

THE CITY OF TORONTO

City Clerk's Division

Minutes of the Policy and Finance Committee

Special Meeting No. 6

Monday, June 16, 2003

A Special Meeting of the Policy and Finance Committee was held on Monday, June 16, 2003, in the Council Chamber, City Hall, Toronto, commencing at 9:37 a.m., for the following purposes:

- (1) to complete consideration of any unfinished business from the regular meeting of the Policy and Finance Committee held on June 12, 2003; and
- (2) to conclude the hearing of deputations from those persons who had not yet spoken on June 12, 2003, respecting:
 - the Proposed Settlement of the Legal Dispute between the City of Toronto, City of Toronto Economic Development Corporation and the Toronto Port Authority and Toronto City Centre Airport;
 - Establishment of Four Community Councils; and
 - Toronto Community Housing Corporation – Shareholder Annual General Meeting.

Attendance

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

	9:37 a.m. to 12:30 p.m.
Mayor Mel Lastman, Chair	X
Councillor Sandra Bussin	X
Councillor Frank Di Giorgio	X
Councillor Norm Kelly	X
Councillor Pam McConnell	X
Councillor Ron Moeser	-
Councillor Frances Nunziata	X
Councillor Case Ootes, Vice Chair	X
Councillor Sherene Shaw	X
Councillor David Shiner	X

Deputy Mayor Case Ootes assumed the Chair.

6-1. Proposed Settlement of the Legal Dispute between the City of Toronto, City of Toronto Economic Development Corporation and the Toronto Port Authority.

The Policy and Finance Committee had before it the following reports and communication:

- (i) (May 28, 2003) joint report from the Chief Administrative Officer, the Commissioner of Urban Development Services and the Chief Financial Officer and Treasurer recommending that Council:
 - (1) approve the Minutes of Settlement between the City, TEDCO and the TPA, substantially in the form attached to this report as Appendix "A";
 - (2) approve the Structured Settlement Agreement between the City, TEDCO and the TPA, substantially in the form attached to this report as Appendix "B";
 - (3) approve the Ground Lease between TEDCO and the TPA, substantially in the form attached to this report as Appendix "C";
 - (4) authorize staff to work with TPA representatives to finalize and execute the releases required and to take out an order dismissing both the action and the Third Party Claim, without costs;
 - (5) increase the 2003 Approved Capital Budget by \$1.457 Million gross and zero net, to fund the 2001 and 2002 outstanding capital budget for the Toronto Port Authority;
 - (6) increase the 2003 Approved Capital Budget by \$3.0 Million, to be debt-financed, to fund the 2003 capital subsidy to the Toronto Port Authority;
 - (7) authorize the appropriate City officials to take the necessary steps to give effect thereto;
- (ii) (May 29, 2003) from Councillor Olivia Chow's office requesting that a copy of the attached Minutes of the meeting of the Toronto Island Airport Community Advisory Committee held on May 6, 2003, be submitted to the June 12, 2003, meeting of the Policy and Finance Committee for consideration with the TPA Lawsuit Settlement;

- (iii) (June 9, 2003) joint report from the City Solicitor and the Commissioner of Urban Development Services entitled, "Exemption from Part Lot Control For Lands Known Municipally in the Year 2002 as 535 and 595/651 Commissioners Street, 12 and 12A Leslie Street, 206, 220, 240, 400, 440R and 600 Unwin Avenue, 150 Cherry Street, 95R Queens Quay East and 333R Lakeshore Boulevard East advising that subject to Council approval of the recommended settlement between the City, TEDCO and the Toronto Port Authority (TPA) recommending that:
- (1) a part lot control exemption by-law, substantially in accordance with Attachment 1 to this Report, pursuant to section 50(7) of the *Planning Act*, be enacted for the following lands (the "lease lands"):
 - (a) 535 Commissioners Street;
 - (b) Part of Rear 595 Commissioners Street;
 - (c) Part of 12 and 12A Leslie Street;
 - (d) Part of 600 Unwin Avenue; and
 - (e) Part of 150 Cherry Street;
 - (2) a part lot control exemption by-law, substantially in accordance with Attachment 2 to this Report, pursuant to section 50(7) of the *Planning Act*, be enacted for the following lands (the "transfer lands"):
 - (a) Part of 150 Cherry Street;
 - (b) Part of 206 Unwin Avenue;
 - (c) 220 Unwin Avenue;
 - (d) Part of 240 Unwin Avenue;
 - (e) Part of 400 Unwin Avenue;
 - (f) Part of 440R Unwin Avenue;
 - (g) 95R Queens Quay East; and
 - (h) 333R Lakeshore Boulevard East;
 - (3) both by-laws shall expire on December 31, 2003;

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- (4) the City Solicitor be authorised to introduce the necessary Bills in Council to give effect to Recommendations 1, 2 and 3;
 - (5) the City of Toronto Economic Development Corporation be authorised to include the City-owned portion of 130 Cherry Street, being Part 3 on Plan 64R-14512, in the lands to be leased to the Toronto Port Authority under a long term lease agreement; and
 - (6) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto; and
- (iv) (June 10, 2003) report from the City Solicitor entitled, "Releases Relating to Proposed Settlement of the Legal Dispute between the City of Toronto, City of Toronto Economic Development Corporation and the Toronto Port Authority" requesting Council approval to the releases that are part of the proposed settlement documentation dealing with the litigation between the Toronto Port Authority (TPA), the City of Toronto, the City of Toronto Economic Development Corporation (TEDCO) and certain individuals; that the financial implications of the settlement are set out in the joint report dated May 28, 2003 from the Chief Administrative Officer, the Commissioner, Urban Development Services and the Chief Financial Officer and Treasurer; and recommending that Council:
- (1) approve the releases substantially in the form attached to this report; and
 - (2) authorize the appropriate City officials to take the necessary steps to give effect thereto.

