or employee of the City or of any person having a contract with it, in regard to the duties or obligations of the member, officer, or other person to the corporation or to any matter connected with the good government of the municipality, or the conduct of any part of its public business, and
- (2) the Honourable Chief Justice Lesage, Chief Justice of the Superior Court of Ontario, be requested to designate a judge of the Superior Court of Ontario as Commissioner for the inquiry and the judge so designated is hereby authorized to conduct the inquiry;

AND IT IS FURTHER RESOLVED THAT the terms of reference of the inquiry shall be:

To inquire into all aspects of the above transactions, their history and their impact on the ratepayers of the City of Toronto as they relate to the good government of the municipality, or the conduct of its public business, and to make any recommendations which the Commissioner may deem appropriate and in the public interest as a result of his inquiry;

AND IT IS FURTHER RESOLVED THAT the Commissioner, in conducting the inquiry into the transactions in question to which the City of Toronto is a party, is empowered to ask any questions which he may consider

as necessarily incidental or ancillary to a complete understanding of these transactions;

and, for the purpose of providing fair notice to those individuals who may be required to attend and give evidence, without infringing on the Commissioner's discretion in conducting the inquiry in accordance with the terms of reference stated herein, it is anticipated that inquiry may include the following:

- (a) an inquiry into all relevant circumstances pertaining to the various transactions referred to in this resolution, including the relevant facts pertaining to the various transactions at the relevant time as contained in the reports dated November 29, 2001, February 6, 2002, and January 28, 2002, the basis of and reasons for making the recommendations for entering into the subject transactions and the basis of the decisions taken in respect of the subject transactions;
 - (b) an inquiry into the relationships, if any, between the existing and former elected and administrative representatives of the City of Toronto and the existing and former principals and representatives of MFP and Oracle at all relevant times; and
 - (c) an inquiry into any professional advice obtained by the City of Toronto in connection with the subject transactions at the relevant times.';
- (2) the Chief Administrative Officer, in consultation with the Acting City Solicitor, be requested to submit a report to the Budget Advisory Committee on funds up to \$2.0 million for a Public Inquiry, as outlined in the report dated January 30, 2002, from the City Solicitor, addressed to the Audit Committee;
 - (3) City Council adopt the report dated December 20, 2001, from the Chief Administrative Officer, embodying the following recommendation:

'It is recommended that Council approve the Minutes of Settlement as recommended by the City's external counsel, Mr. Alan Lenczner, and upon approval of the Minutes of Settlement authorize the public release of the attached backgrounder, the backgrounder being in essence the contents of the prior in camera report, dated November 29, 2001, pertaining to the facts of the City's review of the MFP Financial Services computer leasing contract modified to delete any information pertaining to staff behaviour which is the subject of ongoing investigation as directed by Council.',

subject to the following amendments to the Minutes of Settlement:

- (a) the Minutes of Settlement include that releases will be given to MFP by the City, releasing all of its officers, directors, employees and assignees from any further claim, with the exception of any claim for fraud, malfeasance, or any breach of trust, and subject further to such Settlement including provisions that should fraud, malfeasance or any breach of trust be found on the part of any of MFP's officers, directors, employees and assignees by a public inquiry, then the Settlement is null and void and the law suit would proceed;
 - (b) MFP agrees to rewrite the Oracle contract so that the City of Toronto is required to pay only for those licences actually used;
 - (c) the current leases can be renegotiated at the City's option to facilitate reduction of the lease time frame and the City's ultimate costs of the existing leases, and further, the appropriate City staff be directed to report to Council, through the appropriate Committee, on a reassessment of the lifespan of the leases, overall costs, no maintenance period, equipment retirement with payments outstanding, and whether it is beneficial to renegotiate any sections of the existing leases; and
 - (d) MFP agrees to provide the City of Toronto with any additional documentation or staff deliberations made or undertaken with respect to MFP transactions;
- (4) in the event the Settlement offered by the City of Toronto is not accepted by MFP Financial Services Ltd., the following actions approved by City Council be undertaken:
- (a) the Acting City Solicitor submit a report to the Audit Committee and the Administration Committee as soon as possible;
 - (b) the Acting City Solicitor amend the pleadings in the litigation with MFP to seek rescission of the Oracle leasing contact with MFP;
 - (c) the Chief Financial Officer and Treasurer remit payments to MFP upon advice of legal counsel to reduce further interest costs;
 - (d) the implementation of the following recommendations adopted by Council, as contained in the confidential joint report dated February 7, 2002, from the Chief Administrative Officer and the City Auditor, such joint report to remain confidential in accordance with the

provisions of the Municipal Act, having regard that it concerns the security of the property of the municipality and pertains to litigation, save and except the recommendations embodied therein:

‘It is recommended that:

- (1) if Council decides to proceed with litigation against MFP, then staff be authorized to spend up to \$5.76 million for costs resulting from litigation;
 - (2) funding in the amount of \$4 million be made available from the 2001 Operating Surplus to be set aside as a contingency pending the outcome of any litigation and/or inquiries;
 - (3) the Chief Financial Officer and Treasurer report back to Council with additional funding sources for costs in excess of \$4 million that result from litigation; and
 - (4) the appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.’;
- (e) the implementation of the following recommendations adopted by Council, as contained in the confidential joint report dated February 13, 2002, from the Chief Administrative Officer and the Commissioner of Corporate Services, such joint report to remain confidential in accordance with the provisions of the Municipal Act, having regard that it concerns the security of the property of the municipality and pertains to litigation, save and except the following recommendations embodied therein:

‘It is recommended that:

- (1) direct settlement of the outstanding accounts totalling about \$1.9 million by the City with suppliers of technology-related acquisitions, where such acquisitions were made prior to last year’s freeze on new leases but were not financed through leasing, be approved;
- (2) the appropriate staff be directed to settle these outstanding accounts with advice from the Acting City Solicitor and the external solicitor for the MFP review;

- (3) the Emergency Technology Acquisition Reserve Fund be made available as internal financing for these acquisitions. The repayment of the Fund be structured with the acquiring departments under the same terms and conditions already established for the administration of the Reserve Fund. The internal repayments will begin in 2002; and
 - (4) authority be granted for the introduction of any Bills that are required.';
- (5) the Chief Financial Officer and Treasurer be directed to hold \$9 million in trust until the issue of fraud, malfeasance and breach of trust is resolved;
- (6) City Council request the Provincial Government to re-establish 'Project 80';
- (7) the Chief Administrative Officer be requested to submit a report to the Administration Committee outlining the efforts made by City staff to monitor the Y2K initiative, what policies were put in place in that regard, and the enforcement mechanisms implemented to ensure the Y2K process was administered efficiently;
- (8) City Council adopt the report dated January 28, 2002, from the City Auditor, respecting the Leasing Contract between the City of Toronto and MFP Financial Services, embodying the following recommendations:

'It is recommended that the Chief Financial Officer and Treasurer, in consultation with the Commissioner of Corporate Services, ensure that the Corporate financial manual currently being developed by the Finance Department include the following requirements:

 - (a) for all lease transactions a comprehensive financial analysis be prepared justifying the decision to lease;
 - (b) for all expiring lease agreements, a detailed financial analysis be prepared justifying the decision to either retain such equipment, extend the lease, or exercise any purchase option;
 - (c) for any lease agreements which may be renegotiated during its term, a detailed analysis be conducted outlining the financial implications of the renegotiations; and

- (d) all such financial analyses be subject to appropriate supervisory review.’;
- (9) the following motion be referred to the Chief Administrative Officer for further consideration after the Public Inquiry has been concluded:

Moved by Councillor Ford:

‘It is recommended that the RCMP be requested to undertake an investigation into this matter.’; and

- (10) the report dated February 5, 2002, from the City Auditor, respecting an update on MFP Financial Services, be made public.”

February 14, 2002 (Public Session):

Procedural Motions:

Deputy Mayor Ootes moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of Notice of Motion J(18), moved by Councillor Berardinetti, seconded by Councillor Nunziata, respecting the settlement negotiations between Jeffrey S. Lyons and the City of Toronto, the vote upon which was taken as follows:

Yes - 38	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Tziretas, Walker
No - 3	
Councillors:	Filion, Soknacki, Sutherland

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(18) to the Administration Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(18) to the Administration Committee was taken as follows:

Yes - 36	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Holyday, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Shiner, Soknacki, Sutherland, Tziretas
No - 5	
Councillors:	Filion, Hall, Rae, Silva, Walker

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

February 15, 2002 (In-Camera Session):

Motion:

Deputy Mayor Ootes, at 4:44 p.m., moved that Council now resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Motion J(18), in accordance with the provisions of the Municipal Act, having regard that this matter is subject to Solicitor/Client privilege.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 4:46 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 5:12 p.m., and met in public session in the Council Chamber.

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

1.75 **Jeffrey S. Lyons v. City of Toronto – Settlement Negotiations**

Deputy Mayor Ootes called upon Motion J(18):

Moved by: Councillor Berardinetti

Seconded by: Councillor Nunziata

“WHEREAS at its meeting held on July 4, 5 and 6, 2000, the Council of the City of Toronto adopted a resolution concerning disclosure of lobbying with respect to certain requests for proposals and contracts, pursuant to the provisions of City of Toronto By-law 462-2000; and

WHEREAS Notice of Application to quash the resolution was commenced in the Ontario Superior Court of Justice by Jeffrey S. Lyons, wherein the application was dismissed and he appealed the decision; and

WHEREAS the City Solicitor’s office has been in settlement negotiations with Jeffrey S. Lyons and wishes to report upon those negotiations and obtain instructions; and

WHEREAS it is appropriate to consider a confidential report from the Acting City Solicitor, in camera, as it deals with instructions regarding the settlement; and

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the confidential report dated February 8, 2002, from the Acting City Solicitor, and that such confidential report be adopted.”

Council also had before it, during consideration of Motion J(18), a confidential report dated February 8, 2002, from the Acting City Solicitor, entitled “Jeffrey S. Lyons v. City of Toronto”.

Report of the Committee of the Whole:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with Motion J(18).

Vote:

Adoption of Motion J(18), without amendment:

Yes - 23 Councillors: Altobello, Balkissoon, Bussin, Duguid, Feldman, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Shiner, Silva, Sutherland
No - 8 Councillors: Chow, Johnston, Jones, Layton, McConnell, Miller, Moscoe, Tziretas

Carried by a majority of 15.

Council, by its adoption of Motion J(18), without amendment, adopted, without amendment, the confidential report dated February 8, 2002, from the Acting City Solicitor, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

1.76 Proposed Toronto Police Service Video Surveillance on Toronto Streets

Deputy Mayor Ootes called upon Notice of Motion F(2) appearing on the Order Paper, as follows:

Moved by: **Councillor Bussin**

Seconded by: **Councillor Miller**

“WHEREAS Toronto City Council and the Toronto Police Services Board must ensure that the right to privacy of Toronto residents is protected from unwarranted police video surveillance of our streets and other public places; and

WHEREAS the proposed video camera monitoring by the Toronto Police Service of areas of the City perceived as having high rates of crime, such as Dundas Square, poses a threat to our right to privacy and civil liberties; and

WHEREAS this concern for citizens’ right to privacy has been confirmed by a recent ruling of the federal Privacy Commissioner that cameras monitoring a street corner in a British Columbia municipality violated the right to privacy; and

WHEREAS it is abundantly evident that community policing works – that when police officers patrol downtown areas on foot or bicycle, they become part of the community and crime rates fall; and

WHEREAS the cost of installing, maintaining and manning the video surveillance equipment will undoubtedly deplete police budgets which would be better used in supporting proven and effective methods of controlling street crime, such as community policing;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council direct the Toronto Police Services Board to not proceed with the proposed use of video surveillance of public places by the Toronto Police Service in the City of Toronto.”

Council considered Motion F(2) together with the Item entitled “Use of Surveillance Cameras in Public Areas”, embodied in Clause No. 1 of Report No. 1 of The Policy and Finance Committee, headed “Other Item Considered by the Committee”. (See also Minute No. 1.56, Page 49)

Motion:

Councillor Bussin moved that Motion F(2), together with the aforementioned Item, be referred to the Sub-Committee of the Toronto Police Services Board which is reviewing the issue of a public surveillance camera program, with a request that the Sub-Committee permit Councillor Bussin to participate.

Vote on Referral:

The motion by Councillor Bussin carried.

1.77 Removal of Aesthetic Gateway Treatment – West Corner of Sheppard Avenue and Leslie Street

Deputy Mayor Ootes called upon Notice of Motion F(3) appearing on the Order Paper, as follows:

Moved by: Councillor Sutherland

Seconded by: Councillor Duguid

“**WHEREAS** a structure was erected on the northwest corner of Sheppard Avenue and Leslie Street, referred to as an ‘aesthetic gateway treatment’ of a park entrance; and

WHEREAS a general budget for a large number of projects, and including this project, was passed by the former North York Council in September 1997; and

WHEREAS no specific details were provided, in September 1997, of the design or costs of the 'gateway treatment' project; and

WHEREAS staff neglected to advise the current Councillor for Ward 33 of the proposed construction of this project; and

WHEREAS City staff claim that they were not familiar with the revised Ward boundaries and, hence, the local Councillor for Ward 33 was not notified; and

WHEREAS, although local area residents were advised in writing of other unrelated improvements to the intersection (including bridge and sewer rehabilitation), they were not advised of the construction of this project, nor were the Executives of the local area Ratepayer and Community Interest Associations consulted or advised; and

WHEREAS the structure is a deplorable eyesore and detracts from the natural beauty of the surrounding area; and

WHEREAS I have received numerous calls, e-mails, faxes and letters from Ward 33 residents who want this structure removed immediately; and

WHEREAS petitions have been circulated and signed by hundreds of residents, requesting the immediate dismantling and removal of the structure; and

WHEREAS these residents are extremely upset about the aesthetics, but are also very concerned about potential safety issues; and

WHEREAS it is my opinion, and that of local area residents, that youths or children could climb on the structure and attempt to walk along the narrow metal edge, and possibly injure themselves; and

WHEREAS the Board of Directors of the Shepways Condominium Corporation provided the City's Legal Department with notice that they consider the structure to be potentially dangerous; and

WHEREAS the estimated cost to remove this structure is approximately \$50,000.00; and

WHEREAS these monies should be found in the existing 2001 Urban Development Services budget or in the 2002 budget process;

NOW THEREFORE BE IT RESOLVED THAT the appropriate City staff

immediately initiate the removal of the structure known as the gateway treatment project (including the portion that includes the concrete support pillars and the pre-treated rusted metal girder);

AND BE IT FURTHER RESOLVED THAT the cost of the dismantling and removal of the structure come out of the existing 2001 Urban Development Services budget or their 2002 budget;

AND BE IT FURTHER RESOLVED THAT in future, staff ensure that the local Ward Councillor is advised prior to the construction commencement of such a project.”

Motion:

Councillor Pantalone moved that consideration of Motion F(3) be deferred to the next regular meeting of City Council scheduled to be held on April 16, 2002, and the Commissioner of Urban Development Services be requested to submit a report to Council, for consideration therewith, on the options available with respect to this structure.

Vote on Deferral:

The motion by Councillor Pantalone carried.

1.78 **Liquor Licence Hearing – 1374 St. Clair Avenue West**

Councillor Disero moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(1), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Disero

Seconded by: Councillor Rae

“**WHEREAS** City Council at its meeting held on November 6, 7 and 8, 2001, adopted, without amendment, Motion J(12), moved by Councillor Disero, seconded by Councillor Silva, instructing the City Solicitor to attend the Alcohol and Gaming Commission hearing, on behalf of the City and local residents of the community, in opposition to an application for a patio liquor licence at L’Espresso Bar at 1374 St. Clair Avenue West; and

WHEREAS the hearing before the Alcohol and Gaming Commission will not deal solely with a patio liquor licence but with the other matters relating to the liquor licence for L’Espresso Bar; and

WHEREAS the concerns of the community relating to this establishment remain the same and it would be appropriate that the instructions to the City Solicitor be expanded to include attendance at the Alcohol and Gaming Commission in opposition to any liquor licence matter at this location;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(12) be re-opened for further consideration to expand the City Solicitor's instructions with respect to this matter;

AND BE IT FURTHER RESOLVED THAT the Acting City Solicitor be instructed to attend at the Alcohol and Gaming Commission hearing in opposition to any liquor licence matter for L'Espresso Bar at 1374 St. Clair Avenue West."

Votes:

The first Operative Paragraph embodied in Motion J(1) carried, more than two-thirds of Members present having voted in the affirmative.

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

1.79 **Binding Lobbyist Disclosure Policy for a Transparent and Open Government**

Councillor Walker moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(2):

Moved by: Councillor Walker

Seconded by: Councillor Miller

“WHEREAS there exists the educated public opinion of ‘toothless-ness’ and inefficacy of Council’s non-existent Lobbyist Disclosure By-law No. 462-2000; and

WHEREAS the Ontario Superior Court of Justice on October 2, 2001, dismissed the application of noted corporate lobbyist, Jeffrey S. Lyons, ‘...to quash the resolution of the City of Toronto...’, passed by City Council on July 6, 2000, as By-law No. 462-2000; and

WHEREAS the Honourable Justice Coe of the Ontario Superior Court of Justice, in his decision dismissing Jeffrey S. Lyons’ application, also awarded the City costs against Jeffrey S. Lyons; and

WHEREAS the absence of any requirement for lobbyists to register and disclose their

activities involving the City has provided ‘an immunity’ for lobbyists from full public scrutiny and accountability, and contributed mightily to the scandals presently enveloping our City; and

WHEREAS the Ontario Superior Court of Justice states (October 2, 2001), in its dismissal, that the ‘decision made by responsible municipal officials to include reporting requirements with respect to bidders’ contracts with the City in connection with prospective City business in procurement of goods and services is not an indirect regulation of lobbyists or lobbying. Bidders can do all the lobbying they want, either directly or through lobbyists, but they must report the fact of such contacts having been made.’; and

WHEREAS Section 102 of the Municipal Act authorizes activity ‘...for the... welfare of the inhabitants in matters not specifically provided for by this Act (Municipal Act) and for governing the conduct of its members as may be deemed expedient and are not contrary to law’; and

WHEREAS larger RFP (or RFQ) calls and some ‘tender calls’ have lengthy bidding periods involving large numbers of City staff assigned to the task, the most probingly detailed of daily records should be kept regarding any exchange between the registered lobbyist and the City, including all of its agencies, boards, and commissions and any exchange between the lobbyist and the City’s contracted partners in relation to any proposal considered by the City; and

WHEREAS the federal and provincial governments adhere to lobbyist registry provisions enacted autonomously, which effectively and more stringently protect the people’s representation from outside influence, such as any gifts in kind, any monies, any loans or passages, et cetera, given on behalf of bidder or lobbyist, by the bidder or lobbyist to any contacted City parties in relation to a registered RFP or ‘tender call’ for contract; and

WHEREAS past and present encounters of bidder and lobbyist strategies have infiltrated the effectiveness and ability of City Council’s elected officials and appointed City staff to protect the public interest, including access to information, due to the lack of full scrutiny into the City’s finances, checks and balances; and

WHEREAS there is a higher and greater public good that warrants a binding lobbyist disclosure policy for the City, rather than constantly deferring to opinions of high-handed and high-priced corporate lobbyists and their employers;

NOW THEREFORE BE IT RESOLVED THAT, recognizing the close similarities both in magnitude of funding and scope between the RFP calls and ‘tender calls’ for bidding on proposed contracts of the federal, provincial and Toronto municipal

governments, City Council should put in place equally binding regulations for a bidder and lobbyist registry which discloses and regulates all business actions in a timely manner to provide for complete transparency through any proposed or ongoing business contracts with the City of Toronto;

AND BE IT FURTHER RESOLVED THAT in the preparation of the City's policy, City Council adopt the Federal or Provincial Lobbyist Registry Code as a model, with amendments applicable to the City of Toronto's situation.”,

the vote upon which was taken as follows:

Yes - 35	
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Fillion, Flint, Ford, Hall, Holyday, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 4	
Mayor:	Lastman
Councillors:	Li Preti, Ootes, Tziretas

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(2) to the Administration Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(2) to the Administration Committee was taken as follows:

Yes - 13	
Councillors:	Bussin, Chow, Disero, Fillion, Ford, Jones, Layton, Mihevc, Miller, Nunziata, Pantalone, Pitfield, Silva
No - 26	
Mayor:	Lastman

Councillors: Altobello, Ashton, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Hall, Holyday, Korwin-Kuczynski, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Moeser, Ootes, Rae, Shaw, Shiner, Soknacki, Sutherland, Tziretas, Walker
--

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

Having regard to the foregoing decision of Council, Motion J(2) was referred to the Administration Committee.

