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These Minutes were confirmed by City Council on July 25, 2006.

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

**TUESDAY, JUNE 27, 2006,
WEDNESDAY, JUNE 28, 2006 AND
THURSDAY, JUNE 29, 2006**

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

CALL TO ORDER - 9:40 a.m.

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

The meeting opened with *O Canada*.

8.2 **CONFIRMATION OF MINUTES**

Councillor Mihevc, seconded by Councillor Silva, moved that the Minutes of the following meetings of City Council be confirmed in the form supplied to the Members, which carried:

- regular meeting on May 23, 24 and 25, 2006; and
- special meeting on June 14, 2006.

8.3 **PETITIONS**

- (a) Councillor Palacio submitted a petition (undated) containing signatures and form letters from approximately 203 individuals, respecting any private development on the current site of the Roseneath Gardens Parkette (at Roseneath Gardens and Glenhurst Avenue).

The above petition was received.

- (b) Councillor Moscoe submitted a petition containing approximately 2,633 form letters and a separate document containing 38 signatures regarding the sole source negotiation with Bombardier Inc. for the purchase of TTC subway cars.

The above petition was received and considered with Notice of Motion J(8), moved by Councillor Minnan-Wong, seconded by Councillor Stintz, respecting Sole Source Negotiation with Bombardier Inc. for the Purchase of TTC Subway Cars.

- (c) Councillor Moscoe submitted a petition (undated) containing the signatures of approximately 2,662 individuals, respecting the construction of a parking lot on Lake Shore Boulevard West near the Humber River.

The above petition was received and considered with Policy and Finance Committee Report 5, Clause 19, headed "Constructing an Alternative Parking Lot in the Median of Lakeshore Boulevard West, the Installation of a Mid-Block Pedestrian Traffic Control Signal in the Vicinity of 1601 Lakeshore Boulevard West, Terminating the Existing Agreement with Shoreline Entertainment Inc., and the Execution of an Agreement with the Palais Royale Corporation (Ward 14 Parkdale-High Park)".

8.4 ENQUIRY AND ANSWER

Council had before it the following:

- (a)(1) (June 16, 2006) Enquiry from Councillor Michael Walker, regarding the Sole Source Contract to Bombardier for New Subway Cars (See Attachment 1, Page 212).
- (a)(2) (June 23, 2006) Answer from Mayor Miller (See Attachment 2, Page 213).

Disposition:

Council received the Enquiry and Answer.

PRESENTATION OF REPORTS

- 8.5 Councillor Di Giorgio presented the following Reports for consideration by Council:

Deferred Clauses from April 25, 26 and 27, 2006:

Administration Committee Report 2, Clause 6c
Audit Committee Report 1, Clause 4c
Planning and Transportation Committee Report 2, Clause 10c
Works Committee Report 2, Clauses 21c and 23c
Etobicoke York Community Council Report 3, Clauses 8c and 10c

Deferred Clauses from May 23, 24 and 25, 2006:

Policy and Finance Committee Report 4, Clauses 3b, 22b, 29b and 32b
Community Services Committee Report 3, Clause 6b
Economic Development and Parks Committee Report 3, Clause 5b
Works Committee Report 3, Clauses 1b, 10b, 12b, 16b, 17b and 21b (n)
Etobicoke York Community Council Report 4, Clauses 6b, 12b and 13b
Toronto and East York Community Council Report 4, Clauses 4b and 35b

New Committee Reports:

Policy and Finance Committee Report 5
Administration Committee Report 4
Audit Committee Report 2
Board of Health Report 4
Community Services Committee Report 4
Economic Development and Parks Committee Report 4
Planning and Transportation Committee Report 4
Works Committee Report 4
Joint Planning and Transportation Committee and Works Committee Report 1

New Community Council Reports:

Etobicoke York Community Council Report 5
North York Community Council Report 5
Scarborough Community Council Report 5
Toronto and East York Community Council Report 5

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

8.6 **DECLARATIONS OF INTEREST**

Deputy Mayor Bussin declared her interest in Economic Development and Parks Committee Report 4, Clause 10, headed “2006 Recreation Partnership and Investment Program Allocation Recommendations (All Wards)”, in that her daughter is a sailing coach at the Etobicoke Yacht Club.

Councillor Cowbourne declared her interest in the following matters, in that her husband is employed by an independent electricity system operator which is directly responsible for the sale of hydro electricity in Ontario:

- Policy and Finance Committee Report 5, Clause 20, headed “Status Report on the Energy Plan for Toronto – Update (All Wards)”; and
- Item (g), entitled “Power Generating Facility - Port Lands - Ward 30, Toronto-Danforth”, contained in Policy and Finance Committee Report 5, Clause 41, headed “Other Items Considered by the Committee”.

Deputy Mayor Feldman declared his interest in Works Committee Report 3, Clause 1b, headed “Co-ordinated Street Furniture Program - Design and Policy Guidelines and Directions Report (All Wards) and Supplementary Information on the Eucan Recycling/Litter Bin Test”, in that members of his family have bought advertisements on benches.

Councillor Mammoliti declared his interest in Policy and Finance Committee Report 5, Clause 25, headed “City of Toronto 2007-2010 Capital Plan and Debt Service Guideline”, in that his spouse has an interest in a company that owns property on St. Clair Avenue West.

Councillor Mihevc declared his interest his interest in Community Services Committee Report 4, Clause 6, headed “Supporting Communities Partnership Initiative (SCPI) Update and Funding Recommendations”, in that his partner works with the East York East Toronto Family Resource Centre.

Councillor Shiner declared his interest in Item (b), entitled “Intention to Designate under Part IV of the *Ontario Heritage Act*, Approval of Alterations to a Heritage Building and Authority to Enter into a Heritage Easement Agreement – 570 King Street West (Toronto Silver Plate Building) (Ward 20 – Trinity-Spadina)”, contained in Toronto and East York Community Council Report 5, Clause 101, headed “Other Items Considered by the Community Council”, in that his family has an interest in property in the immediate area.

CONSIDERATION OF REPORTS CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

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

Administration Committee Report 2, Clause 6c

Audit Committee Report 1, Clause 4c

Planning and Transportation Committee Report 2, Clause 10c

Works Committee Report 2, Clauses 21c and 23c

Etobicoke York Community Council Report 3, Clauses 8c and 10c

Policy and Finance Committee Report 4, Clauses 3b, 22b, 29b and 32b

Community Services Committee Report 3, Clause 6b

Economic Development and Parks Committee Report 3, Clause 5b

Works Committee Report 3, Clauses 1b, 10b, 12b, 17b and 21b (n)

Etobicoke York Community Council Report 4, Clauses 6b, 12b and 13b

Toronto and East York Community Council Report 4, Clause 35b

Policy and Finance Committee Report 5, Clauses 1, 2, 3, 4, 12, 17, 18, 19, 25, 26 and 27

Administration Committee Report 4, Clauses 1, 2, 3, 7, 12, 17, 18 and 21

Audit Committee Report 2, Clause 4

Board of Health Report 4, Clauses 1, 2 and 4

Community Services Committee Report 4, Clauses 6, 8, 9, 11, 12, 13 and 16

Economic Development and Parks Committee Report 4, Clauses 1, 2, 3, 4 and 9

Planning and Transportation Committee Report 4, Clauses 1, 4, 5, 7, 11, 13, 14 and 15

Works Committee Report 4, Clauses 2, 5, 6, 8 and 12

Joint Planning and Transportation Committee and Works Committee Report 1, Clauses 1 and 2

Etobicoke York Community Council Report 5, Clauses 3, 5, 7, 8 and 35

North York Community Council Report 5, Clauses 7, 8 and 25

Scarborough Community Council Report 5, Clause 16

Toronto and East York Community Council Report 5, Clauses 1, 5, 6, 7, 16, 17, 30, 40, 53, 54, 55, 56, 57, 58, 59, 60, 85 and 101.

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

Works Committee Report 3, Clause 12b

Policy and Finance Committee Report 5, Clauses 18 and 26

Administration Committee Report 4, Clause 18

Audit Committee Report 2, Clause 4

Board of Health Report 4, Clause 4

Community Services Committee Report 4, Clauses 8 and 16

Economic Development and Parks Committee Report 4, Clause 9

Planning and Transportation Committee Report 4, Clauses 1, 11, 14 and 15

Works Committee Report 4, Clause 12

Etobicoke York Community Council Report 5, Clauses 5 and 35

Toronto and East York Community Council Report 5, Clauses 6 and 7

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.

The following Clauses were re-opened for further consideration and subsequently amended:

Toronto and East York Community Council Report 5, Clause 61. (See Minute 8.27, Page 62).

Toronto and East York Community Council Report 5, Clause 63. (See Minute 8.26, Page 61).

The following Clause was re-opened for further consideration and subsequently adopted without amendment or further discussion:

North York Community Council Report 5, Clause 22. (See Minute 8.14, Page 10).

CONSIDERATION OF REPORTS

CLAUSES WITH MOTIONS, VOTES, ETC.

8.8 Community Services Committee Report 3, Clause 6b, headed “Systems of Survival, Systems of Support: An Action Plan for Social Assistance in the City of Toronto”.

Motions brought forward from Council Meeting on June 14, 2006:

- (a) Councillor Mihevc moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (May 17, 2006) from the General Manager, Social Services, and Executive Director, Social Development, Finance and Administration [as contained in the deferred Clause]:

“It is recommended that:

- (1) Council endorse the proposed amendments to the recommendations set out in Attachment 1 of the report by the General Manager of Social Services titled ‘Systems of Survival, Systems of Support: An Action Plan for Social Assistance in the City of Toronto’ and dated April 11, 2006, as set out in Attachment 1 of this report; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

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

“That the General Manager, Social Services, be requested to advise the Toronto Transit Commission (TTC) on what funding will be provided by Social Services to support the reduced fare media.”

Votes:

Adoption of motion (a) by Councillor Mihevc:

Yes - 32	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Walker, Watson
No - 7	
Councillors:	Ford, Holyday, Milczyn, Nunziata, Ootes, Stintz, Thompson

Carried by a majority of 25.

Motion (b) by Councillor Moscoe carried.

The Clause, as amended, carried.

8.9 Policy and Finance Committee Report 5, Clause 3, headed “Veteran’s Clubhouses and Legion Halls Continuation of Property Tax Rebate Program”.

Motion:

Councillor Nunziata moved that the Clause be amended by:

- (1) deleting from Recommendation (1) contained in the report (June 5, 2006) from the Treasurer, the words “years 2007 to 2011”, and inserting instead the words “years 2007 and beyond”, so that Recommendation (1) now reads as follows:

“(1) Council approve the continuation of the 100 percent property tax rebate program for eligible Veterans’ Clubhouses and Legion Halls for the taxation years 2007 and beyond;” and

- (2) deleting the following Recommendation (2) of the Policy and Finance Committee:

“(2) the Treasurer be requested to submit a report to the Policy and Finance Committee on the possibility of making the exemption permanent after 2011.”

Votes:

Adoption of the motion by Councillor Nunziata:

Yes - 39	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Carroll

Carried by a majority of 38.

The Clause, as amended, carried.

8.10 Community Services Committee Report 4, Clause 13, headed “Proceedings of the Tenant Forum held on March 9, 2006”.

Vote:

Adoption of the Clause, without amendment:

Yes - 40	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

8.11 Toronto and East York Community Council Report 5, Clause 53, headed “Proposed Installation of Speed Bumps in Public Lane System bounded by Emerson Avenue, Armstrong Avenue, Dufferin Street and Wallace Avenue (Ward 18 - Davenport)”.

Vote:

The Clause was adopted, without amendment.

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

8.12 Toronto and East York Community Council Report 5, Clause 54, headed “Proposed Installation of Speed Bumps in East-West Public Lane bounded by Harbord Street, Manning Avenue, Clinton Street Public School and Clinton Street (Ward 19 - Trinity-Spadina)”.

Vote:

The Clause was adopted, without amendment.

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

8.13 Toronto and East York Community Council Report 5, Clause 85, headed “Curb Realignment - Dundas Street East at its intersection with Jones Avenue and

Dagmar Avenue (Ward 30 - Toronto-Danforth)”.*Motion:*

Councillor Fletcher moved that consideration of the Clause be postponed to the next regular meeting of City Council on July 25, 2006.

Vote to Postpone:

The motion by Councillor Fletcher carried.

8.14 North York Community Council Report 5, Clause 22, headed “Final Report - Interim Control By-law Study - Request to Amend the Official Plan and Zoning By-law - 05 120876 NNY 26 TM - Bayview Institutions Area located east of Bayview Avenue, north of Eglinton Avenue East (Ward 26 - Don Valley West)”.*Vote:*

The Clause was adopted, without amendment.

Motion to Re-Open:

Councillor Pitfield, 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.

Vote:

The Clause was adopted, without amendment.

8.15 Audit Committee Report 1, Clause 4c, headed “2006 Audit Work Plan”.*Motions brought forward from Council Meeting on June 14, 2006:*

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

“That the Auditor General be requested to consider adding the following to his work plan:

‘Policies and practices related to outside work performed by City Arborists and related staff.’ ”

- (b) Councillor Davis moved that the Clause be amended by amending Appendix I to the report (January 18, 2006) from the Auditor General by adding the following to the 2006 Work Plan of the Auditor General:

‘An evaluation of the Corporation as a whole in achieving its access, equity and human rights goals.’ ”

June 27, 2006:

Councillor Davis, with the permission of Council, withdrew her motion brought forward from June 14, 2006, and moved instead that the Clause be amended by adding the following:

“That the Auditor General be requested to consider including an Access, Equity and Human Rights audit in his 2007 work plan.”

Disposition:

As Council did not conclude its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the next regular meeting of City Council on July 25, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Kelly:

“That:

- (1) all motions moved at the June 27, 28 and 29, 2006 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and these motions be deemed to be moved; and
- (2) any speaker’s lists from the June 27, 28 and 29, 2006 meeting of City Council be carried forward to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and be adopted for continuing the debate on those matters at that meeting, and that a provision be allowed for any Members who were not on a speaker’s list to add their names.”

Deputy Mayor Pantalone in the Chair.

8.16 Policy and Finance Committee Report 5, Clause 1, headed “Implementation of a New Council Governance Model for the Next Term of Council”.

Motions:

- (a) Councillor Pitfield moved that the Clause be amended by:
- (1) deleting from Recommendation (I)(3) of the Policy and Finance Committee, Parts (3)(c) and (3)(d), and inserting instead the following:
“(3)(c) the chairs and vice-chairs of each Community Council;”;
 - (2) deleting Recommendation (I)(4) of the Policy and Finance Committee and inserting instead the following:
“(I)(4) City Council have the authority to appoint the Deputy Mayor and the Chairs of the Standing Committees to serve at Council’s discretion;”;
 - (3) deleting the following Recommendation (I)(5) of the Policy and Finance Committee:
“(I)(5) City Council appoint the remaining four members of the Executive Committee for half terms;”;
 - (4) adding the following:
“That City Council request the provincial government to grant the City of Toronto Council the option to opt-out of extending the municipal terms of office to four years.”
- (b) Councillor Hall moved that the Clause be amended by deleting Recommendation (II) of the Policy and Finance Committee and inserting instead the following:
“(II) the City Manager be requested to review, determine and report to the meeting of the Policy and Finance Committee to be held on September 18, 2006, on methods by which members of the community can be more actively engaged, and how Council can better interact with community groups that reflect the changing demographics across Toronto.”
- (c) Councillor Walker moved that the Clause be amended by:
- (1) adding to Recommendation (I)(3)(c) of the Policy and Finance Committee, the words “be appointed to serve for half a term only”, so that Recommendation (I)(3)(c) now reads as follows:
“(I)(3)(c) the chairs of the standing committees be appointed to serve for half a term only;”;

- (2) deleting from Recommendation (I)(4) of the Policy and Finance Committee, all of the words after “Deputy Mayor”, so that Recommendation (I)(4) now reads as follows:

“(I)(4) City Council delegate to the Mayor the authority to appoint the Deputy Mayor;”;

- (3) amending Recommendation (I)(7) of the Policy and Finance Committee to read as follows:

“(I)(7) the Budget Committee report to the Executive Committee and be composed of seven members of Council at-large, the chair to be selected by members of the Budget Committee;”;

- (4) amending Recommendation (I)(8) of the Policy and Finance Committee to read as follows:

“(I)(8) the Employee and Labour Relations Committee report to the Executive Committee and be composed of seven members of Council at large, the chair to be selected by the members of the Employee and Labour Relations Committee;”;

- (5) adding to Recommendation (I)(11) of the Policy and Finance Committee, after the word “matters”, the words “and all local Community Council planning issues”, so that Recommendation (I)(11) now reads as follows:

“(I)(11) Council proceed with delegation of authority to Community Councils for some local routine matters, and all local Community Council planning issues, subject to the necessary statutory powers being in effect, and the City Manager report early in the next term on the technical, legal and operational impacts of such delegation;”;

- (6) deleting Recommendation (I)(12) of the Policy and Finance Committee and replacing it with the following:

“(I)(12) the number of Community Councils be increased to eight and the City Manager and the City Clerk report, no later than the first quarter of 2007 on options for boundaries and other operational issues required to implement this change;”.

- (d) Councillor Davis moved that the Clause be amended by deleting Recommendation (I)(12) of the Policy and Finance Committee and replacing it with the following:

“(I)(12) the number of Community Councils be increased to eight and the City

Manager and City Clerk report in the first quarter of 2007 on options for boundaries and other operational issues required to implement this change;”.

- (e) Councillor Nunziata moved that Part (6) of motion (c) by Councillor Walker, and motion (d) by Councillor Davis be referred to the City Manager for report to the Policy and Finance Committee.
- (f) Councillor Ootes moved that the Clause be amended by:
- (1) deleting Recommendation (I)(2) of the Policy and Finance Committee respecting the establishment of the positions of Speaker and Deputy Speaker;
 - (2) deleting the following Recommendation (I)(3)(d) of the Policy and Finance Committee:

“(I)(3)(d) four other Members of Council who are not the chair of a major Agency, Board or Commission;”;
 - (3) deleting the following Recommendation (I)(5) of the Policy and Finance Committee:

“(I)(5) City Council appoint the remaining four members of the Executive Committee, for half terms;”;
 - (4) deleting from Recommendation (I)(7) of the Policy and Finance Committee, the words “from among Executive Committee members”, so that Recommendation (I)(7) now reads as follows:

“(I)(7) the Budget Committee report to the Executive Committee and be composed of six members of Council at-large plus a chair to be selected by the Executive Committee;” and
 - (5) deleting from Recommendation (I)(8) of the Policy and Finance Committee, the words “from among Executive Committee members”, so that Recommendation (I)(8) now reads as follows:

“(I)(8) the Employee and Labour Relations Committee report to the Executive Committee and be composed of six members of Council at-large plus a chair to be selected by the Executive Committee;”.
- (g) Councillor Lindsay Luby moved the following Recommendation (I)(12) of the Policy and Finance Committee be referred to the City Manager:

“(I)(12) the number of Community Councils be reconsidered and the City Manager and City Clerk report in the first quarter of 2007 on options for the number,

boundaries and operational issues required to implement this change;”,

with a request that she address the following:

- (i) the pros and cons of additional Community Councils;
 - (ii) whether Community Councils should be held in the evenings; and
 - (iii) options for community consultations as an alternative to additional Community Councils.
- (h) Councillor Fletcher moved that motion (e) by Councillor Nunziata be amended to request the City Manager to include the following in her report:
- (a) ways to ensure all neighbourhoods and former Cities feel included in the City’s deliberations;
 - (b) proposals for big issues at Community Councils to be planned out with an eye to public participation and time management, including night meetings;
 - (c) a cost analysis of moving to eight Community Councils, both in staff load and deployment and actual costs; and
 - (d) consultation models that are already being used by City Councillors, staff and Agencies, Boards and Commissions.
- (i) Councillor Cho moved that the Clause be amended by:
- (1) deleting Recommendation (I)(9) of the Policy and Finance Committee and inserting instead the following:
 - “(I)(9) the Standing Committees of Council be reduced to five and named as follows:
 - (i) Community Development, Parks, Recreation and Environment;
 - (ii) Economic Development, Planning and Growth Management;
 - (iii) Public Works and Infrastructure;
 - (iv) Licensing and Standards; and
 - (v) General Government; and

authority be delegated to the City Manager and the City Clerk to develop the detailed committee responsibilities, and give consideration to the specific committee responsibilities described in the procedure by-law, and include such detailed committee responsibilities in the procedure by-law.”;

- (2) amending Recommendation (I)(4) of the Policy and Finance Committee to provide that the Mayor appoint the Chairs of the Standing Committees for a half term only, and that the Chairs be members of the Executive Committee, for a half term only; and
- (3) deleting Recommendation (I)(5) of the Policy and Finance Committee and inserting instead the following:

“(I)(5) the Chairs of the four Local Community Councils be elected by the members of the Local Community Council for half a term; and that the Chairs be appointed to the Executive Committee, for a half term;”.

Mayor Miller in the Chair.

- (j) Councillor Ainslie moved that the Clause be amended by adding the following:

“That the Chair and Vice-Chair of Community Councils rotate the role of Chair at Community Council meetings on a monthly basis for the term of office.”

- (k) Councillor Jenkins moved that the Clause be amended by:

- (1) deleting from Recommendation (I)(2)(b) of the Policy and Finance Committee, the words “by secret ballot”, so that Recommendation (I)(2)(b) now reads as follows:

“(I)(2)(b) *Method of Appointment* - The Speaker and Deputy Speaker shall be elected by Council from among its members;”;

- (2) deleting from Recommendation (I)(3) of the Policy and Finance Committee, Parts (3)(c) and (3)(d), and inserting instead the following:

“(3)(c) the Chairs of the Standing Committees; and

“(3)(d) seven members of Council, who are appointed by Council and are not Chairs of any other Standing Committee or Chair of a major Agency, Board or Commission;”;

- (3) deleting Recommendation (I)(5) of the Policy and Finance Committee and inserting instead the following:

“(I)(5) with the exception of the Mayor and Deputy Mayor, Council appoint the members of the Executive Committee for half-terms;”.

(l) Councillor Palacio moved that the Clause be amended by:

(1) deleting Recommendation (I)(5) of the Policy and Finance Committee and inserting instead the following, as per the recommendation of the Governing Toronto Advisory Panel:

“(I)(5) that the Chairs of the Local Community Councils be included on the Executive Committee;”;

(2) deleting Recommendation (I)(12) of the Policy and Finance Committee and inserting instead the following:

“(I)(12) the number of local Community Councils remain at four;”.

(m) Councillor Ford moved that the Clause be received.

(n) Councillor Thompson moved that the Clause be amended by referring Recommendation (I)(3)(d) of the Policy and Finance Committee to the City Manager with a request that she report to the July 25, 26 and 27, 2006, meeting of Council on establishing criteria for the appointment of the remaining four members of the Executive Committee, ensuring that all regions of the City of Toronto have equal representation on the Executive Committee, and these four positions be full-term.

(o) Councillor Kelly moved that the Clause be amended by:

(1) deleting from Recommendation (I)(4) of the Policy and Finance Committee the words “and the chairs of the Standing Committees to serve at the Mayor’s discretion, subject to the necessary statutory powers being in effect”, so that Recommendation (I)(4) now reads as follows:

“(I)(4) City Council delegate to the Mayor the authority to appoint the Deputy Mayor;”;

(2) deleting Recommendation (I)(6) of the Policy and Finance Committee and inserting instead the following:

“(I)(6) the Mayor shall recommend the budget for debate and approval by City Council;”

(3) deleting Recommendation (I)(7) of the Policy and Finance Committee and inserting instead the following:

“(I)(7) the Budget Committee report to the Executive Committee and be composed of six members of Council at-large plus a chair to be selected by the Executive Committee from among Executive Committee members;” and

- (4) deleting the following Recommendation (I)(12) of the Policy and Finance Committee:

“(I)(12) the number of Community Councils be reconsidered and the City Manager and City Clerk report in the first quarter of 2007 on options for the number, boundaries and operational issues required to implement this change;”.

Votes:

Adoption of motion (m) by Councillor Ford:

Yes - 7	
Councillors:	Augimeri, Del Grande, Ford, Holyday, Pitfield, Thompson, Walker
No - 32	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Jenkins, Kelly, Lindsay Luby, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Stintz, Watson

Lost by a majority of 25.

Adoption of Part (1) of motion (f) by Councillor Ootes:

Yes - 15	
Councillors:	Augimeri, Del Grande, Ford, Holyday, Jenkins, Kelly, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Shiner, Stintz, Thompson, Walker
No - 25	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Rae, Saundercook, Silva, Watson

Lost by a majority of 10.

Adoption of Part (1) of motion (k) by Councillor Jenkins:

Yes - 21 Councillors:	Ashton, Bussin, Cho, Del Grande, Filion, Fletcher, Ford, Grimes, Holyday, Jenkins, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Walker, Watson
No - 19 Mayor: Councillors:	Miller Ainslie, Augimeri, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Giambrone, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Silva, Stintz, Thompson

Carried by a majority of 2.

Adoption of motion (n) by Councillor Thompson:

Yes - 13 Councillors:	Augimeri, Di Giorgio, Ford, Kelly, Milczyn, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Stintz, Thompson, Walker
No - 27 Mayor: Councillors:	Miller Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Ootes, Pantalone, Rae, Shiner, Silva, Watson

Lost by a majority of 14.

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

Yes - 11 Councillors:	Del Grande, Holyday, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker
No - 29 Mayor: Councillors:	Miller Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe,

Ootes, Pantalone, Rae, Silva, Watson

Lost by a majority of 18.

Adoption of Part (1) of motion (c) by Councillor Walker:

Yes - 19	Councillors: Augimeri, Cho, Del Grande, Di Giorgio, Feldman, Ford, Holyday, Kelly, Milczyn, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Silva, Stintz, Thompson, Walker
No - 21	Mayor: Miller Councillors: Ainslie, Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Grimes, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Ootes, Pantalone, Rae, Watson

Lost by a majority of 2.

Permission to Withdraw Motion:

Councillor Jenkins, with the permission of Council, withdrew that portion of Part (2) of his motion (k) which relates to Recommendation (I)(3)(c) of the Policy and Finance Committee.

Votes:

Adoption of the balance of Part (2) of motion (k) by Councillor Jenkins:

Yes - 13	Councillors: Augimeri, Del Grande, Ford, Holyday, Jenkins, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson
No - 27	Mayor: Miller Councillors: Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Silva, Walker, Watson

Lost by a majority of 14.

Adoption of Part (2) of motion (f) by Councillor Ootes:

Yes - 15 Councillors:	Augimeri, Feldman, Ford, Holyday, Jenkins, Kelly, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson
No - 25 Mayor: Councillors:	Miller Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Silva, Walker, Watson

Lost by a majority of 10.

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

Yes - 10 Councillors:	Augimeri, Del Grande, Ford, Holyday, Jenkins, Nunziata, Palacio, Pitfield, Shiner, Thompson
No - 30 Mayor: Councillors:	Miller Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Saundercook, Silva, Stintz, Walker, Watson

Lost by a majority of 20.

Adoption of Part (2) of motion (c) by Councillor Walker:

Yes - 13 Councillors:	Augimeri, Del Grande, Holyday, Jenkins, Kelly, Minnan-Wong, Nunziata, Palacio, Pitfield, Shiner, Stintz, Thompson, Walker
No - 27 Mayor: Councillors:	Miller Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Saundercook, Silva, Watson

Lost by a majority of 14.

Due to the above decisions of Council, Mayor Miller declared Part (2) of motion (i) by Councillor Cho, Part (3) of motion (a) by Councillor Pitfield, and Part (3) of motion (f) by Councillor Ootes, redundant.

Adoption of Part (3) of motion (i) by Councillor Cho:

Yes - 15	
Councillors:	Augimeri, Cho, Del Grande, Ford, Grimes, Holyday, Jenkins, Minnan-Wong, Nunziata, Pitfield, Rae, Shiner, Thompson, Walker, Watson
No - 25	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Saundercook, Silva, Stintz

Lost by a majority of 10.

Due to the above decision of Council, Mayor Miller declared Part (1) of motion (l) by Councillor Palacio, and Part (3) of motion (k) by Councillor Jenkins, redundant.

Adoption of Part (2) of motion (o) by Councillor Kelly:

Yes - 16	
Councillors:	Augimeri, Del Grande, Di Giorgio, Feldman, Kelly, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Shiner, Stintz, Thompson
No - 24	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Ford, Giambrone, Grimes, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Pantalone, Saundercook, Silva, Walker, Watson

Lost by a majority of 8.

Due to the above decision of Council, Mayor Miller declared Part (3) of motion (o) by Councillor Kelly redundant.

Adoption of Part (3) of motion (c) by Councillor Walker:

Yes - 17	
Councillors:	Augimeri, Cho, Del Grande, Feldman, Ford, Holyday, Jenkins, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker, Watson

No - 23
Mayor: Miller
Councillors: Ainslie, Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Silva

Lost by a majority of 6.

Adoption of Part (4) of motion (f) by Councillor Ootes:

Yes - 20
Councillors: Cho, Del Grande, Di Giorgio, Feldman, Ford, Holyday, Jenkins, Kelly, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 20
Mayor: Miller
Councillors: Ainslie, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Grimes, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Silva

Lost, there being a tie vote.

Adoption of Part (4) of motion (c) by Councillor Walker:

Yes - 16
Councillors: Cho, Davis, Feldman, Ford, Holyday, Jenkins, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 24
Mayor: Miller
Councillors: Ainslie, Ashton, Augimeri, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Silva

Lost by a majority of 8.

Permission to Withdraw Motion:

Councillor Ootes, with the permission of Council, withdrew Part (5) of his motion (f).

Due to the above decisions of Council, Mayor Miller declared Part (1) of motion (o) by Councillor Kelly redundant.

Votes:

Adoption of Part (1) of motion (i) by Councillor Cho:

Yes - 3	
Councillors:	Cho, Milczyn, Minnan-Wong
No - 37	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Stintz, Thompson, Walker, Watson

Lost by a majority of 34.

Adoption of Part (5) of motion (c) by Councillor Walker:

Yes - 22	
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Grimes, Holyday, Jenkins, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker
No - 18	
Mayor:	Miller
Councillors:	Ashton, Cho, De Baeremaeker, Feldman, Filion, Fletcher, Ford, Giambrone, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Silva, Watson

Carried by a majority of 4.

Adoption of Part (4) of motion (o) by Councillor Kelly:

Yes - 12	
Councillors:	De Baeremaeker, Del Grande, Di Giorgio, Ford, Holyday, Kelly, Lindsay Luby, Nunziata, Palacio, Pitfield, Stintz, Thompson
No - 28	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, Feldman, Filion, Fletcher, Giambrone, Grimes, Jenkins, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Saundercook, Shiner, Silva, Walker, Watson

Lost by a majority of 16.

Due to the above decisions of Council, Mayor Miller declared Part (2) of motion (l) by Councillor Palacio redundant.

Adoption of Parts (1) and (3) of motion (g) by Councillor Lindsay Luby:

Yes - 23	
Councillors:	Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Fletcher, Ford, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Silva
No - 17	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Augimeri, Davis, Del Grande, Feldman, Filion, Giambrone, Milczyn, Minnan-Wong, Saundercook, Shiner, Stintz, Thompson, Walker, Watson

Carried by a majority of 6.

Adoption of Part (2) of motion (g) by Councillor Lindsay Luby:

Yes - 26	
Mayor:	Miller
Councillors:	Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Thompson, Walker
No - 14	
Councillors:	Ainslie, Ashton, Augimeri, Cho, Del Grande, Feldman, Holyday, Minnan-Wong, Ootes, Saundercook, Shiner, Silva, Stintz, Watson

Carried by a majority of 12.

Adoption of Parts (1), (3) and (4) of motion (h) by Councillor Fletcher:

Yes - 32	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Shiner, Silva, Walker, Watson
No - 8	

Councillors:	Augimeri, Milczyn, Minnan-Wong, Pantalone, Rae, Saundercook, Stintz, Thompson
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Carried by a majority of 24.

Adoption of Part (2) of motion (h) by Councillor Fletcher:

Yes - 32	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Silva, Thompson, Walker, Watson
No - 8	
Councillors:	Augimeri, Feldman, Holyday, Minnan-Wong, Ootes, Saundercook, Shiner, Stintz

Carried by a majority of 24.

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

Yes - 26	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Fletcher, Ford, Grimes, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Silva, Watson
No - 14	
Councillors:	Augimeri, Davis, Del Grande, Feldman, Giambrone, Holyday, Milczyn, Minnan-Wong, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker

Carried by a majority of 12.

Due to the above decision of Council, Part (6) of motion (c) by Councillor Walker, and motion (d) by Councillor Davis, were not put to a vote.

Adoption of motion (b) by Councillor Hall:

Yes - 28	
Councillors:	Ashton, Augimeri, Bussin, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Holyday, Kelly, Lindsay Luby, Mihevc, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Thompson, Watson
No - 12	
Mayor:	Miller

Councillors:	Ainslie, Carroll, Davis, Grimes, Jenkins, McConnell, Milczyn, Minnan-Wong, Moscoe, Stintz, Walker
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Carried by a majority of 16.

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

Yes - 18	
Councillors:	Cowbourne, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Grimes, Holyday, Jenkins, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Thompson, Walker
No - 22	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Filion, Giambrone, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Silva, Watson

Lost by a majority of 4.

Adoption of motion (j) by Councillor Ainslie:

Yes - 5	
Mayor:	Miller
Councillors:	Ainslie, Augimeri, Cho, Grimes
No - 35	
Councillors:	Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Stintz, Thompson, Walker, Watson

Lost by a majority of 30.

Adoption of the Clause, as amended:

Yes - 27	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Silva, Stintz, Watson
No - 13	

Councillors: Augimeri, Del Grande, Ford, Holyday, Jenkins, Kelly, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Thompson, Walker
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Carried by a majority of 14.

Summary:

Council amended this Clause by:

- (1) deleting from Recommendation (I)(2)(b) of the Policy and Finance Committee, the words “by secret ballot”, so that Recommendation (I)(2)(b) now reads as follows:

“(I)(2)(b) *Method of Appointment* - The Speaker and Deputy Speaker shall be elected by Council from among its members;”;

- (2) adding to Recommendation (I)(11) of the Policy and Finance Committee, after the word “matters”, the words “and all local Community Council planning issues”, so that Recommendation (I)(11) now reads as follows:

“(I)(11) Council proceed with delegation of authority to Community Councils for some local routine matters, and all local Community Council planning issues, subject to the necessary statutory powers being in effect, and the City Manager report early in the next term on the technical, legal and operational impacts of such delegation;”;

- (3) referring the following Recommendation (I)(12) of the Policy and Finance Committee to the City Manager:

“(I)(12) the number of Community Councils be reconsidered and the City Manager and City Clerk report in the first quarter of 2007 on options for the number, boundaries and operational issues required to implement this change;”;

with a request that she address the following:

- (i) the pros and cons of additional Community Councils;
 - (ii) whether Community Councils should be held in the evenings; and
 - (iii) options for community consultations as an alternative to additional Community Councils;
- (4) deleting Recommendation (II) of the Policy and Finance Committee and inserting instead the following:

“(II) the City Manager be requested to review, determine and report to the meeting of the Policy and Finance Committee to be held on September 18, 2006, on methods by which members of the community can be more actively engaged, and how Council can better interact with community groups that reflect the changing demographics across Toronto.”; and

(5) adding the following:

“That the following motions be referred to the City Manager for report to the Policy and Finance Committee:

Moved by Councillor Davis:

‘That Recommendation (I)(12) of the Policy and Finance Committee be deleted and replaced with the following:

“(I)(12) the number of Community Councils be increased to eight and the City Manager and City Clerk report in the first quarter of 2007 on options for boundaries and other operational issues required to implement this change;”.’

Moved by Councillor Walker:

‘That Recommendation (I)(12) of the Policy and Finance Committee be deleted and replaced with the following:

“(I)(12) the number of Community Councils be increased to eight and the City Manager and the City Clerk report, no later than the first quarter of 2007 on options for boundaries and other operational issues required to implement this change;”.’,

such report to include:

- (a) ways to ensure all neighbourhoods and former Cities feel included in the City’s deliberations;
- (b) proposals for big issues at Community Councils to be planned out with an eye to public participation and time management, including night meetings;
- (c) a cost analysis of moving to eight Community Councils, both in staff load and deployment and actual costs; and
- (d) consultation models that are already being used by City Councillors, staff and Agencies, Boards and Commissions.”

Deputy Mayor Pantalone in the Chair.

8.17 **Planning and Transportation Committee Report 4, Clause 4, headed “Design Review Panel Pilot Project”.**

Motion:

Councillor Milczyn moved that the Clause be amended:

- (1) in accordance with the following staff recommendation contained in the Recommendation Section of the report (June 14, 2006) from the Chief Planner and Executive Director, City Planning:

“It is recommended that the Pilot Areas outlined in this report be approved as part of the Procedures for the Design Review Panel Pilot Project contained in the staff report dated May 11, 2006, to the Planning and Transportation Committee.”; and

- (2) by adding the following:

“That Deputy City Manager Fareed Amin be requested to submit a report to the Planning and Transportation Committee for its meeting to be held on September 5, 2006, in consultation with Deputy City Manager Sue Corke and the Deputy City Manager and Chief Financial Officer, on project thresholds, procedure and financial implications that will be established to determine the inclusion of municipal projects in the Design Review Panel Pilot Project during the Pilot Period beginning in 2007.”

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

8.18 **Policy and Finance Committee Report 5, Clause 12, headed “City Electricity Purchase and Results for Expressions of Interest (REOI) 9119-06-7107”.**

Motion:

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

“That Council adopt the following staff recommendations contained in the Recommendations Section of the report (June 23, 2006) from the Deputy City Manager and Chief Financial Officer:

‘It is recommended that:

- (1) Council authorize the Deputy City Manager and Chief Financial

Officer to provide financial guarantee(s) of the financial obligations of Toronto Hydro Energy Services Inc. (“THESI”) to Toronto Hydro-Electric System Limited, relating to the purchase of the electricity by the City and some or all of its Agencies, Boards, and Commissions:

- (i) in the event that they are necessary in support of a potential arrangement for the provision of consolidated billing services by THESI to the City;
 - (ii) in support of the obligation of THESI as a retailer under the Ontario Retail Settlement Code, to pay to Toronto Hydro-Electric System Limited as a distributor, all charges for competitive and non-competitive electricity services settled through the distributor) for electricity consumed by the City and its agencies, boards, commissions;
 - (iii) for an amount not to exceed \$50 million; and
 - (iv) on terms and conditions that are satisfactory to the Deputy City Manager and Chief Financial Officer, and in a form satisfactory to the City Solicitor; and
- (2) the appropriate City officials be authorized to take any action necessary to give effect thereto.’ ”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

8.19 Administration Committee Report 4, Clause 7, headed “New User Fees for Property Tax Calculation Statements and Increased User Fees for Tax Payment Details/Detailed Tax Statements”.

Vote:

The Clause was adopted, without amendment.

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

8.20 Toronto and East York Community Council Report 5, Clause 16, headed “Inclusion on the City of Toronto Inventory of Heritage Properties – 516, 518 and 520 Wellington Street West (Ward 20 – Trinity-Spadina)”.

Motion:

Councillor Silva moved that the Clause be amended by:

- (1) deleting the following Part (a) from Recommendation (1) of the Toronto and East York Community Council:

“(a) 516 Wellington Street West (Henry Howson House);” and

- (2) re-numbering the balance of the recommendation accordingly,

so that Recommendation (1) of the Toronto and East York Community Council now reads as follows:

“(1) include the following two properties on the City of Toronto Inventory of Heritage Properties:

- (a) 518 Wellington Street West (Eude Saunders House); and
- (b) 520 Wellington Street West (Sarah Schofield House); and”.

Votes:

The motion by Councillor Silva carried.

The Clause, as amended, carried.

8.21 North York Community Council Report 5, Clause 25, headed “Request to Amend the City of York Zoning By-law No. 1-83 for the Vaughan Road/Oakwood Avenue Area to Implement Appropriate Zoning for the Arts District - (Ward 15 - Eglinton-Lawrence”.