The Policy and Finance Committee also had before it the following material and communications:

- Appendix D entitled, "Draft Minutes of Settlement, November 2002" referred to in the joint report dated May 28, 2003, from the Chief Administrative Officer, the Commissioner of Urban Development Services and the Chief Financial Officer and Treasurer;
- (June 9, 2003) from Mr. Robert J. Deluce, President and CEO, Regional Airlines Holdings Inc.
- (June 2, 2003) from Mr. Patrick Flynn, Commodore, Toronto Hydroplane and Sailing Club;
- (June 2, 2003) from Mr. Patrick Conner;
- (June 2, 2003) from Ms. Susan Stock, Toronto;

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- (June 3, 2003) from Mr. Ken Rodmell and Ms. Jane Rodmell;
- (June 4, 2003) from Mr. Peter Ashby, MD;
- (June 4, 2003) from Mr. Dennis Bryant, Bryant Renovations and Fine Carpentry;
- (June 3, 2003) from Mr. Ira R. Rabinovitch;
- (June 4, 2003) from Mr. Josh Wiwcharyk and Ms. Niki Walker;
- (May 27, 2003) from Ms. Jennifer Scott;
- (June 6, 2003) from Mr. Ed Tasca;
- (June 6, 2003) from Ms. Susan Stock;
- (June 6, 2003) from Ms. Renee Knight, Y.I.A. Consulting, Personal and Business Consulting, Stress Management;
- (June 6, 2003) from Ms. Alanna McDonagh;
- (June 6, 2003) from Mr. Ira R. Rabinovitch;
- (June 9, 2003) from Ms. Brenda Ferris;
- (June 9, 2003) from Ms. Karen James;
- (June 10, 2003) from Mr. Gene Trendyle;
- (Undated) from Mr. Mitchell Gold, Vice-President, North American Affairs;
- (June 11, 2003) from Mr. Roger Shaw, Vice President, Ontario Sailing Association;
- (Undated) from Mr. John G. Spragge;
- (June 11, 2003) from Ms. Krystyn Tully, Executive Director, Lake Ontario Waterkeeper;
- (June 11, 2003) from F. J. St. Pierre;
- (June 11, 2003) from Mr. Tibor Major;
- (June 11, 2003) from Mr. Pierre Beaudoin;
- (June 12 and 16, 2003) from Mr. Peter Holt;

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- (November 5, 2003) and (November 12, 2003) from Mr. Paul Richard Erato addressed to Heritage Toronto;
- (June 16, 2003) from Mr. Max Moore;
- (June 12, 2003) from Ms. Janet Pelley;
- (Undated) from Mr. F. J. St. Pierre;
- (May 1, 2003) from the President, CAW Local 112;
- (June 11, 2003) from Mr. Hamish Wilson;
- (June 9, 2003) from Ms. Helen Kenney and Mr. Cliff Mahood.
- (June 12, 2003) from Ms. Elizabeth Quance.
- (June 12, 2003) from Mr. Rosario Marchese, MPP Trinity-Spadina; and
- (June 13, 2003) from Katheleen H.

Ms. Elaine Baxter-Trahair, Waterfront Project Director, Urban Development Services made a presentation to the Policy and Finance Committee in connection with the foregoing matter and filed a copy of her presentation material in regard thereto.

Ms. Lisa Raitt, Chief Executive Officer and Harbour Master, Toronto Port Authority also made a presentation to the Policy and Finance Committee in connection with the foregoing matter.

The following persons appeared before the Policy and Finance Committee in connection with the foregoing matter:

- Ms. Jane Jacobs;
- Mr. Allan Sparrow, Community Air, and filed a submission in regard thereto;
- Ms. Gale Zoe Garnett;
- Mr. Bill Freeman;
- Mr. Stephen Seaborn, President, Gooderham & Worts Neighbourhood Association and filed a copy of his submission in regard thereto;
- Mr. Boris Broz;

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- Mr. Cameron Miller, Vice President, External, St. Lawrence Neighbourhood Association;
- Ms. Maya Toman;
- Ms. Janice Zemdegs;
- Ms. Sylvia Pellman, President, Bathurst Quay Neighbourhood Association;
- Mr. Marc Brien;
- Mr. John Stephenson;
- Ms. Pam Mazza representing the Toronto Island Airport Community Advisory Committee;
- Ms. Penelope Tyndale on behalf of Little Trinity Church;
- Ms. Terri Tenberg and gave a video presentation in regard thereto;
- Ms. Julie Beddoes;
- Ms. Susan Costigane;
- Mr. Max Moore and filed a submission in regard thereto;
- Mr. Barry Lipton, Co-Chair, Toronto Island Community Association;
- Mr. Robert Hollis;
- Mr. Bob Kotyk and filed a submission in regard thereto;
- Mr. Al Will, Executive Director, Ontario Sailing Association;
- Mr. Michael Page;
- Mr. John McClusky;
- Mr. Lester Brown;
- Mr. Paul Farrelly;
- Mr. Mitchell Gold;

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- Mr. Richard Reinert, PhD;
- Mr. Gerald Englar and filed a submission in regard thereto;
- Mr. Hamish Wilson;
- Ms. Elizabeth Quance, Niagara Neighbourhood Association;
- Ms. Joan Doiron, and filed a submission in regard thereto;
- Mr. Keith Stewart, Toronto Environmental Alliance, and filed a submission in regard thereto;
- Ms. Diana Midwinter; and filed a submission in regard thereto;
- Mr. Peter Holt and filed a submission in regard thereto;
- Mr. Gerry Shiner;
- Mr. Graham Mudge, and filed a written submission in regard thereto;
- Mr. David Smiley and filed a submission in regard thereto;
- Ms. Janet Hebbes and filed a submission in regard thereto; and
- Ms. Marlene F. Simmons.