Motion to Re-Open:

Councillor Walker, with the permission of Council, moved that, in accordance with Chapter 27 of the City of Toronto Municipal Code, Motion J(2) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Walker, with the permission of Council, moved that the Chief Administrative Officer, in consultation with the Acting City Solicitor, be requested to submit a report on this matter to the Administration Committee, for consideration with Motion J(2).

Vote:

The motion by Councillor Walker carried.

1.80 Application by Rogers Cable for Deregulation of Fees

Councillor Hall moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(3), moved by Councillor Moscoe, seconded by Councillor Miller, and, in the absence of Councillor Moscoe, moved by Councillor Hall:

Moved by: Councillor Hall

Seconded by: Councillor Miller

“**WHEREAS** Rogers Cable has made application to the Canadian Radio-Television and Telecommunications Commission (CRTC) for the deregulation of its basic monthly fee under subsection 47 (1), part 5 of the Broadcast Distribution Regulations; and

WHEREAS Rogers, as an incumbent local carrier, has been granted rights of access to public property on the basis that it serves the public in a fee-regulated environment; and

WHEREAS the deregulation of basic monthly cable fees could result in substantial increases for basic cable services for citizens of Toronto and the restructuring of fees that will result in citizens and the City being required to pay increasingly more for services presently included in basic cable fees; and

WHEREAS the provision of cable TV service is a quasi monopoly; and

WHEREAS individual citizens do not have the resources to seriously oppose this application; and

WHEREAS the government of the City of Toronto, in addition to purchasing cable TV services for its own use, collectively represents the interests of the citizens of Toronto;

NOW THEREFORE BE IT RESOLVED THAT, in the interim, because of the deadlines involved, the City of Toronto, on behalf of its citizens and itself, file application at the CRTC against the Rogers application;

AND BE IT FURTHER RESOLVED THAT this matter be forwarded to the Telecommunications Steering Committee to review, with the Acting City Solicitor, the City's legal strategy in this matter.”,

the vote upon which was taken as follows:

Yes - 35	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mihevc, Milczyn, Miller, Moeser, Nunziata, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Tziretas, Walker
No - 4	
Councillors:	Flint, Ford, Ootes, Sutherland

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(3) to the Telecommunications Steering Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(3) to the Telecommunications Steering Committee was taken as follows:

Yes - 31	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Filion, Flint, Ford, Hall, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mihevc, Miller, Minnan-Wong, Moeser, Nunziata, Pantalone, Rae, Shaw, Silva, Tziretas, Walker
No - 10	
Mayor:	Lastman
Councillors:	Duguid, Feldman, Holyday, Milczyn, Ootes, Pitfield, Shiner, Soknacki, Sutherland

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

Motion:

Councillor Moscoe moved that Motion J(3) be adopted, subject to striking out the first Operative Paragraph and inserting in lieu thereof the following new Operative Paragraph:

“NOW THEREFORE BE IT RESOLVED THAT, in the interim, because of the deadlines involved, the City of Toronto, on behalf of its citizens and itself, protect its rights to appeal by filing an application at the CRTC against the Rogers application;”.

Votes:

The motion by Councillor Moscoe carried.

Motion J(3) was adopted, as amended.

1.81 Proposal to Designate 155 College Street and 257 and 258 McCaul Street as Heritage Properties

Councillor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(4), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Miller**

Seconded by: **Councillor Walker**

“**WHEREAS** the building at 155 College Street was constructed in 1961 as the headquarters for the Toronto Public School Board; and

WHEREAS the building is an excellent example of modern architecture, designed by E. C. Etherington, that merits inclusion in the City’s Inventory of Heritage Properties; and

WHEREAS the building is an important symbol of this City’s commitment to public education; and

WHEREAS the Toronto District School Board has decided to sell the property at 155 College Street, together with the properties at 257 and 263 McCaul Street; and

WHEREAS newspaper reports indicate that the building at 155 College Street may be demolished; and

WHEREAS, after the newspaper reports, there is an urgency to this matter because of the potential for sale and/or other designation of the property;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto direct the Commissioner of Economic Development, Culture and Tourism, after consultation with the Toronto Preservation Board, to bring forward a report, as soon as practical, with recommendations regarding the designation of 155 College Street and 257 and 263 McCaul Street in the City’s Inventory of Heritage Properties.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(4) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(4) to the Toronto East York Community Council was taken as follows:

Yes - 21	
Councillors:	Ashton, Bussin, Cho, Chow, Di Giorgio, Feldman, Jones, Layton, Li Preti, Mihevc, Milczyn, Miller, Moeser, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Tziretas, Walker
No - 20	
Mayor:	Lastman

Councillors: Altobello, Augimeri, Balkissoon, Berardinetti, Disero, Duguid, Filion, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Soknacki, Sutherland

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

Having regard to the foregoing decision of Council, Motion J(4) was referred to the Toronto East York Community Council.

1.82 **Prescribed Burns in High Park, Lambton Park and South Humber Park**

Councillor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(5), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Milczyn

“WHEREAS the prescribed burn work undertaken over the last two years has had tremendous positive benefits to the significant and rare black oak savannah in High Park and Lambton Park; and

WHEREAS it is expected that the ‘prescribed burn window’ may be early this year due to the extremely dry winter conditions we are currently experiencing; and

WHEREAS the Community Councils and City Council meeting schedules do not permit approval of this report prior to the possible burn date; and

WHEREAS the City Forester and the Fire Chief require authority to proceed with the implementation of prescribed burns in High Park, Lambton Park and South Humber Park in the spring of 2002; and

WHEREAS the Commissioner of Economic Development, Culture and Tourism has submitted the attached report dated February 1, 2002, requesting authority to proceed with the Operational Prescribed Burn Plan;

NOW THEREFORE BE IT RESOLVED THAT City Council give consideration to the report dated February 1, 2002, from the Commissioner of Economic Development, Culture and Tourism, and that such report be adopted.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(5) to the Humber York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(5) to the Humber York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(5), a report dated February 1, 2002, from the Commissioner of Economic Development, Culture and Tourism, entitled "High Park, Lambton Park and South Humber Park - Proposed Prescribed Burns, Parkdale - High Park Ward 13; Etobicoke - Lakeshore Ward 5". (See Attachment No. 3, Page 197)

Vote:

Motion J(5) was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated February 1, 2002, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:

"It is recommended that:

- (1) the City Forester in conjunction with the Fire Chief, be authorized to approve the Operational Prescribed Burn Plans, prepared by the Fire Boss and reviewed by the Ontario Ministry of Natural Resources Fire Supervisor, and proceed with implementation of prescribed burns in High Park, Lambton Park and South Humber Park in spring 2002; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

1.83 Development of New Relationship Between the Three Orders of Government

Councillor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(6), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Pitfield

"WHEREAS City regions in Canada and globally are becoming significantly more important to the economy and to the success of the countries in which they are

located; and

WHEREAS in July 2000, City Council resolved to initiate a dialogue with the federal and provincial governments, in order to develop a new relationship between the three orders of government; and

WHEREAS the City of Toronto is Canada's largest City, Canada's largest receptor of newcomers and the source of an enormous amount of wealth that is redistributed through various federal programs; and

WHEREAS the residents of Toronto, including the Chair of the Board of Trade, the President of the Toronto and York Region Labour Council and the Chief Justice of Ontario, have expressed the need for the three orders of government to co-operate to address the challenges facing Toronto; and

WHEREAS the challenges we face may cause significant social and economic impact; and

WHEREAS this City Council wishes to work as an equal partner with the federal and provincial governments to revive Toronto and again be an example of a successful city throughout North America and the world; and

WHEREAS the City of Toronto faces difficult financial challenges caused, in large part, by changes to federal and provincial policies, including downloading; and

WHEREAS the City of Toronto is reliant solely upon the property tax as a source of tax revenues for its programs and services; and

WHEREAS the current circumstances will leave City Council with no choice but to manage the decline of the City of Toronto; and

WHEREAS in the United States and other provinces, there is an understanding of the need to treat cities as equal partners and to invest in cities; and

WHEREAS all officials, including Members of Provincial Parliament and Members of Parliament elected in Toronto, have an interest in helping to ensure the City of Toronto's success; and

WHEREAS citizens are tired of finger-pointing and disputes amongst the orders of government; and

WHEREAS City Council needs to take the initiative to ensure that MPPs and MPs understand the serious issues facing the City; and

WHEREAS this matter is urgent and should be debated by Council at its meeting scheduled to be held on February 13, 2002;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) City Council convene a meeting of all elected officials representing City of Toronto ridings;
- (2) at that meeting, the Chief Administrative Officer make a presentation on challenges facing the City of Toronto and lessons learned from other jurisdictions in Canada and the United States;
- (3) the Charter City Reference Group be consulted in the preparation of this material and in the format of the meeting;
- (4) this meeting be held, as soon as possible, on a Sunday afternoon at 1:00 p.m., to ensure the availability of as many MPPs, MPs and Councillors as possible;
- (5) this meeting be known as the Toronto Assembly; and
- (6) the goal of the City of Toronto be to begin a continuing dialogue that will lead to a more effective partnership between the three orders of government.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(6) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(6) to the Policy and Finance Committee was taken as follows:

Yes - 21	
Councillors:	Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Hall, Jones, Layton, Mihevc, Milczyn, Miller, Nunziata, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Tziretas, Walker
No - 20	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Berardinetti, Disero, Duguid, Feldman, Filion, Flint, Ford, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Minnan-Wong, Moeser, Ootes, Shiner, Sutherland

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

Having regard to the foregoing decision of Council, Motion J(6) was referred to the Policy

and Finance Committee.

1.84 Property Tax Relief – Centre Francophone Du Toronto Metropolitan

Councillor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(7), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Silva

“WHEREAS City Council on December 4, 5 and 6, 2001, in adopting, without amendment, Policy and Finance Committee Report No. 16, Clause No. 6, headed ‘Property Tax Relief – Centre Francophone Du Toronto Metropolitan – 20 Lower Spadina Avenue (Future Analysis) (Ward 20 - Trinity-Spadina)’, adopted a staff report recommending that:

- ‘(1) the federal government be requested to provide the Centre with a grant amount equivalent to the “grant-in-lieu”/property taxes from 1998 and forward; and
- (2) the Centre is advised to pay all the outstanding property taxes’; and

WHEREAS, despite ongoing discussions and negotiations with staff about this issue, the report came forward with no notice to the Centre Francophone Du Toronto Metropolitan or its agent; and

WHEREAS the Centre Francophone Du Toronto Metropolitan and its agent were astounded to learn, after the fact, that a staff report came before, and was passed by the Policy and Finance Committee; and

WHEREAS, because it was not notified of the report, the Centre Francophone Du Toronto Metropolitan was denied an opportunity to make deputation to the Policy and Finance Committee;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report No. 16, Clause No. 6, headed ‘Property Tax Relief – Centre Francophone Du Toronto Metropolitan – 20 Lower Spadina Avenue (Future Analysis) (Ward 20 - Trinity-Spadina)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT such Clause be referred back to the

Policy and Finance Committee;

AND BE IT FURTHER RESOLVED THAT staff be directed to advise the Centre Francophone Du Toronto Metropolitain and its agent when this item will be dealt with at Committee so that they can make a deputation to said Committee;

AND BE IT FURTHER RESOLVED THAT staff be directed to meet with the Centre Francophone Du Toronto Metropolitain, prior to the relevant meeting of the Policy and Finance Committee.”

Votes:

The first Operative Paragraph embodied in Motion J(7) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(7) was adopted, without amendment.

1.85 By-Election for Trustee, Etobicoke North – Ward 1

Councillor Berardinetti moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(8), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Berardinetti

Seconded by: Councillor Hall

“**WHEREAS** the Toronto District School Board has passed a resolution directing the City Clerk to conduct a by-election on March 18, 2002, to fill the vacancy in the Office of Trustee, Etobicoke North – Ward 1; and

WHEREAS subsection 43(1) of the Municipal Elections Act, 1996 requires City Council to pass a by-law to establish the dates and times for advance votes; and

WHEREAS the Toronto District School Board has requested that advance votes be conducted on Thursday, March 7, 2002 and Saturday, March 9, 2002;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the attached draft by-law to establish Thursday, March 7, 2002, noon to 8:00 p.m., and Saturday, March 9, 2002, noon to 6:00 p.m., as the dates and times for the advance votes in the by-election for Trustee, Etobicoke North – Ward 1.”

Council also had before it, during consideration of Motion J(8), a draft by-law to establish dates and times for advance voting. (See Attachment No. 4, Page 202)

Vote:

Motion J(8) was adopted, without amendment.

1.86 **Citizen Appointments to the City of Toronto French Committee**

Councillor Li Preti moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(9), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Li Preti

Seconded by: Councillor Silva

“WHEREAS the City of Toronto French Committee, at a meeting held on November 26, 2001, recommended to the Administration Committee and Council the appointment of citizen members for the current term of office; and

WHEREAS, inadvertently, the December 10, 2001 report of the French Committee was not forwarded to the Administration Committee for its January 17, 2002 meeting; and

WHEREAS at a meeting held on January 15, 2002, the Committee further recommended the appointment of two more citizen members to further complete its membership for the current term of office (the Committee still has a vacancy to fill to replace a member from Etobicoke); and

WHEREAS the French Committee currently has vacancies, owing to the fact that some members had reached the end of their term and others had resigned because the member was either moving out of the country or had additional responsibilities to meet, and the Committee requires its new members to be appointed, as soon as possible, in order to establish quorum and carry out the programs already planned; and

WHEREAS the next opportunity for Council to appoint members would be the Council meeting scheduled to be held on April 16, 17 and 18, 2002, resulting in an unacceptable delay in appointing members; and

WHEREAS there are no financial impacts associated with this Motion;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the reports dated December 10, 2001 and January 15, 2002, from the Toronto French Committee, and that such reports be adopted;

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(9) to the Administration Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(9) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(9), the following reports:

- (1) (December 10, 2001) from the City of Toronto French Committee, entitled “Approval of New Members and Renewal of the Mandate of Former Members for the City of Toronto French Committee” (See Attachment No. 5, Page 203); and
- (2) (January 15, 2002) from the City of Toronto French Committee, entitled “Approval of the New Members of the City of Toronto French Committee” (See Attachment No. 6, Page 207)

Vote:

Motion J(9) was adopted, without amendment, and in so doing, Council adopted, without amendment, the following reports:

- (1) (December 10, 2001) from the City of Toronto French Committee, embodying the following recommendations:

“It is recommended that:

- (1) the sectors of economy, charities and volunteering, represented up to now by one member, be divided into two sectors, i.e. the sector of economy and the sector of charities and volunteering;
- (2) City Council approve the appointment of the following persons as members of the City of Toronto French Committee/ Comité français de la ville de Toronto. The name of the sector or area of residence being represented is indicated in parentheses:
 - Gilles Barbeau (seniors’ groups);
 - Jean Bédard (former City of Toronto);

- Thérèse Gaudry (charities and volunteering);
 - Yves-Pascal Irving-Sauvé (youth groups);
 - Robert Mayangi (former City of Scarborough); and
 - André Mathieu (economy);
- (3) City Council approve the re-appointment of the following former members:
- Manon Le Paven (community and social services/social housing/services for the handicapped); and
 - Antonio Dos Ferros (ethno-cultural groups);
- (4) the term of office of the above Committee members be for a period of two years ending on November 23, 2003; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”; and
- (2) (January 15, 2002) from the City of Toronto French Committee, embodying the following recommendations:
- “It is recommended that:
- (1) City Council approve the appointment of the following persons as members of the City of Toronto French Committee/ Comité français de la ville de Toronto. The name of the sector or area of residence being represented is indicated in parentheses:
- Lyse Pépin (Health); and
 - Dan Brignoli (Culture, Recreation and Heritage);
- (2) the term of office of the above Committee members be for a period of two years ending on November 23, 2003; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

1.87 Revisions to Zoning By-law and Official Plan Amendment - 3336, 3338, and 3340 Bayview Avenue

Councillor Shiner moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(10), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Shiner

Seconded by: Councillor Feldman

“WHEREAS North York Community Council held a Public Meeting pursuant to Section 34 of the Planning Act, at its meeting of June 13, 2001, with respect to a Zoning By-law and Official Plan Amendment application for 3336, 3338, and 3340 Bayview Avenue, as contained in Clause No. 17 of Report No. 5 of The North York Community Council, headed ‘Final Report - Application to Amend the Official Plan and Zoning By-law 7625 - UDOZ-00-21 and UDSP-00-127 - Brown Dryer Karol for Elm Bayview Residences Limited - 3336-3340 Bayview Avenue - Ward 24 - Willowdale’; and

WHEREAS Clause No. 17 of Report No. 5 of The North York Community Council was subsequently adopted, without amendment, by the Council of the City of Toronto at its meeting held on June 26, 27, and 28, 2001; and

WHEREAS the site was subsequently purchased by a new owner who has submitted site plans which vary slightly from the original plans previously approved; and

WHEREAS these new plans result in the need to amend the By-law Schedule RM1(44) to indicate revised setbacks; and

WHEREAS City Planning staff are in agreement that these revisions are minor in nature; and

WHEREAS the applicant is obligated to convey lands for the widening of Cummer Avenue and the re-zoning of the property must reflect this; and

WHEREAS Council passed a motion that, prior to enactment of the Zoning By-law, the applicant was to provide a Letter of Credit, in the value of \$22,000.00, for the purpose of school improvements, such improvements to be agreed to in consultation with the Ward Councillor;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, North York Community Council Report No. 5, Clause No. 17, headed ‘Final Report - Application to Amend the Official Plan and Zoning By-law 7625 - UDOZ-00-21 and UDSP-00-127 - Brown Dryer Karol for Elm Bayview Residences Limited - 3336-3340 Bayview Avenue - Ward 24 - Willowdale’, be re-opened for further consideration, only insofar as it pertains to Recommendation No. (1) with respect to the requirement for a Letter of Credit in the amount of \$22,000.00, and Recommendation No. (2) of the staff report, respecting the draft Zoning By-law Amendment;

AND BE IT FURTHER RESOLVED THAT the draft Zoning Schedule RM1(44) be revised to indicate revised setbacks, as indicated on the attached draft Schedule, and Schedule 1 of this By-law be revised to reflect the actual lands to be re-zoned after

the conveyance of lands for road widening;

AND BE IT FURTHER RESOLVED THAT the Owner shall provide, in lieu of a Letter of Credit for the purpose of school improvements, a cheque payable to the City Treasurer, in the amount of \$22,000.00, for the purpose of community improvements;

AND BE IT FURTHER RESOLVED THAT Council, under Section 34(17) of the Planning Act, determines that no further notice to the public is required.”

Council also had before it, during consideration of Motion J(10), a draft schedule to the by-law depicting the revised setbacks, a copy of which is on file in the Office of the City Clerk.

Votes:

The first Operative Paragraph embodied in Motion J(10) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(10) was adopted, without amendment.