Motion:

Councillor Palacio moved that the Clause be amended by deleting the Recommendation of the North York Community Council, and adopting instead the following recommendations contained in the communication (June 16, 2006) from the Etobicoke York Community Council:

“The Etobicoke York Community Council recommends that City Council:

- (1) adopt the following Resolution submitted by Councillor Palacio:

‘**WHEREAS** the areas in the vicinity of the intersection of Vaughan Road and Oakwood Avenue (Ward 15 – Eglinton-Lawrence) and Rogers Road and Oakwood Avenue (Ward 17 – Davenport) are designated as “Mixed Use

Areas” in the new Official Plan; and

WHEREAS the area in the vicinity of Vaughan Road and Oakwood Avenue intersection is zoned Local Commercial/Residential Zone (LCR) in the City of York Zoning By-Law No. 1-83 and is located in Ward 15 (Eglinton-Lawrence); and

WHEREAS the area in the vicinity of Rogers Road and Oakwood Avenue intersection is zoned Local Commercial/Residential Zone (LCR) in the City of York Zoning By-Law No. 1-83 and the majority of this area is located in Ward 17 (Davenport); and

WHEREAS the present City of York Local Commercial/Residential Zone (LCR) which applies to these areas is very permissive in the range of permitted residential and commercial land uses, but may not permit the “arts studios” use defined within the City of York Zoning By-Law 1-83; and

WHEREAS the district has the highest concentration of persons involved in the arts in the City of Toronto (8 percent of the population); and

WHEREAS there have been requests from the local community to designate this district as an “Arts District”;

NOW THEREFORE BE IT RESOLVED THAT the Chief Planner and Executive Director, City Planning be requested to:

- (1) review the zoning for these areas for designation as an “Arts District”;
 - (2) introduce an amendment, if necessary, to the current Local Commercial/Residential Zone (LCR) zoning applying to these two areas which adds the “arts studio” use as defined in the City of York Zoning By-Law No. 1-83, as well as the “artists or photographers’ studio” and the “designer studio” and the “live-work unit” uses as defined in the City of Toronto Zoning By-law No. 438-86; and
 - (3) issue public notice under the *Planning Act*, if necessary, for consideration of this By-law amendment at a Public Meeting at the Planning and Transportation Committee to be held on September 5, 2006.’; and
- (2) consider this Resolution with Report 5, Clause 25, of the North York Community Council.”

Votes:

The motion by Councillor Palacio carried.

The Clause, as amended, carried.

8.22 Works Committee Report 3, Clause 1b, headed “Co-ordinated Street Furniture Program - Design and Policy Guidelines and Directions Report (All Wards) and Supplementary Information on the Eucan Recycling/Litter Bin Test”.

Motions brought forward from Council Meeting of June 14, 2006:

- (a) Councillor Carroll moved that the Clause be amended in accordance with the staff recommendations contained in the Recommendations Section of the confidential report (May 18, 2006) from the City Solicitor.

- (b) Councillor Shiner moved that the Clause be amended by adding to Recommendation (A)(6) of the Works Committee, the words “provided that staff shall include language in the RFP and agreement with a successful proponent which will permit the City to require a successful proponent to undertake programs allowing for the exploration of new street furniture opportunities at fair market value to the City and, where the proponent cannot so provide, the City shall be permitted to undertake such programs with a third party”, so that Recommendation (A)(6) now reads as follows:
 - “(A)(6) as a condition of the contract(s) for co-ordinated street furniture, no other advertising program be authorized on any other street element, and no future pilot program involving advertising within the public road allowance be approved by the City over the duration of the contract(s), provided that staff shall include language in the RFP and agreement with a successful proponent which will permit the City to require a successful proponent to undertake programs allowing for the exploration of new street furniture opportunities at fair market value to the City and, where the proponent cannot so provide, the City shall be permitted to undertake such programs with a third party.”;

- (c) Councillor Moscoe moved that the Clause be amended:
 - (1) to provide that the report requested of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning [by the Works Committee, in Part (III) of the Action Taken by the Works Committee] also include the following additional principle:
 - “(7) ensuring that the City has the right to determine the location and relocation of any street furniture at its discretion.”; and

 - (2) by adding the following:
 - “That:
 - (i) once the RFP has been issued, the project be placed under a blackout with a prohibition against discussing the RFP with individual

Members of Council, and all communication with any bidder or potential bidder be through an official point of contact in accordance with the call document;

- (ii) the RFP require the winning bidder to remove all posters and graffiti, and to repair any damage within a designated time frame to the satisfaction of the General Manager, Solid Waste Management, and consideration be given to extending this requirement to other street elements, including hydro poles, parking pay and display machines and traffic control boxes within the vicinity of street furniture;
 - (iii) the General Manager, Solid Waste Management be requested to report to the Works Committee on how to deal with the existing bus shelters when their ownership reverts to the City;
 - (iv) the City Manager be requested to review all City expenditures on street maintenance to determine how to co-ordinate those expenditures with the obligations for maintenance imposed through the street furniture RFP; and
 - (v) the Toronto Parking Authority be requested to establish a program for the ongoing removal of posters and graffiti from pay and display parking machines on other properties under their management.”
- (d) Councillor Stintz moved that the Clause be amended by:
- (1) deleting the following Recommendations (A)(6) and (A)(9) of the Works Committee:
 - “(A)(6) as a condition of the contract(s) for co-ordinated street furniture, no other advertising program be authorized on any other street element, and no future pilot program involving advertising within the public road allowance be approved by the City over the duration of the contract(s);
 - (A)(9) the RFP be based on the premise that one contract for the range of street furniture specified be awarded for the entire City of Toronto to a single corporate vendor or a consortium of companies on acceptable terms, and the term of such contract be 20 years;”;
 - (2) deleting Recommendation (A)(11) of the Works Committee and inserting instead the following:
 - “(A)(11) the RFP be formulated in such a way as to allow a matrix that evaluates equally:

- (a) design;
- (b) beautify;
- (c) functionality;
- (d) maintenance provisions for street furniture; and
- (e) provisions for flexibility on length of contract versus advertising;” and

(3) adding the following:

“That a final report on the RFP go to a joint meeting of the Works Committee and the Planning and Transportation Committee.”

- (e) Councillor Del Grande moved that the Clause be amended to provide that the RFP provide for two options: a 10 year and a 20 year contract.
- (f) Councillor Cho moved that the Clause be amended by amending Recommendation (A)(9) of the Works Committee by:

(1) deleting the words “and the term of such contract be 20 years”; and

(2) inserting the following words:

“and the initial term of such contract be for 10 years, with an option for a further 10 years, provided that:

- (a) the contractor is not in breach of the contract; and
- (b) the City shall have the opportunity, as a condition of renewal, to require that the financial terms in the contract be renegotiated to increase the financial return to the City;”,

so that Recommendation (A)(9) of the Works Committee now reads as follows:

“(A)(9) the RFP be based on the premise that one contract for the range of street furniture specified be awarded for the entire City of Toronto to a single corporate vendor or a consortium of companies on acceptable terms, and the initial term of such contract be for 10 years, with an option for a further 10 years, provided that:

- (a) the contractor is not in breach of the contract; and
- (b) the City shall have the opportunity, as a condition of renewal, to require that the financial terms in the contract be renegotiated to increase the financial return to the City;”.

(g) Councillor Davis moved that the Clause be amended:

- (1) by inserting in Recommendation (B)(3) of the Works Committee, after the words “remain in place”, the words “unless requested by the local Councillor”, so that Recommendation (B)(3) now reads as follows:

“(B)(3)the Eucan bins installed for the test remain in place, unless requested by the local Councillor, under the existing terms and conditions, until a final decision is reached by Council on the award of the Co-ordinated Street Furniture program, subject to concurrence by Eucan.”; and

- (2) by adding the following new Recommendation (B)(4):

“(B)(4)any pilot Eucan bin removed as per Recommendation (B)(3) above from a pre-existing silver box location, be replaced by a silverbox, at the expense of Eucan.”;

- (3) to provide that the report requested of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning [by the Works Committee, in Part (III) of the Action Taken by the Works Committee] also consider a reduction of 20 percent, so the request now reads:

“(III) requested the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning to report to the Works Committee on:

- (1) possible annual revenues if advertising space was:

- (a) held constant at the current 198,200 square feet; or
- (b) increased by 10 percent; or
- (c) increased by 20 percent; or
- (d) reduced by 20 percent;”; and

- (4) by adding the following:

“That:

- (a) the General Manager, Solid Waste Management, and the General Manager, Transportation Services, be requested to report to the Works Committee, in July 2006, with a further review of existing contract(s) for benches, such report to summarize the terms and conditions of the contracts related to maintenance or type of bench used, and the numbers of benches currently on the street; and

- (b) no additional benches with advertising be approved and installed under the existing contracts.”
- (h) Councillor De Baeremaeker moved that the Clause be amended by deleting Recommendation (A)(2)(i) of the Works Committee and inserting instead the following:
“(A)(2)(i) bicycle stands;”.

Motions moved on June 28, 2006:

- (i) Councillor Lindsay Luby moved that the Clause be amended to provide that that the General Manager, Transportation Services be requested to ensure that street furniture include receptacles for disposing of cigarette butts.
- (j) Councillor Kelly moved that the Clause be amended by deleting the following Recommendations (A)(5)(f) and (A)(5)(g) of the Works Committee.
“(A)(5)(f) total square footage of advertising on Toronto Street furniture be reduced from current levels; and
(A)(5)(g) advertising on benches not be considered;”.

Votes:

Adoption of motion (a) by Councillor Carroll:

Yes - 28	Mayor: Miller
Councillors:	Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Fletcher, Giambrone, Grimes, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Shiner, Thompson, Walker, Watson
No - 3	Councillors: Ford, Saundercook, Stintz

Carried by a majority of 25.

Adoption of motion (h) by Councillor De Baeremaeker:

Yes - 22	Mayor: Miller
Councillors:	Ainslie, Carroll, Cho, Davis, De Baeremaeker, Fletcher, Giambrone, Grimes, Holyday, Lindsay Luby, McConnell,

	Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Thompson, Walker, Watson
No - 8	
Councillors:	Bussin, Del Grande, Ford, Kelly, Minnan-Wong, Rae, Shiner, Stintz

Carried by a majority of 14.

Adoption of motion (j) by Councillor Kelly:

Yes - 9	
Councillors:	Del Grande, Ford, Kelly, Nunziata, Ootes, Pantalone, Saundercook, Stintz, Thompson
No - 22	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Grimes, Holyday, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Palacio, Rae, Shiner, Walker, Watson

Lost by a majority of 13.

Adoption of Part (1) of motion (d) by Councillor Stintz as it relates to Recommendation (A)(6):

Yes - 11	
Councillors:	Cho, Grimes, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Shiner, Stintz
No - 20	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Fletcher, Ford, Giambrone, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Thompson, Walker, Watson

Lost by a majority of 9.

Adoption of motion (b) by Councillor Shiner:

Yes - 16	
Councillors:	Ainslie, Cho, Del Grande, Ford, Grimes, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Shiner, Stintz, Thompson, Watson
No - 15	
Mayor:	Miller

Councillors:	Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Walker
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Carried by a majority of 1.

Adoption of Part (1) of motion (d) by Councillor Stintz as it relates to Recommendation (A)(9):

Yes - 10	
Councillors:	Grimes, Holyday, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Shiner, Stintz, Thompson
No - 21	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Fletcher, Ford, Giambrone, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Walker, Watson

Lost by a majority of 11.

Adoption of motion (f) by Councillor Cho:

Yes - 10	
Councillors:	Cho, Del Grande, Ford, Grimes, Minnan-Wong, Ootes, Saundercook, Shiner, Stintz, Watson
No - 21	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Thompson, Walker

Lost by a majority of 11.

Adoption of Part (2) of motion (d) by Councillor Stintz:

Yes - 14	
Councillors:	Del Grande, Di Giorgio, Ford, Grimes, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Shiner, Stintz, Thompson
No - 18	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis,

De Baeremaeker, Fletcher, Giambrone, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Walker, Watson
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Lost by a majority of 4.

Adoption of motion (e) by Councillor Del Grande:

Yes - 13	
Councillors:	Cho, Del Grande, Ford, Grimes, Holyday, Kelly, Nunziata, Ootes, Palacio, Saundercook, Shiner, Stintz, Walker
No - 19	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Rae, Thompson, Watson

Lost by a majority of 6.

Adoption of Parts (1) and (2) of motion (g) by Councillor Davis:

Yes - 25	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Holyday, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Rae, Shiner, Stintz, Walker, Watson
No - 7	
Councillors:	Del Grande, Ford, Grimes, Kelly, Pantalone, Saundercook, Thompson

Carried by a majority of 18.

Motion (i) by Councillor Lindsay Luby carried.

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

Yes - 29	
Mayor:	Miller
Councillors:	Ainslie, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Holyday, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio,

	Pantalone, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Grimes, Kelly

Carried by a majority of 27.

Adoption of Part (3) of motion (g) by Councillor Davis:

Yes - 11	
Councillors:	Bussin, Cho, Davis, Di Giorgio, Fletcher, Kelly, McConnell, Mihevc, Moscoe, Rae, Walker
No - 21	
Mayor:	Miller
Councillors:	Ainslie, Carroll, Cowbourne, De Baeremaeker, Del Grande, Ford, Giambrone, Grimes, Holyday, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Shiner, Stintz, Thompson, Watson

Lost by a majority of 10.

Adoption of Part (2)(i) of motion (c) by Councillor Moscoe:

Yes - 24	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Holyday, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Rae, Thompson, Watson
No - 8	
Councillors:	Ford, Grimes, Kelly, Ootes, Saundercook, Shiner, Stintz, Walker

Carried by a majority of 16.

Adoption of Part (2)(ii) of motion (c) by Councillor Moscoe:

Yes - 22	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Grimes, Holyday, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae

No - 10 Councillors: Davis, Kelly, Nunziata, Palacio, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
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Carried by a majority of 12.

Adoption of Part (2)(iii) of motion (c) by Councillor Moscoe:

Yes - 31 Mayor: Miller Councillors: Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 1 Councillors: Grimes

Carried by a majority of 30.

Adoption of Part (2)(iv) of motion (c) by Councillor Moscoe:

Yes - 30 Mayor: Miller Councillors: Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Stintz, Thompson, Walker
No - 2 Councillors: Grimes, Watson

Carried by a majority of 28.

Adoption of Part (2)(v) of motion (c) by Councillor Moscoe:

Yes - 31 Mayor: Miller Councillors: Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio,

Pantalone, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 1 Councillors: Grimes

Carried by a majority of 30.

Adoption of Part (4)(a) of motion (g) by Councillor Davis:

Yes - 24 Mayor: Miller Councillors: Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Rae, Thompson, Walker, Watson
No - 8 Councillors: Del Grande, Ford, Grimes, Holyday, Pantalone, Saundercook, Shiner, Stintz

Carried by a majority of 16.

Adoption of Part (4)(b) of motion (g) by Councillor Davis:

Yes - 12 Councillors: Bussin, Carroll, Cho, Davis, Di Giorgio, Giambrone, McConnell, Mihevc, Moscoe, Rae, Walker, Watson
No - 20 Mayor: Miller Councillors: Ainslie, Cowbourne, De Baeremaeker, Del Grande, Fletcher, Ford, Grimes, Holyday, Kelly, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Shiner, Stintz, Thompson

Lost by a majority of 8.

Adoption of Part (3) of motion (d) by Councillor Stintz:

Yes - 18 Councillors: Bussin, Cho, Del Grande, Di Giorgio, Ford, Grimes, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 14 Mayor: Miller

Councillors:	Ainslie, Carroll, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae
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Carried by a majority of 4.

Adoption of the Clause, as amended:

Yes - 26	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Holyday, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Shiner, Thompson, Walker, Watson
No - 6	
Councillors:	Del Grande, Ford, Grimes, Kelly, Saundercook, Stintz

Carried by a majority of 20.

Summary:

Council amended this Clause:

- (1) by deleting Recommendation (A)(2)(i) of the Works Committee, and inserting instead the following:

“(2)(i) bicycle stands;”;

- (2) by adding to Recommendation (A)(6) of the Works Committee, the words “provided that staff shall include language in the RFP and agreement with a successful proponent which will permit the City to require a successful proponent to undertake programs allowing for the exploration of new street furniture opportunities at fair market value to the City and, where the proponent cannot so provide, the City shall be permitted to undertake such programs with a third party”, so that Recommendation (A)(6) now reads as follows:

“(A)(6) as a condition of the contract(s) for co-ordinated street furniture, no other advertising program be authorized on any other street element, and no future pilot program involving advertising within the public road allowance be approved by the City over the duration of the contract(s), provided that staff shall include language in the RFP and agreement with a successful proponent which will permit the City to require a successful proponent to undertake programs allowing for the exploration of new street furniture opportunities at

fair market value to the City and, where the proponent cannot so provide, the City shall be permitted to undertake such programs with a third party;”;

- (3) by inserting in Recommendation (B)(3) of the Works Committee, after the words “remain in place”, the words “unless requested by the local Councillor”, so that Recommendation (B)(3) now reads as follows:

“(B)(3)the Eucan bins installed for the test remain in place, unless requested by the local Councillor, under the existing terms and conditions, until a final decision is reached by Council on the award of the Co-ordinated Street Furniture program, subject to concurrence by Eucan.”; and

- (4) by adding the following new Recommendation (B)(4):

“(B)(4)any pilot Eucan bin removed as per Recommendation (3) above from a pre existing silver box location, be replaced by a silverbox, at the expense of Eucan.”;

- (5) in accordance with the staff recommendations contained in the Recommendations Section of the confidential report (May 18, 2006) from the City Solicitor, such report to remain confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the security of the property of the municipality;

- (6) to provide that the report requested of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning [by the Works Committee, in Part (III) of the Action Taken by the Works Committee] also include the following additional principle:

“(7) ensuring that the City has the right to determine the location and relocation of any street furniture at its discretion.”;

- (7) to provide that that the General Manager, Transportation Services be requested to ensure that street furniture include receptacles for disposing of cigarette butts; and

- (8) by adding the following:

“That:

(a) once the RFP has been issued, the project be placed under a blackout with a prohibition against discussing the RFP with individual Members of Council, and all communication with any bidder or potential bidder be through an official point of contact in accordance with the call document;

(b) the RFP require the winning bidder to remove all posters and graffiti, and to

- repair any damage within a designated time frame to the satisfaction of the General Manager, Solid Waste Management, and consideration be given to extending this requirement to other street elements, including hydro poles, parking pay and display machines and traffic control boxes within the vicinity of street furniture;
- (c) the Toronto Parking Authority be requested to establish a program for the ongoing removal of posters and graffiti from pay and display parking machines on other properties under their management;
 - (d) the City Manager be requested to review all City expenditures on street maintenance to determine how to co-ordinate those expenditures with the obligations for maintenance imposed through the street furniture RFP;
 - (e) the General Manager, Solid Waste Management, and the General Manager, Transportation Services, be requested to report to the Works Committee, in July 2006, with a further review of existing contract(s) for benches, such report to summarize the terms and conditions of the contracts related to maintenance or type of bench used, and the numbers of benches currently on the street;
 - (f) the General Manager, Solid Waste Management be requested to report to the Works Committee on how to deal with the existing bus shelters when their ownership reverts to the City; and
 - (g) a final report on the RFP go to a joint meeting of the Works Committee and the Planning and Transportation Committee.”

8.23 Policy and Finance Committee Report 4, Clause 3b, headed “City of Toronto Program Review Framework”.

Motion:

Councillor Moscoe moved that the Clause be amended by:

- (1) deleting the following Recommendations (I)(2), (I)(3), (I)(4) and (I)(5) of the Policy and Finance Committee:
 - “(I)(2) Council establish a discretionary reserve fund called the ‘Innovation Reserve Fund’ to fund the incremental cost of acquiring external resources, for backfilling key staff positions and other related costs required to undertake Program Reviews;

- (I)(3) Council approve an initial contribution of \$2.5 million to the Innovation Reserve Fund allocated from the Clients Identification and Benefits Reserve Fund;
 - (I)(4) the Municipal Code Chapter 227 be amended by adding the 'Innovation Reserve Fund' to Schedule No. 3, Corporate Discretionary Reserve Fund;
 - (I)(5) the program review financing be part of the budget review;"; and
- (2) adding the following:
- “That the City Manager be requested to conduct program reviews on an as needed basis.”

Permission to Withdraw Motion:

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

Vote:

The Clause was adopted, without amendment.

8.24 **Works Committee Report 2, Clause 23c, headed “Planning Study for an Expanded Public Source Separated Organic Processing System - Recommendations Regarding Sites and Technologies”.**

Motions:

- (a) Councillor Di Giorgio moved that the Clause be amended:
- (1) in accordance with the following staff recommendation contained in the Recommendation Section of the supplementary report (April 21, 2006) from the General Manager, Solid Waste Management Services [as contained in the deferred Clause]:

“It is recommended that the North Toronto Treatment Plant site, located at 21 Redway Road, be added to the list of potentially suitable City-owned sites in Recommendation (7) of the main report.”;
 - (2) by adding the following:

“That for any Transfer Station site under consideration for expansion, the General Manager, Solid Waste Management, be directed to conduct public consultation meetings to outline the zoning permissions or Official Plan amendments required and the planning process to be followed.”;

- (3) to provide that the introduction of a recycling facility on the Ingram Transfer Station lands be confined to the M3 zoned area of the lands and subject to a re-zoning application;
- (4) to provide that the introduction of any additional nuisance by the City on Ingram Transfer Station lands be conditional on the elimination of the nuisance existing at 103 Ingram Drive;
- (5) by adding the following:

“That:

- (i) in light of the severe planning implications of a westward expansion of the Ingram Transfer Station and the uncompleted Yards Rationalization Study, the General Manager, Solid Waste Management, in consultation with the Chief Corporate Officer be requested to examine the renting of vacant space in the area, on properly zoned lands, to accommodate the need for the parking of tractor trailers and the operation of a re-use facility.
- (ii) the City Solicitor be requested to the report to the next meeting of the Etobicoke York Community Council on July 11, 2006, on appeal options and procedures available to a community that has not been properly notified under the *Planning Act*, prior to a decision on a proposed development;
- (iii) in light of the decision to delay capital expenditures for construction of new buildings until the Yards Rationalization Study is completed, the General Manager, Solid Waste Management, consider renting vacant space in the area on properly zoned lands to accommodate the need for the parking of tractor trailers and a reuse facility;
- (iv) any expenditures planned for the City owned Ingram lands that are contingent on the SSO Study or the Yard Rationalization Study be suspended until the subject studies are completed;
- (v) Council acknowledge that the Transfer Station use on the portion of the City-owned lands abutting Ingram Drive and zoned M3 is a legal non-conforming use in the former City of North York Zoning By-law 7625;
- (vi) City-owned green space that abuts an arterial road and that serves as a buffer be protected and enhanced;

- (vii) Council authorize the General Manager, Solid Waste Management Services and the General Manager, Parks, Forestry and Recreation to explore options that preserve the 7.5 acre property to the west of the Ingram Transfer Station as green space; and
- (viii) the General Manager, Solid Waste Management Services, be authorized to continue to explore options that:
 - (1) respect the Official Plan, the Zoning By-law and the Ministry of Environment guidelines;
 - (2) preserve the green buffer space and utilize private lands in the area to address any operational problems; and
 - (3) delay any decision to eliminate green space until after the completion of the SSO Study and the Yard Rationalization Study and the elimination of the nuisance at 103 Ingram Drive.”

Ruling by Deputy Mayor:

Deputy Mayor Pantalone ruled Parts (3), (4), (5)(i), (5)(ii), (5)(iii) and (5)(v) of motion (a) by Councillor Di Giorgio out of order as they do not relate directly to the Clause under consideration.

Mayor Miller in the Chair.

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

“That:

- (1) the General Manager, Solid Waste Management Services be requested to bring forward the Terms of Reference for a Community Benefit Fund to the Works Committee meeting in January 2007;
- (2) the Community Benefit Fund be available to sites both internal and external to Toronto;
- (3) the term ‘community’ be defined internally on the basis of proximity to the site; and
- (4) as well as traditional items, community benefits include such things as:
 - (a) City-funded waste collection in industrial areas; and

- (b) reduced cost by products to local industries.’; and
- (5) the General Manager, Solid Waste Management Services be requested to review, in consultation with North District Transportation staff, the feasibility of crossing the railway tracks to the east to open the area to truck access from the east, in co-ordination with the findings of the design district charette.”

Deputy Mayor Feldman in the Chair.

(c) Councillor Shiner moved that the Clause be amended:

- (1) to direct the General Manager, Solid Waste Management Services, to not consider the M2 and MC areas in the Ingram lands as potential SSO sites;
- (2) to direct the General Manager, Solid Waste Management Services, not to use the Ingram M2 and MC sites for outside storage of white goods or any other waste or recycling material; and
- (3) by adding the following:

“That any additional truck parking in the M2 and MC areas of the Ingram lands be appropriately fenced and screened from neighbouring properties.”

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

- (1) by adding the following:

“That the General Manager, Solid Waste Management Services be requested, as part of the planning study, to investigate other appropriate public or private lands, including lands along the Highway 401 corridor and other sites suggested by Members of Council, as potential sites for the SSO processing facility and, if necessary, report back to the Works Committee identifying any financial implications.”; and

- (2) to provide that the Ingram Transfer Station be removed off the publicly owned and operated SSO processing facility list of sites.

(e) Councillor Augimeri moved that:

- (1) Parts (1) to (4) of motion (b) by Councillor Moscoe be referred to the City Manager for a report to the Policy and Finance Committee on City-wide implications; and
- (2) Part (5) of motion (b) by Councillor Moscoe be referred to the General Manager, Solid Waste Management Services, for a report to the Works

Committee.

Ruling by Deputy Mayor:

Deputy Mayor Feldman confirmed the previous ruling by Deputy Mayor Pantalone that Parts (3), (4), (5)(i), (5)(ii), (5)(iii) and (5)(v) of motion (a) by Councillor Di Giorgio are out of order. Deputy Mayor Feldman also ruled Parts (2) and (3) of motion (c) by Councillor Shiner out of order as they do not relate to the Clause under consideration.

Councillor Shiner challenged the ruling of Deputy Mayor Feldman as it relates to Parts (2) and (3) of his motion (c):

Vote to Uphold Ruling of Deputy Mayor:

Yes - 21	
Councillors:	Ainslie, Bussin, Carroll, Cowbourne, Davis, Del Grande, Feldman, Filion, Fletcher, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Nunziata, Pantalone, Silva, Soknacki, Thompson
No - 12	
Councillors:	Augimeri, Di Giorgio, Ford, Li Preti, Mammoliti, Moscoe, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz

Carried by a majority of 9.

Votes:

Adoption of Part (1) of motion (a) by Councillor Di Giorgio:

Yes - 24	
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, Del Grande, Filion, Fletcher, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Silva, Soknacki, Thompson
No - 9	
Councillors:	Di Giorgio, Feldman, Ford, Holyday, Jenkins, Ootes, Pitfield, Shiner, Stintz

Carried by a majority of 15.

Part (2) of motion (a) by Councillor Di Giorgio carried.

Adoption of Part (2) of motion (d) by Councillor Mammoliti:

Yes - 11 Councillors: Augimeri, Di Giorgio, Feldman, Holyday, Li Preti, Mammoliti, Nunziata, Palacio, Pitfield, Saundercook, Shiner
No - 22 Councillors: Ainslie, Bussin, Carroll, Cowbourne, Davis, Del Grande, Filion, Fletcher, Ford, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Silva, Soknacki, Stintz, Thompson

Lost by a majority of 11.

Adoption of Part (5)(iv) of motion (a) by Councillor Di Giorgio:

Yes - 13 Councillors: Augimeri, Di Giorgio, Feldman, Ford, Holyday, Li Preti, Lindsay Luby, Mammoliti, Nunziata, Ootes, Palacio, Pitfield, Saundercook
No - 21 Councillors: Ainslie, Bussin, Carroll, Cowbourne, Davis, Del Grande, Filion, Fletcher, Hall, Jenkins, Kelly, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Shiner, Silva, Soknacki, Stintz, Thompson

Lost by a majority of 8.

Adoption of Part (5)(vi) of motion (a) by Councillor Di Giorgio:

Yes - 34 Councillors: Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson
No - 0

Carried unanimously.

Adoption of Part (5)(vii) of motion (a) by Councillor Di Giorgio:

Yes - 13	Councillors: Augimeri, Di Giorgio, Feldman, Ford, Holyday, Li Preti, Mammoliti, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner
No - 22	Councillors: Ainslie, Bussin, Carroll, Cowbourne, Davis, Del Grande, Filion, Fletcher, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Rae, Silva, Soknacki, Stintz, Thompson

Lost by a majority of 9.

Adoption of Part (5)(viii)(1) of motion (a) by Councillor Di Giorgio:

Yes - 26	Councillors: Augimeri, Cowbourne, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Silva, Soknacki
No - 9	Councillors: Ainslie, Bussin, Carroll, Davis, Kelly, Minnan-Wong, Rae, Stintz, Thompson

Carried by a majority of 17.

Adoption of Part (5)(viii)(2) and (5)(viii)(3) of motion (a) by Councillor Di Giorgio:

Yes - 13	Councillors: Augimeri, Di Giorgio, Feldman, Ford, Holyday, Jenkins, Li Preti, Mammoliti, Nunziata, Ootes, Palacio, Saundercook, Shiner
No - 22	Councillors: Ainslie, Bussin, Carroll, Cowbourne, Davis, Del Grande, Filion, Fletcher, Hall, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Silva, Soknacki, Stintz, Thompson

Lost by a majority of 9.

Adoption of Part (1) of motion (c) by Councillor Shiner:

Yes - 15 Councillors:	Augimeri, Di Giorgio, Feldman, Ford, Holyday, Li Preti, Mammoliti, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz
No - 20 Councillors:	Ainslie, Bussin, Carroll, Cowbourne, Davis, Del Grande, Filion, Fletcher, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Pantalone, Rae, Silva, Soknacki, Thompson

Lost by a majority of 5.

Motion (e) by Councillor Augimeri carried.

Due to the above decision of Council, motion (b) by Councillor Moscoe was not put to a vote.

Adoption of Part (1) of motion (d) by Councillor Mammoliti:

Yes - 22 Councillors:	Ainslie, Carroll, Del Grande, Di Giorgio, Feldman, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Walker
No - 14 Councillors:	Augimeri, Bussin, Cowbourne, Davis, Filion, Fletcher, Ford, Hall, Holyday, Jenkins, Rae, Shiner, Silva, Stintz

Carried by a majority of 8.

Adoption of the Clause, as amended:

Yes - 25 Councillors:	Ainslie, Bussin, Carroll, Cowbourne, Davis, Del Grande, Feldman, Filion, Fletcher, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Rae, Silva, Soknacki, Stintz, Thompson, Walker
No - 11 Councillors:	Augimeri, Di Giorgio, Ford, Holyday, Li Preti, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner

Carried by a majority of 14.

Summary:

Council amended this Clause:

- (1) in accordance with the following staff recommendation contained in the Recommendation Section of the supplementary report (April 21, 2006) from the General Manager, Solid Waste Management Services [as contained in the deferred Clause]:

“It is recommended that the North Toronto Treatment Plant site, located at 21 Redway Road, be added to the list of potentially suitable City-owned sites in Recommendation (7) of the main report.”; and

- (2) by adding the following:

“That:

- (a) the General Manager, Solid Waste Management Services be requested, as part of the planning study, to investigate other appropriate public or private lands, including lands along the Highway 401 corridor and other sites suggested by Members of Council, as potential sites for the SSO processing facility and, if necessary, report back to the Works Committee identifying any financial implications;
- (b) the General Manager, Solid Waste Management Services, be authorized to continue to explore options that respect the Official Plan, the Zoning By-law and the Ministry of Environment guidelines;
- (c) for any Transfer Station site under consideration for expansion, the General Manager, Solid Waste Management, be directed to conduct public consultation meetings to outline the zoning permissions or Official Plan amendments required and the planning process to be followed;
- (d) City-owned green space that abuts an arterial road and that serves as a buffer be protected and enhanced;
- (e) the following motion be referred to the City Manager for a report to the Policy and Finance Committee on City-wide implications:

Moved by Councillor Moscoe:

‘That:

- (1) the General Manager, Solid Waste Management Services be requested to bring forward the Terms of Reference for a Community Benefit Fund to the Works Committee meeting in January 2007;
- (2) the Community Benefit Fund be available to sites both internal and external to Toronto;
- (3) the term “community” be defined internally on the basis of proximity to the site; and
- (4) as well as traditional items, community benefits include such things as:
 - (a) City-funded waste collection in industrial areas; and
 - (b) reduced cost by products to local industries.’; and
- (f) the following motion be referred to the General Manager, Solid Waste Management Services, for a report to the Works Committee:

Moved by Councillor Moscoe:

‘That the General Manager, Solid Waste Management Services be requested to review, in consultation with North District Transportation staff, the feasibility of crossing the railway tracks to the east to open the area to truck access from the east, in co-ordination with the findings of the design district charette.’ ”

Mayor Miller in the Chair.

8.25 **Toronto and East York Community Council Report 5, Clause 5, headed “Request for Direction Report - Official Plan and Zoning Review in the West Queen West Triangle Area (Ward 18 - Davenport)”.**

Motion:

Deputy Mayor Pantalone moved, on behalf of Councillor Giambrone, that the Clause be amended by:

- (1) amending the staff recommendations contained in the Recommendations Section of

the report (May 30, 2006) from the Director, Community Planning, Toronto and East York District, by:

- (a) inserting in Recommendation (1), after the words “Toronto and East York Community Council”, the words “by its September 2006 meeting”, so that Recommendation (1) now reads as follows:

“(1) direct the Director, Community Planning, Toronto and East York District, to report to Toronto and East York Community Council, by its September 2006 meeting, on the proposed amendments to the Garrison Common North Secondary Plan and the Garrison Common North Part II Plan generally in keeping with the principles outlined in this report;”;

- (b) deleting Recommendation (5) and inserting instead the following new Recommendation (5):

“(5) direct the General Manager, Parks, Forestry and Recreation to report to the Administration Committee on July 4, 2006, regarding the collecting of cash-in-lieu for parkland, as opposed to land, from any development in the West Queen West Triangle, identify the minimum number of hectares of land required to fulfill the condition for lifting the ‘H’ and options for acquisition of such lands;”;

- (c) deleting Recommendation (8) and inserting instead the following new Recommendation (8):

“(8) request the Executive Director of Facilities and Real Estate Services to report to the September 5, 2006 meeting of the Administration Committee on options for relocating the offices of the Public Health Division which are currently located in the Carnegie Library at 1115 Queen Street West, including options for securing suitable replacement space in the proposed developments within the West Queen West Triangle;”;

- (d) deleting Parts (a) and (b) from Recommendation (10) and inserting instead the following new Parts (a) and (b):

“(a) securing the acquisition and construction of the Sudbury Street extension as outlined in this report; and

(b) securing the acquisition of appropriate parkland as outlined in this report; and”;

so that Recommendation (10) now reads as follows:

“(10) direct the Director, Community Planning, Toronto and East York District, to ensure that the proposed Amendment to the Zoning By-law to permit increased development, be subject to a holding provision and symbol ‘H’ as authorized by s.36 of the *Planning Act*, and that removal of the ‘H’ be subject to fulfillment of the following conditions:

- (a) securing the acquisition and construction of the Sudbury Street extension as outlined in this report; and
- (b) securing the acquisition of appropriate parkland as outlined in this report; and”;

(2) adding the following:

“That:

- (a) Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (June 23, 2006) from the Chief Corporate Officer:

‘It is recommended that:

- (1) where possible, the owner(s) of any of the lands required for the Sudbury Street extension, attached hereto as Schedule A - Map 1 (the “Sudbury Street Extension Lands”) be required to convey such lands to the City, for nominal consideration, as a condition of development approval;
- (2) the Chief Corporate Officer be authorized to enter into negotiations for the purchase of all or part of the Sudbury Street Extension Lands with the various owners of such lands;
- (3) authority be granted to initiate the expropriation process, if necessary, for all or part of the Sudbury Street Extension Lands;
- (4) authority be granted to serve and publish, if necessary, Notices of Application for Approval to Expropriate all or part of the Sudbury Street Extension Lands, to forward to the Chief Inquiry Officer any requests for hearing that are received, to attend the hearing to present the City’s position and to report the Inquiry Officer’s recommendations to City Council for its consideration; and
- (5) the appropriate City officials be authorized and directed to

take the necessary action to give effect thereto.’;

- (b) Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (June 27, 2006) from the Chief Planner and Executive Director, City Planning:

‘It is recommended that Council:

- (1) implement zoning in the West Queen West Triangle generally as outlined in this report, including:
 - (a) limiting residential uses in the first floor of buildings;
 - (b) specifying performance standards for minimum amounts of non-residential uses per site;
 - (c) identifying locations where a certain percentage of at-grade uses must be non-residential; and
 - (d) considering artist live/work units to be non-residential units; and
- (2) request the Chief Planner to consult with appropriate City staff on financial incentives to achieve the objectives for this area.’ ”

Votes:

The motion by Deputy Mayor Pantalone, on behalf of Councillor Giambrone, carried.

The Clause, as amended, carried.

8.26 Toronto and East York Community Council Report 5, Clause 63, headed “Installation of ‘Stop Signs’ on Various Streets - Topham Park Community Traffic Management Study (Ward 31 - Beaches-East York)”.

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

Councillor Davis, 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 Davis moved that the Clause be amended by:

- (1) deleting from Recommendation (1)(a) the street name “Furnival Road” and inserting instead the street name “Topham Road”, so that Recommendation (1)(a) now reads as follows:

“(a) northbound on Valor Boulevard at Topham Road;”;

- (2) correcting the spelling of the street name “Galbraith Avenue” in Recommendation (2), so that it now reads as follows:

“(2) ‘Stop’ signs be installed northbound and southbound on Westview Boulevard at Galbraith Avenue;”; and

- (3) deleting Recommendation (3) and inserting instead the following:

“(3) ‘Stop’ signs be installed northbound and southbound on Valor Boulevard at Furnival Road;”.

Votes:

The motion by Councillor Davis carried.

The Clause, as amended, carried.

- 8.27 **Toronto and East York Community Council Report 5, Clause 61, headed “Request to Introduce a ‘School Bus Loading Zone’ on the south side of Wright Avenue fronting Fern Avenue Public School (Ward 14 - Parkdale-High Park)”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

Councillor Davis, 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 Davis moved that the Clause be amended by deleting staff Recommendations (1) and (2) contained in the Recommendations Section of the report (May 26, 2006) from the Director, Transportation Services, Toronto and East York District, and inserting instead the following:

- “(1) the existing parking prohibition in effect from 9:30 a.m. to 11:00 a.m., from 1:30 p.m. to 3:00 p.m., and from 4:00 p.m. to 5:00 p.m., Monday to Friday, on the south side of Wright Avenue between a point 134 metres east of Roncesvalles Avenue and a point 128.5 metres further east, be amended to operate from 9:30 a.m. to 11:30 a.m., from 1:30 p.m. to 3:00 p.m., and from 4:00 p.m. to 5:00 p.m., Monday to Friday, on the south side of Wright Avenue, between a point 134.1 metres east of Roncesvalles Avenue and a point 70.9 metres further east and between a point 225 metres east of Roncesvalles Avenue and a point 38 metres further east;
- (2) the existing maximum fifteen-minute parking regulation in effect from 8:30 a.m. to 9:30 a.m., from 11:30 a.m. to 1:30 p.m. and from 3:00 p.m. to 4:00 p.m., Monday To Friday, on the south side of Wright Avenue, between a point 134 metres east of Roncesvalles Avenue and a point 128.5 metres further east, be amended to operate between a point 134.1 metres east of Roncesvalles Avenue and a point 70.9 metres further east and between a point 225 metres east of Roncesvalles Avenue and a point 38 metres further east;”.

Votes:

The motion by Councillor Davis carried.

The Clause, as amended, carried.

8.28 Joint Planning and Transportation Committee and Works Committee Report 1, Clause 2, headed “Development Infrastructure Policy and Standards - Pavement Widths, Pedestrian Features, Utilities’ Locations”.

Motion:

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

“That the General Manager, Transportation Services and the Executive Director, Technical Services, be requested to review the design of sidewalk ramps leading to driveways, in association with the Toronto Pedestrian Committee, with a view to maximizing pedestrian accessibility and minimizing sidewalk slopes.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

8.29 **Economic Development and Parks Committee Report 3, Clause 5b, headed “Consideration of Requests for Additional City-to-City Relationships Under the International Alliance Program (All Wards)”.**

Motions:

(a) Councillor Palacio moved that the Clause be amended by adding the following:

“That:

- (1) any future consideration by Committees and Council of formal friendship relationships include Casablanca (Morocco, Africa) and not consider Monaco, and any prospective Friendship cities be evaluated and assessed in accordance with the established criteria and process for the International Alliance Program; and
- (2) the General Manager, Economic Development, Culture and Tourism, be requested to re-evaluate the qualifications of Lisbon, Montego Bay and Casablanca in meeting the criteria for friendship cities, and that he consult with the relevant Councillor (Palacio, Thompson and Giambrone) and their respective local communities.”

(b) Councillor Ootes moved that motion (a) by Councillor Palacio be referred to the General Manager, Economic Development, Culture and Tourism for report to the Economic Development and Parks Committee.

Votes:

Motion (b) by Councillor Ootes carried.

Due to the above decision of Council, motion (a) by Councillor Palacio was not put to a vote.

The Clause, as amended, carried.

Summary:

Council amended this Clause by adding the following:

“That the following motion be referred to the General Manager, Economic Development, Culture and Tourism for report to the Economic Development and Parks Committee:

Moved by Councillor Palacio:

‘That:

- (1) any future consideration by Committees and Council of formal friendship relationships include Casablanca (Morocco, Africa) and not consider Monaco, and any prospective Friendship cities be evaluated and assessed in accordance with the established criteria and process for the International Alliance Program; and
- (2) the General Manager, Economic Development, Culture and Tourism, be requested to re-evaluate the qualifications of Lisbon, Montego Bay and Casablanca in meeting the criteria for friendship cities, and that he consult with the relevant Councillor (Palacio, Thompson and Giambrone) and their respective local communities.’ ”

Deputy Mayor Feldman in the Chair.