The following Members of Council also appeared before the Policy and Finance Committee in connection with the foregoing matter:

- Councillor Olivia Chow, Trinity-Spadina;
- Councillor David Miller, Parkdale-High Park; and
- Councillor Denzil Minnan-Wong, Don Valley East.

The Policy and Finance Committee:

(A) recommended to Council:

- (I) the adoption of the joint report (May 28, 2003) from the Chief Administrative Officer, the Commissioner of Urban Development Services and the Chief Financial Officer and Treasurer wherein it is recommended that Council:

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- (1) approve the Minutes of Settlement between the City, TEDCO and the TPA, substantially in the form attached to this report as Appendix "A";
- (2) approve the Structured Settlement Agreement between the City, TEDCO and the TPA, substantially in the form attached to this report as Appendix "B";
- (3) approve the Ground Lease between TEDCO and the TPA, substantially in the form attached to this report as Appendix "C";
- (4) authorize staff to work with TPA representatives to finalize and execute the releases required and to take out an order dismissing both the action and the Third Party Claim, without costs;
- (5) increase the 2003 Approved Capital Budget by \$1.457 Million gross and zero net, to fund the 2001 and 2002 outstanding capital budget for the Toronto Port Authority;
- (6) increase the 2003 Approved Capital Budget by \$3.0 Million, to be debt-financed, to fund the 2003 capital subsidy to the Toronto Port Authority; and
- (7) authorize the appropriate City officials to take the necessary steps to give effect thereto; **(Motion by Councillor Nunziata carried on the following recorded vote:**

FOR: Mayor Lastman, Councillors Di Giorgio, Kelly, Nunziata, Ootes, Shaw and Shiner

AGAINST: Councillors Bussin and McConnell

- (II) the adoption of the joint report (June 9, 2003) from the City Solicitor and the Commissioner of Urban Development Services wherein it is recommended that subject to Council approval of the recommended settlement between the City, TEDCO and the Toronto Port Authority (TPA):
 - (1) a part lot control exemption by-law, substantially in accordance with Attachment 1 to this Report,

pursuant to section 50(7) of the *Planning Act*, be enacted for the following lands (the “lease lands”):

- (a) 535 Commissioners Street;
 - (b) Part of Rear 595 Commissioners Street;
 - (c) Part of 12 and 12A Leslie Street;
 - (d) Part of 600 Unwin Avenue; and
 - (e) Part of 150 Cherry Street;
- (2) a part lot control exemption by-law, substantially in accordance with Attachment 2 to this Report, pursuant to section 50(7) of the *Planning Act*, be enacted for the following lands (the “transfer lands”):
- (a) Part of 150 Cherry Street;
 - (b) Part of 206 Unwin Avenue;
 - (c) 220 Unwin Avenue;
 - (d) Part of 240 Unwin Avenue;
 - (e) Part of 400 Unwin Avenue;
 - (f) Part of 440R Unwin Avenue;
 - (g) 95R Queens Quay East; and
 - (h) 333R Lakeshore Boulevard East;
- (3) both by-laws shall expire on December 31, 2003;
- (4) the City Solicitor be authorised to introduce the necessary Bills in Council to give effect to Recommendations Nos. (1), (2) and (3);

- (5) the City of Toronto Economic Development Corporation be authorised to include the City-owned portion of 130 Cherry Street, being Part 3 on Plan 64R-14512, in the lands to be leased to the Toronto Port Authority under a long term lease agreement; and
 - (6) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto; and **(Motion by Councillor Nunziata)**
- (III) the adoption of the report (June 10, 2003) from the City Solicitor wherein it is recommended that Council:
- (1) approve the releases substantially in the form attached to this report,
 - (2) authorize the appropriate City officials to take the necessary steps to give effect thereto; **(Motion by Councillor Nunziata)**
- (B) referred the following motion to the Chief Administrative Officer, the Commissioner of Urban Development Services and the Chief Financial Officer and Treasurer for report thereon to the meeting of Council scheduled to be held on June 24, 2003:

Moved by Councillor Bussin:

- (1) “Therefore be it resolved that:
 - (a) the Minutes of Settlement and the Tripartite Amending Agreement be revised in satisfaction of the condition for approval stipulated by Council last November 2002, as follows:

“Minutes of Settlement:

Add the heading and paragraph:

‘Jobs for Toronto Unionized Workers in the Aircraft Industry:

14A. The TPA shall enter into a binding agreement with the City that ensures that all aircraft

”

acquired to operate to or from the Island Airport, shall be newly manufactured by unionized workers in Toronto, except for those occasions when TPA can demonstrate that the price of acquiring such aircraft is not competitive to the price of such newly manufactured aircraft elsewhere.”