1.88 **Alterations to Designated Heritage Properties - 444 Yonge Street and 354 and 404 Jarvis Street**

Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(11), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“**WHEREAS** at its meeting held on June 26, 27 and 28, 2001, City Council adopted, as amended, Clause No. 6 of Report No. 5 of The Downtown Community Council, headed ‘Draft By-laws – Official Plan and Rezoning – 354 and 404 Jarvis Street’, and in so doing, requested the Commissioner of Economic Development, Culture and Tourism to consult with the Toronto Preservation Board and to report directly to Council at its meeting to be held on July 24, 25 and 26, 2001, on the merits of applications received to alter and demolish buildings at 354 Jarvis Street, and on matters to be secured in the heritage easement agreement; and

WHEREAS at its meeting on July 19, 2001, the Toronto Preservation Board expressed its support for the applications; and

WHEREAS at its meeting held on July 24, 25 and 26, 2001, City Council adopted Motion J(15), headed ‘Alterations to Designated Heritage Properties and Minor Revision to Development Proposal – 444 Yonge Street and 354 and 404 Jarvis Street’, and in so doing, consented to the applications to alter and demolish buildings at 354 Jarvis Street subject to conditions, and granted authority for the execution of Heritage Easement Agreement(s) under the Ontario Heritage Act with the owner of the buildings known as Havergal College and Northfield House; and

WHEREAS the applicant has determined that, in order to complete the demolition of buildings on the property in a manner that will not interfere with the use of Mutual Street by residents and pupils of nearby Church Street Public School, it must proceed with the demolition of the rear wings of Havergal College and Northfield House identified as wings A, B and C on Attachment No. 3 to the report dated July 20, 2001, from the Commissioner of Economic Development, Culture and Tourism, entitled ‘354 and 404 Jarvis Street – Alterations of Designated Property and Authority to Enter into a Heritage Easement Agreement (Toronto Centre – Rosedale – Ward 27)’, prior to the demolition of the other buildings on the site, and accordingly the demolition of wings A, B and C would occur earlier in the redevelopment process than originally anticipated; and

WHEREAS the applicant has proposed that it be entitled to proceed with the demolition of wings A, B and C once it provides the City with a Letter of Credit in a form satisfactory to the Commissioner, to provide for the securing and stabilization of the portions of Havergal College and Northfield House which are to be preserved, and for any repairs required as a result of damage caused by the demolition;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(15) be re-opened for further consideration, only insofar as it pertains to:

- (1) the condition that the applicant be required to obtain a building permit for new construction before demolishing each of wings A, B, and C identified on Attachment No. 3 to the above-mentioned Commissioner’s report dated July 20, 2001, and that such condition be deleted; and
- (2) the Letter of Credit or other security of a type satisfactory to the Commissioner of Economic Development, Culture and Tourism, provided by the applicant to provide for the securing and stabilization of the façade of the remaining buildings that will be affected by the proposed demolition, and for any repair required as a result of damage caused by the demolition, and that the amount of the Letter of Credit or other security be fixed at \$150,000;

AND BE IT FURTHER RESOLVED THAT, once wings A, B and C have been

demolished, the façade of the remaining portions of Havergal College and Northfield House have been secured and stabilized, and any necessary repairs thereto required as a result of the demolition have been completed, all to the satisfaction of the Commissioner of Economic Development, Culture and Tourism, acting reasonably, the City shall return the Letter of Credit or other security provided by the applicant to provide for the securing and stabilization of the façade of the remaining buildings that will be affected by the proposed demolition, and for any repair required as a result of damage caused by the demolition.”

Votes:

The first Operative Paragraph embodied in Motion J(11) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(11) was adopted, without amendment.

1.89 **Support for Committee of Adjustment Decision – 552 Adelaide Street West (Evangel Hall)**

Councillor Chow moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(12), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Chow

Seconded by: Councillor Miller

“**WHEREAS** this Council has declared homelessness a national disaster; and

WHEREAS one of the main causes of homelessness is the difficulty in securing affordable housing; and

WHEREAS the Mayor’s Task Force on Homelessness stated that the City requires 2,000 new rental units per year; and

WHEREAS the supply of new rental units has been less than a tenth of the required supply; and

WHEREAS the proposed development at 552 Adelaide Street West (Evangel Hall) serves the City’s stated objectives to deliver affordable housing in a timely fashion; and

WHEREAS the proposed development at 552 Adelaide Street West which was

approved at the Committee of Adjustment on December 5, 2001, was appealed to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT the Acting City Solicitor be requested to attend the Ontario Municipal Board Hearing, with appropriate City staff, in support of the Committee of Adjustment's decision."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(12) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(12) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(12) was adopted, without amendment.

1.90 Revisions to Zoning By-law and Official Plan Amendment - 350 Rumsey Road

Councillor Pitfield moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(13), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Pitfield

Seconded by: Councillor Flint

“WHEREAS Midtown Community Council held a Public Meeting pursuant to Section 34 of the Planning Act, at its meeting of November 20, 2001, with respect to a Zoning By-law and Official Plan Amendment application for 350 Rumsey Road, as contained in Clause No. 26 of Report No. 9 of The Midtown Community Council, headed ‘Final Report - Application to Amend Zoning (UDZ 00-20) – IBI Group for the Bloorview MacMillan Centre and Proposed Amendment to the Official Plan (TD OPA 2001 0004) - 350 Rumsey Road (Don Valley West - Ward 26)’, adopted by City Council on December 4, 5 and 6, 2001; and

WHEREAS the applicant did not inform the City of the extent of roof terraces prior

to this meeting; and

WHEREAS as a result, the draft Zoning By-law Schedule, RM3(7) does not reflect the intentions of the applicant; and

WHEREAS City Planning staff are in agreement that the more extensive roof terraces, being located well back from the residential area, are not an issue; and

WHEREAS the Bloorview MacMillan Centre has agreed to provide an undertaking to convey certain lands to the Toronto Region Conservation Authority prior to adoption of Official Plan Amendment 511; and

WHEREAS this land conveyance results in the northern boundary of the site being 0.7 metres closer to the proposed building, resulting in rear yard setbacks reduced from 18 metres and 21.5 metres, as originally indicated on Schedule RM3 (7), to 17.3 metres and 20.8 metres respectively; and

WHEREAS Recommendation No. (6) of the final staff report required the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act, prior to introducing the necessary Zoning By-law to City Council for enactment; and

WHEREAS the site plan conditions and draft site plans have been approved by the Director of Community Planning, North District on the basis that these plans will be refined further and form part of a Site Plan Agreement;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 26 of Report No. 9 of The Midtown Community Council, headed 'Final Report - Application to Amend Zoning (UDZ 00-20) – IBI Group for the Bloorview MacMillan Centre and Proposed Amendment to the Official Plan (TD OPA 2001 0004) - 350 Rumsey Road (Don Valley West - Ward 26)' be re-opened for further consideration, only insofar as it pertains to Recommendation No. (1) of the staff report respecting the draft Zoning By-law and Recommendation No. (6) of the staff report respecting the requirement for the applicant to enter into a Site Plan Agreement;

AND BE IT FURTHER RESOLVED THAT the draft zoning Schedule RM3(7) be revised to indicate further roof terraces and minimum rear yard setbacks of 17.3 and 20.8 metres, as indicated on the attached draft schedule;

AND BE IT FURTHER RESOLVED THAT Recommendation No. (6) of the staff report be revised to require that, prior to the Zoning Bill being brought forward for passage by City Council, the applicant shall provide an undertaking that it shall enter into a Site Plan Agreement with the City of Toronto, such undertaking to be satisfactory to the Acting City Solicitor;

AND BE IT FURTHER RESOLVED THAT Council, under Section 34(17) of the Planning Act, determines that no further notice to the public is required.”

Votes:

The first Operative Paragraph embodied in Motion J(13) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(13) was adopted, without amendment.

1.91 **Pilot Program - Publication Box Enclosures**

Councillor Pitfield moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(14), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Pitfield**

Seconded by: **Councillor Disero**

“**WHEREAS** City Council, at its meeting of December 4, 5 and 6, 2001, considered recommendations of the Works Committee related to a Pilot Program - Publication Box Enclosures, to test the concept of a consolidated newspaper vending box to house multiple publications, and adopted Clause No. 1 of Report No. 17 of The Works Committee, headed ‘Pilot Program - Publication Box Enclosures’, as amended; and

WHEREAS, among other things, the Commissioner of Works and Emergency Services was requested to develop with appropriate stakeholders, criteria to be used for the evaluation of a pilot program and report back to the Works Committee, prior to issuing any proposal call to initiate such a pilot; and

WHEREAS, unlike other programs where the City enters into an agreement with a supplier for the direct provision of a City service, the newspaper box issue is far more complicated by the fact that the main participants in this program would be the various publishers and potential box enclosure suppliers, and the sale of newspapers is not a direct City interest; and

WHEREAS it has become increasingly apparent that there has been little meaningful communication between potential news box enclosure suppliers and the publishing companies, and, in fact, the proposal has not been well received by the publishers; and

WHEREAS the viability of a pilot program is dependent on the suppliers and

publishers coming together to deal with such issues as supply, loading and replacement of papers, collection of monies, any accounting, maintenance of boxes, style of boxes, and corporate identity; matters in which the City can at best play a peripheral role; and

WHEREAS it would require excessive City staff time to co-ordinate and act as intermediary in establishing such a program, time that arguably would be better spent on core City services;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Works Committee Clause No. 1 of Report No. 17, headed, 'Pilot Program - Publication Box Enclosures', be reopened for further consideration;

AND BE IT FURTHER RESOLVED THAT this Clause be received and that all parties on record with the City Clerk respecting this matter be so advised; and further that any interested suppliers be invited to work with the publishers directly to submit joint proposals for consideration at a future time, if mutually desired."

Votes:

The first Operative Paragraph embodied in Motion J(14) carried, more than two-thirds of Members present having voted in the affirmative.

Adoption of the balance of Motion J(14), without amendment:

Yes - 33	
Mayor:	Lastman
Councillors:	Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 8	
Councillors:	Altobello, Ashton, Balkissoon, Feldman, Ford, Lindsay Luby, Miller, Moeser

Carried by a majority of 25.

1.92 Provincial Government De-indexing of Injured Workers Workplace Safety and Insurance Board Compensation Payments

Councillor Bussin moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(15), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Bussin

Seconded by: Councillor Pantalone

“WHEREAS the provincial government has drastically reduced inflation indexing protection for injured workers who depend on their Workers’ Compensation cheque; and

WHEREAS injured workers received no inflation adjustment in 1998 or 1999, 0.25 percent in 2000, 1.9 percent in 2001 and again no inflation adjustment for 2002; and

WHEREAS the impact of these provincial government changes is that some injured workers are forced to apply for social assistance; and

WHEREAS, as the result of the provincial government’s downloading of social assistance funding on the taxpayers of the municipalities of Ontario, the Workplace Safety and Insurance Board is effectively downloading its fiscal responsibility for injured workers onto local municipalities;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council oppose the downloading of workers’ compensation costs onto the municipal taxpayers;

AND BE IT FURTHER RESOLVED THAT City Council call on the provincial government to restore full inflation indexing for injured workers.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(15) to the Community Services Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(15) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(15) was adopted, without amendment.

1.93 **Non-Receipt of Revenues from OMG Media**

Councillor Shiner moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(16), moved by Councillor Moscoe, seconded by Councillor Miller, and, in the absence of Councillor Moscoe, moved by Councillor Shiner, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Shiner

Seconded by: Councillor Miller

“WHEREAS the City of Toronto has an agreement with OMG Media to permit them to place litter bins on Toronto streets which are to be funded through the sale of advertising; and

WHEREAS in exchange for this the City was to receive revenues in a specified amount; and

WHEREAS since February 2001, a full year ago, OMG Media has withheld revenue from the City alleging that they have claims for damages for their bins; and

WHEREAS this company is in arrears to the City by \$360,000.00; and

WHEREAS there is some question that the City should not even be entertaining any claims in that a standard boiler plate clause in outdoor advertising agreements would ‘save the City harmless’ from any such claims; and

WHEREAS, notwithstanding this serious default, this matter for whatever reason, has not been brought to the attention of Council;

NOW THEREFORE BE IT RESOLVED THAT this matter be referred to the Administration Committee for its meeting to be held on March 26, 2002, and that Commissioner of Works and Emergency Services and the Acting City Solicitor be requested to report thereon at that time.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(16) to the Administration Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(16) to the Administration Committee was taken as follows:

Yes - 26

Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Jones, Layton, McConnell, Mihevc, Milczyn, Miller, Nunziata, Pantalone, Pitfield, Rae, Shaw, Shiner, Walker
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No - 16	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Ford, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Ootes, Silva, Soknacki, Sutherland, Tziretas

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

Having regard to the foregoing decision of Council, Motion J(16) was referred to the Administration Committee.

1.94 2002 Agnes Macphail Award Recipient

Councillor Tziretas moved that in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion J(17), which carried:

Moved by: Councillor Tziretas

Seconded by: Councillor Pitfield

“WHEREAS City Council at its meeting held on December 4, 5 and 6, 2001, by its adoption, without amendment, of Report No. 9, Clause No. 21 of The Midtown Community Council, headed ‘Appointments to the Agnes Macphail Award Community Selection Committee’, authorized the Committee to submit its recommendation respecting the 2002 winner of the Agnes Macphail Award directly to Council for its meeting on February 13, 2002; and

WHEREAS the Agnes Macphail Award Selection Committee met on February 6, 2002, to consider nominations and select the 2002 Award recipient;

NOW THEREFORE BE IT RESOLVED THAT City Council give consideration to the recommendation contained in the confidential communication dated February 7, 2002, from the Agnes Macphail Committee, and that such recommendation be adopted.”

Council also had before it, during consideration of Motion J(17), a confidential communication (February 7, 2002) from the Agnes Macphail Committee, entitled “Decision

of the Agnes Macphail Award Selection Committee - Winner of the 2002 Agnes Macphail Award”.

Vote:

Motion J(17) was adopted, without amendment, and in so doing, Council adopted, without amendment, the recommendation contained in the confidential communication dated February 7, 2002, from the Agnes Macphail Committee, such communication to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, given that it contains personal information about identifiable individuals.

1.95 **Liquor Licence - 7th Wave Restaurant, 1982 Queen Street East**

Councillor Bussin moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(19), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Bussin

Seconded by: Councillor Pantalone

“**WHEREAS** the City of Toronto has an interest and a responsibility to ensure that its by-laws are respected and that community concerns are addressed by the Alcohol and Gaming Commission in its Review Applications for liquor licences in the City of Toronto; and

WHEREAS the City Solicitor has written to the Alcohol and Gaming Commission on the 7th Wave Restaurant application outlining numerous and ongoing infractions on the part of licensee of the City’s by-laws, including the Noise and Zoning By-laws and contravention of the Liquor Licence Act; and

WHEREAS the licensee’s application to expand the licenced premises of the 7th Wave Restaurant would exceed the commercial ground floor area allowed under the Zoning By-law for bars and restaurants (165 sq. metres) in the Beach;

NOW THEREFORE BE IT RESOLVED THAT the Acting City Solicitor be instructed to attend the hearing of the Alcohol and Gaming Commission on Monday, February 18, 2002, to ensure that the community interest respecting the Review Application for the liquor licence of the 7th Wave Restaurant, 1982 Queen Street East is protected.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(19) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(19) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(19) was adopted, without amendment.

1.96 Fundraising for Permanent Memorial for Justin Boudreau-Weiss

Councillor Jones moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(20), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Jones

Seconded by: Councillor Miller

“WHEREAS Justin Boudreau-Weiss was struck by a car and killed November 30, 2001, while crossing Horner Avenue; and

WHEREAS the community erected a memorial to commemorate the young boy; and

WHEREAS the City of Toronto staff removed the memorial without advising the young boy’s family; and

WHEREAS the City of Toronto has expressed its apologies to the family of Justin Boudreau-Weiss; and

WHEREAS the City of Toronto has expressed its intentions to erect a permanent memorial; and

WHEREAS the City Council Policy requires that specific fundraising initiatives receive prior approval;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto solicit donations from the public to cover the cost of purchasing and installing a permanent memorial for Justin Boudreau-Weiss;

AND BE IT FURTHER RESOLVED THAT donation charitable receipts be issued to the public by the Finance Department.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(20) to the Administration Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(20) to the Administration Committee was taken as follows:

Yes - 33	
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Hall, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Nunziata, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 9	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Flint, Ford, Holyday, Lindsay Luby, Milczyn, Ootes

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

Motion:

Councillor Ashton moved that Motion J(20) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Commissioner of Works and Emergency Services and the Commissioner of Economic Development, Culture and Tourism be requested to submit a joint report to the Works Committee on a policy regarding memorials on public property.”

Votes:

The motion by Councillor Ashton carried.

Motion J(20) was adopted, as amended.

1.97 **International Alliance Program – Inclusion of the City of Kiev**

Councillor Feldman moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(21), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Feldman

Seconded by: Councillor Lindsay Luby

“**WHEREAS** City Council at its meeting held on December 4, 5 and 6, 2001, adopted, as amended, Economic Development and Parks Committee Report No. 12, Clause No. 4, headed ‘International Alliance Program Policy (City-Wide)’; and

WHEREAS the inadvertent result of the Council amendment was the deletion of the reference to the City of Kiev as a Gamma World City from the recommendation of the Economic Development and Parks Committee; and

WHEREAS the City of Toronto desires to establish a strong relationship with the City of Kiev;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Economic Development and Parks Committee Report No. 12, Clause No. 4, headed ‘International Alliance Program Policy (City-Wide)’, be re-opened for further consideration, only insofar as it pertains to the City of Kiev;

AND BE IT FURTHER RESOLVED THAT the City of Toronto consider the City of Kiev as a Gamma World City for the purposes of the International Alliance Program.”

Votes:

The first Operative Paragraph embodied in Motion J(21) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(21) was adopted, without amendment.

1.98 Revisions to Zoning By-law Amendment Application for 15 and 17 Barberry Place

Councillor Shiner moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(22), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Shiner**

Seconded by: **Councillor Feldman**

“**WHEREAS** North York Community Council held a Public Meeting pursuant to Section 34 of the Planning Act, on November 21, 2001, with respect to a Zoning By-law amendment application for 15 and 17 Barberry Place; and

WHEREAS at its meeting of December 4, 5, and 6, 2001, the Council of the City of Toronto adopted the recommendations of the North York Community Council as set out in Report No. 9, Clause No. 14, headed ‘Final Report - Application to Amend the Zoning By-law 7625 - TB CMB 2001 0009 - Danbow Barberry Corporation - 15 & 17 Barberry Place - Ward 24 - Willowdale’; and

WHEREAS Recommendation No. (3)(ii) of the final staff report required the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act, prior to introducing the necessary Zoning By-law to City Council for enactment;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Report No. 9, Clause No. 14 of The North York Community Council, headed ‘Final Report - Application to Amend the Zoning By-law 7625 - TB CMB 2001 0009 - Danbow Barberry Corporation – 15 & 17 Barberry Place - Ward 24 - Willowdale’, be re-opened, only insofar as it pertains to Recommendation No. (3)(ii) of the final staff report respecting the requirement for the applicant to enter into a Site Plan Agreement;

AND BE IT FURTHER RESOLVED THAT Recommendation No. (3)(ii) of the staff report be revised to require that, prior to the zoning bill being brought forward for passage by City Council, the applicant shall provide an undertaking that it shall obtain Site Plan Approval and enter into a Site Plan Agreement with the City of Toronto following enactment of the Zoning By-law, such undertaking shall be in writing to the satisfaction of the Acting City Solicitor.”

Votes:

The first Operative Paragraph embodied in Motion J(22) carried, more than two-thirds of Members present having voted in the affirmative.