8.30 Policy and Finance Committee Report 4, Clause 22b, headed “2005 Final Year-end Operating Variance Report”.

Vote:

The Clause was adopted, without amendment.

Deputy Mayor Bussin in the Chair.

Motion to Re-Open:

Councillor Moscoe, 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.

Motions:

- (a) Councillor Moscoe moved that the Clause be amended in accordance with the following:

“WHEREAS during the 2005 calendar year, the Board of Directors of the Hummingbird Centre for the Performing Arts did not receive any operating subsidies from the City of Toronto; and

WHEREAS the Centre faces budget pressures in the future due to the departure of its two anchor tenants; and

WHEREAS the Centre’s 2005 Operating Surplus of \$136,838.00 was created by earnings and not by under-spending any subsidy from the City;

NOW THEREFORE BE IT RESOLVED THAT the City hereby directs that the Hummingbird Centre’s earned 2005 surplus of \$136,838.00 be restored to the City’s Stabilization Reserve Fund-Hummingbird Centre XR 2031.”

- (b) Councillor Soknacki moved that motion (a) by Councillor Moscoe be referred to the Deputy City Manager and Chief Financial Officer for a report to the Policy and Finance Committee, including a review of the City’s policy for disposition of operating surpluses.

Votes:

Motion (b) by Councillor Soknacki carried.

Due to the above decision of Council, motion (a) by Councillor Moscoe was not put to a vote.

The Clause, as amended, carried.

Summary:

Council amended this Clause by adding the following:

“That the following motion be referred to the Deputy City Manager and Chief Financial Officer for a report to the Policy and Finance Committee, including a review of the City’s policy for disposition of operating surpluses:

Moved by Councillor Moscoe:

‘WHEREAS during the 2005 calendar year, the Board of Directors of the Hummingbird Centre for the Performing Arts did not receive any operating subsidies from the City of Toronto; and

WHEREAS the Centre faces budget pressures in the future due to the

departure of its two anchor tenants; and

WHEREAS the Centre’s 2005 Operating Surplus of \$136,838.00 was created by earnings and not by under-spending any subsidy from the City;

NOW THEREFORE BE IT RESOLVED THAT the City hereby directs that the Hummingbird Centre’s earned 2005 surplus of \$136,838.00 be restored to the City’s Stabilization Reserve Fund-Hummingbird Centre XR 2031.’ ”

Deputy Mayor Feldman in the Chair.

8.31 **Works Committee Report 3, Clause 10b, headed “Water and Sewer Services Connection and Disconnection Rates to December 31, 2006 (All Wards)”.**

Motion:

Councillor Moscoe moved that the Clause be amended to provide that the flat rates for water and sewer connections for residential properties be phased-in over five years, and that the rates be adjusted at the discretion of the General Manager, Toronto Water.

Deputy Mayor Bussin in the Chair.

Votes:

Adoption of the motion by Councillor Moscoe:

Yes – 12	
Councillors:	Augimeri, Di Giorgio, Feldman, Ford, Grimes, Li Preti, Minnan-Wong, Moscoe, Shiner, Silva, Soknacki, Stintz
No – 19	
Councillors:	Ainslie, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Nunziata, Ootes, Pitfield, Saundercook, Watson

Lost by a majority of 7.

Adoption of the Clause, without amendment:

Yes - 23 Councillors: Ainslie, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Nunziata, Ootes, Saundercook, Silva, Soknacki, Walker, Watson
No - 8 Councillors: Augimeri, Feldman, Ford, Li Preti, Minnan-Wong, Moscoe, Shiner, Stintz

Carried by a majority of 15.

Mayor Miller in the Chair.

8.32 **Toronto and East York Community Council Report 5, Clause 1, headed “Requests for Endorsement of Events for Liquor Licensing Purposes (Wards 19 and 20 - Trinity-Spadina; Wards 21 and 22 – St. Paul’s and Wards 27 and 28 – Toronto Centre-Rosedale)”.**

Motions:

- (a) Councillor Ootes moved that the Clause be amended by adding the following Part (iii) to Recommendation (3)(b) of the Toronto and East York Community Council:

“(iii) the 13th Annual Krinos Taste of the Danforth, to be held on Danforth Avenue, between Broadview Avenue and Jones Avenue, on:

Friday, August 11, 2006, from 6:00 p.m. to 2:00 a.m., Saturday, August 12, 2006;

Saturday, August 12, 2006, from 12:00 noon to 2:00 a.m., Sunday, August 13, 2006; and

Sunday, August 13, 2006, from 12:00 noon to 8:00 p.m.;

being granted an extension to the Special Occasion Permits in order to sell and serve alcohol at the alcohol gardens until 2:00 a.m. for the duration of the event;”.

- (b) Councillor Davis moved that the Clause be amended by adding the following Parts (c) to (i) to Recommendation (2) of the Toronto and East York Community Council:

- “(c) Taste of South Asia taking place on Gerrard Street East between Greenwood Avenue and Coxwell Avenue on August 19 and 20, 2006, and advise the Alcohol and Gaming Commission of Ontario that it has no objection to the following licensed establishments being granted a liquor licence extension to sell and serve alcohol on an outside area for the duration of this event:

Bar - Be - Que - Hut (Pride of India), 1455 Gerrard Street East
Kissan Restaurant, 1411 Gerrard Street East
Famous Indian Cuisine, 1437 Gerrard Street East
New Haandi 2000 Restaurant, 1401, Gerrard Street East
Regency Restaurant, 1423 Gerrard Street East
Siddartha Restaurant, 1450 Gerrard Street East
Skylark Restaurant, 1433 Gerrard Street East
Udupi Palace, 1460 Gerrard Street East
Lahore Tika, 1365 Gerrard Street East;

- (d) The Toronto African Dance Festival taking place at Nathan Phillips Square, 100 Queen Street West, and Yonge and Dundas Square on July 22 and 23, 2006;
- (e) Car Free Kensington Sunday Festivities taking place in Kensington Market, and advise the Alcohol and Gaming Commission of Ontario that it has no objection to the following establishments being granted a liquor licence extension to sell and serve alcohol in an outside area for the following dates and times:

Last Temptation, 12 Kensington Avenue – 12:00 to 7:00 p.m.
Lola’s, 40 Kensington Avenue – 12:00 noon to 7:00 p.m.
Café Kara, 51 Kensington Avenue – 12:00 noon to 7:00 p.m.
Graffiti’s, 170 Baldwin Avenue – 12:00 noon to 7:00 p.m.
Planet Kensington, 197 Baldwin Avenue – 12:00 noon to 7:00 p.m.
The Embassy, 245 Augusta Avenue – 12:00 noon to 7:00 p.m.
Jumbo Empanadas, 245 Augusta Avenue – 12:00 noon to 10:00 p.m.
La Palette, 256 Augusta Avenue -12:00 noon to 10:00 p.m.
Torrito, 276 August Avenue – 12:00 noon to 10:00 p.m.;

- (f) the 10th Annual Moss Park Community Pride Day taking place behind the Toronto Housing Corporation Apartments facing Queen Street East on August 18, 2006;
- (g) Ward’s Island Recreation Association’s Gala Day Weekend taking place on Ward’s Island on August 5, 6 and 7, 2006;
- (h) the Cabbagetown Short Film and Video Festival taking place at the

Winchester Street Theatre, 80 Winchester Street, on Friday, September 8, 2006; and

- (i) Molson Canadian Pit Party taking place on John Street, from Adelaide Street West to Richmond Street West, on July 6, 2006, from 6:00 p.m. to 1:00 a.m.”

Votes:

Motion (a) by Councillor Ootes and motion (b) by Councillor Davis carried.

The Clause, as amended, carried.

8.33 Planning and Transportation Committee Report 4, Clause 5, headed “Technical Modification to Section 5.1.1 of the new Official Plan: Height and/or Density Incentives”.

Votes:

Adoption of the Clause, without amendment:

Yes - 30	
Mayor:	Miller
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Pantalone, Saundercook, Silva, Soknacki, Thompson, Watson
No – 5	
Councillors:	Di Giorgio, Ford, Pitfield, Shiner, Walker

Carried by a majority of 25.

Deputy Mayor Bussin in the Chair.

8.34 Administration Committee Report 4, Clause 3, headed “2006 Access Equity and Human Rights (AEHR) Community Partnership and Investment Program (CPIP)”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of the motion by Councillor Ford:

Yes - 2 Councillors: Ford, Holyday
No - 25 Councillors: Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Grimes, Hall, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Saundercook, Shiner, Silva, Stintz, Walker

Lost by a majority of 23.

Adoption of the Clause, without amendment:

Yes - 20 Councillors: Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Grimes, Hall, Jenkins, Li Preti, McConnell, Moscoe, Pantalone, Saundercook, Shiner, Silva, Stintz, Walker
No - 3 Councillors: Ford, Holyday, Kelly

Carried by a majority of 17.

8.35 **Board of Health Report 4, Clause 1, headed “2006 AIDS Prevention Community Program - Allocations”.**

Extension of Time to Speak:

Councillor Ford spoke to the matter for a period of five minutes. Councillor Del Grande moved that, in accordance with §27-27 of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, Councillor Ford be granted a further five minutes in order to conclude his remarks, the vote upon which was taken as follows:

Yes - 11 Councillors: Bussin, Del Grande, Ford, Grimes, Holyday, Jenkins, Kelly, Moscoe, Ootes, Pitfield, Soknacki
No - 13 Councillors: Augimeri, Carroll, Davis, De Baeremaeker, Feldman, Filion, Hall, McConnell, Mihevc, Pantalone, Rae, Saundercook, Silva

Lost by a majority of 2.

Vote:

Adoption of the Clause, without amendment:

Yes - 26 Councillors: Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Feldman, Grimes, Hall, Holyday, Jenkins, Kelly, McConnell, Mihevc, Moscoe, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 2 Councillors: Del Grande, Ford

Carried by a majority of 24.

8.36 **Board of Health Report 4, Clause 2, headed “2006 Drug Prevention Community Investment Program - Allocations”.**

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of the motion by Councillor Ford:

Yes - 1 Councillor: Ford
No - 26 Councillors: Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Watson

Lost by a majority of 25.

Adoption of the Clause, without amendment:

Yes - 26 Councillors: Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Watson
No - 1 Councillor: Ford

Carried by a majority of 25.

8.37 Community Services Committee Report 4, Clause 6, headed “Supporting Communities Partnership Initiative (SCPI) Update and Funding Recommendations”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of the motion by Councillor Ford:

Yes - 6 Councillors: Del Grande, Ford, Grimes, Lindsay Luby, Minnan-Wong, Ootes
No - 22 Councillors: Ainslie, Augimeri, Bussin, Carroll, Davis, Di Giorgio, Hall, Holyday, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Walker, Watson

Lost by a majority of 16.

Adoption of the Clause, without amendment:

Yes - 25 Councillors: Ainslie, Augimeri, Bussin, Carroll, Davis, Di Giorgio, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Walker, Watson
No - 3 Councillors: Del Grande, Ford, Ootes

Carried by a majority of 22.

8.38 **Community Services Committee Report 4, Clause 9, headed “Community Partnership and Investment Program - 2006 Allocation for Food Security Investment Program (FSIP), Social Development Investment Program (SDIP), and Snow Shovelling and Lawn Care Program”.**

Votes:

Adoption of Recommendation (1) contained in the report (May 18, 2006) from the Executive Director, Social Development, Finance and Administration:

Yes – 26 Councillors: Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Ootes, Palacio, Pantalone, Rae, Silva, Soknacki, Stintz, Walker, Watson
No – 2 Councillors: Ford, Nunziata

Carried by a majority of 24.

Adoption of Recommendation (2) contained in the report (May 18, 2006) from the Executive Director, Social Development, Finance and Administration:

Yes - 27 Councillors: Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Rae, Silva, Soknacki, Stintz, Walker, Watson
No - 1 Councillor: Ford

Carried by a majority of 26.

Adoption of Recommendation (3) contained in the report (May 18, 2006) from the Executive Director, Social Development, Finance and Administration:

Yes - 27	
Councillors:	Ainslie, Augimeri, Bussin, Cowbourne, Davis, Del Grande, Di Giorgio, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Rae, Silva, Soknacki, Stintz, Walker, Watson
No - 0	

Carried, without dissent.

Adoption of Recommendation (4) contained in the report (May 18, 2006) from the Executive Director, Social Development, Finance and Administration:

Yes - 27	
Councillors:	Ainslie, Augimeri, Bussin, Cowbourne, Davis, Del Grande, Di Giorgio, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Silva, Soknacki, Stintz, Walker, Watson
No - 0	

Carried, without dissent.

Adoption of the balance of the Clause, without amendment:

Yes - 27	
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Silva, Soknacki, Stintz, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 26.

8.39 **Community Services Committee Report 4, Clause 11, headed “Community Partnership and Investment Program: Community Safety Investment Program (CSI) - 2006 Allocations”.**

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of the motion by Councillor Ford:

Yes - 1 Councillor: Ford
No - 26 Councillors: Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Shiner, Silva, Soknacki, Stintz, Walker

Lost by a majority of 25.

Adoption of the Clause, without amendment:

Yes - 28 Councillors: Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Fletcher, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Silva, Soknacki, Stintz, Walker
No - 1 Councillor: Ford

Carried by a majority of 27.

8.40 **Community Services Committee Report 4, Clause 12, headed “Community Partnership and Investment Program: Community Service Partnership (CSP) - 2006 Allocations”.**

Vote:

Adoption of the Clause, without amendment:

Yes - 28 Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Fletcher, Grimes, Hall, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Silva, Soknacki, Stintz, Thompson, Walker
No - 1 Councillor:	Ford

Carried by a majority of 27.

8.41 Economic Development and Parks Committee Report 4, Clause 1, headed “2006 Cultural Grants Recommendations Major Cultural Organizations (All Wards)”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of the motion by Councillor Ford:

Yes - 1 Councillor:	Ford
No - 29 Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Del Grande, Di Giorgio, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Silva, Stintz, Thompson, Walker, Watson

Lost by a majority of 28.

Adoption of the Clause, without amendment:

Yes - 29 Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Del Grande, Di Giorgio, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Silva, Stintz, Thompson, Walker, Watson
No - 1 Councillor:	Ford

Carried by a majority of 28.

8.42 **Economic Development and Parks Committee Report 4, Clause 2, headed “2006 Commercial Research Investment Program Allocation Recommendations (All Wards)”.**

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of the motion by Councillor Ford:

Yes - 1 Councillor: Ford
No - 31 Councillors: Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Del Grande, Di Giorgio, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 30.

Adoption of the Clause, without amendment:

Yes - 31 Councillors: Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Del Grande, Di Giorgio, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 1 Councillor: Ford

Carried by a majority of 30.

8.43 **Economic Development and Parks Committee Report 2, Clause 3, headed “2006 Economic Development Sector Investment Program (EDSIP) and the Economic Sponsorship Initiatives (ESI) - Allocation Recommendations (All Wards)”.**

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of the motion by Councillor Ford:

Yes - 1 Councillor: Ford
No - 25 Councillors: Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Del Grande, Di Giorgio, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Silva, Stintz, Thompson, Walker, Watson

Lost by a majority of 24.

Adoption of the Clause, without amendment:

Yes - 26 Councillors: Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Del Grande, Di Giorgio, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Shiner, Silva, Stintz, Thompson, Walker, Watson
No - 1 Councillor: Ford

Carried by a majority of 25.

8.44 Economic Development and Parks Committee Report 4, Clause 4, headed “2006 Community Festivals and Special Events Investment Program Allocation Recommendations (All Wards)”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of the motion by Councillor Ford:

Yes - 1 Councillor: Ford
No - 28 Councillors: Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Del Grande, Di Giorgio, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Shiner, Silva, Stintz, Thompson, Walker, Watson

Lost by a majority of 27.

Adoption of the Clause, without amendment:

Yes - 29 Councillors: Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Del Grande, Di Giorgio, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Shiner, Silva, Stintz, Thompson, Walker, Watson
No - 1 Councillor: Ford

Carried by a majority of 28.

Deputy Mayor Pantalone in the Chair.

8.45 Policy and Finance Committee Report 5, Clause 4, headed “Impact of the One Percent Reduction on City’s GST Included Fees”.

Motions:

- (a) Councillor Soknacki moved that the Clause be amended:
 - (1) in accordance with the following staff recommendations contained in the Recommendations Section of the report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer:

“It is recommended that:

- (1) effective July 1, 2006, Golf Course fees be reduced by the equivalent amount of the 1 percent reduction in GST, since it is technically feasible and will not have a significant operating impact, generating a \$30,000.00 savings in 2006 that will be immediately passed on to customers;
- (2) the remaining revenue realized from not reducing the GST included fees estimated at \$118,000.00 in 2006 be transferred into a deferred revenue account and used to mitigate user fee increases during the 2007 Budget deliberations;
- (3) City fees which are inclusive of GST not be adjusted for the reduction in the GST rate as of July 1, 2006, and Council authorize, effective July 1, 2006, the fixing of such fees at the total amounts set out as in Appendix A to this report; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”; and

- (2) by adding the following:

“That the Deputy City Manager and Chief Financial Officer be requested to:

- (i) reduce fees by the equivalent amount of the 1 percent reduction in GST wherever it is possible to do so, where the cost of the refund is greater than the costs of administration; and
- (ii) report to the Policy and Finance Committee on what steps can be taken to charge more user fees on the basis of fees plus taxes.”

Deputy Mayor Bussin in the Chair.

- (b) Councillor Lindsay Luby moved that the Clause be amended by adding the following:

“That the Deputy City Manager and Chief Financial Officer be requested to report to the Policy and Finance Committee on the feasibility of having City fees charged exclusive of the GST.”

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

“That the Federal Government be requested to reimburse the City of Toronto for any accounting losses incurred by the City as a result of the decision to reduce the GST.”

(d) Councillor Davis moved that the Clause be amended by adding the following:

“That the Deputy City Manager and Chief Financial Officer be requested to submit a report to the Policy and Finance Committee on a process for residents to apply for a GST rebate where the combined GST rebate exceeds \$20.00.”

Votes:

Adoption of Part (1) of motion (a) by Councillor Soknacki, as it relates to Recommendation (1) contained in the report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer:

Yes - 35 Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker
No - 1 Councillor:	Rae

Carried by a majority of 34.

Adoption of Part (1) of motion (a) by Councillor Soknacki, as it relates to Recommendation (2) contained in the report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer:

Yes - 25 Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Silva, Soknacki
No - 12 Councillors:	Ford, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker

Carried by a majority of 13.

Adoption of Part (1) of motion (a) by Councillor Soknacki, as it relates to Recommendation (3) contained in the report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer:

Yes - 24 Councillors: Ainslie, Augimeri, Bussin, Carroll, Cho, Cowbourne, Del Grande, Di Giorgio, Filion, Fletcher, Grimes, Hall, Holyday, Kelly, Li Preti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Silva, Soknacki
No - 13 Councillors: Davis, Ford, Jenkins, Lindsay Luby, Mammoliti, Minnan-Wong, Ootes, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker

Carried by a majority of 11.

Part (1) of motion (a) by Councillor Soknacki, as it relates to Recommendation (4) contained in the report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer, carried.

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

Yes - 35 Councillors: Ainslie, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson
No - 2 Councillors: Pitfield, Walker

Carried by a majority of 33.

Adoption of motion (b) by Councillor Lindsay Luby:

Yes - 32 Councillors: Ainslie, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Filion, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Shiner, Silva, Soknacki, Thompson, Walker
No - 5 Councillors: Di Giorgio, Pantalone, Rae, Saundercook, Stintz

Carried by a majority of 27.

Adoption of motion (c) by Councillor Mammoliti:

Yes - 20 Councillors:	Augimeri, Carroll, Cho, Davis, Di Giorgio, Filion, Grimes, Hall, Jenkins, Mammoliti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Silva, Thompson, Walker
No - 16 Councillors:	Ainslie, Bussin, Cowbourne, Del Grande, Ford, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Minnan-Wong, Ootes, Pitfield, Shiner, Soknacki, Stintz

Carried by a majority of 4.

Adoption of motion (d) by Councillor Davis:

Yes - 12 Councillors:	Augimeri, Bussin, Carroll, Cho, Davis, Ford, Holyday, Jenkins, McConnell, Minnan-Wong, Pitfield, Saundercook
No - 24 Councillors:	Ainslie, Cowbourne, Del Grande, Di Giorgio, Filion, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Shiner, Silva, Soknacki, Stintz, Thompson, Walker

Lost by a majority of 12.

Adoption of the Clause, as amended:

Yes - 29 Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki
No - 7 Councillors:	Minnan-Wong, Nunziata, Pitfield, Shiner, Stintz, Thompson, Walker

Carried by a majority of 22.

Summary:

Council amended this Clause:

- (1) in accordance with the following staff recommendations contained in the Recommendations Section of the report (June 26, 2006) from the Deputy City

Manager and Chief Financial Officer:

“It is recommended that:

- (1) effective July 1, 2006, Golf Course fees be reduced by the equivalent amount of the 1 percent reduction in GST, since it is technically feasible and will not have a significant operating impact, generating a \$30,000.00 savings in 2006 that will be immediately passed on to customers;
 - (2) the remaining revenue realized from not reducing the GST included fees estimated at \$118,000.00 in 2006 be transferred into a deferred revenue account and used to mitigate user fee increases during the 2007 Budget deliberations;
 - (3) City fees which are inclusive of GST not be adjusted for the reduction in the GST rate as of July 1, 2006, and Council authorize, effective July 1, 2006, the fixing of such fees at the total amounts set out as in Appendix A to this report; and
 - (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”; and
- (2) by adding the following:

“That:

- (a) the Federal Government be requested to reimburse the City of Toronto for any accounting losses incurred by the City as a result of the decision to reduce the GST; and
- (b) the Deputy City Manager and Chief Financial Officer be requested to:
 - (i) reduce fees by the equivalent amount of the 1 percent reduction in GST wherever it is possible to do so, where the cost of the refund is greater than the costs of administration; and
 - (ii) report to the Policy and Finance Committee on:
 - (1) what steps can be taken to charge more user fees on the basis of fees plus taxes; and
 - (2) the feasibility of having City fees charged exclusive of the GST.”

Recovery for Enforcement Activities”.

Motion:

Councillor Moscoe moved that the Clause be amended by rescinding the following action taken by the Administration Committee:

“(1) requested the Executive Director, Municipal Licensing and Standards, to consult with Toronto Fire Services and other jurisdictions in Canada in terms of a cost recovery program whereby innocent property owners could be reimbursed for costs incurred as a result of enforcement activities and report back to the Administration Committee;”.

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

8.47 Works Committee Report 4, Clause 5, headed “Installation of Traffic Control Signals - Dupont Street and Edwin Avenue (Ward 18, Davenport)”.

Vote:

Adoption of the Clause, without amendment:

Yes - 25	
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Hall, Jenkins, Li Preti, Mammoliti, McConnell, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Silva, Soknacki, Thompson, Walker
No - 8	
Councillors:	Feldman, Ford, Holyday, Lindsay Luby, Ootes, Rae, Saundercook, Shiner

Carried by a majority of 17.

8.48 Works Committee Report 4, Clause 6, headed “Request for a Pedestrian Crossover - Coxwell Avenue in the Vicinity of 425 Coxwell Avenue (The Amik Plaza) (Ward 32, Beaches-East York)”.

Vote:

Adoption of the Clause, without amendment:

Yes - 28	
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Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Thompson, Walker
No - 5	
Councillors:	Feldman, Ford, Holyday, Saundercook, Shiner

Carried by a majority of 23.

8.49 **Toronto and East York Community Council Report 5, Clause 30, headed “Request for an Exemption from Chapter 400 of the former City of Toronto Municipal Code to Permit Front Yard Parking at 48 and 50 Leuty Avenue (Ward 32 - Beaches-East York)”.**

Motion:

Councillor Holyday moved that the Clause be amended by receiving the recommendation of the Toronto and East York Community Council, and that Council adopt instead the staff recommendation contained in the Recommendation Section of the report (May 23, 2006) from the Manager, Right of Way Management, Transportation Services, Toronto and East York District.

Votes:

Adoption of the motion by Councillor Holyday:

Yes – 13	
Councillors:	Cho, Del Grande, Feldman, Ford, Holyday, Lindsay Luby, Moscoe, Ootes, Pitfield, Saundercook, Shiner, Silva, Soknacki,
No – 19	
Councillors:	Ainslie, Augimeri, Bussin, Cowbourne, Davis, De Baeremaeker, Fletcher, Hall, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Nunziata, Palacio, Pantalone, Rae, Walker

Lost by a majority of 6.

Adoption of the Clause, without amendment:

Yes - 20	
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Hall, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Walker

No - 13 Councillors: Cho, Del Grande, Feldman, Ford, Holyday, Lindsay Luby, Minnan-Wong, Ootes, Pitfield, Saundercook, Shiner, Silva, Soknacki

Carried by a majority of 7.

8.50 Works Committee Report 4, Clause 2, headed “Pedestrian Countdown Signals (All Wards)”.

Motion:

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

“That, with respect to the installation of the pedestrian countdown signals, the General Manager, Transportation Services be requested to give high priority to those areas that have a high number of senior citizens, as determined by the Statistics Canada Census.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

8.51 Joint Planning and Transportation Committee and Works Committee Report 1, Clause 1, headed “Residential Front Yard and Boulevard Parking: Municipal Code Chapter and Policy Considerations and Residential Front Yard Parking Through Zoning and Front Yard Parking Permits: Supplementary Report 2 – Comments from Community Councils and Public Consultation”.

Motion:

Councillor Moscoe moved that the Clause be amended by:

- (1) referring Parts (B)(3), (B)(4) and (B)(5) contained in Article V, Subsection 918-130, to the General Manager, Transportation Services, with a request that he review the polling procedure with Members of Council and bring forward revised recommendations to the appropriate Standing Committee in September, 2006;
- (2) amending Part (A)(4) contained in Article V, Subsection 918-140 by adding the following:
 - “(i) any responses to legal enquiries respecting purchase and sale clearly indicate that existing front yard parking licences are not transferable and will require a new application from a new owner;

- (ii) the response also advise that it is the responsibility of the new owner to ensure that the existing pad was installed legally;
- (iii) the application require the owner to waive MFIPPA requirements as a condition of obtaining a permit for a pad; and
- (iv) where there is an encroachment agreement, that encroachment be registered on title so that a new purchaser is aware of the conditions applied to the pad.”

Votes:

Adoption of the motion by Councillor Moscoe:

Yes - 26 Councillors: Ainslie, Augimeri, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson
No - 6 Councillors: Bussin, Cowbourne, Ford, Kelly, Mammoliti, Walker

Carried by a majority of 20.

Adoption of the Clause, as amended:

Yes - 30 Councillors: Ainslie, Augimeri, Bussin, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Thompson, Walker, Watson
No - 3 Councillors: Ford, Pitfield, Shiner

Carried by a majority of 27.

8.52 Policy and Finance Committee Report 5, Clause 2, headed “Provincial Ombudsman’s Report on the Municipal Property Assessment Corporation (MPAC)”.

Motion:

Councillor Jenkins moved that the Clause be amended by adding to Recommendation (3) of

the Policy and Finance Committee, the words “at its September meeting”, so that Recommendation (3) now reads as follows:

- “(3) the Deputy City Manager and Chief Financial Officer be requested to submit a report to the Policy and Finance Committee, at its September meeting:
- (i) on the effectiveness of measures MPAC has taken to meet concerns expressed by residents of the City of Toronto and which were addressed in the Ombudsman’s report ‘Getting It Right’; and
 - (ii) on the most effective and appropriate means to gather ongoing citizen input on issues concerning MPAC and its implementation of response to the Ombudsman’s report.”

Votes:

The motion by Councillor Jenkins carried.

The Clause, as amended, carried.

8.53 Policy and Finance Committee Report 5, Clause 25, headed “City of Toronto 2007-2010 Capital Plan and Debt Service Guideline”.

Motion:

- (a) Councillor Mihevc moved that the Clause be amended:
- (1) by adding the following:

“That the City Manager and the Deputy City Manager and Chief Financial Officer be requested to re-consider the five-year targets for Parks and Recreation, and the City Manager, the Deputy City Manager and Chief Financial Officer and the General Manager, Parks, Forestry and Recreation be requested to report on ways to increase the capital target in light of the state-of-good repair backlog and the current unmet goals related to ‘Priority Neighbourhoods’ and ‘Our Common Grounds’; and
 - (2) in accordance with the following motion:

“**BE IT RESOLVED THAT** the capital project related to the reconstruction of TTC track allowance, pavement, sidewalk and curb on St. Clair Avenue East and West be considered at a total maximum estimated cost of \$18.5 million, in conjunction with the transit improvements on St. Clair Avenue (from Yonge Street to Gunns Road);

AND BE IT FURTHER RESOLVED THAT staff be directed to continue discussions with hydro and gas utilities (Toronto Hydro and Enbridge) to reduce the City's share of any utility related costs;

AND BE IT FURTHER RESOLVED THAT Deputy City Manager Fareed Amin and the General Manager, Transportation Services be directed to include this project in the 2007-2011 capital plan for Transportation Services within the Council approved five-year plan debt guidelines;

AND BE IT FURTHER RESOLVED THAT any 2006 capital costs for this project be financed through a reallocation of project funding from other Transportation projects as determined by staff and reported to the Works Committee in September, 2006;

AND BE IT FURTHER RESOLVED THAT the General Manager, Transportation Services, be requested to reprioritize Transportation projects in the vicinity of St. Clair Avenue to facilitate the financing of the hydro undergrounding.”

Ruling by Deputy Mayor:

Councillor Ootes requested Deputy Mayor Bussin to rule on whether this Clause was properly before Council as the Capital Budget had previously been set by City Council. Deputy Mayor Bussin ruled that the Clause was in order and did not require a re-opening of the Capital Budget as the Deputy City Manager and Chief Financial Officer had been directed by Council to report further on this matter.

Councillor Shiner challenged the ruling of the Deputy Mayor.

Vote to Uphold the Ruling of the Deputy Mayor:

Yes - 21	
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Palacio, Pantalone, Rae, Silva, Soknacki, Walker, Watson
No - 10	
Councillors:	Del Grande, Feldman, Ford, Holyday, Nunziata, Ootes, Pitfield, Saundercook, Shiner, Thompson

Carried by a majority of 11.

Motions:

(b) Councillor Nunziata moved that:

- (1) Part (2) of the motion by Councillor Mihevc be amended by adding the following words to the end of the first Operative Paragraph:

‘subject to the necessary funding for this project being reallocated from proposed capital projects in the 2007-2011 Capital Plan for Transportation Services in Wards 15, 17 and 21’; and

- (2) the Clause be amended by adding the following:

“That the General Manager, Transportation Services, be requested to provide a report to all Members of Council on what capital projects will be eliminated from the Capital Plan, as a result of the funding being provided for the St. Clair Avenue project.”

- (c) Councillor Palacio moved that the last Operative Paragraph in Part (2) of motion (a) by Councillor Mihevc be amended by inserting after the word “projects”, the words “between 2007-2011”, so that it now reads as follows:

“AND BE IT FURTHER RESOLVED THAT the General Manager, Transportation Services, be requested to re-prioritize transportation projects between 2007-2011 in the vicinity of St. Clair Avenue to facilitate the financing of the hydro undergrounding.”

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

“That City Council request Toronto Hydro to investigate the hydro black-outs that have been occurring in Scarborough and advise Council of its plans to deal with this matter.”

Ruling by Deputy Mayor:

Deputy Mayor Bussin ruled motion (d) by Councillor Kelly out of order as it does not relate to the Clause under consideration.

Motions:

- (e) Councillor Shiner moved that the Clause be amended in accordance with the following:

“That Toronto Hydro Electric System Limited be requested to include in its rate filing for 2007 the cost to underground the electrical system on St. Clair Avenue to Gunns Road; and further that any additional funding for the undergrounding of this electrical system be subject to Toronto Hydro Electric System Limited obtaining approval of the Ontario Energy Board.”

- (f) Councillor Hall moved that Part (1) of motion (b) by Councillor Nunziata be amended by deleting the words “Wards 15, 17 and 21”, and inserting instead the words “the

affected Wards”.

Disposition:

As Council had not concluded its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the next regular meeting of City Council on July 25, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Kelly:

“That:

- (1) all motions moved at the June 27, 28 and 29, 2006 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and these motions be deemed to be moved; and
- (2) any speaker’s lists from the June 27, 28 and 29, 2006 meeting of City Council be carried forward to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and be adopted for continuing the debate on those matters at that meeting, and that a provision be allowed for any Members who were not on a speaker’s list to add their names.”

8.54 Policy and Finance Committee Report 5, Clause 19, headed “Constructing an Alternative Parking Lot in the Median of Lakeshore Boulevard West, the Installation of a Mid-Block Pedestrian Traffic Control Signal in the Vicinity of 1601 Lakeshore Boulevard West, Terminating the Existing Agreement with Shoreline Entertainment Inc., and the Execution of an Agreement with the Palais Royale Corporation (Ward 14 Parkdale-High Park)”.

Motion:

Councillor Moscoe moved that the Clause be amended:

- (1) to provide that the lease for the parking shall include a provision that if alternate, equivalent parking for the Palais Royale becomes available prior to the expiry of the 20 year lease, then such parking may be substituted for the median parking;
- (2) by deleting Recommendation (V) of the Policy and Finance Committee, and inserting instead the following:

- “(V) Site Plan approval be applied to this project on this site, and that there be a community consultation meeting to consult on the details of the Site Plan; and”;
- (3) by deleting from staff Recommendation (5) contained in the report (June 13, 2006) from the General Manager, Parks, Forestry and Recreation, the words “and execute”, so that Recommendation (5) now reads as follows:
- “(5) authority be granted to the General Manager, Parks, Forestry and Recreation to negotiate a twenty year lease commencing on July 1, 2006, with the Palais Royale Corporation for the operation of the Palais Royale; with a minimum lease fee of \$25,000.00 in year one with an escalation of 2 per cent per year in the remaining years or the percentage rent as indicated above; and with terms and conditions similar to the existing lease and acceptable to the City Solicitor;”; and
- (4) by adding the following:
- “That Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (June 27, 2006) from the General Manager, Parks, Forestry and Recreation:

‘It is recommended that:

- (1) the detailed design elements that need to be incorporated to reduce the heat island effect and ensure a healthy tree canopy in the proposed median parking lot be subject to approval by the General Manager, Parks, Forestry and Recreation in consultation with the Toronto and Region Conservation Authority, the Chief Planner and Executive Director, City Planning, the Ward Councillor and the Tree Advocate; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, and that leave be granted for the introduction of any necessary bills in Council to give effect thereto.’ ”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

8.55 North York Community Council Report 5, Clause 8, headed “Ravine Permit Application to Remove 34 Trees and an Unspecified Number of Saplings within a

Ravine Protected Area - 56 Sandringham Drive (Ward 16 - Eglinton-Lawrence)”.

The Clause was submitted without recommendation.

Motion:

Councillor Stintz moved that Council adopt the following:

“That:

- (1) the request for a Ravine Permit to remove 25 ravine protected trees at 56 Sandringham Drive be denied;
- (2) the request to remove the #147a + b - double-stemmed red maple - 35.5 and 36.7 cm dbh, and the #150 sugar maple - 77 cm dbh - be approved, subject to a planting plan being approved by the General Manager, Parks, Forestry and Recreation, of not less than 6 caliper trees and that planting be secured through a security deposit of \$7,000.00, and that planting be completed by October 15, 2006; and
- (3) further that the above request be conditional on the tennis court areas remaining as tennis courts for the next 10 years, and this be registered on title, subject to the satisfaction of the City Solicitor.”

Votes:

The motion by Councillor Stintz carried.

The Clause, as amended, carried.

8.56 Administration Committee Report 2, Deferred Clause 6c, headed “Remuneration and Expenses of Members of Council and of the Council Appointees to Local Boards and Other Special Purpose Bodies for the year ended December 31, 2005”.

Motion brought forward from Council Meeting on June 14, 2006:

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

“That the Treasurer be requested to amend Table 1 and Appendix B to the report (April 18, 2006) from the Treasurer to include, for the permanent record, a footnote to Councillor Shiner’s account for photocopying charges.”

Disposition:

As Council did not conclude its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the next regular meeting of City Council on July 25, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Kelly:

“That all motions moved at the June 27, 28 and 29, 2006 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and these motions be deemed to be moved.”

Procedural Motions for Notice of Motion J(6) to be considered at the In-Camera Meeting Session:

Mayor Miller in the Chair.

Mayor Miller, with the permission of Council, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of Notice of Motion J(6), moved by Councillor Soknacki, seconded by Mayor Miller, respecting the Interest Rate on Promissory Note of Toronto Hydro Corporation, which carried, more than two-thirds of Members present having voted in the affirmative.

Vote to Re-open:

The following first Operative Paragraph contained in Motion J(6), carried, more than two-thirds of Members present having voted in the affirmative:

“**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(29), moved by Councillor Soknacki, seconded by Mayor Miller, entitled ‘Ontario Energy Board Decision – Impact of Reduction in Deemed Interest Rate in Relation to Toronto Hydro-Electric System Limited’, adopted, as amended, by City Council on April 25, 26 and 27, 2006, be re-opened for further consideration, only as it pertains to Recommendation (2) contained in the report (April 25, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer, as amended;”.

Procedural Motions for Notice of Motion J(32) to be considered at the In-Camera Meeting Session:

Mayor Miller, with the permission of Council, 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(32), moved by Councillor Carroll, seconded by Councillor Giambrone,

respecting Biosolids Management Contingency Issues (All Wards), which carried, more than two-thirds of Members present having voted in the affirmative.

Advice by Mayor:

Mayor Miller 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 this 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.

8.57 **IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE**

June 28, 2006:

Deputy Mayor Pantalone in the Chair.

Procedural Motion:

Deputy Mayor Pantalone, with the permission of Council, at 6:14 p.m. moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act, 2001*:

- (a) Motion J(6) moved by Councillor Soknacki, seconded by Mayor Miller, respecting the Interest Rate on Promissory Note of Toronto Hydro Corporation, as it contains information related to the security of the property of the Municipality; and
- (b) Motion J(32) moved by Councillor Carroll, seconded by Councillor Giambrone, respecting Biosolids Management Contingency Issues (All Wards), as it contains information related to the security of the property of the Municipality.

Vote:

The motion by Deputy Mayor Pantalone carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 6:20 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act, 2001*.

Committee of the Whole rose, reconvened as Council at 7:20 p.m., and met in public session in the Council Chamber.

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

8.58 **J(6) Interest Rate on Promissory Note of Toronto Hydro Corporation**

Deputy Mayor Pantalone called on Motion J(6), as follows:

Moved by: Councillor Soknacki

Seconded by: Mayor Miller

“**WHEREAS** City Council at its meeting of April 25, 26 and 27, 2006, by its adoption, as amended, of Motion J(29), moved by Councillor Soknacki, seconded by Mayor Miller, headed ‘Ontario Energy Board Decision – Impact of Reduction in Deemed Interest Rate in Relation to Toronto Hydro-Electric System Limited’, adopted, as amended, the following recommendations contained in the Recommendations Section the report (April 25, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer:

- ‘(2) Toronto Hydro Corporation be advised that the terms of the City-held Promissory Note will remain effective for fiscal 2006;
- (3) Council request the Deputy City Manager and Chief Financial Officer, in consultation with the Toronto Hydro Corporation to report to the June 20, 2006 meeting of the Policy and Finance Committee with respect to a payment policy from Toronto Hydro Corporation for 2007 and subsequent years; and
- (4) the Deputy City Manager and Chief Financial Officer report to the June 20, 2006 Policy and Finance Committee meeting related to the monetization of the City-held Promissory Note and related issues.’; and

WHEREAS, as a result of the consultations with Toronto Hydro Corporation, staff have submitted the attached report (June 26, 2006) from the City Manager and Deputy City Manager and Chief Financial Officer, entitled ‘Interest Rate on Promissory Note of Toronto Hydro Corporation’, which is deemed, in part, to be a re-opening of a previous Council decision;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(29), moved by Councillor Soknacki, seconded by Mayor Miller, entitled ‘Ontario Energy Board Decision – Impact of Reduction in Deemed Interest Rate in Relation to Toronto

Hydro-Electric System Limited', adopted, as amended, by City Council on April 25, 26 and 27, 2006, be re-opened for further consideration, only as it pertains to Recommendation (2) contained in the report (April 25, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer, as amended;

AND BE IT FURTHER RESOLVED THAT Council consider and adopt the staff recommendations contained in the Recommendations Section of the attached confidential report (June 26, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(6), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Council also had before it, during consideration of Motion J(6), a confidential report (June 26, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer.