- (2) That the Tripartite Amending Agreement be amended as follows:

Delete paragraph (1)(i) (3) and insert the following in lieu thereof:

“The Lessee acknowledges that the Lessor’s (The City of Toronto) approval for construction of the Bridge is conditional upon the Lessee ensuring the manufacture and acquisition of new aircraft by unionized workers located in Toronto except in the limited instances in which the price of such new aircraft is not competitive with such new aircraft manufactured elsewhere. Section 14 of the Tripartite Agreement is hereby amended by adding to the prohibition of jet-powered aircraft in subparagraph (d) the following:

‘In addition the Lessee (TPA) shall not permit turbo prop or similarly powered aircraft to operate to or from the Island Airport in relation to the enhancement of TCOR, except turbo prop aircraft that are newly manufactured in Toronto by unionized workers, unless TPA satisfied City Council that the price of acquiring such aircraft is not competitive to the price of acquiring such aircraft new manufactured elsewhere.’”

And add the following paragraph:

“3A. Within 10 days of the date of this Agreement, the TPA, its partners and sub-tenants shall provide City Council with documented proof in the form of unconditional and duly accepted purchase orders for the immediate manufacture and acquisition of manufactured in Toronto turbo prop aircraft suitable for use at the Island Airport, at least twelve (12) months prior to projected commencement of Bridge construction, failing which this Agreement shall immediately become null and void.”

(3) The Cost of Settlement to the City:

Therefore be it resolved that unless Council decides to reopen its approval of the principle terms of the lawsuit, by a 2/3 majority of Councillors;

And therefore be it further resolved that the Minutes of Settlement and Ground Lease be amended by deleting paragraphs 3.3 and 3.4 of the Ground Lease and by amending the definition of "Payment Term" in paragraph 1.1(y) as follows:

"Payment Term" means the period commencing January 1, 2003, and ending December 31, 2022.

(4) Therefore be it resolved that Clause 10 embodied in Appendix A (June 2002) of the draft Minutes of Settlement be deleted and the following (prepared in accordance with paragraph 9 of the draft Minutes of Settlement approved by City Council in November 2002) be inserted in lieu thereof:

"10. TPA, unconditionally, shall use its best efforts to support the City's Secondary Plan, as amended from time to time, and any TEDCO-related or sponsored development of the Port Lands."

(5) Therefore be it resolved that:

Paragraph 13 of the draft Minutes of Settlement be deleted and the following inserted in lieu thereof:

"13. The City shall deduct and set off against all payments otherwise due by City pursuant to paragraphs 1 to 4 herein, all monies claimed by the City in respect of payments in lieu of realty taxes (PILS). Upon resolution of the exact amount owing by TPA, any overpayment shall be returned to TPA."

And that paragraph 5.1 (b) of the Ground Lease is amended likewise.

(6) Therefore be it resolved that Paragraph 12 of the draft Minutes of Settlement be deleted and the exception for harbour user fees in subparagraph (vi) of the Release from TPA (Appendix A to supplementary staff report) be deleted;” and **(Referral motion moved by Mayor Lastman)**

(C) referred the submission (June 16, 2003) from Mr. Graham Mudge to the Chief Financial Officer and Treasurer for report thereon to the aforementioned meeting of Council. **(Referral motion moved by Councillor McConnell)**

(Chief Administrative Officer; Commissioner of Urban Development Services; Chief Financial Officer and Treasurer – June 16, 2003)

(Note: Items Nos. 6-1 and 6-2 were considered together.)

(Clause No. 1 - Report No. 6)

6-2. Toronto City Centre Airport

The Policy and Finance Committee had before it a joint report (May 28, 2003) from the Medical Officer of Health, the Commissioner of Urban Development Services, the Chief General Manager, Toronto Transit Commission, the Commissioner of Works and Emergency Services, the Commissioner of Economic Development, Culture and Tourism, the City Solicitor, and the Chief Financial Officer and Treasurer; recommending that:

- (1) Council approve the Tripartite Amending Agreement among the City, Toronto Port Authority (TPA) and Her Majesty the Queen in Right of Canada represented by the Minister of Transport, substantially in the form attached to this report as Appendix “ B”;
- (2) Council approve the Terms of Reference for the Community Advisory Committee as outlined in Schedule “K” to the Tripartite Amending Agreement; and
- (3) the appropriate City officials be authorized to take the necessary action(s) to give effect thereto;

The Policy and Finance Committee also had before it the following communications:

- (May 1, 2003) from Mr. John Kennedy, President, Canadian Auto Workers (CAW) Local 112, Mr. Robert Hamilton, Plant Chairperson, Bombardier Unit and Mr. Roland Kiehne, Chairperson, Political Education Committee;

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- (May 29, 2003) from Councillor Olivia Chow's office requesting that a copy of the attached Minutes of the meeting of the Toronto Island Airport Community Advisory Committee held on May 6, 2003, be submitted to the June 12, 2003, meeting of the Policy and Finance Committee for consideration with the TPA Lawsuit Settlement;
- (June 9, 2003) from Mr. Robert J. Deluce, President and CEO, Regional Airlines Holdings Inc.;
- (June 2, 2003) from Mr. Patrick Flynn, Commodore, Toronto Hydroplane and Sailing Club;
- (June 2, 2003) from Mr. Patrick Conner;
- (June 2, 2003) from Ms. Susan Stock, Toronto;
- (June 3, 2003) from Mr. Ken Rodmell and Ms. Jane Rodmell;
- (June 4, 2003) from Mr. Peter Ashby, MD;
- (June 4, 2003) from Mr. Dennis Bryant, Bryant Renovations and Fine Carpentry;
- (June 3, 2003) from Mr. Ira R. Rabinovitch;
- (June 4, 2003) from Mr. Josh Wiwcharyk and Ms. Niki Walker;
- (May 27, 2003) from Ms. Jennifer Scott;
- (June 6, 2003) from Mr. Ed Tasca;
- (June 6, 2003) from Ms. Susan Stock;
- (June 6, 2003) from Ms. Renee Knight, Y.I.A. Consulting, Personal and Business Consulting, Stress Management;
- (June 6, 2003) from Ms. Alanna McDonagh;
- (June 6, 2003) from Mr. Ira R. Rabinovitch;
- (June 9, 2003) from Ms. Brenda Ferris;
- (June 9, 2003) from Ms. Karen James;
- (June 10, 2003) from Mr. Gene Trendyle;