Adoption of the balance of Motion J(22), without amendment:

Yes - 35

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Tziretas
No - 5	
Councillors:	Filion, Jones, McConnell, Sutherland, Walker

Carried by a majority of 30.

1.99 **Sale of Vacant Parcel of Land – Northwest Corner of Glengrove Avenue and Coldstream Avenue (Ward 15)**

Councillor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(23), moved by Councillor Moscoe, seconded by Councillor Mihevc, and, in the absence of Councillor Moscoe, moved by Councillor Miller, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Mihevc

“WHEREAS the above noted property was the subject matter of a hearing before the Administration Committee on September 12, 2000; and

WHEREAS residents of the area appeared before the committee to make representations against the sale of the property; and

WHEREAS because of a heavy deputation load the residents were never heard and the matter was deferred on the understanding that the residents were to be invited back to address the Committee; and

WHEREAS this did not happen; and

WHEREAS the property was subsequently approved for sale without residents being provided the opportunity of providing input;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Administration Committee Report No. 5, Clause No. 11, headed ‘Declaration as Surplus, Vacant Parcel of Land Located

at the Northwest Corner of Glengrove Avenue West and Coldstream Avenue (Ward 15 - Eglinton-Lawrence)', adopted by City Council at its meeting held on April 23, 24, 25, 26, 27, 30 and May 1 and 2, 2001, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT Council reconsider its decision to sell the property;

AND BE IT FURTHER RESOLVED THAT this matter be referred to the Administration Committee for public depositions and that the residents who had previously appeared on this matter be advised when this matter will be before the Committee."

Votes:

The first Operative Paragraph embodied in Motion J(23) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(23) was adopted, without amendment.

1.100 **Ontario Municipal Board Hearing – 444 Yonge Street**

Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(24), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Councillor Chow

“WHEREAS the Committee of Adjustment granted an application for minor variances with respect to property known as 444 Yonge Street; and

WHEREAS MTCC 1322 located at 801 Bay Street has appealed the decision of the Committee of Adjustment to the Ontario Municipal Board and indicated in their letter of appeal that it did not receive notice of the Committee of Adjustment’s hearing with respect to the application at 444 Yonge Street and that it would hold the City responsible for its costs of the appeal; and

WHEREAS 801 Bay Street did not receive notice of the Committee of Adjustment’s hearing because it is located outside the statutory notice area for Committee of Adjustment hearings; and

WHEREAS it would be appropriate to instruct the Acting City Solicitor to appear at the Ontario Municipal Board in support of the Committee's decision and to protect the City against potential costs;

NOW THEREFORE BE IT RESOLVED THAT the Acting City Solicitor be directed to attend at the Ontario Municipal Board in support of the decision of the Committee of Adjustment and to protect the City against a potential cost award."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(24) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(24) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(24), a Notice of Decision dated January 10, 2002, respecting the application at 444 Yonge Street, a copy of which is on file in the Office of the City Clerk.

Vote:

Motion J(24) was adopted, without amendment.

1.101 **Consultation on Aviation Policy Affecting Toronto**

Councillor Minnan-Wong moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(25), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Minnan-Wong**

Seconded by: **Councillor Feldman**

"WHEREAS Toronto is Canada's most important aviation centre and Lester B. Pearson International Airport is Canada's busiest and most important domestic and international hub airport; and

WHEREAS affordable air transportation with direct links to the rest of Canada, the

United States and the world is critical to the competitiveness of the City of Toronto and the future economic development of this City and the Greater Toronto Area; and

WHEREAS activity at Pearson International Airport generates \$14 billion in annual sales, over 138,000 direct and indirect jobs paying over \$3.6 billion in combined wages, and \$2.8 billion in corporate, personal and property taxes; and

WHEREAS the Federal Department of Transport and the Federal Minister of Transport have publicly stated that a variety of options are being considered that would change aviation policy in Canada with the objective of strengthening airline competition; and

WHEREAS the Federation of Canadian Municipalities has written the Federal Minister of Transport on January 25, 2002, that it welcomes steps to strengthen airline competition in Canada, but it wants to receive assurance from the Minister of Transport that municipalities will be consulted in advance on all policy options under examination by the Federal Government; and

WHEREAS the City of Toronto has not been consulted by the federal government on possible changes to aviation policy in Canada;

NOW THEREFORE BE IT RESOLVED THAT City Council request that Mayor Lastman, on behalf of the City of Toronto, write to the Prime Minister of Canada, copying the federal and provincial Ministers of Transport and MPs representing the City of Toronto, requesting that the City be fully apprised of aviation policy options currently under consideration by the federal government;

AND BE IT FURTHER RESOLVED THAT the City be consulted on its views in advance of any changes to regulations or legislation governing air transportation in Canada.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(25) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(25) to the Policy and Finance Committee was taken as follows:

Yes - 32

Councillors:	Altobello, Ashton, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Tziretas
No - 7	
Councillors:	Augimeri, Balkissoon, Jones, McConnell, Miller, Moeser, Walker

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

Motions:

- (a) Councillor Ashton moved that Motion J(25) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the City of Toronto indicate its interest in any proposals to resurrect the development of an airport in Pickering and request proper notice and input into any planning and evaluation of such undertakings.”

- (b) Councillor Layton moved that Motion J(25) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT City Council advise the Federation of Canadian Municipalities of its actions and offer to work with the FCM in this regard.”

Votes:

Motion (a) by Councillor Ashton carried.

Motion (b) by Councillor Layton carried.

Motion J(25) was adopted, as amended.

1.102 Appointment of Water Advocate - Terms of Reference

Councillor Disero moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(26), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Disero**

Seconded by: **Councillor Jones**

“**WHEREAS** the Works Committee, at its meeting of January 22, 2002 recommended to City Council the adoption of the following Resolution:

‘**Whereas** the Works Committee has recognized the importance of a Water Advocate since the beginning of this term of Council; and

Whereas City Council continues to believe in the importance of a Water Advocate for the City of Toronto;

Therefore Be It Resolved That Councillor Irene Jones be officially recognized as the City’s Water Advocate;

And Be It Further Resolved That Councillor Jones and the Commissioner of Works and Emergency Services be requested to develop the appropriate Terms of Reference for the position and consider the development of an advisory structure.’
[Works Committee Report No. 2, Clause No. 27];

NOW THEREFORE BE IT RESOLVED THAT Councillor Irene Jones be officially recognized as the City’s Water Advocate and therefore, as the key representative from Council on water and wastewater-related issues, the Water Advocate will assume the following responsibilities, herein defined as the Terms of Reference for the position:

- (1) where there is an interest in water issues, act as the chief political liaison to:
 - (a) government and non-government organizations and agencies (municipal, regional, provincial and federal);
 - (b) Boards and Commissions;
 - (c) Associations and Committees; and
 - (d) visiting dignitaries;
- (2) act as the lead representative from Council on water and wastewater long-range planning initiatives;
- (3) promote water and wastewater public education materials and/or programs to

raise public awareness on:

- (a) water conservation needs and measures;
 - (b) stormwater pollution;
 - (c) waterfront and watercourse water quality; and
 - (d) the renewal needs of the City's aging pipe infrastructure;
- (4) act as the official representative of Council at the following:
- (a) water-related conferences and seminars;
 - (b) ribbon-cutting ceremonies and/or dedications;
 - (c) major staff events; and
 - (d) media events requiring a political spokesperson;
- (5) ensure Council's understanding of water regulations and provincial requirements for water quality and actively lobby the Province for funding for water quality improvements;
- (6) develop a political network and obtain regional support for initiatives such as the Wet Weather Flow Management Master Plan (WWFMMP); and
- (7) champion water/wastewater improvement initiatives."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(26) to the Works Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(26) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(26) was adopted, without amendment.

Motion to Re-Open:

Councillor Layton, with the permission of Council, moved that, in accordance with Chapter 27 of the City of Toronto Municipal Code, Motion J(26) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motions:

- (a) Councillor Layton moved that Motion J(26) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Water Advocate also work with the National Water Policy Options Team of the Federation of Canadian Municipalities.”

- (b) Councillor Silva moved that Motion J(26) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FUTHER RESOLVED THAT the Water Advocate also work with the International Council for Local Environmental Initiatives (ICLEI).”

Votes:

Motion (a) by Councillor Layton carried.

Motion (b) by Councillor Silva carried.

Motion J(26) was adopted, as amended.

1.103 Appointment of City Nominee to the Toronto Port Authority by the Waterfront Reference Group

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

Moved by: Councillor Pantalone

Seconded by: Councillor McConnell

“WHEREAS Mr. Murray Chusid, the City of Toronto’s nominee to the Toronto Port

Authority, has submitted his resignation, to be effective January 31, 2002; and

WHEREAS it is necessary to make an appointment to fill this position for the remainder of the term of office; and

WHEREAS to make such appointment through the process described in the Policy for Citizen Appointments would require up to four months, and this is the City's only representative on the Port Authority; and

WHEREAS the Waterfront Reference Group has already identified citizens with expertise in this area;

NOW THEREFORE BE IT RESOLVED THAT the necessary provisions of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, and of Council's Policy for Citizen Appointments through the Nominating Committee, be waived to permit the appointment of a successor to be referred to the Waterfront Reference Group, through the Policy and Finance Committee, to recommend a candidate for appointment by Council for the remainder of the term of office to expire in June 2003;

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(27) to the Nominating Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(27) to the Nominating Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(27) was adopted, without amendment.

1.104 **Ontario Municipal Board Hearing regarding Waterfront Interim Control By-law**

Councillor Pantalone moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of

Motion J(28), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Pantalone**

Seconded by: **Councillor Ootes**

“**WHEREAS** Council at its meeting held on July 24, 25, and 26, 2001, passed By-law No. 616-2001, extending the period of Interim Control over the Central Waterfront and related areas until October 4, 2002, to permit the completion of a new Part II Official Plan for the Central Waterfront; and

WHEREAS on hearing the appeals of Avro Quay Limited and City Front Developments Inc. against By-law No. 616-2001, the Ontario Municipal Board in its Decision dated January 11, 2002, ruled in favour of releasing the lands the subject of such appeals, being Marine Terminal 27 and 400 Front Street West, on certain dates as specified in the said Decision; and

WHEREAS the Acting City Solicitor is seeking instructions on a potential appeal of the Board Decision;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the confidential report dated February 6, 2002, from the Acting City Solicitor, and that such confidential report be adopted.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(28) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(28) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(28), a confidential report dated February 6, 2002, from the Acting City Solicitor, entitled “Ontario Municipal Board Decision, Waterfront Interim Control By-laws Nos. 627-2000 and 616-2001, Wards 20 and 28”.

Vote:

Motion J(28) was adopted, without amendment, and in so doing, Council adopted, without amendment, the confidential report dated February 6, 2002, from the Acting City Solicitor, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, given that it is subject to solicitor-client privilege.

1.105 Appeal of Committee of Adjustment Decision Respecting the Yee Hong Centre for Geriatric Care

Councillor Chow moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(29), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Chow

Seconded by: Councillor Berardinetti

“WHEREAS this Council, in November 1999, supported the proposed Yee Hong Centre for Geriatric Care on a site at Middlefield Road and Finch Avenue; and **WHEREAS** the need for geriatric care is very great throughout the City of Toronto and will continue to grow in the future; and

WHEREAS the Yee Hong Centre for Geriatric Care went to the Committee of Adjustment on January 16, 2002, to seek approval for minor variances to the Zoning By-law; and

WHEREAS the changes requested will increase the number of senior apartment units from 250 to 308 and increase the number of nursing beds from 250 to 260; and

WHEREAS the Committee of Adjustment refused the application for minor variances; and

WHEREAS the Yee Hong Centre for Geriatric Care is appealing the Committee of Adjustment decision to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT Council authorize staff to retain outside legal and planning staff to attend the Ontario Municipal Board hearing in support of the Yee Hong Centre for Geriatric Care appeal of the January 16, 2002 Committee of Adjustment decision.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(29) to the Scarborough Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(29) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(29), without amendment:

<p>Yes - 40 Councillors: Altobello, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Fillion, Flint, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker</p>
<p>No - 2 Councillors: Ashton, Balkissoon</p>

Carried by a majority of 38.

1.106 **Receipt of Environment Canada Funding for Water Quality Improvement Projects**

Councillor Jones moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(30), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Jones

Seconded by: Councillor Disero

“WHEREAS Environment Canada has recently announced that the City of Toronto has been awarded a total of \$470,000.00 in funding from the Great Lakes Sustainability Fund; and

WHEREAS Toronto is identified as one of 16 Canadian Areas of Concern within the Great Lakes Basin because of environmental degradation of area surface waters; and

WHEREAS the aim of the Fund is to accelerate work to restore the environmental quality of Canada’s Areas of Concern; and

WHEREAS the approved funding is directed at supporting the following four projects:

- (a) Wet Weather Flow Management Master Plan (\$300,000.00) – for the development of a City-wide strategy to prevent, control and reduce the environmental impacts of combined sewer overflows and stormwater runoff;
- (b) High-Rate Combined Sewer Overflow/Stormwater Treatment Project (\$50,000.00) – for the evaluation of a new technology, which if successful,

could significantly reduce the cost of treatment for combined sewer overflows and stormwater discharges;

- (c) Implementation of the Humber Creek Subwatershed Restoration Plan (\$100,000.00) – for the restoration of a 900 metre reach of Humber Creek within Alex Marchetti Park using natural channel design principles; and
- (d) Humber Creek Industrial Outreach Program (\$20,000.00) – for development of an industrial community outreach program within the Humber Creek Subwatershed, aimed at preventing chemical spills to Humber Creek; and

WHEREAS the City’s funding for these initiatives is available through the previously approved 2001-2005 Water and Wastewater Capital Works Program;

NOW THEREFORE BE IT RESOLVED THAT authority be granted to accept funding, in the amount of \$470,000.00, from Environment Canada for the:

- (a) Wet Weather Flow Management Master Plan ;
- (b) High-Rate Combined Sewer Overflow/Stormwater Treatment Project;
- (c) Implementation of the Humber Creek Subwatershed Restoration; and
- (d) Humber Creek Industrial Outreach Program;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be granted the authority necessary to give effect thereto.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(30) to the Works Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(30) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(30) was adopted, without amendment.

1.107 **Adjustment of Alternate Price and Purchase of Transport Trailers for Solid Waste**

Councillor Disero moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(31), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Disero

Seconded by: Councillor Ootes

“**WHEREAS** City Council on December 4, 5 and 6, 2001, adopted recommendations from the Policy and Finance Committee (Clause No. 18 embodied in Report No. 16 of The Policy and Finance Committee) that committed to our contractors, Republic Services of Canada and Wilson Logistics (the ‘Republic Contractors’), the receipt and disposal of the City’s residual municipal solid waste from January 1, 2003, to December 31, 2005; and

WHEREAS Council based that decision on the City entering into an amending agreement to the Republic Contract in order to realize a reduced ‘alternate price’ for the 450,000 tonnes per year of municipal solid waste currently received and disposed by the City’s other disposal contractor, Onyx Waste Services; and

WHEREAS the authority included the purchase of transport trailers from Canadian Waste Services that are currently in service to transport solid waste to the Arbor Hills Landfill; and

WHEREAS Canadian Waste Services has agreed to sell additional transfer trailers that are in service for haulage of solid waste to the Keele Valley Landfill; and

WHEREAS the Republic Contractors are prepared to assume the obligation to purchase from Canadian Waste Services the combined trailer fleets cited above (which will have the effect of negating the purchase of new trailers on the part of the Republic Contractors and the resulting higher trailer residuals payable by the City), subject to an adjustment of the alternate price to off-set the higher purchase price for the trailers;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report No. 16, Clause No. 18, headed ‘Disposal of Residual Solid Waste’, be re-opened for further consideration, only insofar as it pertains to adjustment of the alternate price and purchase of the transport trailers;

AND BE IT FURTHER RESOLVED THAT Council consider the confidential report dated February 13, 2002, from the Commissioner of Works and Emergency Services; and that the report from the Commissioner of Works and Emergency Services, dated February 13, 2002, be adopted.”

Vote:

The first Operative Paragraph embodied in Motion J(31) carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(31), a confidential report (February 13, 2002) from the Commissioner of Works and Emergency Services, entitled "Disposal of Residual Solid Waste, Adjustment to Alternate Price".

Vote:

The balance of Motion J(31) was adopted, without amendment, and in so doing, Council adopted, without amendment, the confidential report dated February 13, 2002, from the Commissioner of Works and Emergency Services, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, given that it is subject to solicitor-client privilege.

1.108 Enhancements to Road Emergency Services Communications Unit (RESCU)

Councillor Pitfield moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(32), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Pitfield

Seconded by: Councillor Pantalone

“WHEREAS City Council at its meeting held on July 4, 5 and 6, 2000, adopted, without amendment, Works Committee Report No. 13, Clause No. 4, headed ‘Enhancements to Road Emergency Services Communications Unit (RESCU)’, granting approval to implement the enhancements outlined in the report; and

WHEREAS one of the functional enhancements outlined in the report was the installation of a centre-to-centre communications link between COMPASS (Highway 401 Traffic Management Centre) and RESCU (Gardiner and Don Valley Traffic Management Centre) to permit the easy exchange of both video and data and the development of joint operational response plans; and

WHEREAS the Ministry of Transportation of Ontario has agreed to contribute \$125,000.00 towards the establishment of the communications protocol between Traffic Management Centres; and

WHEREAS Transport Canada has agreed to contribute \$250,000.00 towards the establishment of the communications protocol between Traffic Management Centres; and

WHEREAS there is now a requirement to sign a memorandum of understanding with the Ministry of Transportation of Ontario and a legal agreement with Transport Canada for the release of these funds; and

WHEREAS the original report, headed 'Enhancements to Road Emergency Services Communications Unit (RESCU)', inadvertently omitted to request that authority be granted to the City to enter into agreements, with terms and conditions satisfactory to the Commissioner of Works and Emergency Services and in a form satisfactory to the Acting City Solicitor, with the Ministry of Transportation of Ontario and Transport Canada;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) the City be authorized to enter into a funding agreement with Transport Canada and a memorandum of understanding or other agreement with the Ministry of Transportation of Ontario for the purpose of achieving the objectives of the work program contained in the report 'Enhancements to Road Emergency Services Communications Unit ("RESCU")';
- (2) such agreements have terms and conditions that are satisfactory to the Commissioner of Works and Emergency Services and be in a form satisfactory to the Acting City Solicitor; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto and to take any action required to be taken thereunder."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(32) to the Works Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(32) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(32) was adopted, without amendment.

1.109 Communication to Dentists Regarding Dental Amalgam Separator Technology

Councillor Lindsay Luby moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(33), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Lindsay Luby**

Seconded by: **Councillor Pitfield**

“**WHEREAS** dentists are a regulated industry under the Toronto Sewer Use By-law No. 457-2000; and

WHEREAS the City of Toronto has committed itself to full enforcement of the by-law, including enforcement of the discharge limits that come into effect June 30, 2002; and

WHEREAS it is necessary for the City to make the most efficient and cost effective use of its limited by-law enforcement staff; and

WHEREAS information on amalgam separator technology that dentists have installed, and its performance, will greatly assist City enforcement staff in targeting their enforcement efforts; and

WHEREAS this information is not currently included in dentists’ Pollution Prevention Plans;

NOW THEREFORE BE IT RESOLVED THAT Water and Wastewater enforcement staff immediately write to all dentists requesting that they inform the City, no later than April 1, 2002, of the make and model of dental amalgam separator technology installed in their offices as well as its maintenance schedule and third party, independently gathered test data on the typical performance of their system;

AND BE IT FURTHER RESOLVED THAT the letters explain to dentists that this information is being collected in order to help enforcement staff target their monitoring and enforcement program due to commence June 30, 2002.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(33) to the Works Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(33) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(33) was adopted, without amendment.