Report of the Committee of the Whole:

Deputy Mayor Pantalone, in accordance with the provisions of the *Municipal Act, 2001*, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with Motion J(6):

- (a) Councillor Soknacki moved that Motion J(6) be amended by adding the following words to the second Operative Paragraph:

“subject to amending Recommendation (2) to read as follows:

‘(2) subject to obtaining agreement to the amended interest rate as per Recommendation (1), Council request Toronto Hydro Corporation to agree to amend the Promissory Note to incorporate a fixed schedule of maturities in four equal instalments of \$245,057,738.75, receivable on the last business day before:

- (i) December 31, 2007;
- (ii) December 31, 2009;
- (iii) December 31, 2011; and
- (iv) May 6, 2013;’ ”.

- (b) Councillor Shiner moved that Motion J(6) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the City of Toronto express its appreciation to the Board of Directors and the staff of Toronto Hydro for their prudent

fiscal management of THC and meeting the financial requests of the City.”

Votes:

Motion (a) by Councillor Soknacki carried.

Motion (b) by Councillor Shiner carried.

Motion J(6), as amended, carried.

Summary:

Council re-opened Motion J(29), moved by Councillor Soknacki, seconded by Mayor Miller, entitled “Ontario Energy Board Decision – Impact of Reduction in Deemed Interest Rate in Relation to Toronto Hydro-Electric System Limited”, adopted, as amended, by City Council on April 25, 26 and 27, 2006, for further consideration, only as it pertains to Recommendation (2) contained in the report (April 25, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer, as amended.

City Council amended the balance of Motion J(6) by:

(1) adding the following words to the second Operative Paragraph:

“subject to amending Recommendation (2) to read as follows:

‘(2) subject to obtaining agreement to the amended interest rate as per Recommendation (1), Council request Toronto Hydro Corporation to agree to amend the Promissory Note to incorporate a fixed schedule of maturities in four equal instalments of \$245,057,738.75, receivable on the last business day before:

- (i) December 31, 2007;
- (ii) December 31, 2009;
- (iii) December 31, 2011; and
- (iv) May 6, 2013;’ ”; and

(2) adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the City of Toronto express its appreciation to the Board of Directors and the staff of Toronto Hydro for their prudent fiscal management of THC and meeting the financial requests of the City.”

In adopting Motion J(6), as amended, Council adopted, as amended, the confidential report (June 26, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer. The following staff recommendations contained in the Recommendations Section of

the report, as amended, are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the security of the property of the municipality:

“It is recommended that:

(1) Council:

- (i) request Toronto Hydro Corporation to agree to a reduction in the interest rate attached to the current City-held Promissory Note of Toronto Hydro Corporation (‘the Promissory Note’), to a fixed 6.11% per annum from its current 6.8%, effective May 1, 2006;
- (ii) rescind its decision of April 25, 26 and 27 to maintain the 6.8% interest rate for fiscal 2006; and
- (iii) correct a typographical error from Policy and Finance Report 1, Clause 39, (Council January 31, February 1 and 2, 2006) by setting the expiry date of the Promissory Note at May 6, 2013 (rather than May 5, 2013);

and direct that the appropriate related amendments be made to the Promissory Note;

- (2) subject to obtaining agreement to the amended interest rate as per Recommendation (1), Council request Toronto Hydro Corporation to agree to amend the Promissory Note to incorporate a fixed schedule of maturities in four equal instalments of \$245,057,738.75, receivable on the last business day before:
 - (i) December 31, 2007;
 - (ii) December 31, 2009;
 - (iii) December 31, 2011; and
 - (iv) May 6, 2013;
- (3) the Deputy City Manager and Chief Financial Officer be directed to provide notice of the proposed interest rate reduction and amended monetization schedule contained in Recommendations (1) and (2) of this report to the Senior Vice President and Chief Financial Officer (or successor) of the Corporation, in accordance with the notification provisions of the Promissory Note;
- (4) (i) Council ratify staff’s application to seek Intervenor status from the Ontario Energy Board for the City to participate as Intervenor in its upcoming hearings - ‘Multi-year Electricity Distribution Rate Setting

Cost of Capital (EB-2006-0088) and 2nd Generation Incentive Regulation Mechanism (EB-2006-0089)', and

- (ii) in the event that Toronto Hydro Corporation does not agree with the reduction in interest rate as per Recommendation (1), or where the issues reviewed in these hearings are deemed by the Deputy City Manager and Chief Financial Officer to have a direct potential impact on the City itself, especially with respect to cost of capital issues, the Deputy City Manager and Chief Financial Officer be authorized to do whatever is necessary in these proceedings to protect the interest rate of the Promissory Note, including being authorized to hire outside legal counsel to represent the City in these proceedings;
- (5) the appropriate City staff be authorized to take any action necessary to give effect thereto; and
- (6) this report remain confidential, except that Recommendations be made public after Council consideration.”

8.59 J(32) Biosolids Management Contingency Issues (All Wards)

Report of the Committee of the Whole:

Deputy Mayor Pantalone, in accordance with the provisions of the *Municipal Act, 2001*, reported that Committee of the Whole had not concluded its consideration of Motion J(32).

June 29, 2006:

Deputy Mayor Bussin in the Chair.

Procedural Motion:

Deputy Mayor Bussin, with the permission of Council, at 2:25 p.m. moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act, 2001*:

- (a) Motion J(32) moved by Councillor Carroll, seconded by Councillor Giambrone, respecting Biosolids Management Contingency Issues (All Wards), as it contains information related to the security of the property of the Municipality; and
- (b) Works Committee Report 3, Clause 17b, headed “Progress Report on the Options for Addressing Currently Contracted Curbside Waste and Recycling Collection Operations in the Former Etobicoke and York”, as it contains information related to the security of the property of the Municipality.

Vote:

The motion by Deputy Mayor Bussin carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 2:27 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act, 2001*.

Committee of the Whole rose, reconvened as Council at 4:05 p.m., and met in public session in the Council Chamber.

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

8.60 **J(32) Biosolids Management Contingency Issues (All Wards)**

Deputy Mayor Bussin called on Motion J(32), as follows:

Moved by: Councillor Carroll

Seconded by: Councillor Giambrone

“WHEREAS Republic Services Inc., Republic Services of Canada Inc., Republic Services of Michigan I, LLC, doing business as Carleton Farms, and Republic Transportation Services of Canada (collectively ‘Republic Services’), have advised that they intend to stop accepting biosolids for disposal at the Carleton Farms Landfill in Michigan, effective August 1, 2006; and

WHEREAS there is an immediate and urgent need to obtain direction and the appropriate authorities from Council with respect to this emergency biosolids disposal situation and protection of the City’s interests;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the staff recommendations contained in the Recommendations Section of the attached confidential report (June 27, 2006) from Deputy City Manager Amin, the Director, Purchasing and Materials Management, the General Manager, Toronto Water, and the General Manager, Solid Waste Management Services.”

City Council had before it, during consideration of Motion J(32), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Council also had before it, during consideration of Motion J(32), a confidential report (June 27, 2006) from Deputy City Manager Fareed Amin, the Director, Purchasing and Materials Management Division, the General Manager, Toronto Water, and the General Manager, Solid Waste Management Services.

Report of the Committee of the Whole:

Deputy Mayor Bussin, in accordance with the provisions of the *Municipal Act, 2001*, reported that the following motion had been moved in Committee of the Whole for consideration by Council in conjunction with Motion J(32):

- (a) Councillor Carroll moved that Motion J(32) be amended by adding to the Operative Paragraph, the words “subject to amending the staff recommendations in accordance with confidential instructions to staff which are to remain confidential in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain information related to the security of the property of the municipality”, so that the Operative Paragraph now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the staff recommendations contained in the Recommendations Section of the attached confidential report (June 27, 2006) from Deputy City Manager Amin, the Director, Purchasing and Materials Management, the General Manager, Toronto Water, and the General Manager, Solid Waste Management Services, subject to amending the staff recommendations in accordance with confidential instructions to staff which are to remain confidential in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain information related to the security of the property of the municipality.”

Votes:

Adoption of motion (a) by Councillor Carroll:

Yes - 34	
Councillors:	Ainslie, Augimeri, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker, Watson
No - 3	
Councillors:	Bussin, Fletcher, McConnell

Carried by a majority of 31.

Motion J(32), as amended, carried.

8.61 Works Committee Report 3, Clause 17b, headed “Progress Report on the Options for Addressing Currently Contracted Curbside Waste and Recycling Collection Operations in the Former Etobicoke and York”.

Report of the Committee of the Whole:

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

- (a) Councillor Holyday moved that the Clause be amended by deleting the Recommendations of the Works Committee, and that Council adopt instead the following:

“It is recommended that:

- (1) in order to re-establish necessary lead time to complete the consultation process and either re-tender the York contracts or take necessary steps to prepare for in house operations, the General Manager, Solid Waste Management Services, be authorized to exercise the option to extend the existing contracts with Miller Waste Systems and Turtle Island Recycling for all current curbside collection operations for the York contracted area for a one-year period, from July 1, 2007 to June 30, 2008, at a total estimated amount of \$4,028,268.00 not including taxes; and
- (2) the Director of Purchasing and Materials Management, in consultation with the General Manager, Solid Waste Management Services, proceed to prepare tender proposals for the continuation of this service in the York and Etobicoke collection areas.”

Vote Be Now Taken:

Councillor Watson 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 - 25	
Councillors:	Ainslie, Augimeri, Bussin, Del Grande, Feldman, Filion, Ford, Giambrone, Holyday, Kelly, Lindsay Luby, Mammoliti, Mihevc, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker, Watson
No - 9	

Councillors:	Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Hall, Jenkins, McConnell, Moscoe
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Carried, more than two-thirds of Members present having voted in the affirmative.

Votes:

Adoption of motion (a) by Councillor Holyday:

Yes - 19	
Councillors:	Del Grande, Feldman, Ford, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Thompson, Walker, Watson
No - 17	
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Giambrone, McConnell, Mihevc, Moscoe, Pantalone, Rae, Silva

Carried by a majority of 2.

The Clause, as amended, carried.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

Mayor Miller in the Chair.

8.62 F(1) Protection of Individuals at Toronto City Hall and Nathan Phillips Square

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

Moved by: Councillor Pitfield

Seconded by: Councillor Stintz

“**WHEREAS** Councillor Michael Thompson and his assistant were aggressively approached by a panhandler at Nathan Phillips Square on April 26, 2006, at approximately 6:10 p.m.; and

WHEREAS Councillor Thompson was assaulted; and

WHEREAS panhandling is increasingly becoming a problem throughout the City;

NOW THEREFORE BE IT RESOLVED THAT City Council:

- (1) request the Chief Corporate Officer to report to the next meeting of City Council, through the Administration Committee, on measures that can be implemented to discourage panhandling at Toronto City Hall, Nathan Phillips Square and other Civic Centres;
- (2) request that the City Manager, in consultation with the Toronto Police Service, determine ways to ensure the safety and security of Toronto residents, businesses and tourists across the City and to discourage panhandling and report the findings, through the Policy and Finance Committee, to the next meeting of City Council; and
- (3) request the City Solicitor, in consultation with the appropriate staff, to report to next meeting of City Council, through the Policy and Finance Committee, on the possibility of a 'quality-of-life' by-law that would include a provision that 'no person can impede any other person's reasonable enjoyment of day-to-day activities through panhandling,' such report to also include a communications strategy to notify residents, businesses, tourists and panhandlers of such a by-law, as well as an enforcement strategy."

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Deputy Mayor Bussin in the Chair.

Vote Be Now Taken:

Councillor Pitfield 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 - 26	
Councillors:	Ainslie, Augimeri, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker
No - 10	
Councillors:	Bussin, Davis, Filion, Holyday, McConnell, Mihevc, Moscoe, Rae, Silva, Watson

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

Vote:

Adoption of Motion F(1), without amendment:

Yes - 25 Councillors:	Ainslie, Augimeri, Carroll, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 11 Councillors:	Bussin, Cowbourne, Davis, De Baeremaeker, Filion, McConnell, Mihevc, Moscoe, Pantalone, Rae, Silva

Carried by a majority of 14.

Mayor Miller in the Chair.

8.63 **F(2) 3030 Bloor Street West (Kingsway Theatre) – Intention to Designate under Part IV of the *Ontario Heritage Act* – Ward 5 (Etobicoke-Lakeshore)**

June 28, 2006:

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

Moved by: Councillor Milczyn

Seconded by: Councillor Lindsay Luby

“WHEREAS the property located at 3030 Bloor Street West contains the Kingsway Theatre, which has design or physical value as a representative example of a movie theatre built between World Wars I and II with features of Art Deco styling, and has contextual value as a local landmark on Bloor Street West in the Kingsway neighbourhood; and

WHEREAS the Toronto Official Plan states that significant heritage resources will be conserved; and

WHEREAS this is an urgent Motion as the property is for sale and, given that it is a commercial property, it has no protection from demolition;

NOW THEREFORE BE IT RESOLVED THAT following consultation with the Toronto Preservation Board at its meeting scheduled for June 22, 2006, Council of the City of Toronto give notice of its intention to designate the property at 3030 Bloor

Street West (Kingsway Theatre) under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest;

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(2), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Council also had before it, during consideration of Motion F(2), the following communications:

- (i) (June 12, 2006) from Janice Etter, Chair, Etobicoke York Community Preservation Panel, which is on file in the City Clerk’s Office; and
 - (ii) (June 23, 2006) from the Toronto Preservation Board (See Attachment 3, Page 214).
- June 29, 2006:**

Deputy Mayor Bussin in the Chair.

Motion:

Councillor Ford moved that Motion F(2) be received.

Votes:

Adoption of motion by Councillor Ford:

Yes - 6	
Councillors:	Del Grande, Ford, Holyday, Kelly, Ootes, Stintz
No - 30	
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker, Watson

Lost by a majority of 24.

Adoption of Motion F(2), without amendment:

Yes - 26	
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Silva, Soknacki, Walker, Watson
No - 11	
Councillors:	Del Grande, Feldman, Fletcher, Ford, Holyday, Kelly, Ootes, Saundercook, Shiner, Stintz, Thompson

Carried by a majority of 15.

Summary:

In summary, Council adopted Motion F(2), without amendment.

Mayor Miller in the Chair.

8.64 **I(1) City of Toronto - Street Needs Assessment Results**

Councillor Ootes, with the permission of Council, withdrew the following Motion:

Moved by: Councillor Ootes

Seconded by: Councillor Kelly

“WHEREAS on April 19, 2006, the City of Toronto conducted its first ever Street Needs Assessment; and

WHEREAS the full findings of the Street Needs Assessment, along with an in-depth analysis of the data will be reported to City Council in July 2006; and

WHEREAS it would be very straightforward and simple for City staff to prepare a report to City Council on just the actual number of homeless people who were surveyed on April 19, 2006; and

WHEREAS the Community Services Committee will next meet on June 8, 2006, and City Council will next meet on June 27, 28 and 29, 2006;

NOW THEREFORE BE IT RESOLVED THAT the General Manager, Shelter, Support and Housing Administration, be requested to prepare a preliminary report for the June 8, 2006 Community Services Committee, containing the number of homeless people who were surveyed on April 19, 2006, resulting in this preliminary report being considered by City Council at its meeting of June 27, 28, and 29, 2006;

AND BE IT FURTHER RESOLVED THAT the full report be considered by City Council at its July 25, 26 and 27, 2006 meeting.”

Fiscal Impact Statement:

City Council had before it, for consideration with Motion I(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

8.65 **I(2) Hiring of Relatives of Members of Council in Council Offices**

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

Moved by: Councillor Del Grande

Seconded by: former Councillor Altobello

“WHEREAS in June 2000, City Council adopted the policy that states ‘no employment of relatives of Members of Council shall be permitted within Councillors’ offices and the Mayor’s offices’; and

WHEREAS during the current meeting of City Council, we will consider Policy and Finance Committee Report 4, Clause 1, headed ‘The Hiring and Appointment of Relatives of Members of Council to City of Toronto Staff and Agencies, Boards and Commissions’; and

WHEREAS the report currently before Council contemplates an exemption of presently held positions for the list of job titles included in the Integrity Commissioner’s report; and

WHEREAS in June 2000, Council appears to have overlooked the fact that an Ontario Human Rights Code violation may be forced if the policy adopted at that time requires the termination of a long-term employee solely on the grounds that their spouse exercised their democratic right to run for elected office and was successful;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto Council amend the June 2000 policy to allow Council Office staff, whose relative as defined in the June 2000 Council policy, becomes a member of Council, be grandparented and permitted to continue their employment with their existing Councillor (to the end of the Council term).”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion I(2) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion I(2), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Procedural Vote:

The vote to waive referral of Motion I(2) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Soknacki moved that Motion I(2) be referred to the Integrity Commissioner to consider the implications of the suggested policy change, and report directly to Council for its meeting on July 25, 2006.

Vote on Referral:

The motion by Councillor Soknacki carried.

Summary:

In summary, Council referred Motion I(2) to the Integrity Commissioner to consider the implications of the suggested policy change, and report directly to Council for its meeting on July 25, 2006.

8.66 **J(1) Investigation by the Integrity Commissioner into the actions and conduct of the Chair of the TTC before, during and after the illegal wildcat strike on May 29th, including the discussions that took place with the Transit Union**

Councillor Stintz moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion:

Moved by: Councillor Stintz

Seconded by: Councillor Del Grande

“WHEREAS the Amalgamated Transit Union Local 113 performed an illegal wildcat strike on May 29, 2006, shutting down the entire Toronto Transit Commission system; and

WHEREAS over 700,000 TTC riders were impacted by the illegal strike; and

WHEREAS thousands of commuters were stranded at bus stops throughout the City waiting for a bus that never arrived; and

WHEREAS no prior notice or advance warning was given to the millions of commuters that were affected by this illegal strike; and

WHEREAS the illegal strike resulted in millions of dollars in lost productivity; and

WHEREAS Torontonians have lost confidence in the TTC, as a result of the illegal strike; and

WHEREAS Chief General Manager Rick Ducharme resigned on June 6, 2006, citing political interference by the Chair of the Toronto Transit Commission; and

WHEREAS several Councillors were barred from a TTC meeting on June 7, 2006, during a discussion about the allegations of political interference and the resignation of the Chief General Manager; and

WHEREAS several members of the Mayor's staff were privy to the discussions that took place during the June 7, 2006 TTC meeting; and

WHEREAS the Chief General Manager has publicly revealed that a secret meeting had taken place between the TTC Union Executive and the Chair of the TTC, regarding the collective bargaining agreement; and

WHEREAS it is not clear how the Chair of the TTC was involved in the illegal strike and what was negotiated during private meetings with Transit Union Executives; and

WHEREAS the illegal wildcat strike and the weekly threats of more illegal job action by the Transit Union, combined with the allegations of political interference are serious and require a full and comprehensive investigation, in order to restore confidence in the system; and

WHEREAS the Integrity Commissioner plays a crucial role in maintaining the public's confidence in City Hall and in ensuring that the Code of Conduct for Members of Council is objectively communicated and applied; and

WHEREAS the Code of Conduct for Members of Council, Section XII states that the Code 'also applies in spirit and intent subject to any necessary (legal) modification, to appointees of Council and to other representatives who serve on City agencies, boards, commissions and other bodies';

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council direct the Integrity Commissioner to investigate the actions and conduct of the Chair of the TTC before, during and after the illegal wildcat strike on May 29, 2006, including the discussions that took place with the Transit Union;

AND BE IT FURTHER RESOLVED THAT the Integrity Commissioner’s report be open to the public and released at a future City Council meeting.”,

the vote upon which was taken as follows:

Yes - 15 Councillors:	Del Grande, Feldman, Ford, Grimes, Holyday, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson
No - 19 Mayor: Councillors:	Miller Ainslie, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Rae

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on July 25, 2006.

8.67 **J(2) Establishment of a Business Improvement Area for the Albion Road and Islington Avenue Business Area**

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, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Hall

Seconded by: Councillor Lindsay Luby

“**WHEREAS** commercial property owners and business tenants in the Albion Road and Islington Avenue area have been considering establishing a Business Improvement Area (BIA) in this area, since 2005; and

WHEREAS the BIA Steering Committee received generally positive responses to the establishment of a BIA at various meetings with owners and tenants; and

WHEREAS the Economic Development, Culture and Tourism Division received a positive response concerning the creation of a BIA at the formal public meeting held on June 14, 2006; and

WHEREAS there is a shortened Council cycle this year due to the election, and in order to have the new BIA operational in time for the 2006 Annual General Meeting and 2007 budget cycle, the process to establish the BIA must begin as soon as possible;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be authorized to carry out the formal polling to create a Business Improvement Area in the area shown on the attached map, and the General Manager of Economic Development, Culture, and Tourism be authorized to report directly on the poll results to the September 25, 2006 Council meeting.”

Advice by Mayor:

Mayor Miller 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 Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(2), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Procedural Vote:

The vote to waive referral of Motion J(2) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(2), the following which are on file in the City Clerk's Office:

- (i) communication (June 15, 2006) from Ishad Gafoor, Steering Committee Chair, Proposed Albion and Islington BIA; and
- (ii) map of the proposed Albion/Islington Business Improvement Area.

Vote:

Motion J(2) was adopted, without amendment.

8.68 **J(3) Instilling Civic Pride in Our National Flag**

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

Moved by: Councillor Ainslie

Seconded by: Councillor Soknacki

“WHEREAS on February 15, 1965, the red and white maple leaf was officially proclaimed as the National Flag of Canada; and

WHEREAS the National Flag of Canada is a symbol of honour and pride for all Canadians; and

WHEREAS the City of Toronto has played a role in the creation and promotion of the National Flag; and

WHEREAS Alexander Muir, a resident of Toronto, wrote the song ‘The Maple Leaf Forever’, which helped establish the maple leaf as a national symbol; and

WHEREAS Mr. Jesse Flis, former Member of Parliament for the riding of Parkdale - High Park, played a leading role in having February 15th declared as National Flag Day; and

WHEREAS it is incumbent upon Torontonians and all Canadians to take pride in displaying the National Flag; and

WHEREAS flying a National Flag of Canada that is tattered, torn, faded or in a similar state of disrepair shows a lack of respect for this symbol and our Country;

NOW THEREFORE BE IT RESOLVED THAT the Chief Corporate Officer be directed to inspect all National Flags on City property and to replace any which are in a state of disrepair and that this work be completed prior to July 1, 2006;

AND BE IT FURTHER RESOLVED THAT the City Solicitor report back on the feasibility of amending the Toronto Municipal Code to make it an offense to display, in public, a National Flag of Canada that is in poor condition;

AND BE IT FURTHER RESOLVED THAT the Government of Canada be advised of Toronto City Council’s decision and be requested to consider similar federal legislation regulating the display of the National Flag in public;

AND BE IT FURTHER RESOLVED THAT the Government of Canada be requested to declare February 15th as a National Holiday enabling all Canadians to fully celebrate their national symbol.”

Advice by Mayor:

Mayor Miller 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 Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(3), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 1, Page 252)

Procedural Vote:

The vote to waive referral of Motion J(3) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(3) was adopted, without amendment.

8.69 J(4) Declaration of Vacancy – Ward 35 – Scarborough Southwest

Councillor Thompson 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, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Thompson

Seconded by: Councillor Del Grande

“**WHEREAS** subsection 260(1) of the *Municipal Act, 2001*, as amended, provides that a Member of Council may resign from office by filing a notice in writing with the City Clerk; and

WHEREAS Councillor Altobello, Ward 35 – Scarborough Southwest, filed a letter of resignation with the City Clerk on June 13, 2006, such resignation being effective on June 14, 2006; and

WHEREAS subsection 259(1) of the *Municipal Act, 2001*, as amended, provides that the office of a Member of Council becomes vacant if the Member resigns from office; and

WHEREAS subsection 262(1) of the *Municipal Act, 2001*, as amended, requires that Council shall, at its next meeting, declare the office to be vacant;

NOW THEREFORE BE IT RESOLVED THAT, pursuant to subsection 262(1) of the *Municipal Act, 2001*, as amended, the office of Councillor, Ward 35 – Scarborough Southwest, be declared vacant.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(4), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Vote:

Motion J(4) was adopted, without amendment.

8.70 **J(5) Appointment to Fill the Vacancy in the Office of Councillor, Ward 35 – Scarborough Southwest**

Councillor Thompson 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, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Thompson

Seconded by: Councillor Del Grande

“**WHEREAS** Council has declared the office of Councillor, Ward 35 – Scarborough Southwest, to be vacant; and

WHEREAS subsection 65(2) of the *Municipal Elections Act, 1996*, as amended, provides that no by-election can be held to fill an office that becomes vacant after March 31 in an election year; and

WHEREAS subsection 263(5) of the *Municipal Act, 2001*, as amended, provides that Council shall, within 60 days after the day the office is declared vacant, appoint a person to fill the vacancy;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the staff recommendations contained in the Recommendations Section of the attached report (June 20, 2006) from the City Clerk.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(5), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 2, Page 253)

Council also had before it, during consideration of Motion J(5), a report (June 20, 2006) from the City Clerk. (See Attachment 4, Page 219)

Motion:

Mayor Miller, with the permission of Council, moved that Motion J(5) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT City Council adopt the staff recommendations contained in the Recommendations Section of the report (June 20, 2006) from the City Clerk.”

Votes:

The motion by Mayor Miller carried.

Motion J(5), as amended, carried.

Summary:

In adopting Motion J(5), as amended, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (June 20, 2006) from the City Clerk:

“It is recommended that:

- (1) the vacancy be filled through the appointment of a qualified elector following the process set out in Appendix ‘A’;
- (2) the City Clerk’s 2006 Operating Budget be increased by \$20,000.00, with funding provided from the Election Reserve, for a net zero impact;
- (3) in the interim, the current staff of former Councillor Altobello continue to

serve the constituents of Ward 35 – Scarborough Southwest until the new Councillor is appointed and a decision is made by Council or the new Councillor with respect to staffing; and

- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Appendix “A”

Procedures for Filling the Vacancy in the Office
of Councillor - Ward 35 - Scarborough Southwest
through an Appointment with Presentations
at both the Scarborough Community Council and Council

- (1) Advertisements shall be placed in one major daily newspaper and in one local newspaper serving the ward. The advertisements shall indicate Council’s intention to appoint a qualified elector to the vacancy and outline the process one must follow to be considered.
- (2) An information session will be conducted by staff at Toronto City Hall from 5:00 p.m. to 7:00 p.m. on July 13, 2006. All interested persons must attend this session, complete a Consent of Nominee form and a Declaration of Qualification and provide personal identification showing their name and qualifying address within the City of Toronto. Persons may also submit a resume which will be available for public inspection in the City Clerk’s Office. The resume will also be distributed to Members of Council.
- (3) The deadline for filing the Consent of Nominee form, the Declaration of Qualification, personal identification and a resume for Council’s consideration shall be 12:00 noon on the day following the information session.
- (4) The candidates who have attended the information session, completed a Consent of Nominee form and a Declaration of Qualification and provided personal identification satisfactory to the Clerk, may appear before the Scarborough Community Council at a Special Meeting on July 19, 2006.
- (5) The Chair or Presiding Officer shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
- (6) The Clerk will provide to the Chair or Presiding Officer, a list of the names of those candidates who have completed the Consent of Nominee and Declaration of Qualification and the Chair or Presiding Officer will call for a motion from the Scarborough Community Council in the following form:

“Moved by...

THAT the following persons, who have signified in writing that they are legally qualified to hold the office of Councillor and consented to accept the office if they are appointed to fill the vacancy of Councillor, Ward 35 – Scarborough Southwest, shall be considered for appointment to fill such vacancy.”

- (7) Each of the candidates shall be afforded the opportunity to address the Community Council for a period of not more than five minutes. The order of speaking will be determined by lot. (The Clerk shall place the names of all candidates on equal size pieces of paper in a container and randomly draw the names.)
- (8) Each Member of the Scarborough Community Council will be allowed no more than one question to each candidate.
- (9) Following consideration by the Community Council of all submissions, the Community Council will proceed to vote as follows:
 - (a) Members of the Community Council will vote by way of ballot;
 - (b) Members of the Community Council must sign and print their name on the ballot; ballots that do not contain both the signature and name of the Member will be rejected from the count;
 - (c) if the candidate who receives the greatest number of votes cast does not receive more than one-half the votes of all Members of the Community Council present and voting, the candidate or candidates who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the Clerk or designate and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes in the proceeding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of the Community Council present and voting;
 - (d) where the votes cast are equal for all the candidates:
 - (i) if there are three or more candidates remaining, the Clerk or designate shall by lot select one such candidate to be excluded from the subsequent voting;
 - (ii) if only two candidates remain, the tie shall be broken and the candidate selected by lot conducted by the Clerk or designate shall be the candidate selected by the Community Council for Council’s consideration; and

- (iii) “lot” means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a container and one name being drawn by the Clerk or designate.
- (10) Upon conclusion of the voting, the Chair or Presiding Officer will declare the candidate receiving the votes of more than one-half of the number of the Members of the Scarborough Community Council present and voting to be the candidate selected by the Community Council for Council’s consideration. The name of the selected candidate will be forwarded to Council in the form of a communication from the Scarborough Community Council.
- (11) The candidates who have attended the information session, completed a Consent of Nominee form and a Declaration of Qualification and provided personal identification satisfactory to the Clerk, may appear before Council at a Special Meeting of Council to be held at 5:00 p.m., July 25, 2006. Candidates may appear before Council whether or not they attended at the Scarborough Community Council.
- (12) The Mayor or Presiding Officer shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
- (13) The Clerk will provide to the Mayor or Presiding Officer, a list of the names of those candidates who have completed the Consent of Nominee and Declaration of Qualification and the Mayor or Presiding Officer will call for a motion from Council in the following form:
- “Moved by...
- THAT the following persons, who have signified in writing that they are legally qualified to hold the office of Councillor and consented to accept the office if they are appointed to fill the vacancy of Councillor, Ward 35 – Scarborough Southwest, shall be considered for appointment to fill such vacancy.”
- (14) Each of the candidates shall be afforded the opportunity to address Council for a period of not more than five minutes. The order of speaking will be determined by lot. (The Clerk shall place the names of all candidates on equal size pieces of paper in a container and randomly draw the names.)
- (15) Each Member of Council will be allowed no more than one question to each candidate.

- (16) Following consideration by Council of all submissions, Council will proceed to vote as follows:
- (a) Members of Council will vote by way of ballot;
 - (b) Members of Council must sign and print their name on the ballot; ballots that do not contain both the signature and name of the Member will be rejected from the count;
 - (c) if the candidate who receives the greatest number of votes cast does not receive more than one-half the votes of all Members of Council present and voting, the candidate or candidates who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes in the proceeding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of Council present and voting;
 - (d) where the votes cast are equal for all the candidates:
 - (i) if there are three or more candidates remaining, the Clerk shall by lot select one such candidate to be excluded from the subsequent voting;
 - (ii) if only two candidates remain, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the Clerk; and
 - (iii) “lot” means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a container and one name being drawn by the Clerk.
- (17) Upon conclusion of the voting, the Clerk will declare to be elected the candidate receiving the votes of more than one-half of the number of the Members of Council present and voting.
- (18) A by-law confirming the appointment shall be enacted by Council appointing the successful candidate to the office for the remainder of the term of the present Council.

8.71 **J(7) Funding of Major Strategic Capital Infrastructure Projects**

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

Moved by: Councillor Soknacki

Seconded by: Mayor Miller

“WHEREAS a confidential report (June 26, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer, entitled ‘Interest Rate on Promissory Note of Toronto Hydro Corporation’, is submitted to Council, via a separate Notice of Motion; and

WHEREAS the attached report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer, entitled ‘Funding of Major Strategic Capital Infrastructure Projects’, also deals with the City’s access to the principal value of the Promissory Note of \$980 million; and

WHEREAS Council’s policy for application of the proceeds of the Promissory Note was established in 1999 and does not specifically deal with the principal value of the Promissory Note;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the staff recommendations contained in the Recommendations Section of the attached report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer, entitled ‘Funding of Major Strategic Capital Infrastructure Projects’;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be granted authority to take the necessary actions to give effect thereto.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(7) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(7), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 3, Page 254)

Procedural Vote:

The vote to waive referral of Motion J(7) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(7), a report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer. (See Attachment 5, Page 226)

Disposition:

As Council did not conclude its debate on Motion J(7) prior to the end of the meeting, consideration of this Motion was postponed to the next regular meeting of City Council on July 25, 2006.

8.72 **J(8) Sole Source Negotiation with Bombardier Inc. for the Purchase of TTC Subway Cars**

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:

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Stintz

“WHEREAS the Toronto Transit Commission (TTC) adopted a Resolution to enter into a sole source negotiation with Bombardier Inc. for the purchase of subway cars; and

WHEREAS the potential cost of the subway cars could exceed \$700,000,000.00 and, when combined with a service agreement, the cost of this contract over the life of the subway cars could exceed \$1 billion; and

WHEREAS the former Chief General Manager of the TTC recommended that this contract be put out for competitive bids; and

WHEREAS competitive bids are recognized as the best process for ensuring the best proposal, the best product and the best price; and

WHEREAS a competitive bid promotes an open and transparent process and builds confidence in the public that their tax dollars are being used wisely; and

WHEREAS the current closed process gives Bombardier an unfair advantage; and

WHEREAS the former Chief General Manager has indicated that the process of purchasing the subway cars has been a ‘fiasco’ and has resulted in political interference; and

WHEREAS the Canadian Auto Workers (CAW) has lobbied aggressively to make sure that Bombardier wins this sole source contract; and

WHEREAS it appears from all facts and circumstances that closed-door, ‘backroom deals’ have been made to secure this contract for Bombardier and the CAW; and

WHEREAS any sole source contract process has been tainted by political interference and it is no longer possible for the public to have confidence in the award of a contract to Bombardier Inc.; and

WHEREAS the new *City of Toronto Act* allows Council to set policy and operational direction for the TTC;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto request the TTC to end negotiations with Bombardier Inc. for the purchase of subway cars;

AND BE IT FURTHER RESOLVED THAT the City of Toronto request the TTC to enter into a competitive bidding process for the replacement of its subway cars;

AND BE IT FURTHER RESOLVED THAT, if the TTC refuses to follow measures that will protect the integrity of the City by opening up the purchase of subway cars for competitive bid, this matter be referred to the Budget Advisory Committee to consider the amount it funds the TTC and its accountability to the taxpayers and the commuters in the City of Toronto.”

the vote upon which was taken as follows:

Yes - 19	
Councillors:	Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker
No - 17	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Silva, Soknacki

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(8), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Council also had before it, for consideration with Motion J(8), the following which are on file in the City Clerk's Office:

- (i) 177 communications submitted by Councillor Moscoe, Ward 15, Eglinton-Lawrence;
- (ii) (June 28, 2006) News Release from Councillor Denzil Minnan-Wong, Ward 34, Don Valley East, and Councillor Karen Stintz, Ward 16, Eglinton Lawrence, submitted by Councillor Stintz; and
- (iii) petition containing approximately 2,633 form letters and a separate document containing 38 signatures regarding the sole source negotiation with Bombardier Inc. for the purchase of TTC subway cars, submitted by Councillor Moscoe, Ward 15, Eglinton-Lawrence.

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on July 25, 2006.

8.73 **J(9) Sole Source Contract for New Subway Cars for Toronto Transit Commission**

Ruling by Mayor:

Mayor Miller ruled the following Motion redundant, as it is essentially the same as Motion J(8):

Moved by: Councillor Walker

Seconded by: Councillor Thompson

“WHEREAS the Toronto Transit Commission (TTC) is advancing the signing of a sole source contract with Bombardier for the acquisition of 234 new subway cars in 6-car configuration; and

WHEREAS the sole source contract with Bombardier is to be signed in October 2006; and

WHEREAS Bombardier provided the TTC with a quote of \$705 million to fulfil its contract for 234 new subway cars; and

WHEREAS another company, Siemens, has provided an estimate of \$535 million to fulfil the same contract; and

WHEREAS it is City Council’s policy and fiduciary responsibility to put any contract out for public tender, if the purchase can be acquired from more than one company; and

WHEREAS Bombardier is not the only company that has operations in Ontario; and

WHEREAS Bombardier is not the only company that has unionized employees; and

WHEREAS recently, Siemens beat Bombardier in a competitive bid for a contract to retrofit the propulsion system of TTC streetcars and also won the competitive bid to provide Ottawa’s \$1.1 Billion ring-road system; and

WHEREAS there is not a provincial requirement that forces the City or the TTC to purchase transit cars from Bombardier, as has been stated by the TTC and the Mayor; and

WHEREAS the City’s purchasing policy does not favour unionized over non-unionized companies; and

WHEREAS the necessary justifications have not been made to rationalize a sole sourcing of this contract worth over \$700 million;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council petition the Toronto Transit Commission to cancel the sole source process underway and to publicly tender for competitive bids for the purchase of new subway cars.”

Challenge to Ruling of Mayor:

Councillor Walker challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

Yes - 24	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Fillion, Fletcher, Grimes, Hall, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki
No - 13	
Councillors:	Feldman, Ford, Holyday, Jenkins, Kelly, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Stintz, Thompson, Walker

Carried by a majority of 11.

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(9), a Fiscal Impact Statement

from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Disposition:

This Motion was deemed redundant.

8.74 **J(10) Request of the Auditor General to Investigate TTC Sole Source Contract to Bombardier for Purchase of New Subway Cars**

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:

Moved by: Councillor Walker

Seconded by: Councillor Thompson

“WHEREAS the Toronto Transit Commission (TTC) is advancing the signing of a sole source contract with Bombardier for the acquisition of 234 new subway cars in 6-car configuration; and

WHEREAS the sole source contract with Bombardier is to be signed in October 2006; and

WHEREAS Bombardier provided the TTC with a quote of \$705 million to fulfil its contract for 234 new subway cars; and

WHEREAS another company, Siemens, has provided an estimate of \$535 million to fulfil the same contract; and

WHEREAS it is City Council’s policy and fiduciary responsibility to put any contract out for public tender if the purchase can be acquired from more than one company; and

WHEREAS Bombardier is not the only company that has operations in Ontario; and

WHEREAS Bombardier is not the only company that has unionized employees; and

WHEREAS recently, Siemens beat Bombardier in a competitive bid for a contract to retrofit the propulsion system of TTC streetcars and also won the competitive bid to provide Ottawa’s \$1.1 Billion ring-road system; and

WHEREAS there is not a provincial requirement that forces the City or the TTC to purchase transit cars from Bombardier, as has been stated by the TTC and the Mayor; and

WHEREAS the City's purchasing policy does not favour unionized over non-unionized companies; and

WHEREAS the necessary justifications have not been made to rationalize a sole sourcing of this contract worth over \$700 million;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the Auditor General to immediately complete an audit/full investigation of the Toronto Transit Commission's sole source contract to be awarded to Bombardier for the acquisition of new subway cars.”,

the vote upon which was taken as follows:

Yes - 19	
Councillors:	Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker
No - 18	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Silva

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(10), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on July 25, 2006.

- 8.75 **J(11) Request for City Legal Representation at the Ontario Municipal Board Appeal for 152 Westbourne Avenue (Application File Nos. B023/06SC, A072/06SC & A073/06SC)**

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

Moved by: Councillor Cowbourne

Seconded by: Councillor Fletcher

“**WHEREAS** the Committee of Adjustment, Scarborough Panel, held a public meeting on May 31, 2006, to consider an application for consent to sever and applications for minor variances at 152 Westbourne Avenue; and

WHEREAS the owner of 152 Westbourne Avenue made applications to the Committee of Adjustment, Scarborough Panel, for consent to sever the land to create one additional lot for single family residential development, and for variances to permit the new lot to have a minimum lot frontage of 7 metres (23 feet) and a minimum lot area of 225 square metres (2,422 square feet), and the retained lot to have a minimum lot frontage of 8.2 metres (27 feet) and a minimum lot area of 264 square metres (2,848 square feet), whereas the Zoning By-law requires a minimum lot frontage of 12 metres (39.3 feet) and a minimum lot area of 371 square metres (3,993 square feet); and

WHEREAS Planning staff provided a report to the Committee of Adjustment with a recommendation that the applications be refused because the proposed development would not respect and reinforce the general physical patterns and character of the existing residential neighbourhood, and because the frontages and lot areas for the proposed lots would not be consistent or compatible with the existing lots on Westbourne Avenue and, therefore, the proposal fails to satisfy the tests of s.45(1) of the *Planning Act*, and fails to satisfy the criteria of s.51(24) of the *Planning Act*; and

WHEREAS the Committee of Adjustment, Scarborough Panel, refused to grant the requested consent and variances because the general intent and purpose of the Official Plan and of the Zoning By-law were not maintained, and the variances were not minor and were not considered desirable for the appropriate development of the land; and

WHEREAS the owner has appealed these decisions to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor and Planning staff be directed to attend at the Ontario Municipal Board to defend the Committee of Adjustment’s decision to refuse the consent and variance applications.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(11) to the Scarborough Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(11), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Procedural Vote:

The vote to waive referral of Motion J(11) to the Scarborough 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(11), the following which are on file in the City Clerk's Office:

- (i) Notice of Decision, Consent (May 31, 2006) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel;
- (ii) Notice of Decision, Minor Variance/Permission (May 31, 2006) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel; and
- (iii) Notice of Decision, Minor Variance/Permission (May 31, 2006) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel.