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- (Undated) from Mr. Mitchell Gold, Vice-President, North American Affairs;
- (June 11, 2003) from Mr. Roger Shaw, Vice President, Ontario Sailing Association;
- (Undated) from Mr. John G. Spragge;
- (June 11, 2003) from Ms. Krystyn Tully, Executive Director, Lake Ontario Waterkeeper;
- (June 11, 2003) from F. J. St. Pierre;
- (June 11, 2003) from Mr. Tibor Major;
- (June 11, 2003) from Mr. Pierre Beaudoin;
- (June 12 and 16, 2003) from Mr. Peter Holt;
- (November 5, 2003) from Mr. Mr. Paul Richard Erato addressed to Heritage Toronto;
- (June 16, 2003) from Mr. Max Moore;
- (June 12, 2003) from Ms. Janet Pelley;
- (Undated) from Mr. F. J. St. Pierre;
- (May 1, 2003) from the President, CAW Local 112;
- (June 11, 2003) from Mr. Hamish Wilson;
- (June 9, 2003) from Ms. Helen Kenney and Mr. Cliff Mahood.
- (June 12, 2003) from Ms. Elizabeth Quance.
- (June 12, 2003) from Mr. Rosario Marchese, MPP Trinity-Spadina; and
- (June 13, 2003) from Katheleen H.

Ms. Elaine Baxter-Trahair, Waterfront Project Director, Urban Development Services, made a presentation to the Policy and Finance Committee in connection with the foregoing matter and filed a copy of her presentation material in regard thereto.

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Ms. Lisa Raitt, Chief Executive Officer and Harbour Master, Toronto Port Authority also made a presentation to the Policy and Finance Committee in connection with the foregoing matter.

The following persons appeared before the Policy and Finance Committee in connection with the foregoing matter:

- Ms. Jane Jacobs;
- Mr. Allan Sparrow, Community Air, and filed a submission in regard thereto;
- Ms. Gale Zoe Garnett;
- Mr. Bill Freeman;
- Mr. Stephen Seaborn, President, Gooderham & Worts Neighbourhood Association and filed a copy of his submission in regard thereto;
- Mr. Boris Broz;
- Mr. Cameron Miller, Vice President, External, St. Lawrence Neighbourhood Association;
- Ms. Maya Toman;
- Ms. Janice Zemdegs;
- Ms. Sylvia Pellman, President, Bathurst Quay Neighbourhood Association;
- Mr. Marc Brien;
- Mr. John Stephenson;
- Ms. Pam Mazza representing the Toronto Island Airport Community Advisory Committee;
- Ms. Penelope Tyndale on behalf of Little Trinity Church;
- Ms. Terri Tenberg and gave a video presentation in regard thereto;
- Ms. Julie Beddoes;
- Ms. Susan Costigane;
- Mr. Max Moore and filed a submission in regard thereto;

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- Mr. Barry Lipton, Co-Chair, Toronto Island Community Association;
- Mr. Robert Hollis;
- Mr. Bob Kotyk and filed a submission in regard thereto;
- Mr. Al Will, Executive Director, Ontario Sailing Association;
- Mr. Michael Page;
- Mr. John McClusky;
- Mr. Lester Brown;
- Mr. Paul Farrelly;
- Mr. Mitchell Gold;
- Mr. Richard Reinert, PhD;
- Mr. Gerald Englar and filed a submission in regard thereto;
- Mr. Hamish Wilson;
- Ms. Elizabeth Quance, Niagara Neighbourhood Association;
- Ms. Joan Doiron, and filed a submission in regard thereto;
- Mr. Keith Stewart, Toronto Environmental Alliance, and filed a submission in regard thereto;
- Ms. Diana Midwinter; and filed a submission in regard thereto;
- Mr. Peter Holt and filed a submission in regard thereto;
- Mr. Gerry Shiner;
- Mr. Graham Mudge, and filed a written submission in regard thereto;
- Mr. David Smiley and filed a submission in regard thereto;
- Ms. Janet Hebbes and filed a submission in regard thereto; and
- Ms. Marlene F. Simmons.

The following Members of Council also appeared before the Policy and Finance Committee in connection with the foregoing matter:

- Councillor Olivia Chow, Trinity-Spadina;
- Councillor David Miller, Parkdale-High Park; and
- Councillor Denzil Minnan-Wong, Don Valley East.