1.110 Interim Control By-law to Prohibit Drive-Through Operations for Lands in the Area of St. Clair Avenue West Between Oakwood Avenue and Bathurst Street

Councillor Mihevc moved that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion J(34), which carried:

Moved by: Councillor Mihevc

Seconded by: Councillor Disero

“WHEREAS St. Clair Avenue West is an east-west, mixed commercial-residential street, consisting primarily of two- and three-storey buildings that are built to the property line; and

WHEREAS St. Clair Avenue West is a traditional neighbourhood shopping street characterized by commercial and retail activity in which there is a direct relationship between the main entrance of a store and the public sidewalk; and

WHEREAS drive-through operations often require a building to be set back from the property line and the St. Clair Avenue West streetscape is impacted; and

WHEREAS drive-through operations have main entrances that are not located on a public street frontage and patrons may be required to cross in front of cars entering or exiting the drive-through; and

WHEREAS drive-through operations create additional curb cuts which disrupt sidewalk continuity and create a concern for pedestrian safety; and

WHEREAS drive-through operations can have significant traffic impacts with respect to site access, parking, vehicular circulation, vehicle stacking and the public road network and the safety of roadway users; and

WHEREAS drive-through operations can have significant environmental impacts with respect to idling cars, noise and fumes; and

WHEREAS the Zoning By-law for the former City of Toronto does not have a separate definition for drive-through operations or provisions regulating drive-through

operations;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the report dated February 11, 2002, from the Commissioner of Urban Development Services, regarding an Interim Control By-law, and that such report be adopted;

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

Council also had before it, during consideration of Motion J(34), a report (February 11, 2002) from the Commissioner of Urban Development Services, entitled “Proposed Interim Control By-law to Prohibit Drive-Through Operations for Those Lands in the Area of St. Clair Avenue West Between Oakwood Avenue and Bathurst Street (Davenport, Ward 17, and St. Paul’s, Ward 21)”. (See Attachment No. 7, Page 210)

Vote:

Motion J(34) was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated February 11, 2002, from the Commissioner of Urban Development Services, embodying the following recommendations:

“It is recommended that:

(1) City Council adopt the following resolution:

‘Whereas Section 38 of the Planning Act authorizes Council to pass resolutions directing that a review or study be undertaken in respect of land use planning policies within the area of the municipality which is to be the subject of an Interim Control By-law, therefore be it resolved that Council request the Commissioner of Urban Development Services to undertake a review or study in respect of land use policies for those lands in the area of St. Clair Avenue West between Oakwood Avenue and Bathurst Street (Attachment 1)’; and

(2) City Council, after adopting the resolution in Recommendation No. (1) above, grant authority for the introduction of the necessary Bills in Council to substantially give effect to the following:

‘No person shall, in the area referred to in Recommendation No. (1) above, use any lot or erect or use any building or structure save the buildings existing on the lands at the time of the passage of these Bills for a restaurant, take-out restaurant, a bake shop, a branch of a bank or financial institution, dry-cleaning shop, or retail store with a drive-

through component for a period of one year.’ ”

1.111 Official Plan and Zoning Amendment Application - 1415 Lawrence Avenue West

Councillor DiGiorgio moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(35), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor DiGiorgio

Seconded by: Councillor Li Preti

“**WHEREAS** City Council at its meeting held on February 29, March 1 and 2, 2000, adopted, without amendment, North York Community Council Report No. 3, Clause No. 26, headed ‘Final Report - Official Plan and Zoning Amendment Application UDOZ-97-35 - V.V. DeMarco Properties Limited - 1415 Lawrence Avenue West - North York Humber’; and

WHEREAS a community consultation meeting was held on February 23, 1998, at which time approximately 70 persons attended raising concerns about the height and density of the originally proposed development; and

WHEREAS City Council approved the Final Report which would have approved amendments to the Official Plan and Zoning By-law so as to permit a 138 unit 8 storey residential development with ground floor commercial uses at a density of 2.5 times the area of the lot; and

WHEREAS all public hearings, required pursuant to the Planning Act, have been held; and

WHEREAS since Council’s approval in 2000, the Zoning By-law was not enacted, since site plan approval had not been obtained; and

WHEREAS since Council’s 2000 approval of the staff report, the property was acquired by a new owner who has agreed to further reduce the intensity of the proposal by reducing the unit count to 65 units, by reducing the height to 5 storeys and by reducing the density to 1.1 times the area of the lot, which is well below the intensity of development approved by Council; and

WHEREAS the current owner of the property has submitted a formal revised site plan to the City in January of 2002; and

WHEREAS the revised site plan does not comply with the parking requirements of the comprehensive Zoning By-law No. 7625 which applies to these lands and which

was a requirement of the original approval but that the revised site plan reflects a reduced parking supply with less parking spaces than are required for the proposal;

NOW THEREFORE BE IT RESOLVED THAT Recommendation No. (2) of the staff report dated (December 20, 1999) from the Director, Community Planning, North District, Urban Development Services respecting the draft Zoning By-law, as embodied in North York Community Council Report No. 3, Clause No. 26, be amended to read as follows:

‘That the site’s C2 (Local Shopping Centre) be amended to C4 Exception zone (Mixed Use Commercial Zone)

Exception Regulations:
Permitted Uses

- (a) the maximum gross floor area for all uses shall be 6,149 m² ;
- (b) the maximum non-residential gross floor area shall be 2,343m²;
- (c) the maximum number of dwelling units shall be 65;
- (d) the maximum height of the building shall be 5 storeys or 21 metres whichever is less;
- (e) conditional upon a Parking Demand Analysis satisfactory to the Director, Community Planning, North District and to the Director Transportation Services, District Three, WES that the total parking for all uses shall be a minimum of 124 parking spaces; in the absence of such an approved report, that all required parking, shall be provided in compliance with the provisions of By-law 7625; and
- (f) Yards:
Front Yard minimum 8.3m;
Rear Yard: minimum 26m;
Side Yard east: 0 m; and
Side Yard west: minimum 6.2m’;

AND BE IT FURTHER RESOLVED THAT Council, under Section 34(17) of the Planning Act, determine that no further notice to the public is required;

AND BE IT FURTHER RESOLVED THAT Council direct staff to bring forward a final report on the site plan at the Humber York Community Council meeting scheduled for April 2, 2002, and at that time advise the Community Council on the applicable parking standard which has been approved by the Directors; in the event

that this is not possible, the Director, Community Planning, North District, report and explain the reasons why a final report is not possible;

AND BE IT FURTHER RESOLVED THAT, subject to all conditions of the amended approval having been satisfied, Council further direct staff to bring forward the implementing by-laws which implement the revised Site Plans submitted, in January of 2002, for final passage at the City Council meeting to be held on April 16, 2002.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(35) to the Humber York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(35) to the Humber York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(35) was adopted, without amendment.

1.112 **Declaration of “The Simpsons’ Day”**

Councillor Minnan-Wong moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(36), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Moscoe

“**WHEREAS** tourism is an important component of the Toronto economy; and

WHEREAS the City of Toronto is a major destination for vacationing American families; and

WHEREAS Bart Simpson and the Simpson Family will visit Toronto on Sunday, February 17, 2002; and

WHEREAS the Simpsons are a significant and major North American pop culture

icon; and

WHEREAS Toronto will be profiled worldwide on ‘The Simpsons’ in an episode entitled, ‘The Bart Wants What the Bart Wants’; and

WHEREAS this episode will be re-broadcast for years to come, in syndication;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto declare Sunday, February 17, 2002, as ‘The Simpsons Day’ in the City of Toronto.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(36) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(36) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(36), without amendment:

Yes - 31	
Councillors:	Altobello, Augimeri, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Sutherland, Tziretas
No - 2	
Councillors:	Flint, Shaw

Carried by a majority of 29.

1.113 **Expression of Congratulations to the Canadian Olympic Team**

Councillor Johnston moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of

Motion J(37), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Johnston**

Seconded by: **Councillor McConnell**

“**WHEREAS** the 2002 Winter Olympics in Salt Lake City are an opportunity for us to highlight the extraordinary talent, determination and hard work of our young Canadian athletes; and

WHEREAS to us they are all champions; and

WHEREAS to be an Olympian is, in and of itself, an indication of excellence and we honour them for it; and

WHEREAS we wish each of them the very best of luck in their competitions and applaud those who have already completed them; and

WHEREAS some Olympians have already won medals and to us, they are all winners; and

WHEREAS in particular, Jamie Sale and David Pelletier have not only skated superbly, but have conducted themselves with the grace and class of true gold Olympians;

NOW THEREFORE BE IT RESOLVED THAT this Motion and our congratulations be sent immediately to our Canadian Team in Salt Lake City, on behalf of City Council and all Torontonians.”

Vote:

Motion J(37) was adopted, without amendment.

- 1.114 Deputy Mayor Ootes proposed to Council that consideration of the following matters remaining on the Order Paper for this meeting of Council be deferred to the next regular meeting of City Council scheduled to be held on April 16, 2002:

REPORT NO. 2 OF THE ADMINISTRATION COMMITTEE

Clause No. 21 - “Senior Staff Contracts”.

Clause No. 22 - “Policy Statement and Guidelines for Political Activities of City Grant Recipients”.

REPORT NO. 1 OF THE COMMUNITY SERVICES COMMITTEE

Clause No. 1 - "Toronto Fire Services - Fireground Incident Technicians".

REPORT NO. 2 OF THE PLANNING AND TRANSPORTATION COMMITTEE

Clause No. 1 - "Draft Amendments to the Former Metro and Area Municipal Official Plans and Draft City-wide Zoning By-law to Permit Seniors Community Houses City wide".

REPORT NO. 2 OF THE POLICY AND FINANCE COMMITTEE

Clause No. 12 - "SAP Implementation Final Report".

Clause No. 25 - "Unallocated Funding for Community Councils".

REPORT NO. 2 OF THE WORKS COMMITTEE

Clause No. 1 - "New and Emerging Technologies and Three-Stream Separation and Collection in Multi-Residential Buildings".

JOINT REPORT NO. 1 OF THE PLANNING AND TRANSPORTATION COMMITTEE AND THE COMMUNITY SERVICES COMMITTEE

Clause No. 1 - "Enactment of a Municipal Shelter By-law".

REPORT NO. 1 OF THE TORONTO EAST YORK COMMUNITY COUNCIL

Clause No. 15 - "Sidewalk/Boulevard Vending Permit - John Street, East Side, 9.0 Metres North of Richmond Street West (Trinity-Spadina, Ward 20)". (See also Minute No. 1.32)

Clause No. 17 - "Sidewalk/Boulevard Vending Permit - Richmond Street West, North Side, East of Peter Street (Trinity-Spadina, Ward 20)". (See also Minute No. 1.33)

NOTICE OF MOTION

F(1) Moved by Councillor Disero, seconded by Councillor Miller, regarding the Works Best Practices Program Work Group.

Council concurred in the proposal by Deputy Mayor Ootes.

BILLS AND BY-LAWS

- 1.115 On February 13, 2002, at 7:35 p.m., Councillor Hall, seconded by Councillor Nunziata, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 157	By-law No. 1-2002	To confirm the proceedings of the Council at its Meeting held on the 13th day of February, 2002,
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the vote upon which was taken as follows:

Yes - 30 Councillors: Ashton, Balkissoon, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Silva, Soknacki, Tziretas, Walker
No - 0

Carried, without dissent.

- 1.116 On February 14, 2002, at 7:15 p.m., Councillor Mihevc, seconded by Councillor Lindsay Luby, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 121	By-law No. 2-2002	To effect interim control on those lands on St. Clair Avenue West, between Bathurst Street and Oakwood Avenue.
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Bill No. 122	By-law No. 3-2002	To effect interim control on those lands in the area of St. Clair Avenue West between Oakwood Avenue and Bathurst Street,
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the vote upon which was taken as follows:

Yes - 29 Mayor: Lastman

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Di Giorgio, Duguid, Feldman, Filion, Ford, Hall, Holyday, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Rae, Shiner, Sutherland, Tziretas, Walker
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No - 0

Carried, without dissent.

- 1.117 On February 14, 2002, at 7:22 p.m., Councillor Nunziata, seconded by Councillor Hall, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 158	By-law No. 4-2002	To confirm the proceedings of the Council at its Meeting held on the 13th and 14th days of February, 2002,
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the vote upon which was taken as follows:

Yes - 32
Mayor: Lastman
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Di Giorgio, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Jones, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Sutherland, Tziretas, Walker

No - 0

Carried, without dissent.

- 1.118 On February 15, 2002, at 5:20 p.m., Councillor Holyday, seconded by Councillor Duguid, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 1	By-law No. 5-2002	To amend Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code, respecting the designation of a private roadway at 575 Adelaide Street West as a fire route.
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Bill No. 2	By-law No. 6-2002	To amend City of Toronto Municipal Code Chapter 441, Fees, respecting § 441-6, Services by Municipal Licensing and Standards Division of Urban Development Services.
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Bill No. 3	By-law No. 7-2002	To amend further City of Toronto By-law No. 574-2000, a By-law “Respecting the licensing, regulating and governing of trades, businesses and occupations in the City of Toronto”, respecting age of replacement vehicles for use as taxicabs.
Bill No. 4	By-law No. 8-2002	To amend Metropolitan Toronto By-law No. 1206, a By-law “To acquire certain easements or rights in the nature of easements for or in connection with the Wilket Creek Sanitary Trunk Sewer”, a By-law of the former Municipality of Metropolitan Toronto.
Bill No. 5	By-law No. 9-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Chelway Road.
Bill No. 6	By-law No. 10-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Port Union Road.
Bill No. 7	By-law No. 11-2002	To stop up and close a portion of the public lane extending easterly from Brant Street south of Adelaide Street West, and to authorize the sale thereof.
Bill No. 8	By-law No. 12-2002	To repeal City of Toronto By-law No. 511-2000, being a By-law “To stop up and close for vehicular traffic portions of the public lane system in the block bounded by Gerrard Street East, George Street, Dundas Street East and Sherbourne Street and to authorize the erection of barricades to enforce the due observance thereof”.
Bill No. 9	By-law No. 13-2002	To stop up and close two 0.5-metre wide portions of the public lane system in the block bounded by Gerrard Street East, Pembroke Street, Dundas Street East

and George Street.

Bill No. 10	By-law No. 14-2002	To stop up and close a portion of the public lane north of King Street West extending easterly from Widmer Street and to authorize the sale thereof.
Bill No. 11	By-law No. 15-2002	To amend City of North York By-law No. 7625 in respect of lands municipally known as 2737 Bayview Avenue.
Bill No. 12	By-law No. 16-2002	To adopt Amendment No. 509 of the Official Plan for the former City of North York in respect of lands municipally known as 825 Don Mills Road.
Bill No. 13	By-law No. 17-2002	To amend City of North York By-law No. 7625 in respect of lands municipally known as 825 Don Mills Road.
Bill No. 14	By-law No. 18-2002	To amend By-law No. 1916 of the former Town of Leaside in respect of lands municipally known as 147 Laird Drive and 22 Commercial Road.
Bill No. 15	By-law No. 19-2002	To amend By-law No. 1129-87 of the former City of York, being a By-law "To prescribe a speed limit of 40 kilometres per hour, on various streets in City of York".
Bill No. 16	By-law No. 20-2002	To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 17	By-law No. 21-2002	To amend By-law No. 2958-94 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 18	By-law No. 22-2002	To amend By-law No. 31878, as amended, of the former City of North York.

Bill No. 19	By-law No. 23-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 20	By-law No. 24-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 21	By-law No. 25-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 22	By-law No. 26-2002	To amend By-law No. 2958-94 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 23	By-law No. 27-2002	To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 24	By-law No. 28-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 25	By-law No. 29-2002	To amend By-law No. 31878, as amended, of the former City of North York.
Bill No. 26	By-law No. 30-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 27	By-law No. 31-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 28	By-law No. 32-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 29	By-law No. 33-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 30	By-law No. 34-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 31	By-law No. 35-2002	To amend By-law No. 31001 of the former City of North York, as amended.

Bill No. 32	By-law No. 36-2002	To amend the former Municipality of Metropolitan Toronto By-law No. 118, respecting 444 College Street.
Bill No. 33	By-law No. 37-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Lascelles Boulevard.
Bill No. 34	By-law No. 38-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Penrose Road.
Bill No. 35	By-law No. 39-2002	To amend Section 15 of By-law No. 438-86 of the former City of Toronto respecting the Index of Exceptions.
Bill No. 36	By-law No. 40-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Sackville Street.
Bill No. 37	By-law No. 41-2002	To amend By-law No. 31878, as amended, of the former City of North York.
Bill No. 38	By-law No. 42-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 39	By-law No. 43-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 40	By-law No. 44-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 41	By-law No. 45-2002	To enact a By-law pursuant to Chapter 134 of the Etobicoke Municipal Code, a By-law providing for the designation of fire routes in the geographic area of Etobicoke, a By-law of the former City of Etobicoke.
Bill No. 42	By-law No. 46-2002	To amend Chapter 134 of the Etobicoke Municipal Code, a By-law providing for the construction and maintenance of fire

routes in the geographic area of Etobicoke, a By-law of the former City of Etobicoke.

[Note: Bill No. 44 and By-law No. 47-2002 were not used]

[Note: Bill No. 45 and By-law No. 48-2002 were not used]

Bill No. 46	By-law No. 49-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as 140 - 144 Redpath Avenue.
Bill No. 47	By-law No. 50-2002	To establish a Jarvis Street Corridor Reserve Fund, and to amend Municipal Code Chapter 227, Reserves and Reserve Funds to add this reserve fund.
Bill No. 48	By-law No. 51-2002	To change the purposes of the Water Stabilization Reserve and the Waste Water Stabilization Reserve, and to amend Municipal Code Chapter 227, Reserves and Reserve Funds accordingly.
Bill No. 49	By-law No. 52-2002	To authorize agreements respecting the issue and sale of debentures.
Bill No. 50	By-law No. 53-2002	To authorize temporary advances pending the issue and sale of debentures and raising money by way of loan on the debentures.
Bill No. 51	By-law No. 54-2002	To authorize the temporary borrowing of moneys to meet the current expenditures of the City of Toronto for the year 2002.
Bill No. 52	By-law No. 55-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Conlins Road.
Bill No. 53	By-law No. 56-2002	To layout and dedicate certain land for public highway purposes to form part of

		the public highway Starfire Drive.
Bill No. 54	By-law No. 57-2002	To establish dates and times for an advance vote for the Toronto District School Board By-election.
Bill No. 55	By-law No. 58-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Warden Avenue.
Bill No. 56	By-law No. 59-2002	To amend Scarborough Zoning By-law No. 24982, the Employment Districts Zoning By-law.
Bill No. 57	By-law No. 60-2002	To adopt Amendment No. 1077 of the Official Plan for the former City of Scarborough.
Bill No. 58	By-law No. 61-2002	To amend Scarborough Zoning By-law No. 9676, as amended, with respect to the Guildwood Community.
Bill No. 59	By-law No. 62-2002	To amend Scarborough Zoning By-law No. 10827, as amended, with respect to the Highland Creek Community.
Bill No. 60	By-law No. 63-2002	To amend Scarborough Zoning By-law No. 10827, as amended, with respect to the Highland Creek Community.
Bill No. 61	By-law No. 64-2002	To amend Scarborough Zoning By-law No. 10327, as amended, with respect to the West Hill Community.
Bill No. 62	By-law No. 65-2002	To amend Scarborough Zoning By-law No. 10827, as amended, with respect to the Highland Creek Community.
Bill No. 63	By-law No. 66-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 64	By-law No. 67-2002	To amend the Municipal Code of the

		former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 65	By-law No. 68-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 66	By-law No. 69-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 67	By-law No. 70-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 68	By-law No. 71-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 69	By-law No. 72-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 70	By-law No. 73-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 71	By-law No. 74-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 72	By-law No. 75-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 73	By-law No. 76-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 74	By-law No. 77-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.