Vote:

Motion J(11) was adopted, without amendment.

8.76 J(12) Maintenance of Various Encroachments – Hepbourne Street Flank – 642 Dovercourt Road (Ward 18 – Davenport)

Councillor Giambrone 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, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Giambrone

Seconded by: Councillor Fletcher

“WHEREAS City Council at its meeting on May 23, 24 and 25, 2006, adopted Toronto and East York Community Council Report 4, Clause 22, headed ‘Maintenance of Various Encroachments - Hepbourne Street Flank - 642 Dovercourt Road (Ward 18 - Davenport)’; and

WHEREAS further investigation on the part of Right-of-Way Management staff and the local Councillor has determined that there is no significant impact on the right-of-way by the garbage storage box;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 4, Clause 22, headed ‘Maintenance of Various Encroachments - Hepbourne Street Flank - 642 Dovercourt Road (Ward 18 - Davenport)’, be re-opened for further consideration, only as it pertains to Recommendation (1) of the report (April 24, 2006) from the Manager, Right of Way Management, Transportation Services, Toronto and East York District;

AND BE IT FURTHER RESOLVED THAT the lead-in phrase to Recommendation (1) be amended by deleting the words ‘with the exception of’, and inserting instead the word ‘including’, so that Recommendation (1) now reads as follows:

- ‘(1) City Council approve the maintenance of various encroachments including the garbage storage box within the public right of way on the Hepbourne Street flank of 642 Dovercourt Road, subject to the property owner entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
 - (a) indemnify the City from and against all actions, suits, claims or demand and from all loss, costs, damages and expenses that may result from such permission granted and providing an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the Chief Financial Officer and Treasurer and in an amount not less than \$2,000,000.00 or such greater amount as the Chief Financial Officer and Treasurer may require;
 - (b) maintain the encroachments at his own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachments beyond what is allowed under the terms of the Agreement;
 - (c) remove the encroachments upon receiving 30 days written notice so to do;

- (d) pay for the costs of preparing the agreement in the amount of \$452.03; and
- (e) accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City of Toronto.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(12), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Vote to Re-open:

The first Operative Paragraph contained in Motion J(12) carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

The balance of Motion J(12) was adopted, without amendment.

Summary:

In summary, City Council re-opened Toronto and East York Community Council Report 4, Clause 22, headed “Maintenance of Various Encroachments - Hepbourne Street Flank – 642 Dovercourt Road (Ward 18 - Davenport)”, for further consideration, only as it pertains to Recommendation (1) of the report (April 24, 2006) from the Manager, Right of Way Management, Transportation Services, Toronto and East York District, and adopted the balance of this Motion, without amendment.

8.77 J(13) Detailed Year-Over-Year Comparisons on Final Property Tax Bills

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, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Pitfield

Seconded by: Councillor Ootes

“WHEREAS final property tax bills were mailed to ratepayers across the City of Toronto during the last week of May 2006; and

WHEREAS City Council approved a 3 percent property tax increase to residents and a 1 percent increase to businesses through the 2006 Operating Budget; and

WHEREAS 2006 property taxes are based on a new re-assessment conducted by the Municipal Property Assessment Corporation (MPAC); and

WHEREAS MPAC does not provide tax impact information but only the actual assessment increase or decrease, and a comparison to the City average; and

WHEREAS ratepayers pay both a municipal levy and a provincial education levy; and

WHEREAS ratepayers are confused by the lack of detail on their assessment notices and property tax bills; and

WHEREAS ratepayers deserve to know what portion they pay to the City and what portion they pay to the Province; and

WHEREAS ratepayers deserve to know exactly how much, in dollars and as a percentage, their property tax has increased or decreased;

NOW THEREFORE BE IT RESOLVED THAT City Council request the Treasurer to include, beginning in 2007, year-over-year comparisons on a final property tax bill, both in dollars and as a percentage, for the following categories:

- (a) municipal taxes levied;
- (b) provincial education taxes levied;
- (c) municipal taxes related only to assessment;
- (d) provincial education taxes related only to assessment;
- (e) municipal taxes related only to tax rate changes; and
- (f) education taxes related only to tax rate changes;

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 Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(13) to the Policy and Finance Committee Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(13), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial

impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 4, Page 255)

Procedural Vote:

The vote to waive referral of Motion J(13) to the Policy and Finance Committee was taken as follows:

Yes - 20	
Councillors:	Ainslie, Carroll, Del Grande, Feldman, Ford, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker
No - 17	
Mayor:	Miller
Councillors:	Bussin, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Grimes, Hall, Kelly, McConnell, Mihevc, Moscoe, Pantalone, Rae, Silva, Soknacki

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

Disposition:

Due to the above decision of Council, Motion J(13) was referred to the Policy and Finance Committee.

8.78 J(14) Proclamation of June 22 as Chinese Canadian Head Tax Redress Day

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

Moved by: Councillor Fletcher

Seconded by: Mayor Miller

“WHEREAS Chinese labour was used to build the Canadian Pacific Railway (CPR) to fulfil the National Dream and unite the country from west to east, with Chinese workers earning 75 cents per day which was half of what other workers were paid; and

WHEREAS in 1885, after the Last Spike was driven, the Canadian government imposed a \$50.00 head tax in an effort to restrict Chinese immigration, a tax which, by 1903, was raised to \$500.00, a sum worth two years of wages at the time; and

WHEREAS on July 1, 1923, the *Chinese Exclusion Act* was passed to stop Chinese immigration; and

WHEREAS for the next 24 years, this racist and hurtful legislation separated families until it was finally repealed in May 1947, and Chinese Canadians regained the right to vote; and

WHEREAS the Chinese Canadian National Council (CCNC) and redress-seeking groups across the country, including the Ontario Coalition of Chinese Head Tax Payers and Families, have pressed successive Federal Governments, since 1984, to provide redress for the Chinese Head Tax 1885 - 1923, and the *Chinese Exclusion Act* 1923 - 1947; and

WHEREAS on June 22, 2006, the Canadian Government offered a Parliamentary apology for the injustice and racial discrimination of the Chinese Head Tax and *Chinese Exclusion Act* and recognized the suffering of individual Chinese Canadians, their families, and the entire Chinese Canadian community that resulted from this legislated discrimination, including the emotional and financial hardship, and the forced separation of families;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto congratulate the head tax families, the CCNC, redress-seeking groups, including the Ontario Coalition of Chinese Head Tax Payers and Families, redress supporters and the entire Chinese Canadian community, for their tireless efforts to secure redress for the head tax payers, and an official apology for this disgraceful treatment of the entire community;

AND BE IT FURTHER RESOLVED THAT the City of Toronto proclaim June 22 as ‘Chinese Canadian Head Tax Redress Day’ on a go forward basis, to celebrate this historic achievement;

AND BE IT FURTHER RESOLVED THAT Toronto City Council recognize the tremendous contribution of the Chinese Canadian community to the City of Toronto and Council re-affirm the City’s policy of respect for diversity, equity and non-discrimination.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(14) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(14), a Fiscal Impact Statement

from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Procedural Vote:

The vote to waive referral of Motion J(14) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motions:

- (a) Councillor Minnan-Wong moved that Motion J(14) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Prime Minister and the Federal Government be congratulated on the Chinese Canadian Head Tax Initiative.”

- (b) Councillor Moscoe moved that motion (a) by Councillor Minnan-Wong be amended by inserting the name “Olivia Chow, M.P.”, after the words “Prime Minister”.

Votes:

Adoption of motion (b) by Councillor Moscoe:

Yes - 21	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Grimes, Hall, Jenkins, McConnell, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Silva, Soknacki
No - 17	
Councillors:	Del Grande, Feldman, Ford, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Thompson, Walker

Carried by a majority of 4.

Adoption of motion (a) by Councillor Minnan-Wong, as amended:

Yes - 38	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc,

Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker
No - 0

Carried, without dissent.

Adoption of Motion J(14), as amended:

Yes - 38
Mayor: Miller
Councillors: Ainslie, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker
No - 0

Carried, without dissent.

Summary:

In summary, City Council amended Motion J(14) by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Prime Minister, Olivia Chow, M.P., and the Federal Government be congratulated on the Chinese Canadian Head Tax Initiative.”

8.79 J(15) Request for City of Toronto to Appeal Minor Variance Decision at 7 Lynn Road (Application A084/06SC) and for City Legal Representation at OMB Hearing

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

Moved by: Councillor Cowbourne

Seconded by: Councillor Hall

“WHEREAS the Committee of Adjustment, Scarborough Panel, held a public meeting on June 21, 2006, to consider an application for minor variance at 7 Lynn Road; and

WHEREAS the owner of 7 Lynn Road made application to the Committee of Adjustment for a minor variance to permit a street yard parking space measuring 2.7 metres (8.9 feet) width x 2.14 metres (7.0 feet) in length on the property, with another 3.56 metres (11.7 feet) in length located on the public boulevard, despite the Zoning By-law requiring a minimum parking space size of 2.7 metres (8.9 feet) width x 5.7 metres (18.7 feet) length, located entirely on the property; and

WHEREAS Community Planning Staff did not take a position on this application; and

WHEREAS the Committee of Adjustment, Scarborough Panel, approved the application, subject to the owner:

- (1) entering into an encroachment agreement with the City to the satisfaction of the Director, Transportation Services, Scarborough District; and
- (2) submitting a Tree Protection Plan for the City-owned Red Oak tree situated in front of the neighbouring property (5 Lynn Road) to the satisfaction of Urban Forestry; and

WHEREAS the introduction of a new parking space in the street yard on this property would have a negative impact on the streetscape of Lynn Road, in that more than half of the parking space would be situated on the public boulevard, the amount of landscaping in the front yard would be reduced and approval of this variance could set a precedent for future similar applications along this portion of Lynn Road;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto appeal the Committee of Adjustment decision and the City Solicitor be directed to attend the Ontario Municipal Board Hearing and be authorized to hire outside planning staff to defend the intent and purpose of the Zoning By-law.”

Advice by Mayor:

Mayor Miller 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 Scarborough Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(15), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Procedural Vote:

The vote to waive referral of Motion J(15) to the Scarborough 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(15), a Notice of Decision, Minor Variance/Permission (June 21, 2006) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel, which is on file in the City Clerk's Office.

Vote:

Motion J(15) was adopted, without amendment.

8.80 **J(16) Report Request on Amending the Term for the Scarborough Community Preservation Panel and the Scarborough Museum Board Citizen Members**

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

Moved by: Councillor Cowbourne

Seconded by: Councillor Kelly

“WHEREAS Municipal Code Chapter 103, Heritage, establishes a Community Preservation Panel for each Community Council area to undertake various duties relating to local heritage preservation issues, such as research, monitoring heritage buildings, and recommending their designation to the Preservation Board; and

WHEREAS Chapter 103 provides that:

‘The persons appointed to a panel, except for members of Council, shall hold office for a term consistent with the City’s “Policy on Citizen Appointments to City of Toronto Agencies, Boards and Commissions and External Special-Purpose Bodies” ’; and

WHEREAS the general provisions of the Policy and Processes for Citizen Nomination to City Agencies, Boards, Commissions and Corporations (ABCCs) and External Special Purpose Bodies are that:

‘For most boards, citizens are appointed for a three-year term of office, coincident with the term of Council, or until their successors are appointed ...

... The body making recommendations to Council should consider achieving a balance between re-appointments and new appointments of citizen members ...

... Citizens who are eligible and willing to seek re-appointment, may be considered by the Nominating Panel for re-appointment for a second consecutive 3-year term for a total of up to two consecutive terms of up to 3 years each, plus any time beyond the term awaiting a successor appointment. For terms shorter than 3 years, the limit shall be the equivalent of 2 consecutive 3 year terms.'; and

WHEREAS the current citizen members of the Scarborough Community Preservation Panel and the Scarborough Museum Board are not eligible for re-appointment, having all served for two or more terms, so that there would be no continuity next term; and

WHEREAS it is extremely difficult to recruit volunteers with local historical knowledge and experience;

NOW THEREFORE BE IT RESOLVED THAT the Chief Planner and Executive Director, City Planning, and the General Manager, Economic Development, Culture and Tourism, be requested to report to the Policy and Finance Committee on amendments to Municipal Code Chapter 103, Heritage, that would allow the Scarborough Museum Board and the Scarborough Community Preservation Panel citizen members to serve more than two terms of office, when necessary, in time for appointments for the 2007-2010 Council term to take place.”

Advice by Mayor:

Mayor Miller 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 Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(16), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Procedural Vote:

The vote to waive referral of Motion J(16) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(16) was adopted, without amendment.

8.81 **J(17) Creating a Business Improvement Area (BIA) for the Queen Street East Business Area Between Victoria Street and River Street**

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

Moved by: Councillor McConnell

Seconded by: Councillor Lindsay Luby

“WHEREAS commercial property owners and business tenants in the Queen Street East Business and Residents Association and the Corktown Residents and Business Association, between Victoria Street and River Street, have been considering establishing a BIA in this area since 2005; and

WHEREAS the BIA Steering Committee received generally positive responses to the establishment of a BIA at various meetings with owners and tenants; and

WHEREAS the Economic Development, Culture and Tourism Division received a positive response concerning the creation of a BIA at the formal public meeting held on May 17, 2006; and

WHEREAS, given the shortened Council cycle due to the election, and in order to have the new BIA operational in time for the 2006 Annual General Meeting, and 2007 budget cycle, the process to establish the BIA must begin as soon as possible;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be authorized to carry out the formal polling to create a BIA in the area shown on the attached map, and the General Manager of Economic Development, Culture, and Tourism be authorized to report directly on the poll results to the September 25, 2006, Council meeting.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(17) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(17), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Procedural Vote:

The vote to waive referral of Motion J(17) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(17), Maps 1 to 3 of the Old Queen Street Proposed Business Improvement Area, which are on file in the City Clerk's Office.

Deputy Mayor Bussin in the Chair.

Vote:

Motion J(17) was adopted, without amendment.

Mayor Miller in the Chair.

8.82 **J(18) Request of the Federal Government to Restore Funding for the EnerGuide for Houses Program**

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

Moved by: Councillor Watson

Seconded by: Deputy Mayor Pantalone

“WHEREAS the City of Toronto has an ongoing commitment to encourage energy conservation and the reduction of green house gas emissions; and

WHEREAS energy efficiency is a responsible way for residents to save money, conserve our natural resources and protect our environment; and

WHEREAS EnerGuide for Houses, Canada's energy efficiency advice and rating program, helps cut energy consumption and boost home energy efficiency, through evaluations and advice to homeowners about where and how energy can be saved and by providing cash rewards for reducing energy consumption; and

WHEREAS participants in the EnerGuide for Houses program save an average of 28 percent on their energy bills, amounting to \$750.00 a year, or \$18,750.00 over 25 years, at current energy prices; and

WHEREAS aside from the environmental and energy cost benefits, EnerGuide for Houses also leverages home improvement investments (\$5,000.00 to \$7,000.00 per grant) that create hundreds of jobs and business opportunities for local trades people; and

WHEREAS over 10,000 households in Ontario have completed the ‘before’ and ‘after’ audit process, yielding an average of 25 percent reduction in heating energy use and about four tonnes eCO₂ reduction per household; and

WHEREAS EnerGuide for Houses is internationally acclaimed as the most successful among Kyoto-influenced energy conservation initiatives; and

WHEREAS the federal government discontinued funding for the EnerGuide for Houses program in May 2006, including the EnerGuide for Houses Retrofit Incentive program, which provides performance-based grants to homeowners who make energy efficiency investments in their homes and EnerGuide for Low Income Households, which pays the full cost of energy efficiency upgrades for qualifying low-income households; and

WHEREAS the federal government has committed itself to a ‘Made in Canada’ approach to addressing the issue of global climate change; and

WHEREAS in May 2006 the Federation of Canadian Municipalities unanimously endorsed an emergency resolution calling on the federal government to immediately restore funding for the EnerGuide for Houses program, and that this be included as part of the proposed ‘Made in Canada’ plan for climate change;

NOW THEREFORE BE IT RESOLVED THAT City Council urge the federal government to restore funding for the EnerGuide for Houses program.”

Advice by Mayor:

Mayor Miller 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 Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(18), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement

Summary, Page 248)

Procedural Vote:

The vote to waive referral of Motion J(18) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(18) was adopted, without amendment.

8.83 **J(19) Involvement of Elected Officials in Negotiations for Procurement of Subway Cars**

Councillor Ootes moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion:

Moved by: Councillor Ootes

Seconded by: Councillor Stintz

“WHEREAS the Ethics and Integrity of the City of Toronto government were important issues in the 2003 Municipal election; and

WHEREAS the Mayor and many Members of Council were elected on a mandate to reform the City of Toronto government; and

WHEREAS Madame Justice Denise E. Bellamy was in the midst of the MFP/Toronto Computer Leasing Inquiry – Toronto External Contacts Inquiry at the time of the Municipal election; and

WHEREAS Justice Bellamy wrote almost one year ago, ‘With this report, I pass a Torch to the Mayor and Toronto City Council. The job they gave me to do is done. The physical product of the work, my report, now belongs to them and, through them, to the people of Toronto.’; and

WHEREAS Justice Bellamy made recommendations on reform of the Procurement Process for the City of Toronto; and

WHEREAS in order for City Council to show the people of Toronto that it supports the work and recommendations of the report, Council must act when actions are taken that are contrary to Justice Bellamy’s recommendations; and

WHEREAS Recommendation (130) reads: ‘Councillors should separate themselves from the procurement process. They should have no involvement whatsoever in

specific procurements. They have the strongest ethical obligation to refrain from seeking to be involved in any way.’; and

WHEREAS Councillor Moscoe, as Chair of the Toronto Transit Commission, has admitted that he was directly involved in negotiating a ‘sole source’ purchase agreement with Bombardier for the upcoming purchase of new subway cars; and

WHEREAS City Council must show the people of Toronto that actions such as these are no longer acceptable;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) the Council of the City of Toronto state that it does not support the involvement of elected officials in the negotiations for the procurement of subway cars on behalf of the TTC; and
- (2) the Council of the City of Toronto request the Toronto Transit Commission to remove Councillor Moscoe as Chair of the TTC, due to his inappropriate involvement in the negotiations for the purchase of subway cars, to reflect the wishes of the citizens of Toronto for a more transparent government, free of the potential for political interference in the procurement of goods or services by the City and its Agencies, Boards and Commissions.”,

the vote upon which was taken as follows:

Yes - 20	
Councillors:	Cowbourne, Di Giorgio, Feldman, Ford, Grimes, Holyday, Kelly, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker
No - 18	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Filion, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Silva, Watson

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(19), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on July 25, 2006.

8.84 **J(20) Official Plan Amendment and Rezoning Application - 99 Chandos Avenue**

Councillor Palacio 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, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Palacio

Seconded by: Councillor Nunziata

“WHEREAS following discussions with the applicant and City Staff, it is advisable to amend Etobicoke York Community Council Report 3, Clause 6, headed ‘Final Report - Official Plan Amendment and Rezoning Application - Applicant: Jonathan Mair, Firm Capital Corporation Architect: Ferdinand Wagner Architect 99 Chandos Avenue (Ward 17 - Davenport)’, as approved by City Council on April 25, 26 and 27, 2006, to provide a reasonable opportunity for the owner to complete work in accordance with a building permit to be obtained for the conversion of the industrial building to a residential building and to provide an opportunity to report on the introduction of a by law amendment to permit the residential building on a permanent basis, if the work is completed pursuant to the building permit; and

WHEREAS the owner, through his Solicitor, has agreed to sign an undertaking to the City indicating that he will use his best efforts to satisfy the conditions to permit introduction of a by-law that would permit a building permit to be issued for the conversion of the industrial building to a residential building but has requested a reasonable amount of time to undertake his best efforts to successfully obtain a building permit and complete the work pursuant to the building permit, so that a Zoning By law amendment can be passed to permit the residential building on a permanent basis;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Etobicoke York Community Council Report 3, Clause 6, headed ‘Final Report - Official Plan Amendment and Rezoning Application - Applicant: Jonathan Mair, Firm Capital Corporation Architect: Ferdinand Wagner Architect 99 Chandos Avenue (Ward 17 - Davenport)’, be re-opened for further consideration, only as it pertains to Recommendation (11);

AND BE IT FURTHER RESOLVED THAT Recommendation (11) be deleted and Council adopt the following new Recommendation (11) instead:

- ‘(11) (a) require that the owner obtain a building permit for conversion of the building from industrial use to a residential building and undertake, prior to the introduction of the Bill in Council, to use best efforts to complete the work within one year of the building permit being issued;
- (b) require that the Director of Community Planning Etobicoke York District, in consultation with the Director of Buildings, Etobicoke York District, report to the Etobicoke York Community Council, prior to expiry of the temporary use by-law, on the progress in completing the work pursuant to the building permit;
- (c) if, in the opinion of the Director of Building’s Etobicoke York District, reasonable progress has been made to complete the work but additional time is required to complete the work pursuant to the building permit, the Director of Community Planning, Etobicoke York District, be requested to report recommending an amendment to the temporary use by-law to extend the expiry date of the temporary use by-law for up to an appropriate additional period of time; and
- (d) if the Director of Buildings, Etobicoke York District, advises that work has been completed pursuant to the building permit within the period of the time that the temporary use by-law is in effect, the Director of Community Planning be requested to arrange a Planning Act Public meeting and report to Community Council recommending a by-law to amend Zoning By-law 438-86 for the former City of Toronto that is substantially in accordance with the draft Zoning By-law attached as Attachment 5 to the report (March 20, 2006) from the Director, Community Planning Etobicoke York District, and that excludes any provision in that sets out a period of time for which the By-law is to be in effect.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(20), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Vote to Re-open:

The first Operative Paragraph contained in Motion J(20) carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

The balance of Motion J(20) was adopted, without amendment.

Summary:

In summary, City Council re-opened Etobicoke York Community Council Report 3, Clause 6, headed “Final Report - Official Plan Amendment and Rezoning Application - Applicant: Jonathan Mair, Firm Capital Corporation, Architect: Ferdinand Wagner Architect, 99 Chandos Avenue (Ward 17 - Davenport)”, for further consideration, only as it pertains to Recommendation (11), and adopted the balance of this Motion, without amendment.

8.85 **J(21) Potential Ontario Municipal Board Hearing - 303 Laird Drive**

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, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Pitfield

Seconded by: Councillor Jenkins

“**WHEREAS** the Committee of Adjustment held a public meeting on December 1, 2005, to consider a request for the granting of a minor variance at 303 Laird Drive, File A0901/05NY; and

WHEREAS the Committee heard from area residents opposed to the granting of these variances; and

WHEREAS the Committee of Adjustment moved to refuse the requested variance on the grounds that the variance was not minor, not within the general intent of the Zoning By-law and was not an appropriate development of this property; and

WHEREAS the applicant appealed the decision to the Ontario Municipal Board on April 13, 2006, and the Ontario Municipal Board (OMB) decision was for modified approval of a building height of 9.0 metres; and

WHEREAS the applicant has maintained the height of the structure at 9.45 metres and not followed the direction of the OMB decision; and

WHEREAS the City of Toronto issued an order to comply with the OMB decision on June 5, 2006, with 30 days to comply with the OMB decision;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to attend at either a re-opening of the Ontario Municipal Board decision or at a legal proceeding brought by the City.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(21) to the North York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(21), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Procedural Vote:

The vote to waive referral of Motion J(21) to the North 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(21), the following which are on file in the City Clerk’s Office:

- (i) extracts from the Minutes of the Committee of Adjustment, North York Panel, meeting held on December 1, 2005, respecting 303 Laird Drive; and
- (ii) Memorandum of Oral Decision of the Ontario Municipal Board (May 3, 2006) respecting 303 Laird Drive.

Vote:

Motion J(21) was adopted, without amendment.

8.86 J(22) Ontario Municipal Board Hearing - 191 Bayview Heights Drive

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, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Pitfield

Seconded by: Councillor Jenkins

“WHEREAS the Committee of Adjustment held a public meeting on September 22, 2005, to consider a request for the granting of minor variances at 191 Bayview Heights Drive, File A0725/05NY; and

WHEREAS the Committee heard from area residents opposed to the granting of these variances; and

WHEREAS the Committee of Adjustment moved to grant a modified approval of the requested variances, on the basis that the general intent and purpose of the Official Plan and Zoning By-law is not maintained and the variances were neither minor in nature nor were they considered desirable for the appropriate development of the land; and

WHEREAS the modified approval would allow a proposed floor space index of 356.74m (0.64 x the area of the lot) and a proposed building length of 17.83 m; and

WHEREAS the applicant appealed this decision to the Ontario Municipal Board on April 18, 2006, without notice of the meeting having been sent to interested parties that the hearing was to take place;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to attend at the Ontario Municipal Board in defence of the City’s Committee of Adjustment decision of the modified approval at a new hearing at the Ontario Municipal Board to be set for August 2006.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(22) to the North York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(22), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Procedural Vote:

The vote to waive referral of Motion J(22) to the North 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(22), the following which are on file in the City Clerk’s Office:

- (i) extracts from the Minutes of the Committee of Adjustment, North York Panel, meeting held on September 22, 2005, respecting 191 Bayview Heights Drive; and
- (ii) Appointment for Hearing of the Ontario Municipal Board (December 12, 2005) respecting 191 Bayview Heights Drive.

Vote:

Motion J(22) was adopted, without amendment.

8.87 **J(23) Request for Cash Flow Advance - George Bell Arena**

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

Moved by: Councillor Nunziata

Seconded by: Councillor Palacio

“WHEREAS the George Bell Arena Board of Management has encountered unforeseen human resources issues while carrying out its responsibility for the management and operation of the Arena; and

WHEREAS the George Bell Arena Board of Management has reviewed its 2006 budget of \$445,100.00 gross and \$20,200.00 net, as well as its current cash flow, and is forecasting the need for additional cash flow in the coming months to meet its commitments; and

WHEREAS the George Bell Arena Board of Management is requesting additional cash flow to address this human resource issue, to prevent any disruption in the delivery of indoor ice recreational activities;

NOW THEREFORE BE IT RESOLVED THAT Council approve an additional cash flow advance from the Employee Benefits Reserve Fund of up to \$35,000.00 for the George Bell Arena for the 2006 operating year.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(23) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(23), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 5, Page 256)

Procedural Vote:

The vote to waive referral of Motion J(23) to the Policy and Finance Committee was taken as follows:

Yes - 21 Councillors:	Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Thompson, Walker, Watson
No - 18 Mayor: Councillors:	Miller Ainslie, Bussin, Carroll, Davis, Del Grande, Filion, Ford, Holyday, Jenkins, McConnell, Mihevc, Moscoe, Pantalone, Rae, Silva, Soknacki, Stintz

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

Disposition:

Due to the above decision of Council, Motion J(23) was referred to the Policy and Finance Committee.

8.88 J(24) Factual Content of Motions Directed at a Member of Council

Councillor Mihevc gave Notice of the following Motion to permit consideration at the next regular meeting of City Council on July 25, 2006:

Moved by: Councillor Mihevc

Seconded by: Councillor Di Giorgio

“**WHEREAS** Notice of Motion J(1) was filed for Council’s consideration at its meeting of June 27, 2006; and

WHEREAS the Recitals are replete with factual inaccuracies, malicious innuendo, half-truths and outright misinformation; and

WHEREAS the obvious intention of the Notice of Motion is to smear the reputation of another Member of Council; and

WHEREAS, even though the law grants some qualified protection to Members of Council from false and libellous statements that are made during Council meetings, there is an obligation to observe some modicum of respect for, at least, the office; and

WHEREAS, even in politics, there are, or ought to be, some ethical standards;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor and the City Clerk report to Council, through the Policy and Finance Committee, on possible amendments to Chapter 27 of the City of Toronto Municipal Code, Council Procedures, that might be necessary to ensure that Recitals in Notices of Motion of this nature are truthful;

AND BE IT FURTHER RESOLVED THAT the City Solicitor and City Clerk recommend to City Council a procedure for the City Clerk to be able to refuse the wording of a Notice of Motion in which the obvious intent is to harm the reputation of another Member of Council.”

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(24), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

8.89 **J(25) Amendment to Polling Period - Designation of Balmy Beach as a Heritage Conservation District - Ward 32 (Beaches-East York)**

Deputy Mayor 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, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Rae

“**WHEREAS** City Council enacted By-law 546-2004 on June 24, 2004, which created the Balmy Beach Heritage Conservation District Study Area; and

WHEREAS a community group, with the assistance of City staff and a professional heritage consultant, have been studying the area to determine whether the area has a heritage character and how it could be protected; and

WHEREAS the community group and consultant have now produced final Heritage Conservation District Plans which are posted on the City's Web site, and which are being reviewed in a public consultation process; and

WHEREAS City Council approved Toronto and East York Community Council Report 9, Clause 16, on November 30, 2004, which directs the City Clerk to conduct a poll of the property owners in the Study area when the District Plan is complete, asking whether the property owners wish to have their area designated as a Heritage Conservation District; and

WHEREAS that report specifies a 15-day polling period; and

WHEREAS staff and members of the community are of the opinion that a 30-day polling period would be more appropriate, due to the time of year and in keeping with the City's standard polling process;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the City Clerk to conduct the poll for 30 days;

AND BE IT FURTHER RESOLVED THAT the City Clerk be directed to release the results of the poll to Planning staff, as soon as possible, as the information is needed for a Planning staff report;

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 Mayor:

Mayor Miller 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 Toronto and East York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(25), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Procedural Vote:

The vote to waive referral of Motion J(25) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(25) was adopted, without amendment.

8.90 **J(26) Designation of Event of Municipal Significance – Canada Day Event in Earlscourt Park**

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

Moved by: Councillor Palacio

Seconded by: Councillor Nunziata

“**WHEREAS** a Canada Day Event will be held in Earlscourt Park on Saturday, July 1, 2006, between the hours of 12:00 noon and 6:00 p.m.;

NOW THEREFORE BE IT RESOLVED THAT for liquor licensing purposes, Council declare the Canada Day event in Earlscourt Park, to be held on July 1, 2006, to be an event of municipal significance and advise the Alcohol and Gaming Commission of Ontario that it has no objection to its taking place.”

Advice by Mayor:

Mayor Miller 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 Etobicoke York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(26), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Procedural Vote:

The vote to waive referral of Motion J(26) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(26) was adopted, without amendment.

8.91 **J(27) Follow up Report of the Integrity Commissioner on an Employee Issue**

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

Moved by: Mayor Miller

Seconded by: Deputy Mayor Feldman

“WHEREAS the Integrity Commissioner submitted a report on a complaint of violation of the Councillor’s Code of Conduct to the May 23, 24 and 25, 2006 Council Meeting; and

WHEREAS Council referred the matter to the City Manager and the City Solicitor with a request that they provide advice to the Integrity Commissioner on employee issues, and requested the Integrity Commissioner to submit a further report to City Council; and

WHEREAS the Integrity Commissioner has submitted a further report in response to this direction;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report (June 27, 2006) from the Integrity Commissioner, and that the recommendation contained in the Recommendation Section of the report be adopted.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(27), a confidential Fiscal Impact Statement (June 28, 2006) from the Deputy City Manager and Chief Financial Officer.

Council also had before it, during consideration of Motion J(27), a report (June 27, 2006) from the Integrity Commissioner. (See Attachment 6, Page 231)

Vote:

Motion J(27) was adopted, without amendment.

Summary:

In adopting Motion J(27), without amendment, Council adopted, without amendment, the following recommendation contained in the Recommendation Section of the report (June 27, 2006) from the Integrity Commissioner:

“It is recommended that Council refer my report to the City Manager to resolve the personnel issue.”

8.92 J(28) Rezoning Application - 200 Horner Avenue

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

Moved by: Councillor Grimes

Seconded by: Councillor Mihevc

“**WHEREAS** City Council on June 27, 2006, adopted a staff report recommending that 200 Horner Avenue be declared as surplus; and

WHEREAS the site is intended to be the subject of a long-term, 40-year lease for a concrete batching operation which was originally intended to be located at 207 New Toronto Street; and

WHEREAS 207 New Toronto Street is not a desirable location for a concrete batching operation, due to the close proximity of residential properties; and

WHEREAS the property at 200 Horner Avenue has approval from the Committee of Adjustment to allow concrete batching on a temporary basis; and

WHEREAS the lessee for the property at 200 Horner Avenue has applied or intends to apply for rezoning to permit the concrete batching operation on a permanent basis;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) Council direct staff to schedule a community consultation meeting on the proposed zoning change together with the Ward Councillor;
- (2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site;
- (3) a Public Meeting under the *Planning Act* be scheduled for the September 13, 2006 meeting of the Etobicoke York Community Council;
- (4) notice for the Public Meeting under the *Planning Act* be given, according to the regulations under the *Planning Act*; and
- (5) the Director of Real Estate Services be authorized to consent to the rezoning application by the lessee on behalf of the City.”

Advice by Mayor:

Mayor Miller 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 Etobicoke York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(28), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Procedural Vote:

The vote to waive referral of Motion J(28) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(28) was adopted, without amendment.

8.93 **J(29) Association of Body Rub Parlours of Toronto Inc. versus City of Toronto - Court Application Challenging Licensing By-laws Nos. 904-2005 and 1055 2005**

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

Moved by: Councillor Filion

Seconded by: Councillor Stintz

“WHEREAS by Notice of Application dated April 7, 2006, the Association of Body Rub Parlours of Toronto Inc. (the ‘Association’) commenced a Court application challenging the body rub parlour licence fees contained in By-law No. 904-2005 and the limit on the hours of operation contained in By-law No. 1055-2006; and

WHEREAS this Court application also challenges the validity of Chapter 162 of the Municipal Code, Public Notice, as well as section 272 of the *Municipal Act, 2001*; and

WHEREAS the City Solicitor has prepared a confidential report seeking instructions from Council on the City’s position; and

WHEREAS this matter must be considered at this meeting of Council, as cross-examinations will be conducted in the first two weeks of July to meet the Court-ordered date;

NOW THEREFORE BE IT RESOLVED THAT City Council consider and adopt the staff recommendations contained in the Recommendation Section of the attached confidential report (June 26, 2006) from the City Solicitor.”

Advice by Mayor:

Mayor Miller 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 Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(29), a confidential Fiscal Impact Statement (June 28, 2006) from the Deputy City Manager and Chief Financial Officer.

Procedural Vote:

The vote to waive referral of Motion J(29) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(29), a confidential report (June 26, 2006) from the City Solicitor.

Motion:

Councillor Mammoliti moved that Motion J(29) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Executive Director, Municipal Licensing and Standards, be requested to discuss, with the Emery Village BIA, the policy respecting body rub parlours, and share any statistics in this regard.”

Votes:

The motion by Councillor Mammoliti carried.

Motion J(29), as amended, carried.

Summary:

In adopting Motion J(29), as amended, Council adopted, without amendment, the confidential

report (June 26, 2006) from the City Solicitor. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to litigation or potential litigation.

8.94 **J(30) Proposed “Visitation Centre” – Mount Pleasant Cemetery**

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

Moved by: Councillor Rae

Seconded by: Mayor Miller

“**WHEREAS** City Council on May 23, 24 and 25, 2006, had before it Motion J(39), moved by Councillor Rae, seconded by Mayor Miller, entitled ‘Request for Report – Settlement Respecting an Application by the Mount Pleasant Group of Cemeteries to Construct a Visitation Centre’; and

WHEREAS both the City Solicitor and the Chief Planner and Executive Director, City Planning, were requested to report on the process of settling such matters without instruction from Council and without notification of the Ward Councillor; and

WHEREAS the City Solicitor was requested to report directly to an in-camera session of City Council on the legal advice and the settlement that was provided to the Chief Building Official; and

WHEREAS the Chief Planner and Executive Director, City Planning, was requested to report on the planning merits of the subject application and the provisions of By-law No. 425-93, as it applies to cemeteries;

WHEREAS both the City Solicitor and Chief Planner and Executive Director, City Planning, have prepared reports responding to these requests;

NOW THEREFORE BE IT RESOLVED THAT City Council:

- (1) consider the confidential report (June 26, 2006) from the City Solicitor, and receive the report for information; and
- (2) consider the confidential report (June 26, 2006) from the Chief Planner and Executive Director, City Planning, and receive the report for information.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(30), a confidential Fiscal Impact

Statement (June 28, 2006) from the Deputy City Manager and Chief Financial Officer.

Council also had before it, during consideration of Motion J(30), the following confidential reports which are now public in their entirety:

- (i) (June 26, 2006) from the City Solicitor (See Attachment 7, Page 235); and
- (ii) (June 26, 2006) from the Chief Planner and Executive Director, City Planning (See Attachment 8, Page 239).

Deputy Mayor Bussin in the Chair.

Motion:

Councillor Rae moved that Motion J(30) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT a copy of this Motion and the now public reports from the City Solicitor and the Chief Planner and Executive Director, City Planning, be forwarded to the Toronto and East York Community Council in September 2006.”

Votes:

The motion by Councillor Rae carried.

Motion J(30), as amended, carried.

Summary:

In adopting Motion J(30), as amended, Council:

- (1) received the confidential report (June 26, 2006) from the City Solicitor, for information. This report is now public in its entirety and contains the following recommendation:

“It is recommended that this report be received for information.”; and

- (2) received the confidential report (June 26, 2006) from the Chief Planner and Executive Director, City Planning, for information. This report is now public in its entirety and contains the following recommendation:

“It is recommended that Council receive this report for information.”

8.95 **J(31) 1300 - 1330 Castlefield Avenue - Ontario Municipal Board Interim Control By-laws and Site Plan Appeals**

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

Moved by: Councillor Moscoe

Seconded by: Councillor Augimeri

“WHEREAS a site plan control application and a building permit application were submitted on September 26, 2005, and October 27, 2005, respectively, relating to a proposed 13,210 square metre gross floor area home improvement store at 1300 - 1330 Castlefield Avenue (the ‘Subject Property’); and

WHEREAS the above-noted site plan application also proposed five smaller retail stores at the Subject Property, the entire application contemplating a cumulative proposed gross floor area of 16,227 square metres; and

WHEREAS on October 26, 2005, Council approved a recommended planning study and enacted two Interim Control By-laws (By-laws Nos. 862-2005 and 863-2005) to restrict uses in the Castlefield Caledonia area for a one-year period; and

WHEREAS By-law No. 863-2005 restricts the size of retail uses for the Subject Property such that the proposal for the home improvement store at the Subject Property exceeds the zoning permissions; and

WHEREAS the owner of the Subject Property (the ‘Owner’) has appealed Interim Control By-law No. 863-2005, and Lowe’s, the company that has entered into a lease with the Owner, has appealed Interim Control By-laws Nos. 862-2005 and 863-2005, to the Ontario Municipal Board; and

WHEREAS Lowe’s has referred the site plan control application to the Ontario Municipal Board; and

WHEREAS the City Solicitor has received an Offer to Settle from the appellants and wishes to report directly to City Council on the proposed settlement by way of confidential report dated June 26, 2006; and

WHEREAS the Offer to Settle is open for acceptance until 12:00 p.m. on June 30, 2006, and the Ontario Municipal Board hearing for the purpose of considering the settlement proposal, if accepted, is scheduled to commence on July 12, 2006, and accordingly, this is a time sensitive matter;

NOW THEREFORE BE IT RESOLVED THAT Council consider the confidential report (June 26, 2006) from the City Solicitor and provide instructions to the City Solicitor on this matter;

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 Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(31) to the North York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(31), a confidential Fiscal Impact Statement (June 28, 2006) from the Deputy City Manager and Chief Financial Officer.

Procedural Vote:

The vote to waive referral of Motion J(31) to the North 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(31), a confidential report (June 26, 2006) from the City Solicitor.

Vote:

Motion J(31) was adopted, without amendment.

Deputy Mayor Bussin in the Chair.

Motion to Re-Open:

Councillor Moscoe, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(31) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Moscoe moved that Motion J(31) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT City Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (June 26, 2006) from the City Solicitor.”

Votes:

The motion by Councillor Moscoe carried.

Motion J(31), as amended, carried.

Summary:

In adopting Motion J(31), as amended, Council adopted, without amendment, the confidential report (June 26, 2006) from the City Solicitor. The following staff recommendations contained in the Recommendations Section of the report and the Settlement Offer attached as Appendix “A” to the report, which is on file in the City Clerk’s Office, are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to litigation or potential litigation:

“That:

- (1) the terms of settlement as set out in the Appendix ‘A’ of this report be approved and that the City Solicitor be instructed to attend at the Ontario Municipal Board to request the Board’s approval of same; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Mayor Miller in the Chair.

8.96 J(33) Expansion of Little Italy Business Improvement Association (BIA) Boundaries from Euclid Avenue to Bathurst Street

June 28, 2006:

Deputy Mayor Pantalone, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor 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, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Silva

“**WHEREAS** the Board of Management of the Little Italy BIA voted to consider expanding its boundaries eastward from Euclid Avenue to Bathurst Street; and

WHEREAS the Board of Management received generally positive responses to the expansion proposal from informal discussions with current members and potential new members within the proposed new boundaries; and

WHEREAS the Economic Development, Culture and Tourism Division received a positive response concerning expansion at the formal public meeting held on June 27, 2006; and

WHEREAS given the shortened Council cycle due to the election, and in order to have the expanded BIA operational in time for the 2006 Annual General Meeting and 2007 budget cycle, the process to expand the BIA must begin as soon as possible;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be authorized to carry out the formal polling to expand the BIA required under the *Municipal Act, 2001*, and the General Manager of Economic Development, Culture, and Tourism be authorized to report directly on the poll results to the September 25, 2006 Council meeting.”