The Policy and Finance Committee:

- (A) recommended to Council the adoption of the foregoing joint report (May 28, 2003) from the Medical Officer of Health, the Commissioner of Urban Development Services, the Chief General Manager, Toronto Transit Commission, the Commissioner of Works and Emergency Services, the Commissioner of Economic Development, Culture and Tourism, the City Solicitor, and the Chief Financial Officer and Treasurer; **(Motion by Councillor Nunziata carried on the following recorded vote:**

FOR: Mayor Lastman, Councillors Di Giorgio, Kelly, Nunziata, Ootes, Shaw and Shiner

AGAINST: Councillors Bussin and McConnell

- (B) referred the following motion to the Chief Administrative Officer, the Commissioner of Urban Development Services and the Chief Financial Officer and Treasurer for report thereon to the meeting of Council scheduled to be held on June 24, 2003:

Moved by Councillor Bussin:

- (1) “Therefore be it resolved that:

- (a) the Minutes of Settlement and the Tripartite Amending Agreement be revised in satisfaction of the condition for approval stipulated by Council last November 2002, as follows:

“Minutes of Settlement:

Add the heading and paragraph:

‘Jobs for Toronto Unionized Workers in the Aircraft Industry:

14A. The TPA shall enter into a binding agreement with the City that ensures that all aircraft acquired to operate to or from the Island Airport, shall be newly manufactured by unionized workers in Toronto, except for those occasions when TPA can demonstrate that the price of acquiring such aircraft is not competitive to the price of such newly manufactured aircraft elsewhere.’”

- (2) That the Tripartite Amending Agreement be amended as follows:

Delete paragraph (1)(i) (3) and insert the following in lieu thereof:

“The Lessee acknowledges that the Lessor’s (The City of Toronto) approval for construction of the Bridge is conditional upon the Lessee ensuring the manufacture and acquisition of new aircraft by unionized workers located in Toronto except in the limited instances in which the price of such new aircraft is not competitive with such new aircraft manufactured elsewhere. Section 14 of the Tripartite Agreement is hereby amended by adding to the prohibition of jet-powered aircraft in subparagraph (d) the following:

‘In addition the Lessee (TPA) shall not permit turbo prop or similarly powered aircraft to operate to or from the Island Airport in relation to the enhancement of TCOR, except turbo prop aircraft that are newly manufactured in Toronto by unionized workers, unless TPA satisfied City Council that the price of acquiring such aircraft is not competitive to the price of acquiring such aircraft new manufactured elsewhere.’”

And add the following paragraph:

“3A. Within 10 days of the date of this Agreement, the TPA, its partners and sub-tenants shall provide City Council with documented proof in the form of unconditional and duly accepted purchase orders for the immediate manufacture and acquisition of

manufactured in Toronto turbo prop aircraft suitable for use at the Island Airport, at least twelve (12) months prior to projected commencement of Bridge construction, failing which this Agreement shall immediately become null and void.”

(3) The Cost of Settlement to the City:

Therefore be it resolved that unless Council decides to reopen its approval of the principle terms of the lawsuit, by a 2/3 majority of Councillors;

And therefore be it further resolved that the Minutes of Settlement and Ground Lease be amended by deleting paragraphs 3.3 and 3.4 of the Ground Lease and by amending the definition of “Payment Term” in paragraph 1.1(y) as follows:

“Payment Term” means the period commencing January 1, 2003, and ending December 31, 2022.

(4) Therefore be it resolved that Clause 10 embodied in Appendix A (June 2002) of the draft Minutes of Settlement be deleted and the following (prepared in accordance with paragraph 9 of the draft Minutes of Settlement approved by City Council in November 2002) be inserted in lieu thereof:

“10. TPA, unconditionally, shall use its best efforts to support the City’s Secondary Plan, as amended from time to time, and any TEDCO-related or sponsored development of the Port Lands.”

(5) Therefore be it resolved that:

Paragraph 13 of the draft Minutes of Settlement be deleted and the following inserted in lieu thereof:

“13. The City shall deduct and set off against all payments otherwise due by City pursuant to paragraphs 1 to 4 herein, all monies claimed by the City in respect of payments in lieu of realty taxes (PILS). Upon resolution of the exact amount owing by TPA, any overpayment shall be returned to TPA.”

And that paragraph 5.1 (b) of the Ground Lease is amended likewise.

- (6) Therefore be it resolved that Paragraph 12 of the draft Minutes of Settlement be deleted and the exception for harbour user fees in subparagraph (vi) of the Release from TPA (Appendix A to supplementary staff report) be deleted;"; and **(Referral motion moved by Mayor Lastman)**

- (C) referred the submission (June 16, 2003) from Mr. Graham Mudge to the Chief Financial Officer and Treasurer for report thereon to the aforementioned meeting of Council. **(Referral motion moved by Councillor McConnell)**

The following motion moved by Councillor McConnell was voted on and **lost** on recorded vote, as follows:

“That the Policy and Finance Committee defer consideration of the Tripartite Amending Agreement recommended in the foregoing joint report (May 28, 2003) until:

- (1) an Environmental Assessment has been completed and signed off by the Federal Authorities;
- (2) the Department of Fisheries and Oceans has signed off on the water navigation issues; and
- (3) the conditions set by Council have been satisfied.”

FOR: Bussin, McConnell

AGAINST: Mayor Lastman, Councillors Di Giorgio, Kelly, Nunziata, Ootes, Shaw and Shiner

(Chief Administrative Officer; Commissioner of Urban Development Services; Chief Financial Officer and Treasurer – June 16, 2003)

**(Note: Items Nos. 6-1 and 6-2 were considered together.
All additional communications and submissions filed with Item No. 6-1.)**

(Clause No. 2 - Report No. 6)

6-6. Establishment of Four Community Councils

The Policy and Finance Committee had before it the following report and communications:

- (i) (May 29, 2003) from the Chief Administrative Officer recommending that:
 - (1) the Policy and Finance Committee select a boundary option for recommendation to City Council;
 - (2) at the time of its boundary decision, City Council assign interim meeting locations for the new Community Councils using the Civic Centres and City Hall;
 - (3) upon a final boundary decision, City Council decide on appropriate names using the process and criteria outlined in this report, including:
 - (a) at the time of its boundary decision, City Council adopt interim names based on the geographic references of north, south, east, west and any variations thereof which suit the final boundary configurations; and
 - (b) in the new term of Council the reconfigured community councils forward their name recommendations to the Policy and Finance Committee for consolidation and a recommendation to City Council for a final decision;
 - (4) upon determination of the Community Council boundaries and names, and upon notice having been given in accordance with § 27-137.B of the City of Toronto Municipal Code, Chapter 27, Council Procedures, that a by-law substantially in the form of the draft by-law attached as Appendix 1 to this report be adopted; and
 - (5) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto, and authority be granted for the introduction of the necessary bill in Council;
- (ii) (June 5, 2003) from Mr. John Walker;
- (iii) (June 11, 2003) from Ms. Agnes Vermes, Past President, Leaside Property Owners Association Incorporated;
- (iv) (June 12, 2003) from Councillor Jane Pitfield, Ward 26 – Don Valley West; and
- (v) (June 12, 2003) from Ms. Shelley Ortyed.

The following Members of Council appeared before the Policy and Finance Committee in connection with the foregoing matter:

- Councillor Chris Korwin-Kuczynski; and
- Councillor Michael Walker, St. Paul's.

On motion by Councillor Shiner, the Policy and Finance Committee:

- (1) deferred consideration of this matter until a Special Meeting of the Policy and Finance Committee to be arranged at the Call of the Chair; and
- (2) directed that all Members of Council be invited to attend the aforementioned Special Meeting.

The following motion moved by Councillor Bussin was voted on and **lost**:

- “(1) That the Policy and Finance Committee defer consideration of this matter until the meeting of the Committee scheduled to be held on July 10, 2003; and
- (2) that a sub-Committee of the Policy and Finance Committee be established, in consultation with Members of Council, to give consideration to Options 1, 2, 3 and 4 contained in the report and report thereon to the aforementioned meeting of the Committee respecting the preferred option.”

(Chief Administrative Officer, Manager, Corporate Policy, Strategic and Corporate Policy Division – June 16, 2003)

(Clause No. 7(a) - Report No. 6)

**6-20. Construction of a Child Care Centre at 610 Jane Street
(Ward 13 - Parkdale-High Park)**

The Policy and Finance Committee had before it a communication (June 9, 2003) from the City Clerk advising that the Community Services Committee on June 9, 2003, recommended to the Policy and Finance Committee and Council the adoption of the report dated May 21, 2003, from the Commissioner of Community and Neighbourhood Services

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respecting the Construction of a Child Care Centre at 610 Jane Street, Tender No. 54-2003 (Ward 13, Parkdale-High Park.) wherein it is recommended that:

- (1) the total capital budget for the Construction of a Child Care Centre at 610 Jane Street be increased by \$180,000.00 to \$1,130,000.00 and that the necessary amount be funded from the Child Care Capital Reserve Fund;
- (2) Tender No. 54-2003 for the Construction of the Child Care Centre at 610 Jane Street, be awarded to Brown Daniels & Associates in the amount of \$952,670.00 including all taxes and charges, being the lowest acceptable Tender received; and,
- (3) the appropriate City Officials take the necessary action to give effect thereto.

The Policy and Finance Committee deferred consideration of the foregoing matter until a Special Meeting of the Committee to be held on June 16, 2003, having regard that a quorum was not present.

On motion by Councillor Nunziata, the Policy and Finance Committee recommended to Council the adoption of the Recommendation of the Community Services Committee embodied in the foregoing communication (June 9, 2003) from the City Clerk.

(Clause No. 3 - Report No. 6)

**6-24. Toronto Community Housing Corporation (TCHC)
Shareholder Annual General Meeting**

The Policy and Finance Committee had before it the following:

- (i) report (June 3, 2003) from the Chief Administrative Officer recommending that:
 - (1) Council, as sole Shareholder of the Toronto Community Housing Corporation:
 - (a) receive the Toronto Community Housing Corporation 2002 Annual Report comprising the letter from the Board Chair and report from the Corporation's Chief Executive Officer, both dated May 9, 2003 included as Attachment 1 to this report and the TCHC "Building Opportunities" publication, copies filed with the Clerk and distributed under separate cover to Councillors;
 - (b) receive the 2002 Audited Consolidated Financial Statement dated March 21, 2003, included as Attachment 2 to this report;

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- (c) appoint the successful proponent of the City's Auditor RFP process as the Toronto Community Housing Corporation auditor for 2003; and
 - (d) approve By-Law No. 3 of the Toronto Community Housing Corporation, included as Attachment 3 to this report, retroactively to October 28, 2002;
- (2) the Mayor extend Council's appreciation to the members of the Toronto Community Housing Corporation Board of Directors for their accomplishments in Toronto Community Housing Corporation's first year of operation and for their ongoing contribution to the City as board members; and
 - (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto;
- (ii) (June 11, 2003) communication from Mr. Vance Latchford; and
 - (iii) (June 12, 2003) communication from Mr. Brian Cochrane, President, Toronto Civic Employees' Union, Local 416 CUPE.

Mr. Larry Heitner appeared before the Policy and Finance Committee in connection with the foregoing matter and filed a written submission in regard thereto.

The Policy and Finance Committee recommended to Council the adoption of the foregoing report (June 3, 2003) from the Chief Administrative Officer.