Bill No. 75	By-law No. 78-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 76	By-law No. 79-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 77	By-law No. 80-2002	To amend Municipal Code Chapter 681, Sewers, to designate the textile dryers and finishers sectors and the car wash sector as Subject Sectors.
Bill No. 78	By-law No. 81-2002	To amend Chapter 910, Parking Machines, of the City of Toronto Municipal Code to replace parking meters with parking machines in various locations within the City of Toronto.
Bill No. 79	By-law No. 82-2002	To amend further By-law No. 92-93, a By-law “To regulate traffic on roads in the Borough of East York”, being a By-law of the former Borough of East York.
Bill No. 80	By-law No. 83-2002	To amend further By-law No. 117-79, a By-law “To establish school bus loading zones on roads in the Borough of East York”, being a By-law of the former Borough of East York.
Bill No. 81	By-law No. 84-2002	To amend further By-law No. 92-93, a By-law “To regulate traffic on roads in the Borough of East York”, being a By-law of the former Borough of East York.
Bill No. 82	By-law No. 85-2002	To amend further Metropolitan Toronto By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 83	By-law No. 86-2002	To amend further Metropolitan By-law

		No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 84	By-law No. 87-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 85	By-law No. 88-2002	To amend Municipal Code Chapter 441, Fees, to increase sign permit fees.
Bill No. 86	By-law No. 89-2002	To amend Chapter 240, Traffic, of the Municipal Code of the former City of Etobicoke with respect to establishing voluntary payments for unauthorized parking on City boulevards.
Bill No. 87	By-law No. 90-2002	To designate the property at 6601 Steeles Avenue East (Clark-Reesor House) as being of architectural and historical value or interest.
Bill No. 88	By-law No. 91-2002	To adopt Amendment No. 93-2002 to the Official Plan of the Etobicoke Planning Area in order to implement a site-specific amendment affecting the lands located at the northeast quadrant of Horner Avenue and Lunness Road, municipally known as 492 Horner Avenue.
Bill No. 89	By-law No. 92-2002	To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located in the northeast quadrant of Horner Avenue and Lunness Road, municipally known as 492 Horner Avenue.
Bill No. 90	By-law No. 93-2002	To adopt Amendment No. 96-2002 to the Official Plan of the Etobicoke Planning Area in order to implement a site-specific amendment affecting the lands located at the southeast quadrant of Whitlam Avenue and Twenty-Fourth

		Street, municipally known as 123 Twenty-Fourth Street.
Bill No. 91	By-law No. 94-2002	To amend Chapters 330 and 332 of the Etobicoke Zoning Code with respect to certain lands located in the south-east quadrant of Whitlam Avenue and Twenty-Fourth Street, municipally known as 123 Twenty Fourth Street.
Bill No. 92	By-law No. 95-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 93	By-law No. 96-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 94	By-law No. 97-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Braeside Road, Haselmere Road, Kappel Avenue, Kenwood Avenue, Langton Avenue, Lascelles Boulevard, Penrose Road, Ranleigh Avenue, Wanless Avenue.
Bill No. 95	By-law No. 98-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Birch Avenue.
Bill No. 96	By-law No. 99-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Ashdale Avenue, Fielding Avenue, Gainsborough Road, Gore Vale Avenue, Hannaford Street, Major Street.

Bill No. 97	By-law No. 100-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Earls court Avenue, Indian Grove, Marion Street, Pauline Avenue, Pelham Avenue, St. Clarens Avenue, Silverthorn Avenue, Symington Avenue, Westmoreland Avenue.
Bill No. 98	By-law No. 101-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 99	By-law No. 102-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Cannes Circle, Mondovi Gate, Tarragona Boulevard, Symes Road, Viella Street.
Bill No. 100	By-law No. 103-2002	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt a portion of the fence on the property municipally known as 25 Kentish Crescent Road from the minimum distance requirements for pool fences.
Bill No. 101	By-law No. 104-2002	To exempt lands municipally known as 15 Dallner Road from Part Lot Control.
Bill No. 103	By-law No. 105-2002	To exempt lands municipally known as 440-454 St. John's Road from Part Lot Control.
Bill No. 104	By-law No. 106-2002	To adopt an amendment to the Official Plan for the former City of Toronto respecting lands known as 30 Gloucester Street.
Bill No. 105	By-law No. 107-2002	To adopt an amendment to the Official Plan for the former City of Toronto respecting lands known as 619 and 625 Avenue Road and 80 to 86 Oriole Road.

Bill No. 106	By-law No. 108-2002	To amend By-law No. 377-1999 being a By-law “To Provide for paying Interest on Overpayments of Taxes resulting from Assessment Appeals”.
Bill No. 107	By-law No. 109-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Ardagh Street, Armadale Avenue, Beresford Avenue, Durie Street, Evans Avenue, Grassmere Road, Lansdowne Avenue, Lincoln Avenue, MacGregor Avenue, Nelles Avenue, Roncesvalles Avenue, Wade Avenue, Wallace Avenue, Weatherell Street, Willard Avenue.
Bill No. 108	By-law No. 110-2002	To designate the area bounded generally by Amelia Street, Sackville Street, Carlton Street and Broadcast Lane (Cabbagetown-Metcalf Area) as a Heritage Conservation District.
Bill No. 110	By-law No. 111-2002	To amend Chapters 304, 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located in the southeast quadrant of Steeles Avenue West and Signal Hill Avenue, municipally known as 6953 Steeles Avenue West.
Bill No. 111	By-law No. 112-2002	To name the lands forming both the public lane and the private lane west of Church Street between Maitland Street and Alexander Street as “Donna Shaw Lane”.
Bill No. 112	By-law No. 113-2002	To amend the Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 30 Lansdowne Avenue.
Bill No. 113	By-law No. 114-2002	To amend the Official Plan of the former City of Toronto in respect of the lands known as 62 Brock Avenue.

Bill No. 114	By-law No. 115-2002	To amend the Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 62 Brock Avenue.
Bill No. 115	By-law No. 116-2002	To amend the Official Plan of the former City of Toronto in respect of the lands known as 164 Close Avenue.
Bill No. 116	By-law No. 117-2002	To amend the Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 164 Close Avenue.
Bill No. 117	By-law No. 118-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Heath Street East, Jackman Avenue, Roxton Road.
Bill No. 118	By-law No. 119-2002	To amend further By-law No. 271, a By-law "To prohibit parking on certain sides of certain highways", being a By-law of the former Borough of East York.
Bill No. 119	By-law No. 120-2002	To amend further Metropolitan Toronto By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 120	By-law No. 121-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 123	By-law No. 122-2002	To appoint Dr. Fran Scott and Dr. Rob Stirling as Associate Medical Officers of Health for the City of Toronto Health Unit.
Bill No. 124	By-law No. 123-2002	To amend Chapter 363, Building Construction and Demolition, of the City of Toronto Municipal Code to authorize the Chief Building Official

		and Deputy Chief Building Officials to approve the entering into of limiting distance agreements and to execute such agreements on behalf of the City in situations where no City-owned land is affected.
Bill No. 125	By-law No. 124-2002	To amend former City of North York By-law No. 7625 in respect of lands municipally known as 350 Rumsey Road.
Bill No. 126	By-law No. 125-2002	To adopt Amendment No. 503 of the Official Plan for the former City of North York in respect of lands municipally known as 3336, 3338, and 3340 Bayview Avenue.
Bill No. 127	By-law No. 126-2002	To amend former City of North York By-law No. 7625 in respect of lands municipally known as 3336, 3338 and 3340 Bayview Avenue.
Bill No. 128	By-law No. 127-2002	To amend City of North York By-law No. 7625 in respect of lands on Plan 66M-2354.
Bill No. 129	By-law No. 128-2002	To amend City of North York By-law No. 7625 in respect of lands municipally known as 34 Avondale Avenue.
Bill No. 130	By-law No. 129-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Corley Avenue.
Bill No. 131	By-law No. 130-2002	To amend further Metropolitan By-law No. 109-86 respecting maximum rates of speed on certain former Metropolitan Roads.
Bill No. 134	By-law No. 131-2002	To designate certain lands within Registered Plan M-137 as being exempt from Part Lot Control (re: 1 Beaverdale

		Road).
Bill No. 135	By-law No. 132-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Marina Avenue.
Bill No. 136	By-law No. 133-2002	To layout and dedicate certain land for public lane purposes to form part of the public lane north of Queen Street West extending easterly from Lisgar Street.
Bill No. 137	By-law No. 134-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Beecroft Road.
Bill No. 138	By-law No. 135-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Islington Avenue.
Bill No. 139	By-law No. 136-2002	To layout and dedicate certain land for public highway purposes and to name the public highway "Billy Bishop Way".
Bill No. 140	By-law No. 137-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Welsford Gardens.
Bill No. 141	By-law No. 138-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Chiswick Avenue.
Bill No. 142	By-law No. 139-2002	To layout and dedicate certain land for public lane purposes to form part of the public lane east of Dufferin Street extending southerly from Hallam Street.
Bill No. 143	By-law No. 140-2002	To layout and dedicate certain land for public lane purposes to form part of the public lane west of Alhambra Avenue extending southerly from Indian Trial then westerly.
Bill No. 144	By-law No. 141-2002	To layout and dedicate certain land for

		public highway purposes to form part of the public highways Lanor Avenue and Sheldon Avenue.
Bill No. 145	By-law No. 142-2002	To name the private lane at 1 Rankin Crescent "Pear Tree Mews".
Bill No. 146	By-law No. 143-2002	To amend By-law No. 3491-80 of the former Borough of York, being a By-law "To provide for night-time parking of motor vehicles on Borough of York highways".
Bill No. 147	By-law No. 144-2002	To amend By-law No. 2958-94 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 148	By-law No. 145-2002	To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 149	By-law No. 146-2002	To amend further By-law No. 23505 of the former City of Scarborough, respecting the speed limits on Toronto Roads.
Bill No. 150	By-law No. 147-2002	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 151	By-law No. 148-2002	To adopt an amendment to the Official Plan for the former City of Toronto respecting lands known as Nos. 66 Temperance Street and 73 Richmond Street West.
Bill No. 152	By-law No. 149-2002	To amend the Zoning By-law No. 438-86 of the former City of Toronto in respect of lands known as Nos. 66 Temperance Street and 73 Richmond Street West.

Bill No. 153	By-law No. 150-2002	To adopt an amendment to the Official Plan for the former City of Toronto respecting lands known as 96 St. Patrick Street.
Bill No. 154	By-law No. 151-2002	To amend the Zoning By-law No. 438-86 of the former City of Toronto in respect of lands known as No. 96 St. Patrick Street.
Bill No. 155	By-law No. 152-2002	To approve the use of funds from the Emergency Technology Acquisition Reserve Fund for a purpose other than that for which it was established.
Bill No. 156	By-law No. 153-2002	To amend City of North York By-law No. 7625 in respect of lands municipally known as 15 and 17 Barberry Place,

the vote upon which was taken as follows:

Yes - 33	
Councillors:	Altobello, Ashton, Balkissoon, Cho, Chow, Duguid, Filion, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Shiner, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Bussin

Carried by a majority of 32.

- 1.119 On February 15, 2002, at 5:21 p.m., Councillor Hall, seconded by Councillor Nunziata, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 159	By-law No. 154-2002	To confirm the proceedings of the Council at its Meeting held on the 13th, 14th and 15th days of February, 2002, with the exception of Motion J(18),
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the vote upon which was taken as follows:

Yes - 29 Councillors: Altobello, Ashton, Balkissoon, Cho, Duguid, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Shiner, Sutherland, Tziretas, Walker
No - 4 Councillors: Bussin, Chow, Filion, Johnston

Carried by a majority of 25.

- 1.120 On February 15, 2002, at 5:22 p.m., Councillor Hall, seconded by Councillor Nunziata, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 160	By-law No. 155-2002	To confirm the proceedings of the Council at its Meeting held on the 13th, 14th and 15th days of February, 2002, with respect to Motion J(18),
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the vote upon which was taken as follows:

Yes - 17 Councillors: Duguid, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Tziretas
No - 10 Councillors: Ashton, Bussin, Chow, Filion, Jones, McConnell, Mihevc, Miller, Moscoe, Walker

Carried by a majority of 7.

The following Bills were withdrawn:

- | | |
|--------------|---|
| Bill No. 43 | To enact a Municipal Shelter By-law. |
| Bill No. 102 | To exempt lands municipally known as 355 Roselawn Avenue from Part Lot Control. |

- Bill No. 109 To amend City of North York Official Plan in respect of lands municipally known as 350 Rumsey Road.
- Bill No. 132 To amend Municipal Code Chapter 441, Fees, to include fees charged in connection with Chapter 591, Noise.
- Bill No. 133 To adopt a new City of Toronto Municipal Code Chapter 591, Noise.

OFFICIAL RECOGNITIONS:

1.121 **Condolence Motions**

February 13, 2002:

Mayor Lastman, seconded by Councillor Johnston, moved that:

“**WHEREAS** the death of Princess Margaret has saddened our City of Toronto; and

WHEREAS Princess Margaret devoted her life to serving the public the world over; and

WHEREAS there will always be a special place for Princess Margaret in the memories of the people of this great City; and

WHEREAS our hearts go out to Her Majesty the Queen, the Queen Mother, Lord Linley and Lady Sarah Chatto for the terrible loss they have suffered;

NOW THEREFORE BE IT RESOLVED THAT the Members of Toronto City Council offer our official condolences to the Royal Family and recognize the memory of Princess Margaret with a moment of silence.”

Councillor Miller, seconded by Councillor Walker, moved that:

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Mrs. Boon Young Kha, mother of Councillor Raymond Cho, on Wednesday, January 23, 2002, in Incheon, South Korea, in her 100th year;

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

Councillor Shaw, seconded by Councillor Balkissoon, moved that:

“WHEREAS the Members of City Council are saddened to learn of the passing of Mr. Deo Kernahan; and

WHEREAS Mr. Deo Kernahan was nationally respected as a major voice in the pursuit of racial equality and on diversity issues; and

WHEREAS Deo Kernahan, a teacher and principal, served as an educator in the Toronto school system throughout his professional life; and

WHEREAS Deo Kernahan was a long-time volunteer board member and past President of the Urban Alliance on Race Relations, and founding President of the Trinidad and Tobago Association of Ontario; and

WHEREAS Deo Kernahan sought to build bridges between people of all faiths; and

WHEREAS Deo Kernahan served as Vice-President of the Hindu Institute for Learning, founding member and past President of the Canadian Council of Hindus, and broadcaster with Vision TV’s flagship program, ‘Skylight’; and

WHEREAS Deo Kernahan was one of two persons of non-Christian faith from Canada invited to participate in a dialogue on multi-religious collaboration, as part of the Third Millennium kick-off celebrations;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to his wife Devi and daughter Dhristi.”

Councillor Cho, seconded by Mayor Lastman, moved that:

“WHEREAS Ian and Alyshia Duffey, aged 17 and 14, passed away on December 25, 2001, the morning their home was destroyed by fire; and

WHEREAS the tragic, early loss of these two young teenagers brought great sorrow to their mother, Pauline Duffey; and

WHEREAS, having already assisted in rescuing a grandmother and an older sister, Ian Duffey went back through the house to save his other younger sister; and

WHEREAS this tragedy has deeply affected their classmates in three schools in Ward 42; and

WHEREAS the Toronto firefighters, police officers and emergency service workers who fought so valiantly to save these teenagers were also moved by this heartbreaking

event on Christmas morning; and

WHEREAS the loss of Ian and Alyshia Duffey deeply touched the hearts of the people of the City of Toronto and especially the people of Scarborough-Rouge River; and

WHEREAS the residents of Scarborough-Rouge River and the City of Toronto donated clothing, furniture and money;

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

Councillor Pitfield, seconded by Councillor Rae, moved that:

“**WHEREAS** the Members of City Council are saddened to learn of the passing of Mr. Rodney Bobiwash; and

WHEREAS Rodney Bobiwash, an active member of the Aboriginal Community, was the central figure in two successful human rights cases and subsequent criminal proceedings and destruction of the Heritage Front, a neo-Nazi hate group; and

WHEREAS Rodney Bobiwash was a member of the former City of Toronto’s Mayor’s Committee on Race Relations and was a founding member of the anti-racist group, Klanbusters; and

WHEREAS Rodney Bobiwash’s studies of Toronto have provided a unique history of the role of the Aboriginal People in the development of Toronto; and

WHEREAS Rodney Bobiwash, a graduate of Trent University and Oxford University in Britain, received the Trent University Native Study Prize and was named a Bata Scholar; and

WHEREAS Rodney Bobiwash taught and developed courses in Aboriginal/native studies and Canadian studies at the University of Toronto, Trent University, the University of Manitoba and the Centre for World Indigenous Studies; and

WHEREAS Rodney Bobiwash was bestowed with an Eagle Feather by the Toronto Aboriginal Community and the Urban Alliance on Race Relations 25th Anniversary Award; and

WHEREAS Rodney Bobiwash held numerous professional appointments, including Executive Director of the Native Canadian Centre of Toronto, Director of Aboriginal Programs and Aboriginal Student Services at the University of Toronto, and

adjudicator with the Ontario Human Rights Commission Boards of Enquiry; and

WHEREAS Rodney Bobiwash's work has taken him to Aboriginal communities in Mexico, Brazil, Columbia and Russia; and

WHEREAS Rodney Bobiwash worked to ensure that the rights and interests of the urban Aboriginal community in Toronto and in Canada were not forgotten; and

WHEREAS Rodney Bobiwash has touched the lives of Indigenous peoples and non-Aboriginal people from around the world;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey on behalf of the Members of City Council, our sincere sympathy to his wife Heather Howard-Bobiwash, his mother Alice Bobiwash and his sisters and brothers, and the Toronto Aboriginal Community."

Councillor Hall, seconded by Councillor Ford, moved that:

“WHEREAS the Members of Council are saddened to learn of the passing of Mr. Rob Summers; and

WHEREAS Mr. Summers had been the City of Toronto's citizen representative on the Greater Toronto Airports Authority's Noise Management Committee since the inception of the newly amalgamated City of Toronto in 1998; and

WHEREAS Mr. Summers was a very active member of the Noise Management Committee and a vocal community voice at the former City of Etobicoke Council; and

WHEREAS Mr. Summers was on the Executive of the Richmond Gardens Ratepayers Association and a long-time resident of Etobicoke; and

WHEREAS Mr. Summers will be missed by the Noise Management Committee Members and the community at large;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to the Summers family, especially his wife Sheila."

Leave to introduce the foregoing Motions was granted and the Motions were adopted unanimously.

Council rose and observed a Moment of Silence in memory of the late Princess Margaret, Mrs. Boon Young Kha, Mr. and Ms. Duffey, and Messrs. Kernahan, Bobiwash and Summers.

February 15, 2002:

Councillor Balkissoon, seconded by Councillor Shaw, moved that:

“WHEREAS the Members of Council are saddened by the passing of Mr. Brian Keown on February 9, 2002, at the age of 41; and

WHEREAS Brian was recognized by the former City of Scarborough, in 1990, as its volunteer of the year, for his outstanding contributions to the community; and

WHEREAS despite an automobile accident in 1987 that left him quadriplegic, Brian continued his volunteer activities, coaching minor hockey with the Agincourt Lions; and

WHEREAS Brian was an impassioned advocate for the rights of the disabled community and helped establish the Canadian Spinal Research Organization; and

WHEREAS Brian was a respected and long serving member of the Toronto Police Service and in 1996 attained the rank of Sergeant; and

WHEREAS Brian lead the Service’s special unit dealing with policing and disability issues;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of all Members of City Council, our sincere condolences to Brian’s wife Crystal, son Andrew, and to other family members and friends who mourn his loss.”

Leave to introduce the Motion was granted and the Motion was adopted unanimously.