Advice by Mayor:

Mayor Miller 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 Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(33), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 248)

Procedural Vote:

The vote to waive referral of Motion J(33) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(33) was adopted, without amendment.

8.97 **J(34) Request for Additional Licenced Indoor Capacity - Ishtar Restaurant and Bar, 9 Milvan Drive, Unit 5**

June 28, 2006:

Councillor Mammoliti, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Mammoliti

Seconded by: Councillor Saundercook

“WHEREAS Arkan Shlaimon is the corporate licence holder of a liquor sales licence for an establishment located at 9 Milvan Drive, Unit 5, operating as Ishtar Restaurant and Bar (‘Ishtar’); and

WHEREAS Ishtar has submitted an application to the Alcohol and Gaming Commission of Ontario (‘AGCO’) to expand its liquor licence to increase the current licenced indoor capacity from 30 patrons to 202; and

WHEREAS the industrial mall at 9 Milvan Drive in which Ishtar is located has been plagued with problems regarding drugs and other criminal activity; and

WHEREAS local residents have expressed concerns to the Ward Councillor about the ongoing activities at the industrial mall at 9 Milvan Drive, and it is believed that a substantial increase in the licenced capacity of Ishtar will result in an increase in noise, crime, nuisance and further disruption to the residents of neighbouring properties; and

WHEREAS on March 4, 2006, Police officers from 31 Division charged Ishtar for violations of the *Liquor Licence Act*, including overcrowding and the failure to properly post their liquor licence; these charges are still before the Courts; and

WHEREAS Ishtar, under a different licensed owner, was previously located at Finch Avenue and Weston Road in the City of Toronto prior to moving to 9 Milvan Drive, where several violations under the *Liquor Licence Act* occurred; and

WHEREAS the Toronto Fire Department has the following outstanding fire safety issues with Ishtar; exit signs not being kept clearly illuminated at all times and failure

to ensure that sprinkler heads remain free from damage, corrosion, grease, dust, paint or whitewash; and

WHEREAS given the concerns raised by residents, local Police and the Toronto Fire Department, including concerns relating to the public safety of both neighbouring residents and patrons of Ishtar, the granting of any additional licensed capacity, especially a substantial increase from 30 to 202 patrons, would not be in the public interest;

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to advise the AGCO and Ishtar that it opposes the application for an expansion of the existing liquor licence, and that an increase in the licensed capacity of Ishtar is not in the public interest, having regard to the needs and wishes of the residents;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with an opportunity to participate in any proceedings with respect to Ishtar to oppose the increase in licensed capacity, and the City Solicitor and the appropriate City officials be authorized to participate in any proceedings before the AGCO which relate to Ishtar.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(34) to the Etobicoke 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(34) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Bussin in the Chair.

Vote:

Motion J(34) was adopted, without amendment.

8.98 J(35) Retention of Current Rates and Fares for Taxicabs

June 28, 2006:

Councillor Filion, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than

two-thirds of Members present having voted in the affirmative.

Councillor Filion moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion:

Moved by: Councillor Filion

Seconded by: Councillor Stintz

“WHEREAS the City establishes the rates and fares to be charged by taxicabs through Chapter 545, Licensing; and

WHEREAS fares are currently set at \$3.00 for the first 0.170 kilometre, or part thereof, and \$0.25 for each additional 0.170 kilometre, or part thereof; and

WHEREAS the current taximeter fares are inclusive of the 7 percent Goods and Services Tax; and

WHEREAS the federal government has passed legislation to reduce by 1 percent, the Goods and Services Tax, from 7 percent to 6 percent, effective July 1, 2006; and

WHEREAS the 1 percent reduction in the Goods and Services Tax, when applied to the current taxicab fares, would result in a reduction of less than \$0.03 on the \$3.00 fare for the first 0.170 kilometre and less than \$0.003 on the \$0.25 fare for each additional 0.170 kilometre; and

WHEREAS the impact of the reduction would be similarly minor for the other taximeter rates prescribed by the City in Chapter 545, Licensing; and

WHEREAS the Canada Revenue Agency GST/HST Info Sheet dated June 2006 indicates that if a business continues to charge the 7 percent GST rate after July 1, 2006, the excess amount must either be refunded to the customer or be remitted; and

WHEREAS it is appropriate for the taxi industry to recalibrate the taximeters to reflect a GST of 6 percent; and

WHEREAS the Executive Director of Municipal Licensing and Standards will be requiring the taxicab industry to recalibrate the taximeters to reflect the GST amount of 6 percent;

NOW THEREFORE BE IT RESOLVED THAT the taximeter rates as prescribed in Appendix C, ‘Tariff A’ to Chapter 545, Licensing, of the Toronto Municipal Code not be reduced.”,

the vote upon which was taken as follows:

Yes - 28

Councillors: Ainslie, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Walker

No - 6

Councillors: Cowbourne, Ford, Hall, Holyday, Lindsay Luby, Shiner

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

Advice by Deputy Mayor:

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(35) to the Planning and Transportation Committee 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 Planning and Transportation Committee, was taken as follows:

Yes - 33

Councillors: Ainslie, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Giambrone, Hall, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Walker

No - 3

Councillors: Ford, Holyday, Lindsay Luby

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

Vote:

Adoption of Motion J(35), without amendment:

Yes - 33

Councillors: Ainslie, Augimeri, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Hall, Holyday, Kelly, McConnell,

	Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 4 Councillors:	Bussin, Ford, Lindsay Luby, Mammoliti

Carried by a majority of 29.

8.99 **J(36) Request by the Women Members of Council to Confirm the Results of the Selection Process for the Constance E. Hamilton Award**

June 28, 2006:

Councillor McConnell, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor McConnell

Seconded by: Deputy Mayor Bussin, on behalf of the Women Members of Council

“WHEREAS Toronto City Council established the Constance E. Hamilton Award, in 1979, to celebrate the 50th anniversary of the Person’s Case, which recognized that women were ‘persons’ and could be appointed to the Senate of Canada; and

WHEREAS in 1920, Constance E. Hamilton was the first woman elected to a Municipal Council in Toronto; and

WHEREAS the Constance E. Hamilton Award recognizes person(s) who have made a significant contribution to improving the social, economic, cultural and political status of the women in Toronto; and

WHEREAS the Awards are scheduled for presentation in November 2006;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council confirm the selections made by the Constance E. Hamilton Award Selection Committee that Parvathy Kanthasamy, Marcie Ponte and Virginia Rock be the recipients of the 2006 Constance E. Hamilton Award;

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 Bussin 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 Administration 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 Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(36) was adopted, without amendment.

8.100 **J(37) Refusal Report - Official Plan Amendment and Rezoning Application - 76 and 100 Davenport Road (Ward 27 - Toronto Centre-Rosedale)**

June 28, 2006:

Councillor Rae, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“**WHEREAS** the Toronto and East York Community Council at its meeting of November 18, 2005, adopted a motion that recommended an L-shaped laneway be sold to the owner of the adjacent property under certain conditions; and

WHEREAS City Council at its meeting of December 5, 6 and 7, 2005, adopted an amended Recommendation (4) which approved the closure and sale of the L-shaped laneway to the property owner of 76 Davenport Road for the agreed-upon price, and subject to the following development and recommendations for the lane, and

authorized and directed the appropriate City officials to take the necessary action to give effect thereto:

- (a) that it meets Works and Emergency Services' requirements;
- (b) that it meets the requirements of Section 3.3(b) of the Official Plan;
- (c) that it accommodate an east-west oriented building;
- (d) that it will not be used to further increase the lot density permission; and
- (e) that it will allow for servicing access to the Moriyama property to the east for any future development; and

WHEREAS the City, Kazoku Investments Limited and the applicant attended a hearing at the Ontario Municipal Board on the refusal of the City to approve a 22-storey tower on this site which resulted in an approval of the project in a decision rendered in Order 1629 on June 5, 2006. The Board in its decision also found that there is sufficient planning merit to including the lane in the development proposal and that the City should be provided an opportunity to revisit this question; and

WHEREAS the applicant has not yet submitted a Site Plan Approval application, however, the standard Works and Emergency Services requirements for the closure and sale of the laneway should apply; and

WHEREAS the Board found no credible planning basis for providing access off the lane to service any future redevelopment of the abutting Kazoku Investments Limited property as no plans, to date, have been submitted to the City or the Board for redevelopment of that property; and

WHEREAS City Planning staff gave evidence at the Board hearing that the sale of the L-shaped laneway would allow for an additional 2 metres of setback to the north of the entire tower podium, thus allowing sidewalk widening and better streetscape improvements in front of 76 Davenport Road (Parcel 1); and

WHEREAS the applicant has agreed to provide a public art installation along the easterly most portion of the south elevation of the podium and apply the Public Art process requirements of the Official Plan and secure it in a Section 37 Agreement;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 9, Clause 17, headed 'Refusal Report - Official Plan Amendment and Rezoning Application - 76 and 100 Davenport Road (Ward 27 - Toronto Centre-Rosedale), be re-opened for further consideration, only as it pertains to Recommendation (4);

AND BE IT FURTHER RESOLVED THAT Recommendation (4) be deleted and Council adopt instead the following new Recommendation (4):

‘Approve the closure and sale of the L-shaped laneway to the property owner of 76 Davenport Road for the agreed-upon price and comply with the following revised recommendations for the lane, and authorize and direct the appropriate City officials to take the necessary action to give effect thereto:

- (a) that it meet Works and Emergency Services standard requirements for the closure and sale of the laneway;
- (b) that it will not be used to further increase the lot density permission;
- (c) that the tower podium for 76 Davenport Road (Parcel 1) be set back 2 metres to the north; and
- (d) that there be a public art installation along the easterly-most portion of the south elevation of the podium and that the public art approval process be followed as required by the Official Plan.’”

Vote to Re-open:

The first Operative Paragraph contained in Motion J(37) carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

The balance of Motion J(37) was adopted, without amendment.

Summary:

In summary, City Council re-opened Toronto and East York Community Council Report 9, Clause 17, headed “Refusal Report - Official Plan Amendment and Rezoning Application - 76 and 100 Davenport Road (Ward 27 - Toronto Centre-Rosedale)”, for further consideration, only as it pertains to Recommendation (4), and adopted the balance of this Motion, without amendment.

- 8.101 Consideration of the following matters was postponed to the next regular meeting of City Council on July 25, 2006, as they remained on the Order Paper at the conclusion of this meeting of Council:

Administration Committee Report 2

- Clause 6c - “Remuneration and Expenses of Members of Council and of the Council Appointees to Local Boards and Other Special Purpose Bodies for the year ended December 31, 2005”.

Audit Committee Report 1

- Clause 4c - “2006 Audit Work Plan”.

Planning and Transportation Committee Report 2

- Clause 10c - “Harmonization of the Sign By-law Concerning Posters on Public Property”.

Works Committee Report 2

- Clause 21c - “Solid Waste Requirements for Lands at Ingram Transfer Station”.

Etobicoke York Community Council Report 3

- Clause 8c - “Sign Variance Application Report - Applicant: Gabe Faraone 2160 Weston Road (Ward 11 - York South-Weston)”.
- Clause 10c - “Application for an Exemption to Toronto Municipal Code Chapter 447, Fences - 59 Westhampton Drive (Ward 2 - Etobicoke North)”.

Policy and Finance Committee Report 4

- Clause 29b - “Harmonization of Sick Leave Plans for Management and Non-Union Employees”.
- Clause 32b - “Surplus School Board Sites and Review of the Inventory of City-Owned Properties (All Wards)”.

Works Committee Report 3

- Clause 21b - “Other Items Considered by the Committee”.
Item (n) “The Wet Weather Flow Master Plan Implementation 2004-2005 (City-wide)”

Etobicoke York Community Council Report 4

- Clause 6b - “Front Yard Parking - Request for an Exemption to the former City of Toronto Municipal Code - 94 Morningside Avenue (Ward 13 - Parkdale-High Park)”.

- Clause 12b - “Request for Approval of Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code, 3379 Bloor Street West (Ward 5 - Etobicoke-Lakeshore)”.
- Clause 13b - “Status Report - Rezoning Application - Applicant: Grace Restoration (International) Ministries - 1736 Weston Road (Ward 11 - York South-Weston)”.

Toronto and East York Community Council Report 4

- Clause 35b - “Request for the Installation of Speed Humps - Fairleigh Crescent, between Eglinton Avenue West and the W. R. Allen Bridge (Ward 21 - St. Paul’s)”.

Policy and Finance Committee Report 5

- Clause 17 - “Recommendations on Members of Council Providing Letters of Reference”.
- Clause 25 - “City of Toronto 2007-2010 Capital Plan and Debt Service Guideline”.
- Clause 27 - “Operating Variance for the Four Months Ended April 30, 2006”.

Administration Committee Report 4

- Clause 1 - “Fair Wage Violation - Dram Electric Co. Ltd.”.
- Clause 2 - “Proposed Amendments to the Fair Wage Policy Disqualification Process”.
- Clause 12 - “Surplus Land Declaration and Proposed Closing of Public Lane Located East of Yonge Street, Extending South from Byng Avenue (Ward 23 - Willowdale)”.
- Clause 21 - “City of Toronto Security Video Surveillance Policy”.

Planning and Transportation Committee Report 4

- Clause 7 - “Council’s Request to Introduce Separation Distances Between Holistic Centres, Adult Entertainment Parlours, Body-rub Parlours and Residential Zones In the Zoning By-laws”.

- Clause 13 - “The Creation of, and Terms of Reference for a Consultation Group to Provide Input to Municipal Licensing and Standards Regarding Issues Pertaining to Toronto's Taxicab Industry”.

Works Committee Report 4

- Clause 8 - “Large Trucks and Cyclist/Pedestrian Safety”.

Etobicoke York Community Council Report 5

- Clause 3 - “Request for Approval of Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code 2280 Islington Avenue (Ward 2 - Etobicoke North)”.
- Clause 7 - “Final Report - Rezoning Application; Applicant: Cornacchia Planning Services Inc. (Vince Cornacchia) – 2 Fieldway Road (Ward 5 - Etobicoke-Lakeshore)”.
- Clause 8 - “Removal of Three (3) Privately-Owned Trees 81 Irwin Road (Ward 2 - Etobicoke North)”.

North York Community Council Report 5

- Clause 7 - “Injury of Three Privately-owned Trees – 305 Hendon Avenue (Ward 23 - Willowdale)”.

Scarborough Community Council Report 5

- Clause 16 - “Final Report Official Plan Amendment Application 04 131709 000 00 OZ Rezoning Application 04 102315 ESC 44 OZ Janice and Paul Slighte - 53 Old Kingston Road West Hill Community (Ward 44 - Scarborough East)”.

Toronto and East York Community Council Report 5

- Clause 17 - “Inclusion on the City of Toronto Inventory of Heritage Properties and Intention to Designate under Part IV of the *Ontario Heritage Act* - 55 John Street (Metro Hall Council Chambers) (Ward 20 - Trinity-Spadina)”.
- Clause 40 - “Removal of One City Owned Tree - 372 Davisville Avenue (Ward 22 - St. Paul’s)”.

- Clause 55 - “Evaluation for the Installation of Speed Humps - First Avenue, between Broadview Avenue and Logan Avenue (Ward 30 - Toronto-Danforth)”.
- Clause 56 - “Evaluation for the Installation of Speed Humps - Leslie Street, between Queen Street East and Gerrard Street East (Ward 30 - Toronto-Danforth)”.
- Clause 57 - “Evaluation for the Installation of Speed Humps – Bertmount Avenue, between Queen Street East and Dundas Street East (Ward 30 - Toronto-Danforth)”.
- Clause 58 - “Speed Hump Poll Results - Osler Street, from Dupont Street to Cariboo Avenue (Ward 18 - Davenport)”.
- Clause 59 - “Speed Hump Poll Results - Lewis Avenue, between Eastern Avenue and Queen Street East (Ward 30 - Toronto-Danforth)”.
- Clause 60 - “Speed Hump Poll Results - Cedarvale Avenue, between Strathmore Boulevard and Sammon Avenue (Ward 31 - Beaches-East York)”.
- Clause 101 - “Other Items Considered by the Community Council”
Item (d) “Compensation Review: Elected Officials”

NOTICE OF MOTION

- J(7) Moved by Councillor Soknacki, seconded by Mayor Miller, regarding Funding of Major Strategic Capital Infrastructure Projects.

BILLS AND BY-LAWS

Deputy Mayor Pantalone in the Chair.

- 8.102 On June 27, 2006, at 7:06 p.m., Councillor Grimes, seconded by Councillor McConnell, 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. 602	By-law No. 494-2006	To confirm the proceedings of the Council at its meeting held on the 27th day of June, 2006,
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the vote upon which was taken as follows:

Yes - 21

Councillors:	Ainslie, Bussin, Carroll, Cho, Cowbourne, Del Grande, Di Giorgio, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Moscoe, Palacio, Pantalone, Rae, Shiner, Walker
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No - 2	
Councillors:	Ford, Thompson

Carried by a majority of 19.

- 8.103 On June 28, 2006, at 7:24 p.m., Councillor Del Grande, seconded by Councillor Kelly, 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. 603	By-law No. 495-2006	To confirm the proceedings of the Council at its meeting held on the 27th and 28th days of June, 2006,
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the vote upon which was taken as follows:

Yes - 24	
Councillors:	Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz

No - 1	
Councillor:	Ford

Carried by a majority of 23.

Deputy Mayor Bussin in the Chair.

- 8.104 On June 29, 2006, at 6:11 p.m., Councillor Fletcher, seconded by Councillor Cowbourne, 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. 519	By-law No. 496-2006	To amend further By-law No. 15-92 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits,
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the vote upon which was taken as follows:

Yes - 36	
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly,

Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker, Watson	
No - 1 Councillor:	Ford

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

- 8.105 On June 29, 2006, at 6:12 p.m., Councillor Fletcher, seconded by Councillor Cowbourne, 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. 493	By-law No. 497-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Doris Avenue and Grandview Way.
Bill No. 494	By-law No. 498-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Tangiers Road.
Bill No. 495	By-law No. 499-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Harlandale Avenue and Hendon Avenue.
Bill No. 496	By-law No. 500-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Wilmington Avenue.
Bill No. 497	By-law No. 501-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Barberry Place and Rean Drive.
Bill No. 498	By-law No. 502-2006	To amend By-law No. 32759, as amended, of the former City of North York, regarding Wilmington Avenue.
Bill No. 499	By-law No. 503-2006	To permanently close part of the public lane known as Glenholme Place, at the rear of Premises No. 185 Gerrard Street East and flanking Premises No. 117 Pembroke Street.

Bill No. 500	By-law No. 504-2006	To amend further By-law No. 23505 of the former City of Scarborough, respecting the speed limits on Toronto Roads.
Bill No. 502	By-law No. 505-2006	To amend City of Toronto Municipal Code Chapter 591, Noise, respecting construction noise in residential low-rise areas and to repeal By-law No. 479-2006.
Bill No. 504	By-law No. 506-2006	To amend the former City of Scarborough L'Amoreaux Community Zoning By-law No. 12466, as amended, with respect to lands municipally known as 2716-2718 Kennedy Road.
Bill No. 506	By-law No. 507-2006	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to make changes to the size of various Business Improvement Area Boards of Management.
Bill No. 507	By-law No. 508-2006	To permanently close part of the public highway Alcide Street.
Bill No. 508	By-law No. 509-2006	To amend City of Toronto Municipal Code Chapter 447, Fences, to permit the retention of a cinderblock/stucco pool enclosure on the property municipally known as 372 Russell Hill Road.
Bill No. 509	By-law No. 510-2006	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the front yard fence on the property municipally known as 209 Westview Boulevard from the maximum height requirements.
Bill No. 510	By-law No. 511-2006	To authorize the exemption from taxation for municipal and school purposes for the municipal capital

		facility for affordable housing located on land municipally known as 1339 and 1355 King Street West.
Bill No. 511	By-law No. 512-2006	To authorize the entering into of an agreement for the provision of a municipal capital facility by Parkdale United Church Foundation Incorporated.
Bill No. 512	By-law No. 513-2006	To authorize the exemption from taxation for municipal and school purposes for the municipal capital facility for affordable housing located on land municipally known as 46 Delaware Avenue.
Bill No. 513	By-law No. 514-2006	To authorize the entering into of an agreement for the provision of a municipal capital facility by Houselink Community Homes.
Bill No. 514	By-law No. 515-2006	To authorize the exemption from taxation for municipal and school purposes for the municipal capital facility for affordable housing located on land municipally known as 793-795 Gerrard Street East.
Bill No. 515	By-law No. 516-2006	To authorize the entering into of an agreement for the provision of a municipal capital facility by Alternative Living Solutions Inc.
Bill No. 516	By-law No. 517-2006	To amend City of Toronto Municipal Code Chapter 880, Fire Routes.
Bill No. 517	By-law No. 518-2006	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 8 Temple Avenue.
Bill No. 518	By-law No. 519-2006	To designate an area along Bloor Street between St. Paul's Square and just west

		of Avenue Road, as an improvement area.
Bill No. 520	By-law No. 520-2006	To exempt lands municipally known as 3765 Kingston Road from Part Lot Control.
Bill No. 521	By-law No. 521-2006	To adopt Amendment No. 571 to the Official Plan for the former City of North York with respect to lands municipally known as 920-922 Sheppard Avenue West.
Bill No. 522	By-law No. 522-2006	To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 920-922 Sheppard Avenue West.
Bill No. 523	By-law No. 523-2006	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting age of replacement vehicles for taxicabs.
Bill No. 524	By-law No. 524-2006	To amend Municipal Code Chapter 441, Fees, to add fees for providing Tax Calculation Statements and to increase fees for providing Tax History Statements.
Bill No. 525	By-law No. 525-2006	To amend the City of Toronto Municipal Code Chapter 767, Taxation, to provide a Tax Rebate Program for Veteran's Clubhouses and Legion Halls for the years 2007 and beyond.
Bill No. 528	By-law No. 526-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Weston Road.
Bill No. 529	By-law No. 527-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Broadway Avenue.

Bill No. 530	By-law No. 528-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Braeside Road, Gilgorm Road and Kappele Avenue.
Bill No. 531	By-law No. 529-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Avenue Road and Highway 401 Eastbound Off-Ramp.
Bill No. 532	By-law No. 530-2006	To amend former Metropolitan By-law No. 76-74, respecting the restriction of the use by commercial motor vehicles of left lanes on certain former Metropolitan Roads, regarding Alness Street.
Bill No. 533	By-law No. 531-2006	To amend the former City of Toronto Municipal Code Chapter 194, Footpaths, Bicycle Lanes and Pedestrian Ways, respecting bicycles lanes on Cosburn Avenue.
Bill No. 534	By-law No. 532-2006	To amend 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, regarding Cosburn Avenue.
Bill No. 535	By-law No. 533-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Lake Shore Boulevard West.
Bill No. 536	By-law No. 534-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Fleet Street and Strachan Avenue.
Bill No. 537	By-law No. 535-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Strachan Avenue.
Bill No. 538	By-law No. 536-2006	To amend the former City of Toronto

		Municipal Code Chapter 194, Footpaths, Bicycle Lanes and Pedestrian Ways, respecting bicycles lanes on Strachan Avenue.
Bill No. 539	By-law No. 537-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Constance Street, Kimberley Avenue and Rusholme Road.
Bill No. 540	By-law No. 538-2006	To amend the former City of Toronto Municipal Code Ch. 400 Traffic and Parking, with respect to speed control zones.
Bill No. 541	By-law No. 539-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 542	By-law No. 540-2006	To exempt certain lands known municipally as 73 Jonesville Crescent from Part Lot Control.
Bill No. 543	By-law No. 541-2006	To amend 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 regarding Machockie Road.
Bill No. 544	By-law No. 542-2006	To amend further By-law No. 196, entitled “To restrict the speed of motor vehicles”, being a By-law of the former Borough of East York, regarding Hutton Avenue, Machockie Road and Treadway Boulevard.
Bill No. 545	By-law No. 543-2006	To amend 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 regarding Glebemount Avenue.
Bill No. 546	By-law No. 544-2006	To amend the former City of Toronto

		Municipal Code Ch. 400, Traffic and Parking, respecting Wright Avenue.
Bill No. 547	By-law No. 545-2006	To amend the former City of Toronto Municipal Code Ch. 400 Traffic and Parking, respecting Braemar Avenue.
Bill No. 548	By-law No. 546-2006	To amend former Metropolitan Toronto By-law No. 85-90, as amended, being a by-law "To authorize certain on street parking of vehicles operated by or for physically disabled persons", to provide for certain designated locations where a disabled parking permit is not valid.
Bill No. 549	By-law No. 547-2006	To amend former City of Toronto Municipal Code Ch. 400 to provide for certain designated locations where a disabled parking permit is not valid.
Bill No. 550	By-law No. 548-2006	To adopt Amendment No. 1157 to the Official Plan for the former City of Scarborough with respect to lands municipally known as 3771 - 3775 St. Clair Avenue East.
Bill No. 551	By-law No. 549-2006	To amend the former City of Scarborough Cliffcrest Community Zoning By-law No. 9396, as amended with respect to lands municipally known as 3771 - 3775 St. Clair Avenue East.
Bill No. 552	By-law No. 550-2006	To adopt Amendment No. 1158 to the Official Plan for the former City of Scarborough with respect to lands municipally known as 3161 and 3163 Sheppard Avenue East.

Bill No. 553	By-law No. 551-2006	To amend By-law No. 21319, as amended, of the former City of Scarborough to designate a Site Plan Control Area with respect to lands municipally known as 3161 and 3163 Sheppard Avenue East.
Bill No. 554	By-law No. 552-2006	To amend the former City of Scarborough Sullivan Community Zoning By-law No. 10717, as amended with respect to lands municipally known as 3143, 3161 and 3163 Sheppard Avenue East.
Bill No. 555	By-law No. 553-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article V, regarding Park Lawn Road.
Bill No. 556	By-law No. 554-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Norgrove Crescent.
Bill No. 557	By-law No. 555-2006	To declare the council office for Ward 35 – Scarborough Southwest vacant.
Bill No. 558	By-law No. 556-2006	To authorize the alteration of East Drive, between Brendwin Road and Bexley Crescent, by the installation of speed humps.
Bill No. 559	By-law No. 557-2006	To authorize the alteration of Hallam Street, between Dufferin Street and Dovercourt Road, by the installation of five speed humps.
Bill No. 560	By-law No. 558-2006	To authorize the alteration of Howard Street, between Parliament Street and Sherbourne Street, by the installation of speed humps.

Bill No. 561	By-law No. 559-2006	To authorize the alteration of Lewis Avenue, between Queen Street East and Eastern Avenue, by the installation of speed humps.
Bill No. 562	By-law No. 560-2006	To authorize the alteration of Lisgar Street, between Queen Street West and Dundas Street West, by the installation of speed humps.
Bill No. 563	By-law No. 561-2006	To authorize the alteration of Bleecker Street, between Wellesley Street and Howard Street, by the installation of speed humps.
Bill No. 564	By-law No. 562-2006	To authorize the alteration of Crescent Town Road by narrowing sections of the roadway on the north side between Dawes Road and Massey Square.
Bill No. 565	By-law No. 563-2006	To authorize the alteration of the roadway on the north side Northumberland Street east of Westmoreland Avenue by the placement of a planter box/precast modular island.
Bill No. 566	By-law No. 564-2006	To authorize the alteration of the intersection of Cherry Street and Commissioners Street by reducing the number of lanes from four to two and by installing centre median islands on the north and south legs of the intersection.
Bill No. 567	By-law No. 565-2006	To dedicate certain land on the north side of McKee Avenue on the west side of Doris Avenue for public highway purposes to form part of the public highway Doris Avenue.

Bill No. 568	By-law No. 566-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Jarvis Street and O'Connor Drive.
Bill No. 569	By-law No. 567-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting St. George Street.
Bill No. 570	By-law No. 568-2006	To adopt Amendment No. 141-2006 to the Official Plan for the former City of Etobicoke with respect to lands municipally known as 252, 270, 272 and 276 Bering Avenue.
Bill No. 571	By-law No. 569-2006	To amend Chapters 320 and 324 of the former Etobicoke Zoning Code with respect to certain lands located on the north side of Bering Avenue, west of Islington Avenue municipally known as 252, 270, 272 and 276 Bering Avenue.
Bill No. 572	By-law No. 570-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Ellesmere Road.
Bill No. 573	By-law No. 571-2006	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 574	By-law No. 572-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Renfrew Place.
Bill No. 575	By-law No. 573-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Albert Street, Front Street West and James Street.
Bill No. 576	By-law No. 574-2006	To amend the former City of Toronto

		Municipal Code Ch. 400, Traffic and Parking, respecting Braemar Avenue.
Bill No. 577	By-law No. 575-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Orde Street.
Bill No. 578	By-law No. 576-2006	To amend the former City of Toronto Municipal Code Ch. 400 Traffic and Parking, respecting Casimir Street.
Bill No. 579	By-law No. 577-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Canniff Street.
Bill No. 580	By-law No. 578-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Bathurst Street, Raglan Avenue, St. Clair Avenue West and Vaughan Road.
Bill No. 581	By-law No. 579-2006	To further amend By-law No. 132-93, "To provide reserved lanes for designated classes of vehicles on certain Metropolitan Roads", regarding St. Clair Avenue West.
Bill No. 584	By-law No. 580-2006	To authorize the electronic filing of financial statements under the <i>Municipal Elections Act, 1996</i> by candidates seeking office in the City of Toronto 2006 municipal election and to establish the Electronic Financial Filing System ("EFFS").
Bill No. 585	By-law No. 581-2006	To amend By-law No. 972-2005, the contribution rebate by-law, to require the issuance of electronically-generated contribution receipts for candidates participating in the City of Toronto Electronic Financial Filing System ("EFFS").
Bill No. 586	By-law No. 582-2006	To amend further Metropolitan

		By-law No. 107-86, respecting parking meters on former Metropolitan Roads, regarding St. Clair Avenue West.
Bill No. 587	By-law No. 583-2006	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on St. Clair Avenue West.
Bill No. 588	By-law No. 584-2006	To dedicate certain land on the south side of St. Clair Avenue West, west of Runnymede Road, for public highway purposes to form part of the public highway St. Clair Avenue West.
Bill No. 589	By-law No. 585-2006	To dedicate certain land on the west side of Runnymede Road, south of St. Clair Avenue West, for public highway purposes to form part of the public highway Runnymede Road.
Bill No. 590	By-law No. 586-2006	To amend City of Toronto Municipal Code Chapter 441, Fees, respecting special request services.
Bill No. 591	By-law No. 587-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Gladstone Avenue.
Bill No. 592	By-law No. 588-2006	To amend the General Zoning By-law No. 438-86 of the former City of Toronto, with respect to the <i>West Don Lands – Phase 1</i> .
Bill No. 593	By-law No. 589-2006	To amend 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, regarding Adair Road, Furnival Road, Peard Road, Valor Boulevard and Westview Boulevard.

Bill No. 594	By-law No. 590-2006	To amend further By-law No. 196, entitled "To restrict the speed of motor vehicles", being a By-law of the former Borough of East York, regarding Furnival Road.
Bill No. 595	By-law No. 591-2006	To amend the former City of Toronto Municipal Code Ch. 400 Traffic and Parking, respecting Strachan Avenue.
Bill No. 596	By-law No. 592-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting George Street.
Bill No. 597	By-law No. 593-2006	To repeal former City of Toronto By-law No. 13409, the University Avenue By-law, as amended.
Bill No. 598	By-law No. 594-2006	To amend the former City of Toronto Municipal Code Ch. 297, Signs, respecting University Avenue from Front Street West to College Street.
Bill No. 599	By-law No. 595-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Adelaide Street West and Richmond Street West.
Bill No. 600	By-law No. 596-2006	To amend the former City of Toronto Municipal Code Ch. 400 Traffic and Parking, respecting Yorkville Avenue.
Bill No. 601	By-law No. 597-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Cariboo Avenue, Fern Avenue, Galley Avenue and Shuter Street.

Bill No. 582	By-law No. 598-2006	To adopt Amendment No. 575 to the Official Plan for the former City of North York with respect to lands municipally known as 175 Brentcliff Road, 345 and 347 Rumsey Road, 510 and 520 Sutherland Drive.
Bill No. 583	By-law No. 599-2006	To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 175 Brentcliff Road, 345 and 347 Rumsey Road, 510 and 520 Sutherland Drive,

the vote upon which was taken as follows:

Yes - 35 Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker
No - 1 Councillor:	Ford

Carried by a majority of 34.

Councillor Holyday requested that his opposition to Bills 570 and 571 be noted in the Minutes of this Meeting.

8.106 On June 29, 2006, at 6:14 p.m., Councillor Ainslie, seconded by Councillor Watson, 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. 604	By-law No. 600-2006	To confirm the proceedings of the Council at its meeting held on the 27th, 28th and 29th days of June, 2006,
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the vote upon which was taken as follows:

Yes - 34	
Councillors:	Ainslie, Augimeri, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Thompson, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 33.

The following Bill(s) were withdrawn.

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| Bill No. 501 | To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads. |
| Bill No. 503 | To adopt an amendment to the Official Plan for the City of Toronto with respect to lands municipally known as 2716-2718 Kennedy Road. |
| Bill No. 505 | To adopt a new City of Toronto Municipal Code Chapter 190, Polling and Notification Procedures, and to repeal the former municipalities' polling procedures. |
| Bill No. 526 | To adopt Amendment No. 359 to the Official Plan for the former City of Toronto with respect to lands municipally known as 147 Brandon Avenue. |
| Bill No. 527 | To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 147 Brandon Avenue. |

OFFICIAL RECOGNITIONS:

8.107 Condolence Motions

June 27, 2006:

Mayor Miller in the Chair.

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

“WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Mr. J. A. (Al) Birney on June 18, 2006, at the age of 75; and

WHEREAS Mr. Birney was a true community leader and unwavering advocate for the rights of people who struggle with mental illness; and

WHEREAS Al Birney embarked on a remarkable effort in 1997 when he assumed the Chair of the 'Bridge Committee', at the request of the Schizophrenia Society of Ontario, with a mandate to have installed a suicide prevention barrier at the Bloor Street Viaduct; and

WHEREAS Mr. Birney led this difficult five-year effort with intelligence, grace, humanity, courage, and humour, as well as attention to every detail, including the development and selection of the award-winning 'Luminous Veil' design; and

WHEREAS Al Birney's efforts have saved countless lives through his selfless actions to see the installation of the suicide prevention barrier at the Bloor Viaduct; and

WHEREAS Mr. Birney gave to the people of the City of Toronto and Canada, a dedicated life marked by an important sense of commitment, a spirit of equality and fairness, and so will be sadly missed by all, including countless fellow volunteers, neighbours, friends and family;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to his wife Kathleen, his children Pamela, John and Mitchell, his grandchildren Sean, Cameron, Joshua and Jacob, his brother Russell and sister Vera, and his many friends and extended family both in Canada and Northern Ireland."

Councillor Holyday, seconded by Mayor Miller, moved that:

“WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Mr. Ronald S. Gillespie on Tuesday, June 21, 2006, at the age of 75; and

WHEREAS Mr. Gillespie was a long-time resident of the former City of Etobicoke; and

WHEREAS Mr. Gillespie was a long-serving employee of the former City of Etobicoke, having started his more than forty-year municipal career in the Purchasing Department over five decades ago; and

WHEREAS, following his tenure in the Purchasing Department, Mr. Gillespie transferred to the Clerk's Department, attaining the position of Deputy Clerk and subsequently becoming the Clerk of the municipality in 1988 until his retirement in 1994; and

WHEREAS Mr. Gillespie's exemplary performance with the former City of Etobicoke included never taking a day off for sick leave during his entire career; and

WHEREAS Mr. Gillespie will be greatly missed and fondly remembered by his many friends and family;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to the family of Mr. Ronald Gillespie."

Leave to introduce the Motions was granted and the Motions carried unanimously.

Council rose and observed a moment of silence in memory of the late J.A. Birney and Ronald S. Gillespie.

June 29, 2006:

Mayor Miller in the Chair.

Councillor Thompson, seconded by Councillor Pitfield, moved that:

“WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the death of Michael Laidley on the afternoon of Friday, June 23, 2006, in his 22nd year; and

WHEREAS Michael was born in North York and, in 1992, moved with his mother, three brothers and a sister to the Malvern neighbourhood in Scarborough, where the family resides to this day; and

WHEREAS as a youngster, Michael began showing his leadership abilities by volunteering in various recreational, sports and after school programs; and

WHEREAS as a student, Michael exhibited his exceptional abilities in the sport of basketball, as the star player for his high school Mother Teresa Catholic Secondary School; and

WHEREAS Michael was also a star player for the Heron Park Knights, a basketball team in the City-Wide House League program, and participated in the original Youth Games Teams as a member of the championship team from Tall Pines Community Centre; and

WHEREAS the City of Toronto Parks and Recreation staff recognized Michael's leadership abilities and hired him as an employee at the Malvern Recreation Centre in 2002; and

WHEREAS during the time Michael worked at the Malvern Community Recreation Centre, he undertook responsibilities as Rec Connection leader, Youth Drop-in Leader and House League Basketball Coach; and

WHEREAS upon transferring to the Ellesmere Community Centre, Michael carried out responsibilities as Basketball Instructional Leader, After School Leader, Youth Drop-in and Rec Connection Leader, Special Events Leader and March Break Camp Leader; and

WHEREAS during the short time he worked at Ellesmere and Malvern Community Recreation Centres, Michael Laidley developed strong friendships and bonds with both staff and youth, and was well-liked and respected by all;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be requested to convey, on behalf of the Mayor and Members of Toronto City Council, our appreciation for Michael's work with at risk youth and our sincere sympathy to his mother Lenora Baker, sister Desiree and brothers Ray, Myron and Milton."

Deputy Mayor Feldman, seconded by Councillor Rae, moved that:

"WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Mr. Ivan B. Forrest on June 26, 2006; and

WHEREAS Mr. Forrest served his Country from 1942 to 1946, seeing service in Western Canada, the Yukon and the European theatre; and

WHEREAS Mr. Forrest was a dedicated employee of the City of Toronto, having served the City for 44 years, including 19 years as the Commissioner of Parks and Recreation, before his retirement in 1983;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to his wife Lois, his children Kim, Carole and Kevin, his son-in-law Paul and daughter-in-law Susan, his grandchildren, his many nieces, nephews and cousins and his many friends and colleagues."

Leave to introduce the Motions was granted and the Motions carried unanimously.

Mayor Miller requested Members of Council to remember the victims of violence in the City of Toronto, during their moment of silence.

Council rose and observed a moment of silence in memory of the late Michael Laidley, Ivan B. Forrest and the victims of violence in the City of Toronto.

8.108 **Presentations/Introductions/Announcements:**

June 27, 2006:

Deputy Mayor Bussin, with the permission of Council, during the morning session of the meeting, introduced Deputy Mayor Robert E. Williams from Georgetown, Guyana, present at the meeting.

Mayor Miller, during the afternoon session of the meeting, introduced Kathleen Wynne, MPP, Don Valley West, present at the meeting.

June 28, 2006:

Mayor Miller, during the morning session of the meeting, invited Councillor Rae to the podium for a presentation respecting the AIDS 2006 - XVI International AIDS Conference, being held in Toronto from August 13-18, 2006. Councillor Rae showed a promotional video, entitled "Toronto - The World within the City", and introduced Darryl Perry, Executive Director and Chief Executive Officer of the conference. Mr. Perry gave an overview of the conference, thanked Members of Council for their support, and distributed conference information to all Members.

June 29, 2006:

Mayor Miller, during the morning session of the meeting, introduced members of a delegation from Beijing, China, visiting Toronto on a three-month workplace study exchange, present at the meeting.

Deputy Mayor Bussin, during the morning session of the meeting, introduced adult ESL students from the Centre for Information and Community Services, present at the meeting.

Deputy Mayor Bussin, during the morning session of the meeting, introduced The Honourable George Smitherman, Provincial Minister of Health and Long-Term Care, and MPP for Toronto Centre-Rosedale, present at the meeting.

Councillor Thompson, with the permission of Council, during the morning session of the meeting, introduced Councillor Doreen Forbes, from Portland Parrish, Jamaica, present at the meeting.

Mayor Miller, during the morning session of the meeting, invited Councillor Jenkins and Councillor Silva to the podium to address Council with respect to the 17th International Competition for Outstanding Piano Amateurs. Councillor Jenkins introduced Thomas Yu, the winner of the competition, and presented him with a scroll and a plaque to mark the occasion.