(Clause No. 5 - Report No. 6)

6-30. OMG Litter Bins

The Policy and Finance Committee had before it a communication (June 4, 2003) from the City Clerk advising that the Works Committee on June 4, 2003, recommended to the Policy and Finance Committee and Council the adoption of the report dated May 22, 2003, from the Commissioner of Works and Emergency Services respecting OMG Litter Bins wherein it is recommended that:

- (1) the Commissioner of Works and Emergency Services, in consultation with representatives from the Legal and Purchasing Divisions, be authorized to enter into negotiations with Olifas Marketing Group (OMG Media) to amend the current contract to supply litter bins effective October 2003 in a manner that is consistent with the terms and conditions noted in this report;

- (2) the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer report to Policy and Finance Committee prior to contract amendments being signed regarding the final agreement negotiated with OMG Media; and
- (3) the appropriate City officials be authorized and directed to give effect thereto.

On motion by Councillor Shiner, the Policy and Finance Committee referred the foregoing communication back to the Commissioner of Works and Emergency Services for further consideration and report thereon to the Works Committee.

(Commissioner of Works and Emergency Services c: Committee Administrator, Works Committee – June 16, 2003)

(Clause No. 7(b) - Report No. 6)

6-38. 2003 Service Cut and Revised Spending Strategy for Child Care Resulting from Provincial Under-funding

The Policy and Finance Committee had before it a communication (June 9, 2003) from the City Clerk advising that the Community Services Committee on June 9, 2003, recommended to the Policy and Finance Committee, and Council:

- (i) the adoption of the following recommendation of the Children and Youth Action Committee contained in the communication dated May 30, 2003, from the City Clerk:

“WHEREAS tax rebates and cuts by the Ontario government have seriously jeopardized the support of child care and other services to children; and

WHEREAS the provincial share of federal funds intended for child care has not been forwarded to Toronto to a total of \$31.7 million;

THEREFORE, the Children and Youth Action Committee recommends that City Council vote, as an emergency measure, that \$7.9 million be drawn from the Social Assistance Stabilization Reserve Fund to prevent the cut of child care services to 500 children, to pay the inflation cost of running child care services in Toronto, and restore health and safety funding.”;

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(ii) the adoption of the report dated May 21, 2003, from the Commissioner of Community and Neighbourhood Services, subject to:

(a) amending Recommendation No. (1) by adding thereto the following words:

“and further that the parents on the waiting list be notified of the crisis facing the child care system and the cause and solution to resolve the crisis;”; and

(b) deleting Recommendations Nos. (2) and (3), and renumbering the balance of the recommendations accordingly, so that such recommendations now read as follows:

“It is recommended that:

(1) the City’s Child Care Campaign to keep licensed child care on the public agenda and to press the provincial government to pay its fair share of the costs be sustained; and further that the parents on the waiting list be notified of the crisis facing the child care system and the cause and solution to resolve the crisis;

(2) at calendar year end, any under-expenditure of the City’s portion of the approved 2003 Children’s Services budget be reallocated to provide one-time minor capital funding for unmet health and safety needs in child care programs under contract with the City;

(3) the Department report at the next Community Services Committee meeting on a process to prepare a new five-year Service Plan for Child Care that will address key policy issues confronting child care including the payment of actual costs, sustaining subsidized service levels, improving the equity of access to licensed care and developing an integrated approach to managing the child care service system within Toronto; and

(4) the appropriate City officials take the necessary action to give effect thereto.”

The Policy and Finance Committee also had before it a communication (June 12, 2003) from Ms. Ann Dembinski, President, CUPE Local 79, urging the Members of the Policy and Finance Committee to support the Community Services Committee’s decision to preserve Toronto’s subsidized child care spaces and to reject the recommended cuts.

Councillor Olivia Chow, Trinity-Spadina, appeared before the Policy and Finance Committee in connection with the foregoing matter.

On motion by Councillor Shiner, the Policy and Finance Committee referred the foregoing communication to the Chief Financial Officer and Treasurer for a report to the Budget Advisory Committee on funding options and on short and long term financial implications.

(Chief Financial Officer and Treasurer; c: Committee Administrator, Community Services Committee; Committee Administrator, Budget Advisory Committee – June 16, 2003)

(Clause No. 7(c) - Report No. 6)

6-41. Report on the Annual General Meeting of the Federation of Canadian Municipalities (FCM)

The Policy and Finance Committee had before it a communication (June 3, 2003) from Councillor Olivia Chow recommending that:

- (1) the Chief Administrative Officer, in consultation with the Mayor, interested members of council, and the Toronto Summit Alliance group, report to council on how the city can participate in the FCM's and the Big City Mayors' Caucus "Strong Cities/Strong Canada" campaign; and
- (2) the City, through its Mayor, members of council and staff, continue to participate in relevant FCM activities, such as the National Housing Action team, Big City Mayors' Caucus, and other standing committees and task forces.

On motion by Councillor Shiner, the Policy and Finance Committee concurred with the recommendations embodied in the foregoing communication (June 3, 2003) from Councillor Olivia Chow.

(Chief Administrative Officer; c: Mayor's Office – June 16, 2003.)

(Clause No. 6 - Report No. 6)

6-42. Toronto Child Care Campaign

Councillor Olivia Chow, Trinity-Spadina, appeared before the Policy and Finance Committee in connection with the foregoing matter.

On motion by Councillor Shiner, on behalf of Councillor Chow, the Policy and Finance Committee recommended to Council that the City's Child Care Campaign to keep licensed child care on the public agenda and to press the provincial government to pay its fair share of the costs be sustained; and further that the parents on the waiting list be notified of the crisis facing the child care system and the cause and solution to resolve the crisis.

(Clause No. 4 - Report No. 6)

The Policy and Finance Committee adjourned its meeting at 12:30 p.m.

Acting Chair.