Council rose and observed a Moment of Silence in memory of the late Mr. Keown.

1.122 **Presentations/Introductions/Announcements:**

February 13, 2002:

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of Secord Public School, present at the meeting.

Councillor Walker, with the permission of Council, during the morning session of the meeting, introduced Reverend Roland De Corneille, the former Liberal MP for Eglinton Lawrence, present at the meeting.

Deputy Mayor Ootes, during the morning session of the meeting, introduced Ms. Brenda Lawrence, from Richmond, British Columbia, present at the meeting.

Mayor Lastman, during the afternoon session of the meeting, called Councillor Sherene Shaw, Diversity Advocate, Ron Kelusky, General Manager, Emergency Medical Services, Chief Alan Speed, Fire Chief, and Ms. Teresa Valladares of Terevan Enterprises to the podium. Councillor Shaw addressed the Council in regard to Black History Month and advised the Council that five years ago, Terevan Enterprises began a poster services initiative to educate Canadians about the significant contributions made by African Canadians, past and present, and to provide a medium for up and coming artists to feature their talents. Ms. Valladares, the founder of Terevan Enterprises, introduced the 2002 Black History Month Poster and invited the artist, Mr. Jason O'Brien, to the podium. Councillor Shaw, Ms. Valladares and Mr. O'Brien presented the Black History Month Poster to Mayor Lastman and also presented a copy of the poster to Mr. Kelusky and Chief Speed, in recognition of their continuing support for the Black History Month poster and for providing quality emergency services, during Caribana and throughout the year, to all communities.

Deputy Mayor Ootes, during the afternoon session of the meeting, called Councillor Layton to the podium to address the Council in regard to the 10th anniversary of the Toronto Atmospheric Fund (TAF). Councillor Layton addressed the Council and invited the Members of Council who are also on the Board of Directors of TAF, Councillors Moeser and Soknacki, to the podium. Councillor Moeser addressed the Council and invited Members of Council to view a short video of the Honourable Paul Martin, Minister of Finance, congratulating the City of Toronto on its environmental initiatives, and Councillor Soknacki addressed the Council and presented Mayor Lastman with a symbolic cheque, in the amount of \$17,500,000.00, representing the savings the City has made since the inception of TAF. Councillor Layton invited Members of Council to the reception in the rotunda to celebrate this occasion.

February 14, 2002:

Deputy Mayor Ootes, during the morning session of the meeting, in recognition of Tulip Day, invited Miss Avery Longmore, a representative of the Lung Association, to the podium. Miss Longmore addressed the Council and read a poem about respiratory health and its importance to residents of the City of Toronto. Miss Longmore then presented a bouquet of tulips to Mayor Lastman and invited all Members of Council to participate in Tulip Day on February 28, 2002.

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students from the following schools, present at the meeting:

- Toronto Christian Home Schools; and
- Secord Public School.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the students of Victoria Street Linc, present at the meeting.

Councillor Bussin, with the permission of Council, during the afternoon session of the meeting, introduced representatives of the following organizations, present at the meeting:

- The Union of Injured Workers;
- The Toronto Injured Worker Advocacy Group;
- Injured Workers Consultants Legal Clinic;
- “Bright Lights” Injured Workers Group; and
- Ontario Network of Injured Workers Group.

1.123 MOTIONS TO VARY PROCEDURE

Vary the order of proceedings of Council:

February 13, 2002:

Deputy Mayor Ootes, at 10:35 a.m., with the permission of Council, proposed that Council vary the order of its proceedings to consider Clause No. 1 of Report No. 1 of The Audit Committee, headed “Status of Litigation with MFP Financial Services”, at 2:00 p.m. today. Council concurred in the proposal of Deputy Mayor Ootes.

Councillor Layton, at 10:40 a.m., moved that Council vary the order of its proceedings to consider Clause No. 1 of Joint Report No. 1 of The Planning and Transportation Committee and The Community Services Committee, headed “Enactment of a Municipal Shelter By-law”, at 9:30 a.m., on Friday, February 15, 2002, which carried.

Councillor Rae, at 10:42 a.m., moved that Council vary the order of its proceedings to consider Clause No. 2 of Report No. 2 of The Policy and Finance Committee, headed “Heritage Property Tax Rebate Program (All Wards)”, at 2:00 p.m., on Friday, February 15, 2002, which carried.

Councillor Walker, at 11:25 a.m., moved that Council vary the order of its proceedings to consider Clause No. 2 of Report No. 1 of The Board of Health, headed “South Region Animal Centre at Exhibition Place”, on Thursday, February 14, 2002, immediately following the conclusion of Council’s consideration of Clause No. 1 of Report No. 1 of The Audit Committee, headed “Status of Litigation with MFP Financial Services”, the vote upon which was taken as follows:

Yes - 33	
Mayor:	Lastman
Councillors:	Ashton, Balkissoon, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 6	
Councillors:	Augimeri, Flint, Ford, Holyday, Kelly, Miller

Carried by a majority of 27.

February 15, 2002:

Councillor Hall, at 2:55 p.m., moved that Council vary the order of its proceedings to consider the following items remaining on the Order Paper for this meeting of Council, in the following order:

- (1) all matters of a time critical nature;
- (2) Clause No. 1 of Report No. 1 of The Etobicoke Community Council, headed “Traffic Concerns - Westmore Drive Between Finch Avenue West and Humber College Boulevard (Ward 1 – Etobicoke North)”; and
- (3) Motion F(3), moved by Councillor Sutherland, seconded by Councillor Duguid, respecting the removal of the Aesthetic Gateway Treatment at the west corner of Sheppard Avenue and Leslie Street.

Councillor Layton moved that the foregoing motion by Councillor Hall be amended by adding thereto the following:

- “(4) Clause No. 1 of Joint Report No. 1 of The Planning and Transportation Committee and The Community Services Committee, headed ‘Enactment of a Municipal Shelter By-law’.”

Vote:

Adoption of motion to vary by Councillor Hall, as amended by Councillor Layton:

Yes - 24	
Councillors:	Ashton, Balkissoon, Bussin, Cho, Di Giorgio, Disero, Duguid, Flint, Hall, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Ootes, Pantalone, Rae, Shaw, Tziretas, Walker
No - 6	
Councillors:	Chow, Filion, Ford, Johnston, Miller, Moeser

Carried by a majority of 18.

Councillor Layton, at 4:02 p.m., moved that the previous decision of Council in regard to the order of the proceedings be re-opened for further consideration; that Council vary the order of its proceedings to now consider Clause No. 1 of Report No. 1 of The Administration Committee, headed "Redeployment of Council Transportation Unit Employees", and that such Clause be considered in public session, the vote upon which was taken as follows:

Yes - 35	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Jones, Kelly, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Sutherland, Walker
No - 1	
Councillor:	Ford

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

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

February 13, 2002:

Councillor Holyday, at 7:00 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, in order to conclude consideration of Clause No. 1 of Report No. 1 of The Audit Committee, headed “Status of Litigation with MFP Financial Services”, the vote upon which was taken as follows:

Yes - 18	
Mayor:	Lastman
Councillors:	Berardinetti, Disero, Duguid, Flint, Ford, Hall, Holyday, Korwin-Kuczynski, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Shaw, Shiner, Soknacki, Sutherland
No - 23	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Feldman, Filion, Johnston, Jones, Kelly, Layton, Li Preti, McConnell, Mihevc, Miller, Moeser, Moscoe, Pitfield, Silva, Tziretas, Walker

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

Deputy Mayor Ootes, at 7:25 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, in order to hear the presentation by Councillor Layton respecting the Toronto Atmospheric Fund, which carried, more than two-thirds of Members present having voted in the affirmative.

February 14, 2002:

Councillor Hall, at 12:10 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, in order to conclude the vote on Clause No. 1 of Report No. 1 of The Audit Committee, headed “Status of Litigation with MFP Financial Services”, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Chow, at 6:30 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, in order to permit Members of Council to conclude their remarks pertaining to Clause No. 2 of Report No. 1 of The Board of Health, headed “South Region Animal Centre at Exhibition Place”, and that the vote on such Clause be taken at 9:30 a.m., on Friday, February 15, 2002, the vote upon which was taken as follows:

Yes - 19	
Councillors:	Altobello, Balkissoon, Chow, Duguid, Ford, Holyday, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moeser, Ootes, Pitfield, Shaw, Silva, Soknacki
No - 20	
Councillors:	Ashton, Augimeri, Bussin, Di Giorgio, Feldman, Filion, Flint, Hall, Jones, Li Preti, McConnell, Miller, Moscoe, Nunziata, Pantalone, Rae, Shiner, Sutherland, Tziretas, Walker

Lost by a majority of 1.

Councillor Moscoe, at 6:30 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, in order to conclude consideration of Clause No. 2 of Report No. 1 of The Board of Health, headed “South Region Animal Centre at Exhibition Place”, the vote upon which was taken as follows:

Yes - 29	
Councillors:	Augimeri, Bussin, Chow, Di Giorgio, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Jones, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Sutherland, Walker
No - 11	
Councillors:	Altobello, Ashton, Balkissoon, Kelly, Korwin-Kuczynski, Layton, Mammoliti, Moeser, Silva, Soknacki, Tziretas

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

Deputy Mayor Ootes, at 7:25 p.m., with the permission of Council, proposed that Council now recess and reconvene at 9:30 a.m., on Friday, February 15, 2002. Council concurred in the proposal by Deputy Mayor Ootes.

February 15, 2002:

Councillor Feldman, at 12:15 p.m., moved that in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, in order to permit Members of Council to conclude their remarks pertaining to Clause No. 10 of Report No. 1 of The Economic Development and Parks Committee, headed “International Alliance Program - Proposed Missions for 2002 (All Wards)”, and that the vote on such Clause be taken when Council reconvenes at 2:00 p.m. today, the vote upon which was taken as follows:

Yes - 25	
Councillors:	Augimeri, Cho, Chow, Feldman, Filion, Flint, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Silva, Soknacki, Tziretas
No - 7	
Mayor:	Lastman
Councillors:	Bussin, Disero, Johnston, Layton, Moeser, Walker

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

1.124 ATTENDANCE

February 13, 2002	9:37 a.m. to 12:30 p.m.*	Roll Call 11:45 a.m.	2:12 p.m. to 3:18 p.m.*	Ctte. of the Whole in-camera 3:25 p.m.	5:00 p.m. to 7:35 p.m.*
Lastman	x	-	x	x	x
Altobello	x	-	x	x	x
Ashton	x	x	x	x	x
Augimeri	x	-	x	x	x
Balkissoon	x	x	x	x	x
Berardinetti	x	-	x	x	x
Bussin	x	x	x	x	x
Cho	x	x	x	x	x
Chow	x	x	x	x	x
Di Giorgio	x	x	x	x	x
Disero	x	x	x	x	x
Duguid	x	x	x	x	x

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February 13, 2002	9:37 a.m. to 12:30 p.m.*	Roll Call 11:45 a.m.	2:12 p.m. to 3:18 p.m.*	Ctte. of the Whole in-camera 3:25 p.m.	5:00 p.m. to 7:35 p.m.*
Feldman	x	x	x	x	x
Filion	x	-	x	x	x
Flint	x	x	x	x	x
Ford	x	x	x	x	x
Hall	x	x	x	x	x
Holiday	x	x	x	x	x
Johnston	x	-	x	x	x
Jones	x	x	x	x	x
Kelly	x	-	x	x	x
Korwin-Kuczynski	x	x	x	x	x
Layton	x	-	x	x	x
Li Preti	x	x	x	x	x
Lindsay Luby	x	x	x	x	x
Mammoliti	x	x	x	x	x
McConnell	x	x	x	x	x
Mihevc	x	-	x	x	x
Mileczyn	x	x	x	x	x
Miller	x	-	x	x	x
Minnan-Wong	x	x	x	x	x
Moeser	x	-	x	x	x
Moscoe	x	x	x	x	x
Nunziata	x	x	x	x	x
Ootes	x	x	x	x	x
Pantalone	x	-	x	x	x
Pitfield	x	x	x	x	x
Rae	x	x	x	x	x
Shaw	x	-	x	x	x
Shiner	x	-	x	x	x
Silva	x	-	x	x	x
Soknacki	x	x	x	x	x
Sutherland	x	x	x	x	x

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February 13, 2002	9:37 a.m. to 12:30 p.m.*	Roll Call 11:45 a.m.	2:12 p.m. to 3:18 p.m.*	Ctte. of the Whole in-camera 3:25 p.m.	5:00 p.m. to 7:35 p.m.*
Tziretas	x	x	x	x	x
Walker	x	x	x	x	x
Total	45	30	45	45	45

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

February 14, 2002	9:41 a.m. to 12:45 p.m.*	2:15 p.m. to 7:25 p.m.*	Roll Call 3:15 p.m.
Lastman	x	x	x
Altobello	x	x	-
Ashton	x	x	-
Augimeri	x	x	x
Balkissoon	x	x	x
Berardinetti	x	x	-
Bussin	x	x	x
Cho	x	x	x
Chow	x	x	x
Di Giorgio	x	x	-
Disero	x	x	-
Duguid	x	x	-
Feldman	x	x	-
Filion	x	x	x
Flint	x	x	x
Ford	x	x	-
Hall	x	x	-
Holiday	x	x	x
Johnston	x	x	-
Jones	x	x	x
Kelly	x	x	x
Korwin-Kuczynski	x	x	x
Layton	x	x	x
Li Preti	x	x	x
Lindsay Luby	x	x	x

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February 14, 2002	9:41 a.m. to 12:45 p.m.*	2:15 p.m. to 7:25 p.m.*	Roll Call 3:15 p.m.
Mammoliti	x	x	x
McConnell	x	x	x
Mihevc	x	x	x
Milczyn	x	x	x
Miller	x	x	-
Minnan-Wong	x	x	-
Moeser	x	x	-
Moscoe	x	x	-
Nunziata	x	x	-
Ootes	x	x	x
Pantalone	x	x	-
Pitfield	x	x	x
Rae	x	x	-
Shaw	x	x	x
Shiner	x	x	-
Silva	x	x	x
Soknacki	x	x	x
Sutherland	x	x	-
Tziretas	x	x	x
Walker	x	x	x
Total	45	45	26

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

February 15, 2002	9:35 a.m. to 12:45 p.m.*	2:10 p.m. to 4:44 p.m.*	Ctte. of the Whole in-Camera 4:46 p.m.	5:12 p.m. to 5:23 p.m.*
Lastman	x	-	-	-
Altobello	x	x	x	x
Ashton	x	x	x	-
Augimeri	x	x	-	-
Balkissoon	x	x	x	x
Berardinetti	x	x	-	-
Bussin	x	x	x	x

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February 15, 2002	9:35 a.m. to 12:45 p.m.*	2:10 p.m. to 4:44 p.m.*	Ctte. of the Whole in-Camera 4:46 p.m.	5:12 p.m. to 5:23 p.m.*
Cho	x	x	x	-
Chow	x	x	x	x
Di Giorgio	x	x	x	-
Disero	x	x	-	-
Duguid	x	x	x	x
Feldman	x	x	x	x
Filion	x	x	x	-
Flint	x	x	x	x
Ford	x	x	-	-
Hall	x	x	x	x
Holiday	x	x	x	x
Johnston	x	x	x	x
Jones	x	x	x	x
Kelly	x	x	x	x
Korwin-Kuczynski	x	x	x	x
Layton	x	x	x	x
Li Preti	x	x	x	x
Lindsay Luby	x	x	x	x
Mammoliti	x	x	x	-
McConnell	x	x	x	x
Mihevc	x	x	x	-
Milczyn	x	x	x	x
Miller	x	x	x	x
Minnan-Wong	x	x	x	x
Moeser	x	x	x	x
Moscoe	x	x	x	x
Nunziata	x	x	x	x
Ootes	x	x	x	x
Pantalone	x	x	x	x
	x	x	x	x

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February 15, 2002	9:35 a.m. to 12:45 p.m.*	2:10 p.m. to 4:44 p.m.*	Ctte. of the Whole in-Camera 4:46 p.m.	5:12 p.m. to 5:23 p.m.*
Pitfield				
Rae	x	x	x	-
Shaw	x	x	x	x
Shiner	x	x	x	x
Silva	x	x	x	x
Soknacki	x	x	x	-
Sutherland	x	x	x	x
Tziretas	x	x	x	x
Walker	x	x	x	-
Total	45	44	40	31

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

MEL LASTMAN,
Mayor

ULLI S. WATKISS,
City Clerk

ATTACHMENT NO. 1

Enquiry dated December 13, 2001, from Councillor Walker, regarding a review of the City of Toronto's spending associated with the City of Toronto's Bid for the 2008 Olympics (See Minute No. 1.3, Page 1):

Dear Mr. Mayor:

On Thursday, November 29, 2001, the Audit Committee approved the City Auditor's report on the forensic review of the City of Toronto's spending associated with Toronto's unsuccessful Bid for the 2008 Olympics.

In the spirit of transparency and openness promised as part of the Bid, would you please provide answers to the following questions:

- (1) the amount of spending by you, using City of Toronto credit cards in conjunction with the City's 2008 Olympic Bid?
- (2) what portion of the amount identified in Item No. (1), above, do you accept as authorized?
- (3) what portion of the amount identified in Item No. (1), above, do you accept as unauthorized?
- (4) to date, what amount of the sum identified in Item No. (1), above, have you repaid to the City of Toronto?
- (5) what portion of the amount identified in Item No. (1), above, is in dispute? Why?
- (6) Please provide details of the amounts in dispute and the reasons for those disputes.

Your candour is appreciated.

ATTACHMENT NO. 2

Answer dated February 12, 2002, from Mayor Lastman, to the Enquiry dated December 13, 2001, from Councillor Walker, regarding a review of the City of Toronto's spending associated with Toronto's bid for the 2008 Olympics (See Minute No. 1.3, Page 1):

This is in response to the Enquiry submitted by Councillor Michael Walker on December 13, 2001, regarding a review of the City of Toronto's spending associated with Toronto's Bid for the 2008 Olympics.

- (1) No City of Toronto tax dollars were spent by me using City of Toronto credit cards in connection with the City's 2008 Olympic Bid.
- (2) Not applicable, given answer to No. 1.
- (3) Not applicable, given answer to No. 1.
- (4) Not applicable, given answer to No. 1.
- (5) Not applicable, given answer to No. 1.
- (6) Not applicable, given answer to No. 1.

ATTACHMENT NO. 3 [Notice of Motion J(5)]

Report dated February 1, 2002, from the Commissioner of Economic Development, Culture and Tourism, entitled "High Park, Lambton Park and South Humber Park - Proposed Burns, Parkdale - High Park Ward 13; Etobicoke - Lakeshore Ward 5". (See Minute No. 1.82, Page 109):

Purpose:

Savannahs and prairies are considered to be one of the most endangered ecosystems on the continent. With the support of various community groups, the City has been developing restoration and management proposals to preserve and restore these unique environments. Prairie plant communities have benefited greatly from the prescribed burns that were successfully implemented in High Park and Lambton Park in 2000 and 2001. In a continuation of this program, forestry staff are planning prescribed burns at High Park, Lambton Park and South Humber Park.

Financial Implications and Impact Statement:

Funds for this project have been allocated in approved Capital Projects.

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

Recommendations:

It is recommended that:

- (1) the City Forester, in conjunction with the Fire Chief, be authorized to approve the Operational Prescribed Burn Plans, prepared by the Fire Boss and reviewed by the Ontario Ministry of Natural Resources Fire Supervisor, and proceed with implementation of prescribed burns in High Park, Lambton Park and South Humber Park in spring 2002; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The largest prairies and savannahs (open woodlands) in the Greater Toronto region were found on the Humber Plains, an area that extended from the lower Humber River east to what is now High Park. In this area, High Park, Lambton Park and the Humber Park savannah make up the largest remnants with intact plant assemblages

characteristic of the prairies and savannahs that once covered 10,000 ha in the province. Some of the plants in these areas are considered to be rare in the province, many more are simply uncommon. These parks provide habitat for a wide variety of wildlife, including 252 species of migrant birds, and rare breeding birds including Red-headed Woodpecker, Carolina Wren, Eastern Screech Owl and Orchard Oriole. Lambton Park is noted for having the largest number of butterfly species (54) observed in the GTA during one day.