8.109 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

Vary the order of proceedings of Council:

June 27, 2006:

Councillor Minnan-Wong, at 10:22 a.m., moved that Council vary the order of its proceedings in order to permit circulation of a Notice of Motion, moved by himself, seconded by Councillor Stintz, respecting the Sole Source Negotiation with Bombardier Inc. for the Purchase of TTC Subway Cars, the vote upon which was taken as follows:

Yes - 28 Councillors:	Ashton, Augimeri, Carroll, Cho, Cowbourne, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 12 Mayor: Councillors:	Miller Ainslie, Davis, De Baeremaeker, Fletcher, Giambrone, McConnell, Mihevc, Moscoe, Pantalone, Rae, Silva

Carried by a majority of 16.

Mayor Miller, at 10:30 a.m., moved that Council vary the order of its proceedings in order to consider the following matters, in the following order:

- (1) consideration of time-sensitive postponed items;
- (2) Community Partnership and Investment Program items:
 - Administration Committee Report 4, Clause 3;
 - Board of Health Report 4, Clauses 1 and 2;
 - Community Services Committee Report 4, Clauses 6, 9 and 11; and
 - Economic Development and Parks Committee, Report 4, Clauses 1, 2, 3 and 4; and
- (3) Motion F(1), moved by Councillor Pitfield, seconded by Councillor Stintz, respecting “Protection of Individuals at Toronto City Hall and Nathan Phillips Square”, immediately following Council’s initial consideration of the Notices of Motions,

which carried.

Councillor Minnan-Wong, at 2:13 p.m., moved that Council vary the order of its proceedings to now consider Notice of Motion J(8), moved by himself, seconded by Councillor Stintz, respecting the Sole Source Negotiation with Bombardier Inc. for the Purchase of TTC Subway Cars, the vote upon which was taken as follows:

Yes - 16 Councillors:	Augimeri, Del Grande, Di Giorgio, Feldman, Ford, Holyday, Kelly, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Stintz, Thompson, Watson
No - 16 Mayor: Councillors:	Miller Ainslie, Ashton, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Giambrone, Jenkins, Lindsay Luby, Milczyn, Moscoe, Pantalone, Rae, Silva

Lost, there being a tie vote.

June 29, 2006:

- (a) Councillor Ootes, at 10:10 a.m., moved that Council vary the order of its proceedings in order to meet in-camera at 2:00 p.m. to consider Works Committee Report 3, Clause 17b, headed "Progress Report on the Options for Addressing Currently Contracted Curbside Waste and Recycling Collection Operations in the Former Etobicoke and York".
- (b) Councillor Shiner moved that motion (a) by Councillor Ootes be amended to provide that Council consider all in-camera matters remaining on the Agenda at the 2:00 p.m. in-camera session.

Vote:

Adoption of motion (a) by Councillor Ootes, as amended by motion (b) by Councillor Shiner:

Yes - 32 Councillors:	Ainslie, Augimeri, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Ford, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soninke, Stintz, Thompson, Walker
No - 6 Councillors:	Bussing, Ilion, Fletcher, McConnell, Mihevc, Silva

Carried by a majority of 26.

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

June 29, 2006:

Councillor Mihevc, at 5:51 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 6:00 p.m. adjournment, in order to conclude consideration of the following matters:

- Policy and Finance Committee Report 5, Clause 25, headed “City of Toronto 2007-2010 Capital Plan and Debt Service Guideline”;
- the remaining time-sensitive ‘quick items’; and
- the necessary bills,

the vote upon which was taken as follows:

Yes - 24	
Councillors:	Ainslie, Augimeri, Bussing, Carroll, Cho, Davis, De Baeremaeker, Ilion, Fletcher, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Rae, Silva, Soninke, Watson
No - 13	
Councillors:	Del Grande, Di Giorgio, Feldman, Ford, Jenkins, Nunziata, Ootes, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker

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

Councillor Shiner, at 5:53 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 6:00 p.m. adjournment, in order to conclude consideration of ‘quick items’ and the necessary bills, the vote upon which was taken as follows:

Yes - 22	
Councillors:	Ainslie, Carroll, Cho, Davis, Del Grande, Di Giorgio, Feldman, Giambrone, Jenkins, Kelly, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soninke, Stintz, Thompson, Watson
No - 14	
Councillors:	Augimeri, Bussing, De Baeremaeker, Ilion, Fletcher, Ford, Hall, Holyday, Lindsay Luby, Mammoliti, Mihevc, Pantalone, Silva, Walker

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

Councillor Mammoliti, at 5:55 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 6:00 p.m. adjournment, in order to conclude consideration of time-sensitive ‘quick items’ and the necessary bills, the vote upon which was taken as follows:

Yes - 29	
Councillors:	Ainslie, Augimeri, Bussing, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Moscoe, Palacio, Pitfield, Rae, Saundercook, Silva, Soninke, Stintz, Thompson, Watson
No - 9	
Councillors:	Feldman, Ilion, Ford, Mihevc, Nunziata, Ootes, Pantalone, Shiner, Walker

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

Councillor Mihevc, at 6:06 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 to adjourn following completion of time-sensitive ‘quick items’ and the necessary bills, and that Council remain in session in order to conclude consideration of the following matters:

- Policy and Finance Committee Report 5, Clause 25, headed “City of Toronto 2007-2010 Capital Plan and Debt Service Guideline”;
- ‘quick items’; and
- the necessary bills,

the vote upon which was taken as follows:

Yes - 22	
Councillors:	Ainslie, Augimeri, Bussing, Carroll, Cowbourne, Davis, De Baeremaeker, Ilion, Fletcher, Giambrone, Hall, Holyday, Lindsay Luby, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Rae, Saundercook, Silva, Soninke
No - 14	
Councillors:	Del Grande, Di Giorgio, Feldman, Ford, Jenkins, Kelly, Nunziata, Ootes, Pitfield, Shiner, Stintz, Thompson, Walker, Watson

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

8.110 ATTENDANCE

	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 7:07 p.m.*	Roll Call 6:20 p.m.	Roll Call 7:04 p.m.
June 27, 2006				
Miller	x	x	x	-

Minutes of the Council of the City of Toronto
June 27, 28 and 29, 2006

June 27, 2006	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 7:07 p.m.*	Roll Call 6:20 p.m.	Roll Call 7:04 p.m.
Ainslie	x	x	x	x
Ashton	x	x	-	-
Augimeri	x	x	-	-
Bussin	x	x	x	x
Carroll	x	x	x	x
Cho	x	x	x	x
Cowbourne	x	x	x	x
Davis	x	x	-	-
De Baeremaeker	x	x	-	-
Del Grande	x	x	x	x
Di Giorgio	x	x	x	x
Feldman	x	x	-	-
Filion	-	-	-	-
Fletcher	x	x	x	x
Ford	x	x	x	x
Giambrone	x	x	x	x
Grimes	x	x	x	x
Hall	x	-	-	-
Holyday	x	x	x	x
Jenkins	x	x	x	x
Kelly	x	x	x	x
Li Preti	x	x	-	-
Lindsay Luby	x	x	x	x
Mammoliti	x	x	-	-
McConnell	x	x	x	x
Mihevc	x	x	-	-
Milczyn	x	x	-	-
Minnan-Wong	x	x	-	-
Moscoe	x	x	x	x
Nunziata	x	x	x	-

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June 27, 2006	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 7:07 p.m.*	Roll Call 6:20 p.m.	Roll Call 7:04 p.m.
Ootes	x	x	x	-
Palacio	x	x	x	x
Pantalone	x	x	x	x
Pitfield	x	x	-	-
Rae	x	x	x	x
Saundercook	x	x	-	-
Shiner	x	x	x	x
Silva	x	x	-	-
Soknacki	-	-	-	-
Stintz	x	x	-	-
Thompson	x	x	-	x
Walker	x	x	x	x
Watson	x	x	-	-
Total	42	41	25	23

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

June 28, 2006	9:40 a.m. to 12:30 p.m.*	Roll Call 11:55 a.m.	Roll Call 12:10 p.m.	2:10 p.m. to 6:14 p.m.*	Roll Call 3:29 p.m.	Roll Call 4:35 p.m.	Ctte. of the Whole in-Camera 6:20 p.m.	7:20 p.m. to 7:30 p.m.*
Miller	x	-	-	x	-	-	-	-
Ainslie	x	x	-	x	-	x	-	-
Ashton	x	-	-	-	-	-	-	-
Augimeri	x	x	-	x	-	x	-	-
Bussin	x	x	x	x	x	x	x	x
Carroll	x	x	x	x	x	x	x	x
Cho	-	-	-	-	-	-	-	-
Cowbourne	x	-	-	x	-	x	x	x
Davis	x	-	x	x	x	x	x	x
De Baeremaeker	x	-	-	x	x	-	x	x
Del Grande	x	x	x	x	x	x	x	x
Di Giorgio	x	x	x	x	-	x	x	x
Feldman	x	x	x	x	x	-	x	x
Filion	x	-	-	x	-	-	x	x

Minutes of the Council of the City of Toronto
June 27, 28 and 29, 2006

June 28, 2006	9:40 a.m. to 12:30 p.m.*	Roll Call 11:55 a.m.	Roll Call 12:10 p.m.	2:10 p.m. to 6:14 p.m.*	Roll Call 3:29 p.m.	Roll Call 4:35 p.m.	Ctte. of the Whole in-Camera 6:20 p.m.	7:20 p.m. to 7:30 p.m.*
Fletcher	x	x	x	x	-	-	x	x
Ford	x	x	x	x	x	x	-	-
Giambrone	-	-	-	-	-	-	-	-
Grimes	x	-	-	x	x	x	-	-
Hall	x	x	x	x	x	x	x	x
Holyday	x	x	x	x	x	x	x	x
Jenkins	x	x	x	x	x	x	x	x
Kelly	x	x	x	x	x	x	x	x
Li Preti	x	x	x	x	x	x	-	-
Lindsay Luby	x	x	x	x	-	x	x	x
Mammoliti	x	-	x	x	x	-	-	-
McConnell	x	x	x	x	x	x	x	x
Mihevc	x	-	-	x	x	x	x	x
Milczyn	-	-	-	-	-	-	-	-
Minnan-Wong	x	-	x	x	-	x	-	-
Moscoe	x	x	x	x	x	x	x	x
Nunziata	x	x	x	x	-	x	x	x
Ootes	x	x	x	x	x	x	x	x
Palacio	x	x	x	x	-	x	x	x
Pantalone	x	x	-	x	-	x	x	x
Pitfield	x	x	-	x	x	x	x	x
Rae	x	x	x	x	-	-	x	x
Saundercook	x	x	x	x	x	-	x	x
Shiner	x	x	x	x	x	x	x	x
Silva	x	x	x	x	x	x	x	x
Soknacki	x	x	x	x	-	x	x	x
Stintz	x	-	x	x	x	x	x	x
Thompson	x	x	x	x	x	x	-	-
Walker	x	x	x	x	x	x	-	-
Watson	x	-	x	x	x	x	-	-
Total	41	29	30	40	26	32	29	29

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

Minutes of the Council of the City of Toronto
June 27, 28 and 29, 2006

June 29, 2006	9:40 a.m. to 12:30 p.m.*	Roll Call 11:19 a.m.	Roll Call 11:42 a.m.	2:10 p.m. to 2:25 p.m.*	Ctte. of the Whole in-Camera 2:27 p.m.	4:05 p.m. to 6:15 p.m.*
Miller	x	-	-	-	-	-
Ainslie	x	x	x	x	x	x
Ashton	-	-	-	-	-	-
Augimeri	x	-	-	x	x	x
Bussin	x	x	x	x	x	x
Carroll	x	-	x	x	x	x
Cho	x	-	-	x	x	x
Cowbourne	x	x	x	x	x	x
Davis	x	-	x	x	x	x
De Baeremaeker	x	-	x	-	x	x
Del Grande	x	x	x	x	x	x
Di Giorgio	x	x	x	-	x	x
Feldman	x	-	-	x	x	x
Filion	x	x	-	x	x	x
Fletcher	x	x	x	x	x	x
Ford	x	-	x	x	x	x
Giambrone	x	x	-	x	x	x
Grimes	x	-	x	-	-	-
Hall	x	x	x	x	x	x
Holyday	x	x	x	x	x	x
Jenkins	x	x	-	x	x	x
Kelly	x	x	x	-	x	x
Li Preti	x	x	x	-	x	x
Lindsay Luby	x	x	x	x	x	x
Mammoliti	x	-	-	-	x	x
McConnell	x	x	-	x	x	x
Mihevc	x	-	-	x	x	x
Milczyn	-	-	-	-	-	-
Minnan-Wong	x	-	-	-	-	-
Moscoe	x	x	x	x	x	x

Minutes of the Council of the City of Toronto
June 27, 28 and 29, 2006

June 29, 2006	9:40 a.m. to 12:30 p.m.*	Roll Call 11:19 a.m.	Roll Call 11:42 a.m.	2:10 p.m. to 2:25 p.m.*	Ctte. of the Whole in-Camera 2:27 p.m.	4:05 p.m. to 6:15 p.m.*
Nunziata	x	-	x	-	x	x
Ootes	x	x	-	x	x	x
Palacio	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x
Pitfield	x	x	-	-	x	x
Rae	x	-	-	x	x	x
Saundercook	x	x	-	x	x	x
Shiner	x	x	x	x	x	x
Silva	x	-	x	x	x	x
Soknacki	x	x	x	x	x	x
Stintz	x	x	x	-	-	x
Thompson	x	x	-	-	x	x
Walker	x	x	x	-	x	x
Watson	x	-	-	x	x	x
Total	42	26	25	29	38	39

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

Council adjourned on June 29, 2006, at 6:15 p.m.

**DAVID R. MILLER,
Mayor**

**ULLI S. WATKISS,
City Clerk**

ATTACHMENT 1 [Enquiry (a)(1)]

Enquiry (June 16, 2006) from Councillor Michael Walker regarding the Sole Source Contract to Bombardier for New Subway Cars (See Minute 8.4, Page 2):

I am alarmed that a sole source contract is to be awarded for the acquisition of new subway cars for the Toronto Transit Commission (TTC). With the City's past, present and future budget problems, I feel the City should be inviting any company to bid on such a large contract (nearly \$1 Billion) to ensure the best product for the most reasonable cost – sole sourcing does not provide this assurance. City Council must exercise proper fiduciary responsibility.

As we all know, Bombardier is not the only company that builds subway cars. For example, Siemens also produces subway cars that are competitive with Bombardier. Siemens has produced a quote that estimates that they can fulfill the same contract for \$100 - \$150 million less than Bombardier.

As the TTC is owned by the City of Toronto, I urgently request the answers to the following questions:

- (1) Why is this purchase justified as sole sourced?
- (2) What is the supporting documentation for the sole sourcing of this contract?
- (3) Who brokered this sole source contract with Bombardier?
- (4) What is the current process for tendering a contract such as this?
- (5) What was the process followed for the City's previous purchase of new subway cars?
- (6) When was the City's previous purchase of new subways cars and for how many was it?

I request a detailed report to be provided for the next City Council meeting in July 2006 answering the above questions.

Our residents are paying more taxes every year and receiving less service. I feel it is irresponsible for City Council to ignore any savings that can be found by 'shopping around' for the purchases we make on their behalf. City Council should insist on a competitive tender for this purchase.

ATTACHMENT 2 [Answer (a)(2)]

Answer (June 23, 2006) from Mayor Miller to the Enquiry (See Minute 8.4, Page 2):

I am writing in response to your June 16 enquiry regarding the proposed Bombardier subway car purchase.

Sole sourcing is standard industry practice and is employed by major transit operators in Canada. The decision was made by the Commission as part of its normal business. No contract has been signed and there was no broker. TTC staff, at the direction of the Commission, issued a specification to Bombardier for the subway cars in March. Bombardier has submitted an offer to staff, who are currently negotiating and evaluating the technical and financial merits of the offer. The TTC is currently out for proposals to hire two third-party specialists to evaluate the fairness of the price in today's market.

When the process is complete, including the third party analysis, staff will report to the Commission with a recommendation either to accept or reject the offer.

Subway car purchases are not routine operations so there is no "current process" as such, though they have historically been sole sourced. The last purchase of subway cars was 372 T1 cars for \$863.9 million. The process for the purchase began in 1991 and was sole sourced to UTDC-Lavalin according to the requirements of the Provincial funding arrangement. In 1992 UTDC was purchased by Bombardier. It is the only subway car supplier in Canada.

Prior to that, the TTC purchased 126 H6 cars, which were delivered between 1986 and 1989, and 135 H5 cars that arrived between 1976 and 1979. The H6 purchase was made under a similar sole source arrangement with UTDC. The paperwork for the H5 car purchase is not readily available, if needed TTC could be requested to search its archives.

I recommend you write to the TTC or Chair Moscoe directly if you require a detailed response.

ATTACHMENT 3 [Notice of Motion F(2)]

Communication (June 23, 2006) from the Toronto Preservation Board, entitled “3030 Bloor Street West (Kingsway Theatre) – Inclusion on the City of Toronto Inventory of Heritage Properties and Intention to Designate under Part IV of the *Ontario Heritage Act* (Ward 5 - Etobicoke-Lakeshore)”. (See Minute 8.63, Page 109)

Recommendations:

The Toronto Preservation Board: Board recommended to City Council that:

- (1) the staff recommendations in the Recommendations Section of the report (May 26, 2006) from the Director, Policy and Research, City Planning Division, be adopted; and
- (2) Heritage Preservation Services staff be requested to carry out an onsite investigation of the Kingsway Theatre to see if it is warranted to include primary areas of the interior as part of the designation; primary areas would include the lobby and auditorium spaces.

Background:

The Toronto Preservation Board on June 22, 2006, considered a report (May 26, 2006) from the Director, Policy and Research, City Planning Division.

Recommendations:

It is recommended that:

- (1) City Council include the property at 3030 Bloor Street West (Kingsway Theatre) on the City of Toronto Inventory of Heritage Properties;
- (2) City Council state its intention to designate the property at 3030 Bloor Street West (Kingsway Theatre) under Part IV of the *Ontario Heritage Act*;
- (3) if there are no objections to the designation in accordance with Section 29(6) of the *Ontario Heritage Act*, the solicitor be authorized to introduce the Bills in Council designating the property under Part IV of the *Ontario Heritage Act*;
- (4) if there are any objections in accordance with Section 29(7) of the *Ontario Heritage Act*, the Clerk be directed to refer the proposed designation to the Conservation Review Board; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

The Toronto Preservation Board also considered the following Notice of Motion moved by Councillor Milczyn, seconded by Councillor Lindsay Luby, which was postponed by City Council to its June 27, 28 and 29, 2006 meeting:

“WHEREAS the property located at 3030 Bloor Street West contains the Kingsway Theatre, which has design or physical value as a representative example of a movie theatre built between World Wars I and II with features of Art Deco styling, and has contextual value as a local landmark on Bloor Street West in the Kingsway neighbourhood; and

WHEREAS the Toronto Official Plan states that significant heritage resources will be conserved; and

WHEREAS this is an urgent motion as the property is for sale and, given that it is a commercial property, it has no protection from demolition;

NOW THEREFORE BE IT RESOLVED THAT following consultation with the Toronto Preservation Board at its meeting scheduled for June 22, 2006, Council of the City of Toronto give notice of its intention to designate the property at 3030 Bloor Street West (Kingsway Theatre) under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest;

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

(Report dated May 26, 2006) from the Director, Policy and Research,
City Planning Division, addressed to the Toronto Preservation Board)

Purpose:

This report recommends that City Council include the property at 3030 Bloor Street West (Kingsway Theatre) on the City of Toronto Inventory of Heritage Properties and state its intention to designate the property under Part IV of the *Ontario Heritage Act*.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report. The cost of publishing the notice of intention to designate in the daily newspaper is included in the 2006 Policy and Research budget.

Recommendations:

It is recommended that:

- (1) City Council include the property at 3030 Bloor Street West (Kingsway Theatre) on the City of Toronto Inventory of Heritage Properties;
- (2) City Council state its intention to designate the property at 3030 Bloor Street West (Kingsway Theatre) under Part IV of the *Ontario Heritage Act*;
- (3) if there are no objections to the designation in accordance with Section 29(6) of the *Ontario Heritage Act*, the solicitor be authorized to introduce the Bills in Council designating the property under Part IV of the *Ontario Heritage Act*;
- (4) if there are any objections in accordance with Section 29(7) of the *Ontario Heritage Act*, the Clerk be directed to refer the proposed designation to the Conservation Review Board; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

Staff have evaluated the site according to the criteria for municipal designation that was prescribed by the Province of Ontario in January 2006, which indicates that it merits inclusion on the City of Toronto Inventory of Heritage Properties and designation under Part IV of the *Ontario Heritage Act*.

The theatre is slated for closure, and there is concern in the neighbourhood about the future of the site. The designation of the property under Part IV of the *Ontario Heritage Act* would enable City Council to approve any proposed alterations and control demolition of the building.

Comments:

A location map (Attachment No. 1) and a photograph (Attachment No. 2) are attached.

The following Statement of Reasons for Designation is intended for publication according to the provisions of the *Ontario Heritage Act*. The Reasons for Designation are attached (Attachment No. 3) and include a statement of cultural heritage value and description of the heritage attributes of the property. The complete Reasons for Designation will be served on the property owner and the Ontario Heritage Trust and included in the designating by-law.

Statements of Reasons for Designation

The property at 3030 Bloor Street West is recommended for designation under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest. The Kingsway Theatre (1941)

is a representative example of a World War II era movie theatre with Art Deco styling that is a landmark in the Kingsway neighbourhood.

The Reasons for Designation, including a description of the heritage attributes of the property, are available for viewing from the City Clerk's Department or from Heritage Preservation Services, Research and Policy, City Planning Division, City of Toronto.

Conclusions:

It is recommended that City Council include the property at 3030 Bloor Street West (Kingsway Theatre) on the City of Toronto Inventory of Heritage Properties and state its intention to designate the property under Part IV of the *Ontario Heritage Act*.

Contact:

Denise Gendron, Manager, Heritage Preservation Services, Tel: 416-338-1075, Fax: 416-392-1973, E-mail: dgendron@toronto.ca

List of Attachments:

- Attachment No. 1 – Location Map (3030 Bloor Street West)
- Attachment No. 2 – Photograph (3030 Bloor Street West)
- Attachment No. 3 – Reasons for Designation (3030 Bloor Street West)

(Attachments 1 and 2 are on file in the City Clerk's Office)

Attachment No. 3

Reasons for Designation
3030 Bloor Street West: Kingsway Theatre

Description

The property at 3030 Bloor Street West is worthy of designation under Part IV of the *Ontario Heritage Act*, and meets the criteria for municipal designation prescribed by the Province of Ontario under the categories of design or physical value and contextual value. Located on the north side of Bloor Street, west of Royal York Road, the Kingsway Theatre is first recorded in the business section of the city directories in 1941.

Statement of Cultural Heritage Value

The cultural heritage value of the Kingsway Theatre is related to the building's design or physical value as a representative example of a World War II era theatre inspired by Art Deco styling. Introduced in the 1920s and distinguished by its abstracted Classical and geometric elements, the Art Deco was particularly popular for movie theatres.

The Kingsway Theatre also has cultural heritage value for its contextual significance as a landmark on Bloor Street West in the Kingsway neighbourhood. In the early 1900s, entrepreneur Robert Home Smith acquired acreage on both sides of the Humber River where his company laid out 13 subdivisions based on the English garden city movement. Development along the west bank of the Humber was delayed until after the opening of the High Level Bridge in 1924. Bloor Street West between Prince Edward Drive and Islington Avenue became the major commercial artery serving Kingsway Park to the north.

Heritage Attributes

The heritage attributes of the Kingsway Theatre related to the building's cultural heritage value as a representative example of a World War II era movie theatre are found on the principal (south) façade and the roofline above, consisting of:

- the two-storey principal (south) façade, with its application of buff brick for the cladding and trim;
- the organization of the lower storey into three parts with a central entrance flanked by storefronts and a box office;
- the projecting semi-circular marquee protecting the entry and box office;
- the centrally-placed curved parapet that rises above the roof; and
- on either side of the parapet, the treatment of the upper storey where a cast stone band course extends above the flat-headed window openings, brick pilasters with stylized cast stone capitals rise above the edge of the roof, and mock metal buttresses mark either end of the wall.

ATTACHMENT 4 [Notice of Motion J(5)]

Report (June 20, 2006) from the City Clerk, entitled “Appointment to Fill the Vacancy in the Office of Councillor, Ward 35 - Scarborough Southwest”. (See Minute 8.70, Page 119)

Purpose:

To report on the requirement to fill the vacancy in the office of Councillor, Ward 35 - Scarborough Southwest through an appointment process.

Financial Implications and Impact Statement:

The estimated cost to fill the vacancy through an appointment process is \$20,000.00, to cover administration, advertising, supplies and printing.

The necessary funds for this appointment process would be transferred from the Election Reserve to the City Clerk’s 2006 Operating Budget.

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

Recommendations:

It is recommended that:

- (1) the vacancy be filled through the appointment of a qualified elector following the process set out in Appendix “A”;
- (2) the City Clerk’s 2006 Operating Budget be increased by \$20,000.00, with funding provided from the Election Reserve, for a net zero impact;
- (3) in the interim, the current staff of former Councillor Altobello continue to serve the constituents of Ward 35 – Scarborough Southwest, until the new Councillor is appointed and a decision is made by Council or the new Councillor with respect to staffing; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

Councillor Gerry Altobello has filed a letter of resignation with the City Clerk, thereby creating a vacancy in the office of Councillor, Ward 35 – Scarborough Southwest.

Comments:

While Council normally has discretion in filling vacancies on Council through either an appointment process or the conduct of a by-election, subsection 65(2) of the *Municipal Elections Act, 1996*, as amended, provides that no by-election can be held to fill an office that becomes vacant after March 31 in an election year.

Accordingly, Council must fill the vacancy in Ward 35 – Scarborough Southwest by appointing a qualified elector within 60 days of declaring the office vacant.

Section 264 of the *Municipal Act, 2001*, as amended, provides that the person appointed to fill the vacancy shall hold office for the remainder of the term of office of the person whose place he or she is appointed to fill. Accordingly, the person appointed to the vacancy would hold office until November 30, 2006.

To be qualified to hold the office, a person must be:

- (i) 18 years of age or older;
- (ii) a Canadian citizen;
- (iii) a resident of the City of Toronto or a non-resident owner or tenant of land in the City or the spouse of such owner or tenant; and
- (iv) not disqualified under any Act from holding municipal office.

Interested individuals should be given a reasonable period of time to submit an application for consideration by Council. The City Clerk would advertise to invite applications from qualified electors for consideration by the Scarborough Community Council at a Special Meeting on July 19, 2006. Council would consider the recommendation from the Scarborough Community Council at a Special Meeting to be held at 5:00 p.m., July 25, 2006. This would be within the 60-day time period required by the *Municipal Act, 2001*, as amended.

The estimated cost for the appointment process for administration, supplies, printing and advertising is \$20,000.00.

Councillor Office Staff:

Given the experience and knowledge of the current staff in serving the constituents of Ward 35 – Scarborough Southwest through the office of former Councillor Altobello, Council may wish to have the current staff continue to support the office in the interim until a new Councillor is appointed and a decision is made by the new Councillor with respect to staffing. Council may also wish to request that the new Councillor be urged to give first consideration to retaining the current staff.

Conclusions:

In accordance with subsection 65(2) of the *Municipal Elections Act, 1996*, the vacancy in the office of Councillor, Ward 35 – Scarborough Southwest must be filled through the appointment of a qualified elector.

Contact:

Greg Essensa, Director, Elections and Registry Services
Tel – 416-392-8019, E-mail: gessensa@toronto.ca

Attachment:

- (1) Appendix “A” – Appointment Process

Appendix "A"

Procedures for Filling the Vacancy in the Office
of Councillor - Ward 35 - Scarborough Southwest
through an Appointment with Presentations
at both the Scarborough Community Council and Council

- (1) Advertisements shall be placed in one major daily newspaper and in one local newspaper serving the ward. The advertisements shall indicate Council's intention to appoint a qualified elector to the vacancy and outline the process one must follow to be considered.
- (2) An information session will be conducted by staff at Toronto City Hall from 5:00 p.m. to 7:00 p.m. on July 13, 2006. All interested persons must attend this session, complete a Consent of Nominee form and a Declaration of Qualification and provide personal identification showing their name and qualifying address within the City of Toronto. Persons may also submit a resume which will be available for public inspection in the City Clerk's Office. The resume will also be distributed to Members of Council.
- (3) The deadline for filing the Consent of Nominee form, the Declaration of Qualification, personal identification and a resume for Council's consideration shall be 12:00 noon on the day following the information session.
- (4) The candidates who have attended the information session, completed a Consent of Nominee form and a Declaration of Qualification and provided personal identification satisfactory to the Clerk, may appear before the Scarborough Community Council at a Special Meeting on July 19, 2006.
- (5) The Chair or Presiding Officer shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
- (6) The Clerk will provide to the Chair or Presiding Officer, a list of the names of those candidates who have completed the Consent of Nominee and Declaration of Qualification and the Chair or Presiding Officer will call for a motion from the Scarborough Community Council in the following form:

"Moved by...

THAT the following persons, who have signified in writing that they are legally qualified to hold the office of Councillor and consented to accept the office if they are appointed to fill the vacancy of Councillor, Ward 35 – Scarborough Southwest, shall be considered for appointment to fill such vacancy."

- (7) Each of the candidates shall be afforded the opportunity to address the Community Council for a period of not more than five minutes. The order of speaking will be determined by lot. (The Clerk shall place the names of all candidates on equal size pieces of paper in a container and randomly draw the names.)
- (8) Each Member of the Scarborough Community Council will be allowed no more than one question to each candidate.
- (9) Following consideration by the Community Council of all submissions, the Community Council will proceed to vote as follows:
 - (a) Members of the Community Council will vote by way of ballot;
 - (b) Members of the Community Council must sign and print their name on the ballot; ballots that do not contain both the signature and name of the Member will be rejected from the count;
 - (c) if the candidate who receives the greatest number of votes cast does not receive more than one-half the votes of all Members of the Community Council present and voting, the candidate or candidates who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the Clerk or designate and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes in the proceeding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of the Community Council present and voting;
 - (d) where the votes cast are equal for all the candidates:
 - (i) if there are three or more candidates remaining, the Clerk or designate shall by lot select one such candidate to be excluded from the subsequent voting;
 - (ii) if only two candidates remain, the tie shall be broken and the candidate selected by lot conducted by the Clerk or designate shall be the candidate selected by the Community Council for Council's consideration; and
 - (iii) "lot" means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a container and one name being drawn by the Clerk or designate.
- (10) Upon conclusion of the voting, the Chair or Presiding Officer will declare the candidate receiving the votes of more than one-half of the number of the Members of

the Scarborough Community Council present and voting to be the candidate selected by the Community Council for Council's consideration. The name of the selected candidate will be forwarded to Council in the form of a communication from the Scarborough Community Council.

- (11) The candidates who have attended the information session, completed a Consent of Nominee form and a Declaration of Qualification and provided personal identification satisfactory to the Clerk, may appear before Council at a Special Meeting of Council to be held at 5:00 p.m., July 25, 2006. Candidates may appear before Council whether or not they attended at the Scarborough Community Council.
- (12) The Mayor or Presiding Officer shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
- (13) The Clerk will provide to the Mayor or Presiding Officer, a list of the names of those candidates who have completed the Consent of Nominee and Declaration of Qualification and the Mayor or Presiding Officer will call for a motion from Council in the following form:

“Moved by...

THAT the following persons, who have signified in writing that they are legally qualified to hold the office of Councillor and consented to accept the office if they are appointed to fill the vacancy of Councillor, Ward 35 – Scarborough Southwest, shall be considered for appointment to fill such vacancy.”
- (14) Each of the candidates shall be afforded the opportunity to address Council for a period of not more than five minutes. The order of speaking will be determined by lot. (The Clerk shall place the names of all candidates on equal size pieces of paper in a container and randomly draw the names.)
- (15) Each Member of Council will be allowed no more than one question to each candidate.
- (16) Following consideration by Council of all submissions, Council will proceed to vote as follows:
 - (a) Members of Council will vote by way of ballot;
 - (b) Members of Council must sign and print their name on the ballot; ballots that do not contain both the signature and name of the Member will be rejected from the count;
 - (c) if the candidate who receives the greatest number of votes cast does not

receive more than one-half the votes of all Members of Council present and voting, the candidate or candidates who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes in the proceeding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of Council present and voting;

- (d) where the votes cast are equal for all the candidates:
 - (i) if there are three or more candidates remaining, the Clerk shall by lot select one such candidate to be excluded from the subsequent voting;
 - (ii) if only two candidates remain, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the Clerk; and
 - (iii) “lot” means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a container and one name being drawn by the Clerk.
- (17) Upon conclusion of the voting, the Clerk will declare to be elected the candidate receiving the votes of more than one-half of the number of the Members of Council present and voting.
- (18) A by-law confirming the appointment shall be enacted by Council appointing the successful candidate to the office for the remainder of the term of the present Council.

ATTACHMENT 5 [Notice of Motion J(7)]

Report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer, entitled “Funding of Major Strategic Capital Infrastructure Projects”. (See Minute 8.71, Page 125)

Purpose:

To seek Council approval for a strategy for financing strategic tax-supported capital expenditures undertaken in partnership with other orders of government and strategic environmental tax-supported capital projects undertaken with external financial partners through the utilization of the proceeds of monetization of the City’s Toronto Hydro Corporation Promissory Note.

Financial Implications and Impact Statement:

Council adoption of the recommended strategies will assist in managing the City’s indebtedness, contribute to the containment of the City’s debt service costs and the debt service ratio and thereby enhance the City’s credit rating.

Recommendations:

It is recommended that:

- (1) one time proceeds from the divestiture of the City’s investment in the Toronto Hydro Corporation Promissory Note be contributed to a reserve fund account solely to offset capital costs associated with major tax-supported strategic infrastructure projects funded in partnership with other orders of governments and major strategic tax-supported environmental projects undertaken with external financial partners;
- (2) Council establish a reserve fund account called the “Strategic Infrastructure Partnership Reserve Fund Account”, within the Corporate Discretionary Reserve Fund to fund the City’s major tax-supported strategic infrastructure projects in partnership with other orders of governments and major tax-supported environmental projects undertaken with external financial partners as specified in Attachment 1;
- (3) Municipal Code Chapter 227 (Administration of Reserves and Reserve Funds) be amended by adding the “Strategic Infrastructure Partnership Reserve Fund Account” to Schedule ‘3’ –Corporate Discretionary Reserve Fund; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, and that leave be granted for the introduction of any necessary Bills in Council to give effect thereto.

Background:

Council, at its meeting on June 9-11, 1999, approved a recommendation in a report entitled “Incorporation of Toronto Hydro Corporation”, Clause 1, Report 10 of the Strategic Policies and Priorities Committee, that stated “... all proceeds of the debt and dividends from Toronto Hydro be used toward the existing City capital obligations and not be used to increase City operating expenses”.

Council, at its meeting of April 12, 13 and 14, 2005, approved a recommendation in a report entitled “Capital Financing Strategy – 2004”, Clause 1e, Report 8 (2004) of the Policy and Finance Committee, reaffirming “its policy direction to apply all returns on the City’s investments in Toronto Hydro Corporation to fund City’s capital program requirements”.

A related in-camera report titled “Interest Rate on Toronto Hydro Corporation Promissory Note”, is also being presented to Policy and Finance Committee for its consideration, along with this report.

Furthermore, Council, at its meeting of December 12, 2005, as part of the City’s 2006 Capital Budget, approved the Budget Advisory Committee recommendation that the Deputy City Manager and Chief Financial Officer report through the BAC to the Policy and Finance Committee and Council by June 2006 on a recommended 2007-2010 Capital Plan in accordance with the Council approved debt guideline. The report entitled “City of Toronto 2007 – 2010 Staff Recommended Capital Plan”, is also before the Policy and Finance Committee for its consideration.

Comments:

A. Toronto Hydro Corporation Promissory Note

The City holds a large investment in the Promissory Note of Toronto Hydro Corporation. This note matures in May of 2013, at which time the principal must be repaid to the City in full. The City also has certain options to access the principal in the meantime, if it so chooses.

In recent years the interest payments from this investment have been allocated to the operating budget on an exception basis. The principal amount of the note, \$980 million, is a different matter. The principal amount of the Promissory note does not represent a potential revenue, but is in fact an asset in the City’s Financial Statements. Prudent application of the proceeds on monetization would mean reinvestment of the asset value in other financial assets, or long term physical assets via funding of capital expenditures, as per the Council policy adopted when the note was originally established in 1999.

The convergence of the need for non debt financing to fund major strategic capital infrastructure projects and the ultimate/eventual monetization of the Toronto Hydro Promissory Note create the opportunity for a refinement to Council's previous decisions regarding the application of proceeds from the THC debt.

Therefore, it is recommended that large strategic or extraordinary projects to be developed in partnership with the other orders of government not add to the City's debt burden, but rather be funded from one time proceeds such as Toronto Hydro Corporation Promissory Note which matures in 2013.

B. Requirement for Capital Funding for Strategic Projects

The 2007 – 2010 capital plan report outlines the challenges the City faces in managing its capital expenditure pressures relative to the Council approved debt targets and resulting debt service impacts.

As a result, it is important that the City continue to press for relief from its fiscal imbalance. Measures such as access to new growth revenues (Provincial and/or federal sales and/or income tax) and enhanced, sustainable and ongoing provincial and federal cost sharing for transportation needs will help fund the capital plan.

Strategic infrastructure projects like the Spadina Subway and the City's share of the waterfront redevelopment are major expansion initiatives as opposed to ongoing program responsibilities like state of good repair and normal growth related initiatives, which should be funded from within affordability guidelines and recurring revenue sources. Strategic projects also differ in that they require significant amounts of capital, and are often induced through partnerships with the other two orders of government. Similarly, environmental projects often feature external financial inducements. Expenditures of this nature clearly cannot be accommodated within the targets, and use of additional debt financing would drive up the debt service ratio and debt service cost impacts well above the recommended levels.

C. Establishing a Reserve Fund Account

The timing of the proceeds from the monetization of THC Promissory Note and the cash low funding requirements for infrastructure programs may not coincide, resulting in a need to establish an appropriate reserve fund account. The parameters for the recommended account are shown in Attachment 1.

Conclusions:

The report recommends a strategy for funding major new tax-supported strategic infrastructure projects, such as the Spadina Subway Extension and Waterfront redevelopment projects, and tax-supported strategic environmental projects, from the proceeds of monetization of the Toronto Hydro Corporation Promissory Note, currently scheduled to mature May of 2013. It is also recommended that a Strategic Infrastructure Partnership Reserve Fund Account be established to hold the proceeds of monetization should there be timing differences between the receipt of proceeds and the requirement to fund strategic infrastructure projects.

Contact:

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List of Attachments:

Strategic Infrastructure Partnership Reserve Fund Account – Attachment 1

ATTACHMENT 1

Strategic Infrastructure Partnership Reserve Fund Account

It is recommended that a Strategic Infrastructure Partnership Reserve Fund Account be established with the following considerations:

- (a) Location within the Consolidated Reserve Fund Schedule
 - Fund Account within Schedule #3 – Corporate Discretionary Reserve Fund
- (b) Statement of Purpose
 - This reserve fund account will be used to fund the City’s major tax-supported strategic infrastructure programs (such as Spadina Subway Extension and Waterfront Redevelopment), in partnership with other orders of governments, and major strategic tax-supported environmental capital projects with external funding partners;
- (c) Service Area or Beneficiary Program
 - The Deputy City Manager/Chief Financial Officer shall have primary administrative responsibility for the reserve fund account.
- (d) Initial Contribution:
 - n/a
- (e) Contribution Policy
 - Contributions will be made from the principal value of the Toronto Hydro Corporation Promissory Note, currently scheduled to be monetized upon maturity no later than May 2013.
- (f) Withdrawal Policy:
 - Funds may be withdrawn to fund City projects consistent with the purpose of the reserve fund account, as part of the budget process.
- (g) Review Cycle
 - The reserve fund account will be closed when the funds have been depleted.

ATTACHMENT 6 [Notice of Motion J(27)]

Report (June 27, 2006) from the Integrity Commissioner, entitled “Employee Issue Arising Out of an Earlier Integrity Commissioner Report”. (See Minute 8.91, Page 160)

Purpose:

To report back as requested by Council at its meeting of May 23, 24, and 25, 2006, with respect to my report of May 17, 2006, and attached to Notice of Motion J(17).

Financial Implications and Impact Statement:

This report has no financial ramifications.

Recommendations:

It is recommended that Council refer my report to the City Manager to resolve the personnel issue.

Background:

On May 17, 2006, I reported to Council on a complaint that a member of Council had violated the Code of Conduct for Members of Council (“Code of Conduct”) in dismissing a member of her/his staff. I recommended in that Report that Council authorize City officials to work with the complainant, COTAPSAI and OMERS to explore the feasibility of a settlement that would allow the complainant to retire on a full pension from the date on which he/she ceased to accumulate service for pension purposes. Questions were raised in Council about the legality and appropriateness of such an outcome and the matter was referred to the City Solicitor to provide a legal opinion on my recommendations and for me to report back to Council in the light of that advice.