With help from the High Park Citizens' Advisory Committee, the City has developed restoration and management plans to preserve and restore natural areas in High Park. Large scale prescribed burns have been planned and successfully implemented in High Park in 2000 and 2001, and in Lambton Park in 2001. In a continuation of this program, forestry staff are planning prescribed burns at High Park (11 ha), and Lambton Park (2 ha). At the request of the Association for Biodiversity Conservation, a special interest group that has organized 6 community plantings since 1999 in South Humber Park, forestry staff are also planning for a prescribed burn in that park, covering an area of 1 ha. All three burns will be implemented on two different days in spring 2002. Maps are provided in Attachment No. 1.

It is generally accepted that fire can be a beneficial, even essential, natural process to maintain fire dependent plant communities such as Dry Black Oak and White Oak Tallgrass Woodlands found in Toronto's remaining savannahs. Forestry staff have planned the prescribed burns and directed a specialized team responsible for implementing planting, weed control and monitoring of ecological change in the years 2000 and 2001. Tremendously positive results have been recorded - results that are supported and encouraged by a team of provincial specialists who review the progress annually and provide continuing input to future work plans. A letter of support has been received from the Province, Attachment No.3.

Comments:

Parks and forestry staff, in conjunction with consultants and representatives of the High Park Citizens' Advisory Committee (HPCAC), have studied some of the recent changes in plant and wildlife communities in High Park. Through this process, silvicultural management systems have been selected to address problems of weed control and restoration of degraded plant communities. Invasive plant species could be controlled by increased use of herbicides, but this would not be in keeping with an integrated pest (weed) management approach, which seeks to limit use of herbicides except where there are no alternatives. Revitalization of the native fire dependent plant community can only be achieved by re-establishing fire disturbance to the ecological system. Studies have shown that the oldest trees in High Park are approaching 200 years, and that nearly half of these may be dead within 30 years.

At least 20 mature oaks were dead and had to be cut in 2001 after succumbing to 4 years of drought and 3 years of heavy cankerworm infestation. Failure to take appropriate action to restore the black oak trees in the park will result in the loss of the significant vegetation for which this park has been recognized.

Capital funding initiated in 2000 has been critical in enabling forestry staff to do the restoration work in High Park and nearby savannahs. The recently completed management plan for High Park provides direction for continued restoration by the Volunteer Stewards (a group of citizen volunteers), school groups that participate in the Nature Centre programs, and Stewardship Rangers (participants of a work program organized by the provincial government for 17 year-olds). The Association for Biodiversity Conservation, in co-operation with Toronto Parks and Recreation Division, the Toronto and Region Conservation Authority and Urban Forest Associates has prepared a management plan for the Humber Savannah June 2001.

Reports detailing the work in High Park have been prepared at the end of 2000 and 2001. These reports provide an ongoing record of the work that has been done, and provide the community with an opportunity to provide input to the future management of the park. Local naturalists have provided virtually all the information relating to fauna, providing records of bird, butterfly, amphibian and reptile sightings. These special projects provide the community with a tremendous opportunity to learn about and be actively involved in protecting an area of significant environmental importance in Toronto.

As part of the overall plant restoration in each park, Fire Management Plans have been prepared by forestry staff, in consultation with HPCAC members and a qualified prescribed burn consultant/Fire Boss. The Fire Boss has also prepared an implementation plan, following strict protocols used by the Ontario Ministry of Natural Resources (OMNR). These protocols ensure that all details are considered, to minimize any risk. The OMNR has reviewed the plan and approved it in principle although, since they are not actually conducting the burn, they have no authority to legally approve the plan. A letter from the OMNR Fire Management Supervisor is provided in Attachment No. 2.

Trained specialists hired by the Fire Boss will conduct the burn. The Fire Boss with whom forestry staff are working has accumulated four years of experience conducting burns in Toronto, as well as having been responsible for implementing annual burns in the City of Windsor. Toronto Parks and Recreation officials will be responsible for notifying other departments and the public of the burn plan, and will oversee the implementation of the burn with Toronto Fire Services Division.

The proposed burn for 2002 in High Park is a continuation of the operational program started in 2000. It is expected that following a remedial phase of management (2000 to 2005), burns will be planned less frequently to maintain plant communities in High Park. In Lambton Park, the burn planned for 2002 will be the last for several years, as it has accomplished the objective of restoring the native plant communities in the areas of the park where they are predominant. Areas currently lacking characteristic native plant species will be planted starting in 2002, so that when future burns are eventually planned for these areas, the plants (by then well established) will benefit and spread.

The proposed burn in Humber Savannah will enable the spread of plants that were planted by the Association for Biodiversity Conservation, with support of the Toronto and Region Conservation Authority and local community members. It will also revitalize the fire-adapted savannah plants throughout the area of the burn.

Weather permitting, burning will be completed in two separate days, one in High Park, and a second in Lambton Park and South Humber Park. Park use will be partly restricted on this day to enable safe implementation of the prescribed burn operations.

City staff, in consultation with the local Councillor, will prepare fact sheets and associated communications literature to explain the plan to use controlled fire management to preserve and restore the unique and threatened oak woodlands. Flyers will be posted at locations where burning is proposed to occur, at least one month in advance of the proposed date of burn. A media release will be issued to inform community newspapers about the event. Flyers will also be delivered to residences directly surrounding the two parks, providing basic information about the oak savannah, the burn and approximate timing of the burn.

Conclusions:

This report has been reviewed and approved in principle by the Fire Chief, Fire Services Division of Works and Emergency Services.

It is recommended that the City Forester, in conjunction with the Fire Chief, be authorized to review and approve the Operational Prescribed Burn for High Park, Lambton Park and South Humber Park in the year 2002. Council will be advised on an annual basis of issues relating to the success of the prescribed burn management, and of plans to proceed with burns in future years.

Contact:

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List of Attachments:

- Attachment No. 1 - Maps showing areas of proposed prescribed burn management in 3 parks
- Attachment No. 2 - Letter (December 19, 2001) from the Ontario Ministry of Natural Resources, Fire Management Supervisor
- Attachment No. 3 – Letter of support (February 3, 2002) from the District Manager, Aurora District, Ministry of Natural Resources, Province of Ontario

(A copy of the attachments referred to in the foregoing report is on file in the office of the City Clerk.)

ATTACHMENT NO. 4 [Notice of Motion J(8)]

Draft City of Toronto By-law to establish dates and times for advance voting. (See Minute No. 1.85, Page 114):

Draft

City of Toronto
By-law No.

WHEREAS the Toronto District School Board has requested the City Clerk to conduct a by-law election to fill a vacancy in the Office of Trustee, Etobicoke North - Ward 1; and

WHEREAS subsection 43(1) of the Municipal Elections Act, 1996, as amended, requires Council, by by-law, to establish the dates and time for an advance vote;

The Council of the City of Toronto **HEREBY ENACTS** as follows:

1. Advance votes shall be held on the following dates and during the following hours:
 - (a) Thursday, March 7, 2002, from 12:00 noon to 8:00 p.m.; and
 - (b) Saturday, March 9, 2002, from 12:00 noon to 6:00 p.m.

ENACTED AND PASSED this _____ day of February, A.D. 2002.

ULLI S. WATKISS
City Clerk

ATTACHMENT NO. 5 [Notice of Motion J(9)]

Report dated December 10, 2001, from the City of Toronto French Committee, entitled "Approval of New Members and Renewal of the Mandate of Former Members for the City of Toronto French Committee". (See Minute No. 1.86, Page 115):

Purpose:

The purpose of this report is to request, from City Council, approval of the new members of the City of Toronto French Committee and the renewal of the mandate of two members.

Financial Implications and Impact Statement:

There are no direct funding or financial implications to this report.

Recommendations:

It is recommended that:

- (1) the sectors of economy, charities and volunteering, represented up to now by one member, be divided into two sectors, i.e. the sector of economy and the sector of charities and volunteering;
- (2) City Council approve the appointment of the following persons as members of the City of Toronto French Committee/Comité français de la ville de Toronto. The name of the sector or area of residence being represented is indicated in parentheses:
 - Gilles Barbeau (seniors' groups);
 - Jean Bédard (former City of Toronto);
 - Thérèse Gaudry (charities and volunteering);
 - Yves-Pascal Irving-Sauvé (youth groups);
 - Robert Mayangi (former City of Scarborough); and
 - André Mathieu (economy);
- (3) City Council approve the re-appointment of the following former members:
 - Manon Le Paven (community and social services/social housing/services for the handicapped); and
 - Antonio Dos Ferros (ethno-cultural groups);
- (4) the term of office of the above Committee members be for a period of two

- years ending on November 23, 2003; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background/Rationale:

At its meeting held on March 2, 3 and 4, 1999, City Council adopted Report No. 2 of The Corporate Services Committee which established the new City of Toronto French Committee. The composition of the new Committee, as adopted, is as follows:

- four municipal Councillors designated by City Council with a mandate to be determined by rules set out by City Council;
- six citizen members of the Francophone community, chosen by area of residence, one for each of the former six municipalities of the former Metro Toronto (East York, Etobicoke, North York, Scarborough, Toronto and York);
- nine members of Francophone non-profit community groups, one from each of the following sectors:
 - health;
 - community and social services/social housing/services for the handicapped;
 - culture, recreation and heritage;
 - education and skills training;
 - economy, charities and volunteering;
 - ethno-cultural groups;
 - women's groups;
 - youth groups; and
 - seniors' groups.

Comments:

Process for the Selection of Members:

In October 2001, letters were sent to Francophone non-profit community groups known to the Committee and related to the sectors where there was a vacancy. The letter invited each group to propose one member as a candidate to represent the sector the group is identified with. At the same time, advertisements were published in the two main Toronto Francophone newspapers to recruit members from Scarborough, Toronto and Etobicoke.

Information Sessions:

Information sessions were held on November 20 and 26, 2001, at 7:00 p.m. at City Hall. The Chair of the Committee provided information on the origins of the Committee, its achievements, its future role and mandate as well as the process for the selection of Committee members. Candidates were also informed of the conditions of eligibility and selection process.

Selection:

The members of the French Committee who were available met on November 26, 2001, following the second information session, for the selection of the new committee members. Where more than one candidate had applied, Committee members voted with a show of hands. The French Committee is submitting to you the names of the candidates who best met the criteria in the category (sector or part of the city) for which they had submitted their name.

Sectors of Economy, Charities and Volunteering:

The Committee decided to request that the representation for the sector of economy be separated from the sectors of charities and volunteering for the following reasons:

- The Committee realized that two individual persons representing each one of these two sectors would be in a better position to support the Committee in fulfilling its main mandate, i.e. better serve the needs of the Francophone population who deal with City Hall.
- During the past year, the Francophone population has requested more support from the Committee. Moreover, the fact that the Provincial Government, who usually provides bilingual services, is downloading more responsibilities to municipalities, is creating a void for Francophones who no longer have access to services in their language. More and more Francophones who were dependent on bilingual services are forced to function solely in English and that, in the biggest city of a bilingual country. The role of the French Committee is becoming more important in such a situation and the addition of a new member would be very helpful, particularly in the two above-mentioned sectors.
- The French Committee is composed of volunteers whose mandate is to ensure that the French-speaking population is well served in its own language. Each member brings his/her own qualifications and experience and the support of a new member will certainly prove very useful to the work of the Committee.

Other Members of the Committee:

The following members, who have been appointed during the past year, will pursue their mandate on the French Committee until November 2002:

- Guy Larocque (education)
- Stéphane Marcinik (former City of York)
- Jacqueline Williams (women's groups)
- Maryse Digat (former City of East York)
- Guylaine Pétrin (former City of North York)

Contact:

Pauline Duquette-Newman
Committee Reporter for the French Committee
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(A copy of the following, which were appended to the foregoing report, are on file in the Office of the City Clerk:

- listing of Committee Members; and
- French version of the report (December 10, 2001) from the City of Toronto French Committee.)

ATTACHMENT NO. 6 [Notice of Motion J(9)]

Report dated January 15, 2002, from the City of Toronto French Committee, entitled "Approval of the New Members of the City of Toronto French Committee". (See Minute No. 1.86, Page 115):

Purpose:

The purpose of this report is to request, from City Council, approval of the new members of the City of Toronto French Committee (Comité français de la ville de Toronto).

Financial Implications and Impact Statement:

There are no direct funding or financial implications to this report.

Recommendations:

It is recommended that:

- (1) City Council approve the appointment of the following persons as members of the City of Toronto French Committee/Comité français de la ville de Toronto. The name of the sector or area of residence being represented is indicated in parentheses:
 - Lyse Pépin (Health); and
 - Dan Brignoli (Culture, Recreation and Heritage);
- (2) the term of office of the above Committee members be for a period of two years ending on November 23, 2003; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background/Rationale:

At its meeting held on March 2, 3 and 4, 1999, City Council adopted Report No. 2 of The Corporate Services Committee which established the new City of Toronto French Committee. The Composition of the new Committee, as adopted, is as follows:

- four municipal councillors designated by City Council with a mandate to be determined by rules set out by City Council;

- six citizen members of the Francophone community, chosen by area of residence, one for each of the former six municipalities of the former Metro Toronto (East York, Etobicoke, North York, Scarborough, Toronto and York);
- nine members of Francophone non-profit community groups, one from each of the following sectors:
 - health;
 - community and social services/social housing/services for the handicapped;
 - culture, recreation and heritage;
 - education and skills training;
 - economy, charities and volunteering;
 - ethno-cultural groups;
 - women's groups;
 - youth groups; and
 - seniors/ groups.

Comments:

Process for the Selection of Members and Information Session:

The French Committee learned in the Fall of 2001 that two of its members would be unable to complete their mandate. François Guérin, representative for the Health Sector, is leaving the Committee and Jacques Bastien (Culture, Recreation and Heritage) is now working in another country. In October 2001, letters were sent to Francophone non-profit community groups known to the Committee and related to the sectors where there was a vacancy. However, organizations in these two sectors had not been advised at that time because the vacancies had not occurred yet.

In the case of the health sector, the Committee contacted the only organization involved in that field, the Centre médico-social communautaire. The Centre sent a representative, Lyse Pépin, to the information session held on January 15, 2002, before the regular meeting of the Committee.

Many Francophone organizations are eligible to send a representative to the French Committee for the Culture, Recreation and Heritage sector. However, Dan Brignoli, member of the Société d'histoire de Toronto (French Toronto Historical Board), had previously shown interest in participating in the work of the Committee, but could not attend the November 20 information session. His organization sent him to attend the January 15, 2002, information session.

The French Committee decided to submit the names of the two above persons to complete its membership for this year.

Contact:

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(A copy of the following, which were appended to the foregoing report, are on file in the Office of the City Clerk:

- list of proposed Committee Members; and
- French version of the report (January 15, 2002) from the City of Toronto French Committee.)

ATTACHMENT NO. 7 [Notice of Motion J(34)]

Report dated February 11, 2002, from the Commissioner of Urban Development Services, entitled "Proposed Interim Control By-law to Prohibit Drive-Through Operations for those Lands in the Area of St. Clair Avenue West between Oakwood Avenue and Bathurst Street (Davenport, Ward 17 and St. Paul's, Ward 21)". (See Minute No. 1.110, Page 150):

Purpose:

To propose an Interim Control By-law to prohibit drive-through operations for those lands in the area of St. Clair Avenue West, between Oakwood Avenue and Bathurst Street, for a period of one year. The by-law will enable the Commissioner of Urban Development Services to review the impact of drive-through operations and recommend appropriate zoning standards.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) City Council adopt the following resolution:

"Whereas Section 38 of the Planning Act authorizes Council to pass resolutions directing that a review or study be undertaken in respect of land use planning policies within the area of the municipality which is to be the subject of an Interim Control By-law, therefore be it resolved that Council request the Commissioner of Urban Development Services to undertake a review or study in respect of land use policies for those lands in the area of St. Clair Avenue West between Oakwood Avenue and Bathurst Street (Attachment 1)."; and

- (2) City Council, after adopting the resolution in Recommendation No. (1) above, grant authority for the introduction of the necessary Bills in Council to substantially give effect to the following:

"No person shall, in the area referred to in Recommendation No. (1) above, use any lot or erect or use any building or structure save the buildings existing on the lands at the time of the passage of these Bills for a restaurant, take-out restaurant, a bake shop, a branch of a bank or

financial institution, dry-cleaning shop, or retail store with a drive-through component for a period of one year.”

Comments:

St. Clair Avenue West, between Oakwood Avenue and Bathurst Street, is a traditional neighbourhood shopping street. This strip is characterized by two- and three- storey buildings with retail at-grade and residential units above. To the north and south of St. Clair Avenue West are typical low density residence areas.

St. Clair Avenue West, between Oakwood Avenue and Bathurst Street, is designated in the Official Plan as a Low Density Mixed Commercial-Residential Area and is zoned as MCR T3.0 C1.0 R2.5. This zoning would allow a combination of commercial and residential uses up to a maximum density of 3.0 times the area of the lot. This zoning classification permits commercial uses including a restaurant, a take-out restaurant, a bake shop, a branch of a bank or financial institution, a dry-cleaning shop or a retail store.

Drive-through Operations

Drive-through operations associated with restaurants, banking facilities and other uses can have significant traffic impacts with respect to site access, stacking lanes and the relationship between internal traffic and pedestrian traffic. Pedestrian safety is also an issue as drive-through operations create additional curb cuts.

Drive-through operations impact on the streetscape. The relationship of the building to the public sidewalk is affected as a drive-through often requires a building to be set back from the property line. As a result, main entrances are no longer located on a public street frontage and patrons have to cross in front of vehicles entering or exiting the drive-through.

Rationale for an Interim Control By-law

Section 38 of the Planning Act authorizes City Council to pass resolutions directing that a review or study be undertaken in respect of land use policies. Interim Control By-laws enable Council to temporarily restrict the land use while the City studies/reviews the land use policies for the affected properties.

Given the impact of drive-through operations on traffic, pedestrian safety and the streetscape, a planning study should be undertaken for the area outlined above. The study will review the concerns and issues associated with drive-through facilities and identify specific by-law changes to address these concerns. In the interim, the establishment of these uses should be prevented.

Study

Traffic issues related to drive-through operations include site access (curb-cuts, driveways and turnouts), stacking lanes, and the relationship between internal traffic and pedestrian traffic. The ability to safely access a site from the public road network is a key component of a successful drive-through operation. Stacking lanes play an important role in site circulation. Inadequate parking and a poorly designed stacking lane can lead to vehicles queuing in the street.

Drive-through operations often create unacceptable conflict between internal traffic and pedestrian traffic. Drive-through operations can place pedestrians directly in front of vehicles exiting a drive-through window especially in situations where there is poor placement of building entrances relative to the stacking lane and parking area. The study can review the need for standards in the study area to address these traffic issues.

With respect to the impact on the streetscape, the study can review the need for standards to address issues such as building setbacks, the placement of main entrances, and the massing of buildings with drive-through operations. Other related issues which affect the streetscape include landscaping and signage.

Conclusion:

The enactment of an Interim Control By-law for the lands identified in Attachment 1 will allow the City to undertake the necessary review of the land use policies as they apply to drive-through operations. Given the impact of drive-through operations, it is my opinion that the proposed Interim Control By-law permitted under Section 38 of the Planning Act is appropriate.

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List of Attachments:

Attachment 1: Proposed Interim Control By-law Area

(A copy of the attachment referred to in the foregoing report is on file in the Office of the City Clerk.)