Comments:

The City Solicitor has provided me with confidential legal advice with respect to the employment issues raised in my report. This advice has also been provided to the City Manager.

Conclusions:

At this stage, it is appropriate that Council refer the resolution of the staff member’s employment with the City to the City Manager for action in light of the findings of the Integrity Commissioner and the opinion of the City Solicitor.

Contact:

David Mullan
Integrity Commissioner
Tel: 416-397-7770/Fax: 416-392-3840
Email: dmullan@toronto.ca

Attachment: Appendix A (Report on Complaint of Violation of Code of Conduct for Members of Council (1), dated May 17, 2006, as attached to Notice of Motion J(17) of the meeting of Council held on May 23, 24, and 25, 2006)

Appendix A

Report (May 17, 2006) from the Integrity Commissioner, entitled “Report on Complaint of Violation of Code of Conduct for Members of Council (1)”:

Purpose:

To report on the upholding of a complaint that a Member of Council violated Clauses IX (“Conduct Respecting Staff”) and XI (“Discreditable Conduct”) of the Code of Conduct for Members of Council (“Code of Conduct”).

Financial Implications and Impact Statement:

If the recommendations in this report are adopted, the City may need to make additional contributions to the complainant’s pension plan.

Recommendations:

It is recommended that

- (1) City Council instruct the City Manager to ensure that appropriate protocols are in place for regular and appropriate Member of Council evaluation of the performance of members of their staff; and
- (2) City Council authorize the appropriate officials to work together with the complainant, COTAPSAI and OMERS to provide the complainant with the opportunity to retire on a full pension as of the date he/she ceased to accumulate service for pension purposes.

Background:

An Administrative Assistant to a Member of Council complained that the Member of Council had violated the Code of Conduct by failing to “show respect for [her/his] professional abilities” (Clause IX) and by failing to treat her/him “fairly” (Clause XI). More particularly,

he/she alleged that this misconduct occurred when the Member of Council terminated him/her without warning after over 12 years of employment with the Member of Council and over 26 years of service overall with the City of Toronto and within a short time of he/she accumulating sufficient service to be able to retire early on a full pension under the arrangements available at that time.

I investigated the complaint under Part B (“Formal Complaint Protocol”) of the Council Code of Conduct Complaint Protocol (“Complaint Protocol”).

Comments:

On the basis of my investigation, I concluded that the Member of Council did violate Clauses IX and XI of the Code of Conduct. My reasons are set out more fully in Appendix A, a confidential attachment to this report and constituting my decision in this matter that the City Clerk distributed to the parties.

The complainant was a non-unionized employee of the City for over 26 years. For over 12 of those years, he/she had been the Administrative Assistant to the same Member of Council. When he/she joined the Member of Council’s staff, he/she remained a permanent employee of the City of Toronto.

Despite the fact that the relationship between the Member of Council and the Administrative Assistant was at times a tempestuous one, the Administrative Assistant performed her/his duties competently and with dedication. The Member of Council never provided him/her with any form of formal evaluation.

A short time before the Administrative Assistant became eligible to retire early under the Plan then in effect with a full pension, the Member of Council terminated her/his employment. In doing so, the Member of Council informed the Administrative Assistant that he/she was relying of her/his legal right to terminate the Administrative Assistant without cause and also that he/she was doing so for budgetary reasons. In fact, by her/his own admission, the Member of Council had become disenchanted with the Administrative Assistant’s performance over recent months. However, he/she had never raised this with the Administrative Assistant nor alerted her/him to any potential budgetary problems.

While Members of Council do, indeed, have the legal right to dismiss their political staff without cause, this does not mean that the political staff of Members of Council do not have protection under Clauses IX and XI of the Code of Conduct. Within that legal framework, they are entitled to be treated with due respect for their professional abilities (Clause IX) and fairly and without harassment and discrimination (Clause XI). This applies especially in the case of long-time employees for whom employment with the City and the Member of Council has in effect been a career with an expectation of retiring with a pension. Among the entitlements that those in the position of this Administrative Assistant have is be evaluated regularly, alerted to deficiencies in performance, and the opportunity to rectify failings. Despite the fact that the Member of Council had growing concerns with the performance of

the complainant, he/she did none of these things. That constituted a violation of the Code of Conduct.

Conclusions:

When the Member of Council dismissed her/his Administrative Assistant, he/she failed to have sufficient regard to the expectations that the Administrative Assistant had built up over many years of employment in the Member of Council's office: that, as a long-time employee of the City and the Member of Council, he/she would be given due notice of any deficiencies with her/his performance that were likely to trigger the Member of Council's legal entitlement to dismiss her/him without cause as well as an opportunity to remedy those deficiencies. In the particular circumstances of this Administrative Assistant, it was not sufficient for the Member of Council to simply stand on her/his legal rights or to use budgetary constraints as a justification especially when that was not by any means the whole basis for the termination. By failing to meet the Administrative Assistant's expectations of a warning and the opportunity to rectify the situation, the Member of Council violated Clauses IX and XI of the Code of Conduct. He/she did not treat the Administrative Assistant with "respect for [her/his] professional abilities" or "fairly".

In the circumstances, the appropriate remedy is not any direct sanction against the Member of Council or to recommend that the Administrative Assistant be reinstated to her/his position or provided with another equivalent position with the City. Rather, the reality that he/she was very close to early retirement on full pension should be recognized and that every endeavour should be made to ensure that he/she be provided with the opportunity to retire on a full pension as of the date that he/she ceased accumulating credit for pension eligibility. Any such negotiations should involve the complainant, the City of Toronto Administrative, Professional, Supervisory Association, Incorporated ("COTAPSAI") (which represented her/him throughout my investigation), appropriate officials in the City of Toronto, and OMERS.

In addition, the City Manager should instruct her Staff to ensure that appropriate protocols are in place for Members of Council to conduct regular and appropriate evaluations of the performance of their political staff.

Contact:

David Mullan
Integrity Commissioner
Tel: 416-397-7770/Fax: 416-392-3840
Email: dmullan@toronto.ca

ATTACHMENT 7 [Notice of Motion J(30)]

Report (June 26, 2006) from the City Solicitor, entitled “Proposed ‘visitation centre’ - Mount Pleasant Cemetery”, now public in its entirety. (See Minute 8.94, Page 164)

Purpose:

This report contains legal advice subject to solicitor-client privilege.

City Council at its meeting of May 23, 24 and 25, 2006, had before it a Notice of Motion entitled “Request for Report – Settlement Respecting an Application by the Mount Pleasant Group of Cemeteries to Construct a Visitation Centre”. The City Solicitor was requested to report directly to an in-camera session on the legal advice that was provided to the Chief Building Official. The City Solicitor was also asked to further report on the process of settling court applications to review decisions of the Chief Building Official without instruction from Council and without notification of the Ward Councillor. This report responds to that request.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that this report be received for information.

Background:

This report request arises from City of Toronto Council, May 23, 2006, Notice of Motion, Item J(39).

Mount Pleasant Group of Cemeteries (“MPGC”) commenced an Application under section 25 of the *Building Code Act*, S.O. 1992, c.23 in which it appealed the Chief Building Official’s (“CBO”) decision to reject a proposed “visitation centre” to be located in the existing cemetery. In the application, MPGC sought an order that the “visitation centre” is permitted as an “associated use” within the meaning of section 12(1) 313 of the City of Toronto’s By-law 425-93, as amended.

MPGC wants to construct a 24,000 square foot “visitation centre” which will amalgamate into one building, the existing chapel, office, sales, washroom and visitation uses currently located in various buildings throughout the cemetery. It argues that these uses are “associated uses” within the meaning of section 12(1) 313 of the City’s zoning by-law. As well, “visitation centres” have been permitted in two former cities, North York and Scarborough, and in other municipalities in the Province.

Comments:

Existing cemeteries in the former City of Toronto are permitted through a permissive exception in section 12(1) 313 of the Zoning By-law as follows:

(1) PERMISSIVE EXCEPTIONS

Notwithstanding anything hereinbefore contained, none of the provisions of this bylaw or any *restrictive by-law* applies (1997-0422)

313. to prevent a cemetery, columbarium, crematorium, or mausoleum as defined by the *Cemeteries Act* and associated uses on the lands outlined by heavy lines on the following maps (425-93). (emphasis added)

The advice given to the Chief Building Official confirmed her interpretation that the zoning by-law provision governing cemeteries, section 12(1) 313 of By-law 425-93 must be read in conjunction with the *Cemeteries Act R.S.O. 1990 c. C.4*, as the permissive exception specifically refers to this statute. Cemeteries are regulated and permitted by provincial legislation under the *Cemeteries Act* and licensed to operate by the Province of Ontario through a registrar appointed under the Act. There are a number of definitions which speak to uses that may occur in a cemetery namely, “cemetery”, “crematorium”, “columbarium” and “mausoleum”. There are two other definitions which are of significance. “Cemetery supplies” is defined as follows:

Includes internment vaults, markers, flowers, liners, urns, shrubs and artificial wreaths or other articles to be placed in the cemetery;

“cemetery services”

in addition to the columbarium, crematorium and mausoleum also includes “in respect of a cemetery, such other services as are provided by the owner of the cemetery at the cemetery”.

The proposed visitation centre would, on the evidence presented by the MPGC, combine and consolidate services already provided by MPGC in other facilities throughout the cemetery. These uses are sanctioned by the *Cemeteries Act* and its regulations as “cemetery supplies” and “cemetery services”. The definition “cemetery supplies” is self-explanatory. “Cemetery Services” may be interpreted broadly and includes the services MPGC intends to locate in the visitation centre. None of the proposed uses involve embalming of human remains or the arrangement of funeral services which would be permitted in an “undertaker’s establishment” and not a cemetery use.

As noted above, MPGC filed an application with the court to review the Chief Building Official's initial decision that the proposed visitation centre was not a permitted use. After careful consideration of the relevant sections of the zoning by-law, the *Cemeteries Act* and consultation with the Ontario Ministry of Government Services, which oversees cemeteries in the Province, the Chief Building Official reconsidered her initial view and concurred with the advice that the proposed visitation centre could be considered an "associated use", within the meaning of s. 12(1) 313. MPGC's court application was adjourned to allow it to proceed with its site plan application and building permit application. There has not been a decision to approve a building permit for the proposed visitation centre as a building permit application had not been filed with the City's Chief Building Official. Further, there has been no approval yet of the site plan for the proposed visitation centre. MPGC has applied for site plan approval and there is a companion report from the Chief Planner on the status of the site plan application.

The City Solicitor and Chief Building Official have been asked to report on the process of settling such matters without instruction from Council and without notification to the Ward Councillor. In response to the service of the court Application, appealing the Chief Building Official's decision, counsel from the Legal Services Division consulted with staff, reviewed the law and prepared a confidential solicitor/client opinion with analysis and advice to the Chief Building Official. After a careful and thorough vetting of the issues, the Chief Building Official reconsidered her initial view, and decided that a visitation center was an "associated use".

The jurisdiction to make decisions which concern zoning by-law interpretations and issuing of building permits rests entirely with the Chief Building Official appointed by Council. Municipal Councils have no right in law to instruct Chief Building Officials on matters concerning building permits. The Chief Building Officials' jurisdiction is entirely statutory. Section 8 of the *Building Code Act* S.O. 1982 c. C.23, as amended provides that the Chief Building Official shall issue a building permit if the proposal complies with the building code and any other applicable law which includes a municipal zoning by-law. This section of the *Building Code Act* is mandatory. There is no discretion in a Chief Building Official to refuse a building permit if it complies with the provisions of the *Building Code Act*. Council, although it may wish to be made aware of certain building permit issues, has no authority to direct or instruct the Chief Building Official in matters regarding the issuance of a building permit.

Conclusions:

This report is in response to a request from council to advise on the legal advice that was provided to the Chief Building Official about a proposed "visitation centre" in Mount Pleasant Cemetery.

The City Solicitor was also asked to report on the process of settling applications to review decisions of the Chief Building Official, without instruction from council. In our opinion, the proposed “visitation centre” is permitted, as an “associated use” within the meaning of s.12(1) 313 of the City’s Zoning By-law 425-93, as amended. Decisions about whether a building permit should be issued is solely within the Chief Building Official’s jurisdiction. The Chief Building Official has been consulted regarding this report.

Contact:

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ATTACHMENT 8 [Notice of Motion J(30)]

Report (June 26, 2006) from the Chief Planner and Executive Director, City Planning, entitled “Site Plan Application 06 105037 STE 22, Mount Pleasant Cemetery Visitation Centre, 1250 Bayview Avenue (375 Mount Pleasant Road) (Ward 22, Trinity-Spadina)”, now public in its entirety. (See Minute 8.94, Page 164)

Purpose:

To provide Council with further information regarding the planning merits of the proposed “visitation centre” on the grounds of the Mount Pleasant Cemetery, as requested.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that Council receive this report for information.

Background:

At its meeting of May 23, 2006, City Council directed the Chief Planner to report on the planning merits of the site plan application respecting a proposed “visitation centre” on the grounds of the Mount Pleasant Cemetery, and on the provisions of By-law 425-93 as it applies to cemeteries. This report responds to that request.

Comments:

On January 24, 2006, the Mount Pleasant Group of Cemeteries (MPGC) submitted two concurrent applications to the City in connection with its intent to construct a “visitation, chapel and reception centre” along the Moore Avenue frontage of the Mount Pleasant Cemetery, west of Bayview Avenue. One was an application to injure or destroy 16 trees on private property in accordance the City’s tree by-law, and the other was an application for site plan approval under Section 41 of the *Planning Act*.

A Preliminary Project Review issued by the Buildings Division was filed with the application, which indicated that the proposal complied with the City’s Zoning By-law. The visitation centre would be located within a “G” zoning district and considered an “associated use” under permissive exception 12 (1) 313 of Zoning By-law 438-86. There are no limitations on height or gross floor area for development in a “G” zone, though a non-residential building or structure must be set back 3 metres from a residential zone. This proposal meets the required setback.

On February 28, 2006, Councillor Michael Walker formally rescinded delegated site plan

approval authority from the Chief Planner, so that the application could be “bumped up” for consideration by Toronto and East York Community Council. Forestry and Planning staff will coordinate reporting on the respective applications for consideration at the same time.

Upon receipt of the site plan application, Planning staff reviewed the following elements of the proposal, as outlined below:

Official Plan

In the current in-force Official Plan for the former City of Toronto, Mount Pleasant Cemetery is designated as an Open Space. Where any lands designated as Open Space are in private ownership, the Plan does not indicate that the land will necessarily remain as open space indefinitely.

In the new Official Plan, which has not yet come into full force and effect, the cemetery is designated Open Space, which permits buildings on cemetery grounds. It is found outside the designated Natural Heritage System.

By-law 425-93

The purpose of By-law 425-93 was to amend and comprehensively update the general Zoning By-law 438-86 of the former City of Toronto to bring into effect the policies and intent of the Official Plan (CityPlan). The effect of the by-law as it pertains to cemeteries was to introduce the permissive exception in Section 12 (1) 313 which permits “a cemetery, columbarium, crematorium or mausoleum as defined by the *Cemeteries Act* and associated uses” on the lands thereafter identified as the existing cemeteries in the former City of Toronto.

In a 1987 report to the former City of Toronto Land Use Committee, Planning staff recommended the inclusion of cemeteries in the “G” zoning district. At that time Planning staff, in consultation with the City Solicitor, did not recommend the introduction of zoning standards to regulate development within cemeteries. They reported instead that development review under site plan control would enable Council to determine appropriate site plan criteria for each cemetery, while accommodating varying characteristics from one cemetery to another.

Easements

The City enjoys two easements over the Mount Pleasant Cemetery lands. One is a sewer easement which runs parallel to the length of the proposed building and upon which a structure cannot be built. The other is a 3-metre wide easement for pedestrian access over the Belt Line Trail, which provides a connection between Merton Avenue and the Moore Park Ravine. In this location, the Belt Line easement cuts diagonally across the proposed visitation centre site, in particular across the proposed parking lot and a small portion of the building. Council will have to approve the relocation and/or amendment to the existing easement agreements prior to the granting of site plan approval.

Moore Avenue Access

The original proposal included a 6 metre wide driveway accessing the visitation centre parking lot from Moore Avenue, shown as a route for emergency vehicles only, to be closed at all other times. Staff were concerned with the potentially impermanent nature of this arrangement which could allow full vehicular access in the future, as well as with the excess of additional paved roadway crossing over the existing landscaped area creating potential conflicts with pedestrians and cyclists enjoying the Belt Line Trail. The proposal has since been modified to eliminate the emergency access driveway entirely, providing fire and emergency services while parked on the Moore Avenue shoulder.

Building Height

The visitation centre has a proposed height ranging from 10.4 metres at the Moore Avenue elevation, stepping up at intervals to 11.4 metres, 12.5 metres and 14.3 metres at the rear of the site. Though there is no height limit in a G zoning district, this is generally in line with the current height limit of 11 metres in the residential zone adjacent to the site, and specifically with the townhouses now under construction immediately to the west at 200-206 Moore Avenue. The height of the townhouses is approximately 10.5 metres measured to the midpoint between the eaves and the ridge of the roof, and approximately 13 metres overall.

Gross Floor Area

The visitation centre's proposed total gross floor area is 2247 m² (24,187 sq.ft.). There is no limit to gross floor area in a G zone. Though this designation is generally considered a "green space" zone, it does not prevent the construction of buildings such as community and recreation centres, parks maintenance and storage structures, and cemetery-related buildings. For example, the North Toronto Memorial Community Centre on Eglinton Avenue West has a total gross floor area of 8726 m². The existing mausoleum, crematorium and chapel building in the interior of Mount Pleasant Cemetery is approximately 3400 m² in area. The size of the proposed visitation centre is generally in line with these dimensions and is comparable in size to other visitation centres located in Pine Hills and York Cemeteries outside the former City of Toronto. Further, the building is oriented perpendicular to its Moore Avenue frontage such that the shortest end faces the public edge of the cemetery and the building massing is directed toward the cemetery interior.

Building Setbacks

The front of the proposed visitation centre is set back approximately 18 metres from the street edge, which is twice the 9 metre setback of the new townhouses to the west and which appropriately addresses the 'curve' of Moore Avenue in this location.

The west edge of the building comes within 3 metres of the property line, in accordance with setback requirements set out in the Zoning By-law. Staff had wished to explore ways to increase the facing distance between the building and the new townhouses being constructed immediately to the west. In investigating the issue staff found that in approving those townhouses, the Ontario Municipal Board had ruled specifically on the idea that given the prospect of a building set back 3 metres on the cemetery lands, its relationship to the proposed townhouses would be appropriate. Furthermore, shifting the building westward to achieve this would bring it closer to the City's two easements, and would reduce the landscaped courtyard area in front of the building. Given that tradeoff and the Ontario Municipal Board's decision on the matter, staff felt it would not be fruitful to pursue further and required appropriate landscaping and screening measures to mitigate that impact.

Hard Landscaping/Screening along Moore Avenue frontage

The original proposal included an excess of hard surface area along the Moore Avenue frontage of the building. Staff sought changes to soften the edge of the building and its relationship to Moore by reducing hard surfaces, increasing plantings and screening a mechanical vault.

The proposal also allows for the "greening" and normalization of the Moore Avenue curblines to eliminate informal parking of vehicles on the gravel shoulder.

Parking and Hard Landscaping East of Building

The visitation centre proposal includes parking for 82 cars (currently reduced to 80 spaces) in a series of double-loaded parking aisles. The southernmost lot accommodates 24 spaces adjacent to the relocated Belt Line Trail. Following negotiations with staff the applicant has introduced a landscaped buffer ranging from 2.2 to 3 metres in width between the parking lot and the relocated trail. Planning staff, in consultation with Parks and Recreation, are not yet satisfied that the landscaping will be sufficient to buffer and screen the parking lot, and to provide adequate public safety. Staff are of the opinion that the number of parking spaces adjacent to the trail will have to be reduced to accommodate a more substantial buffer and maintain the park-like quality of the existing Belt Line Trail.

Sewer Easement/Environmental Review

As mentioned previously, the City currently enjoys a 6-metre easement over a portion of the Mount Pleasant Cemetery lands to access an underground storm sewer. In their most recent comments, Works and Emergency Services staff recommend that, in accordance with new City policy, the owner is now required to provide a 12-metre wide easement over the full extent of the site over the existing sewer. Before accepting the easement the City must receive an environmental site assessment report of the lands, to be approved through peer review.

Current Application Status

On June 9, 2006 the Mount Pleasant Group of Cemeteries appealed their site plan and tree removal applications to the Ontario Municipal Board, citing Council's failure to make a decision on the applications within their respective time allowances. No hearing date has been set. Staff will prepare a Request for Directions report in anticipation of a Board Hearing, for consideration at the September Community Council and Council meetings.

Conclusions:

Planning staff have provided this information in response to a directive from City Council's May 2006 meeting.

Contact:

Melanie Melnyk, Planner, Midtown Section

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Fax: 416-392-1330

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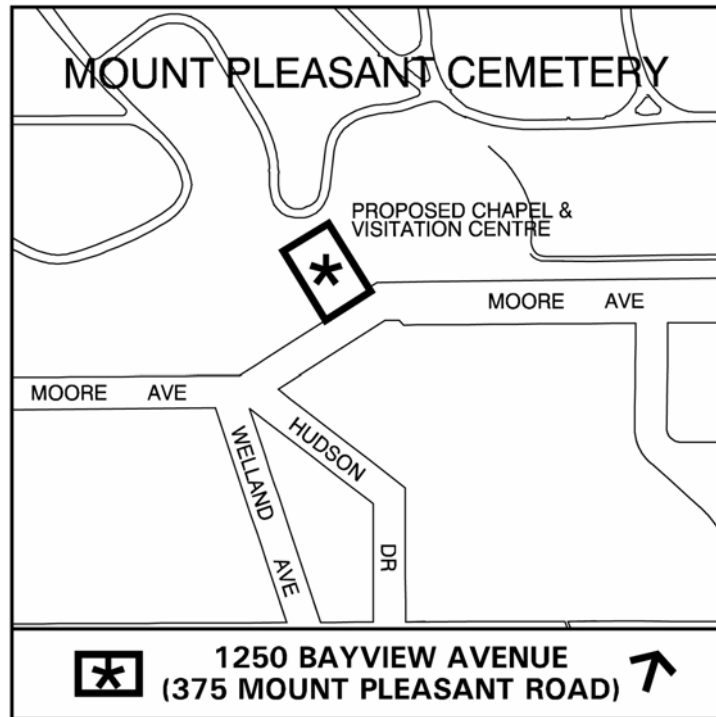
List of Attachments:

Attachment 1: Key Map

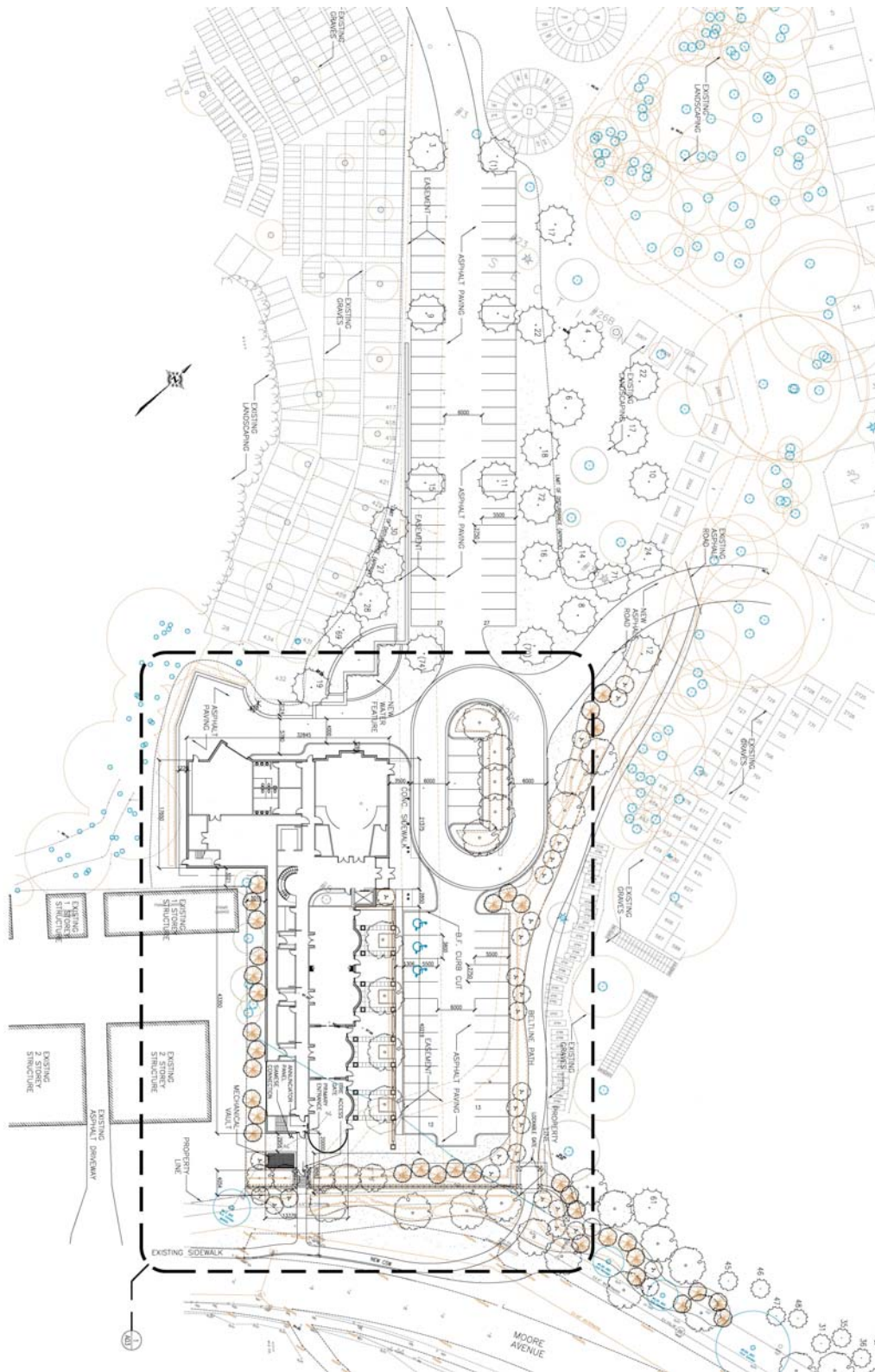
Attachment 2: Site Plan (revised)

Attachment 3: Building Elevations

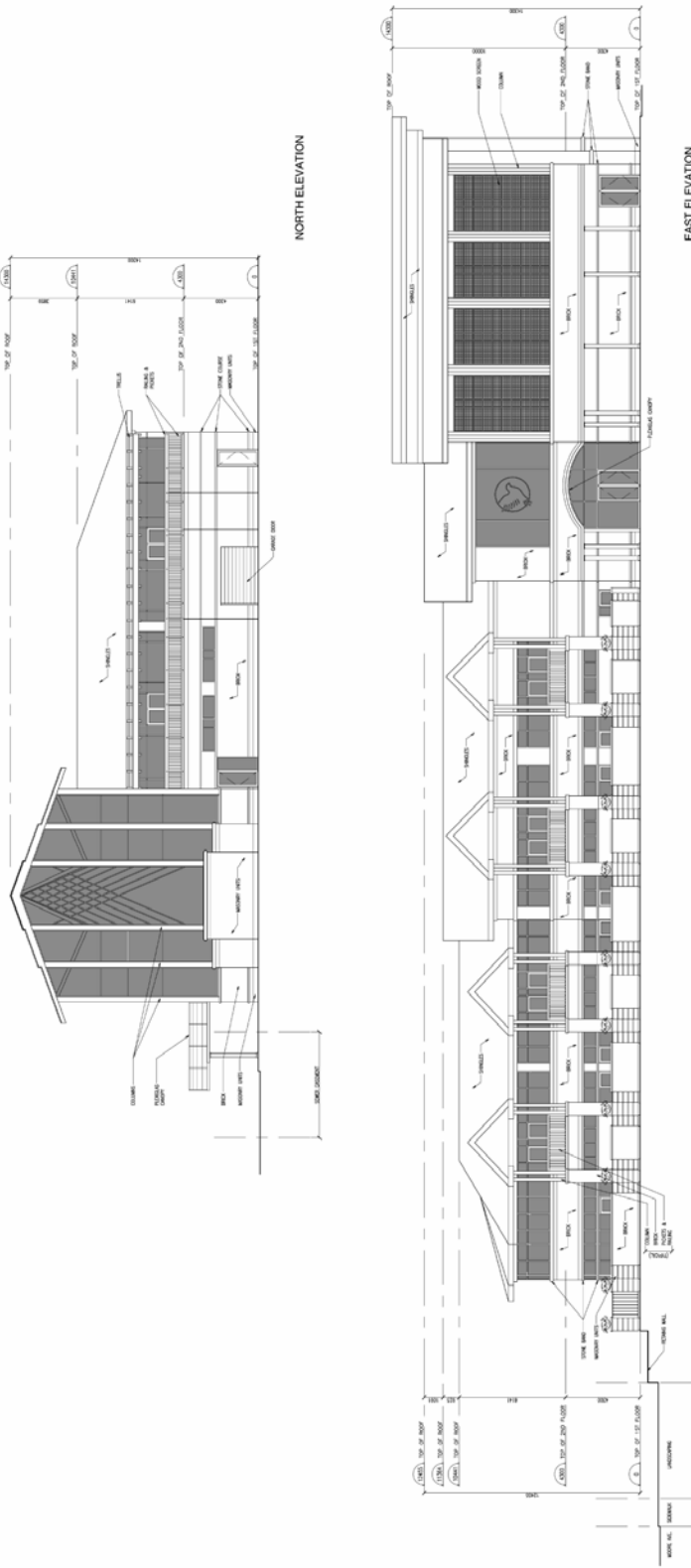
Attachment 1: Key Map



Attachment 2: Site Plan (Revised)

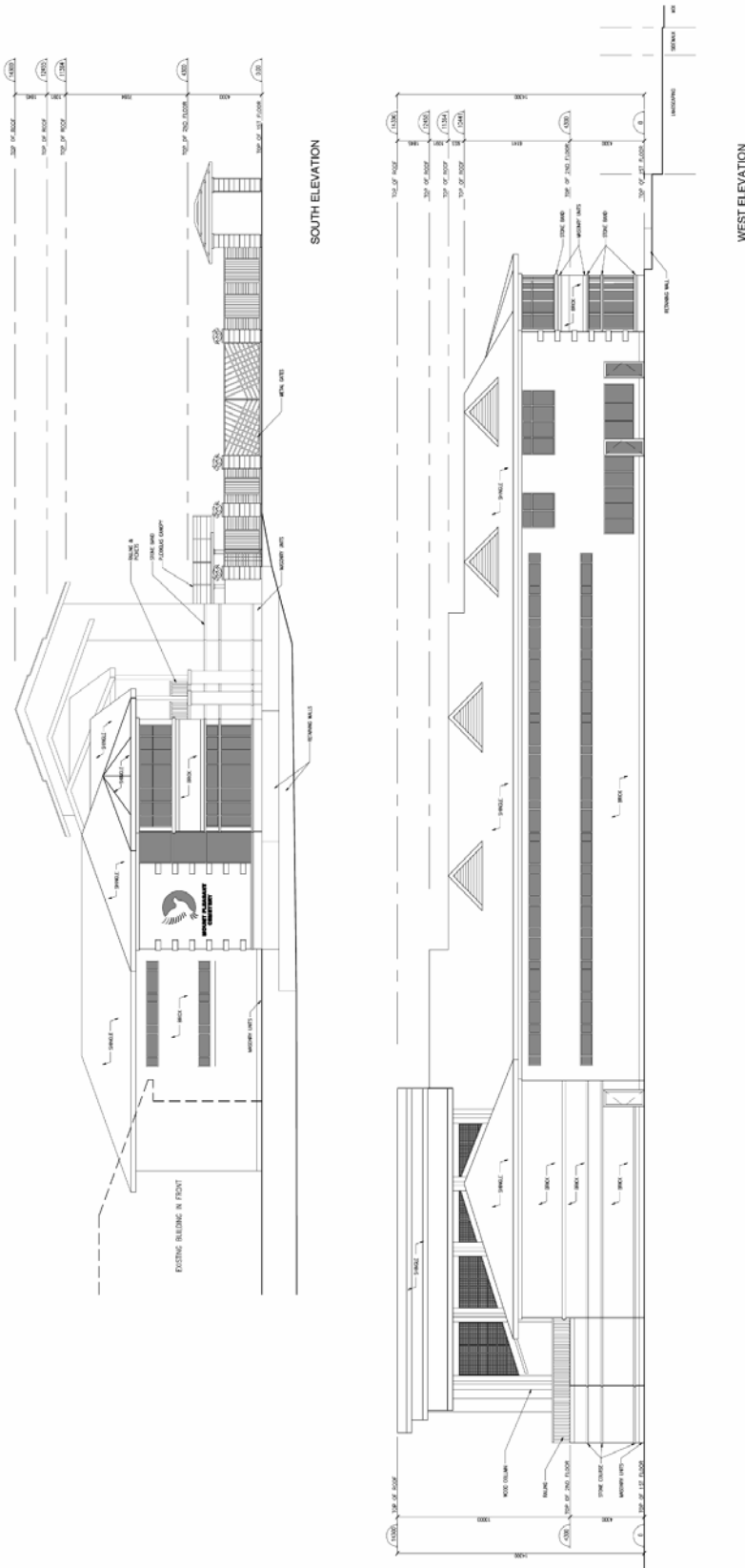


Attachment 3: Building Elevations



**1250 Bayview Avenue
(375 Mount Pleasant Road)**
File # 06_105037

North & East Elevations
Applicant's Submitted Drawing
Not to Scale
02/21/06



South & West Elevations

Applicant's Submitted Drawing

Not to Scale
02/21/06

1250 Bayview Avenue
(375 Mount Pleasant Road)

File # 06_105037

FISCAL IMPACT STATEMENT SUMMARY
Notices of Motions
Submitted by the Deputy City Manager and Chief Financial Officer
Council Meeting – June 27, 28 and 29, 2006

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
F(1)	Protection of Individuals at Toronto City Hall and Nathan Phillips Square	\$0	\$0	Consider.
F(2)	3030 Bloor Street West (Kingsway Theatre) – Intention to Designate under Part IV of the <i>Ontario Heritage Act</i> – Ward 5 (Etobicoke - Lakeshore)	\$0	\$0	Consider.
I(1)	City of Toronto - Street Needs Assessment Results	\$0	\$0	Consider.
I(2)	Hiring of Relatives of Members of Council in Council Offices	\$0	\$0	Consider.
J(1)	Investigation by the Integrity Commissioner into the actions and conduct of the Chair of the TTC before, during and after the illegal wildcat strike on May 29th, including the discussions that took place with the Transit Union	\$0	\$0	Consider.
J(2)	Establishment of a Business Improvement Area for the Albion Road and Islington Avenue Business Area	\$0	\$0	Consider.
J(3)	Instilling Civic Pride in Our National Flag	TBD	\$0	Significant costs are not yet known. However, it is not possible to complete the work as described prior to July 1, 2006. See FIS.
J(4)	Declaration of Vacancy – Ward 35 – Scarborough Southwest	\$0	\$0	Consider.
J(5)	Appointment to Fill the Vacancy in the Office of Councillor, Ward 35 – Scarborough Southwest	\$20,000 gross \$0 net	\$0	Funds will be transferred from the Election Reserve to the City Clerk's budget. See FIS
J(6)	Interest Rate on Promissory Note of Toronto Hydro Corporation			<i>Confidential. See Confidential Report Attached to Motion.</i>

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(7)	Funding of Major Strategic Capital Infrastructure Projects	TBD	\$0	Consider. See Report Attached to Motion.
J(8)	Sole Source Negotiation with Bombardier Inc. for the Purchase of TTC Subway Cars	\$0	\$0	Consider.
J(9)	Sole Source Contract for New Subway Cars for Toronto Transit Commission	\$0	\$0	Consider.
J(10)	Request of the Auditor General to Investigate TTC Sole Source Contract to Bombardier for Purchase of New Subway Cars	\$0	\$0	Consider.
J(11)	Request for City Legal Representation at the Ontario Municipal Board Appeal for 152 Westbourne Avenue (Application File Nos. B023/06SC, A072/06SC & A073/06SC)	\$0	\$0	Consider. See Notice of Decision Attached to Motion.
J(12)	Maintenance of Various Encroachments – Hepbourne Street Flank – 642 Dovercourt Road (Ward 18 – Davenport)	\$0	\$0	Consider.
J(13)	Detailed Year-Over-Year Comparisons on Final Property Tax Bills	TBD	\$0	Undetermined system program and administration costs. See FIS.
J(14)	Proclamation of June 22 as Chinese Canadian Head Tax Redress Day	\$0	\$0	Consider.
J(15)	Request for City of Toronto to Appeal Minor Variance Decision at 7 Lynn Road (Application A084/06SC) and for City Legal Representation at OMB Hearing	\$0	\$0	Consider. See Notice of Decision Attached to Motion.
J(16)	Report Request on Amending the Term for the Scarborough Community Preservation Panel and the Scarborough Museum Board Citizen Members	\$0	\$0	Consider.
J(17)	Creating a Business Improvement Area (BIA) for the Queen Street East Business Area Between Victoria Street and River Street	\$0	\$0	Consider.
J(18)	Request of the Federal Government to Restore Funding for the EnerGuide for Houses Program	\$0	\$0	Consider.

Minutes of the Council of the City of Toronto
June 27, 28 and 29, 2006

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(19)	Involvement of Elected Officials in Negotiations for Procurement of Subway Cars	\$0	\$0	Consider.
J(20)	Official Plan Amendment and Rezoning Application - 99 Chandos Avenue	\$0	\$0	Consider.
J(21)	Potential Ontario Municipal Board Hearing - 303 Laird Drive	\$0	\$0	Consider. See Minutes Attached to Motion.
J(22)	Ontario Municipal Board Hearing - 191 Bayview Heights Drive	\$0	\$0	Consider. See Minutes Attached to Motion.
J(23)	Request for Cash Flow Advance - George Bell Arena	\$35,000	\$0	Funding is available in the Employee Benefits Reserve Fund. See FIS.
J(24)	Factual Content of Motions Directed at a Member of Council	\$0	\$0	Notice Only.
J(25) Rev.	Amendment to Polling Period - Designation of Balmy Beach as a Heritage Conservation District - Ward 32 (Beaches-East York)	\$0	\$0	Consider.
J(26)	Designation of Event of Municipal Significance – Canada Day Event in Earls court Park	\$0	\$0	Consider.
J(27)	Follow up Report of the Integrity Commissioner on an Employee Issue			Confidential. See Confidential Report Attached to the Public Report Attached to Motion.
J(28)	Rezoning Application - 200 Horner Avenue	\$0	\$0	Consider.
J(29)	Association of Body Rub Parlours of Toronto Inc. versus City of Toronto - Court Application Challenging Licensing By-laws 904-2005 and 1055-2005			Confidential. See Confidential Report Attached to Motion.
J(30)	Proposed “Visitation Centre” – Mount Pleasant Cemetery			Confidential. See Confidential Report Attached to Motion.
J(31)	1300 - 1330 Castlefield Avenue - Ontario Municipal Board Interim Control By-laws and Site Plan Appeals			Confidential. See Confidential Report Attached to Motion.
J(32)	Biosolids Management Contingency Issues (All Wards)			Confidential. See Confidential Report

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
				<i>Attached to Motion.</i>
J(33)	Expansion of Little Italy Business Improvement Association (BIA) Boundaries from Euclid Avenue to Bathurst Street	\$0	\$0	Consider.

FISCAL IMPACT STATEMENT 2 [NOTICE OF MOTION J(5)]
(See Minute 8.70, Page 119)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>20,000</u> gross/\$0 net	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input checked="" type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – J(5) – The estimated cost to fill the vacancy through an appointment process is \$20,000 to cover administration, advertising, supplies and printing. The necessary funds for this appointment process would be transferred from the Election Reserve to the City Clerk's 2006 operating budget.

- Consider
- Refer to Standing Committee

Submitted by: _____
Deputy City Manager & Chief Financial Officer

Date: June 26, 2006

FISCAL IMPACT STATEMENT 4 [NOTICE OF MOTION J(13)]
(See Minute 8.77, Page 136)

Financial Implications:

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

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – J(13) – Undetermined system program and administration costs, including legislated approval requirement.

- Consider
- Refer to Standing Committee

Submitted by: _____
Deputy City Manager & Chief Financial Officer

Date: June 26, 2006

**FISCAL IMPACT STATEMENT 5 [NOTICE OF MOTION J(23)]
(See Minute 8.87, Page 155)**

Financial Implications:

Operating

Current year impacts: \$ 35,000 (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input checked="" type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)

Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – J(23) – Cash advance of up to \$35,000, will result in budget variance on year of up to \$35,000 arising from an unforeseen human resources issue. Funding is available in the Employee Benefits Reserve Fund.

- Consider Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: June 28, 2006