



# AGENDA

---

SESSION 21

THE COUNCIL OF  
THE CORPORATION OF THE CITY OF MISSISSAUGA  
([www.mississauga.ca](http://www.mississauga.ca))

WEDNESDAY, DECEMBER 10, 2008, 9:00 A. M.

COUNCIL CHAMBER  
300 CITY CENTRE DRIVE  
MISSISSAUGA, ONTARIO L5B 3C1

Contact: Shalini Alleluia, Office of the City Clerk (905-615-3200 Ext. 5471)  
E-mail address: [shalini.alleluia@mississauga.ca](mailto:shalini.alleluia@mississauga.ca)

1. **CALL TO ORDER**

2. **DISCLOSURES OF DIRECT OR INDIRECT PECUNIARY INTEREST**

3. **MINUTES OF PREVIOUS COUNCIL MEETINGS**

(a) November 26, 2008 - Session 20

MG.01

4. **APPROVAL OF THE AGENDA**

5. **PRESENTATIONS**

(a) Abigail Guevara, Christian Children's Fund of Canada (CCFC) will present a certificate of appreciation to Mayor Hazel McCallion on behalf of the City of Mississauga in recognition of Mississauga residents who have sponsored their 1000<sup>th</sup>. child through the CCFC and who will have donated \$4 million in lifetime giving by the end of 2008.

PR.04

(b) A representative from the Mississauga Board of Trade team will present the 2008 Business Award of Excellence from the Mississauga Board of Trade for its environmental initiatives and contribution to the well-being of Mississauga.

PR.04

6. **DEPUTATIONS**

(a) Tax Adjustments

There may be persons in attendance to address Council regarding tax adjustments.

Corporate Report R-1/Motion  
FA.13.Mun

(b) Tax Adjustments Pursuant to Section 359.1

There may be persons in attendance to address Council regarding tax adjustments pursuant to Section 359.1

Corporate Report R-2/Motion

FA.13.Mun

(c) Living Arts Centre (LAC) Budget and Business Plan

Gerry Townend, CEO, and other members of the Board of Directors will address Council with respect to the LAC Budget Summary for year ending August 31, 2009 and three year Business Plan for year ending August 31, 2011.

FA.04.Liv

(d) Traffic Safety Council – Annual Update

David Brown, Chair, Traffic Safety Council, will provide an annual update with respect to Traffic Safety Council operations.

MG.08

(e) Mississauga Library Board - Quarterly Update

Jim Wilde, Chair, Mississauga Library Board, will provide a quarterly update with respect to Library operations.

MG.11

(f) Cabot Trail Development Application

Andrew Ramdeholl, resident, will address Council with respect to the Cabot Trail Development Application.

Corporate Report R-3/Motion

OZ 08/004 W11

(g) National Flag Day of Canada – February 15, 2008

Athena Tagidou, resident, wishes to appear before Council with respect to National Flag Day of Canada and an event that she is organizing on Sunday, February 15, 2008 from 11:45 a.m. to 12:30 p.m.

PR.04

(h) 2007 Safe City Report

Robert Devolin, Superintendent, Peel Regional Police 11 Division, Teresa Burgess-Ogilvie and Brad Butt will address Council with respect to their 2007 Safe City Report.

MG.11.Safe

(i) Mississauga Garden Council

Douglas Markoff - Executive Director, and John Heuther – President, Board of Directors, Mississauga Garden Council, will address Council with respect to a summary of the current education, stewardship, gardening community programs/services and future plans at Riverwood Park.

CD.10.Riv

(j) Garbage/Litter at rear of Plazas

Benita Grist, resident, wishes to address Council with respect to a petition submitted by the area residents regarding garbage and litter behind plazas.

Petition P-1  
EC.04

(k) Public Complaints Report and Public Question Period Report from General Committee

Don Barber, resident, wishes to address Council with respect to the Public Complaints Report and Public Question Period Report from General Committee on December 3, 2008.

PR.09

7. **PUBLIC QUESTION PERIOD** (in accordance with Section 36 of the City of Mississauga Procedure By-law 0421-2003 - Council may grant permission to a person who is present and at Council and wishes to address Council on a matter on the Agenda. For any other matter, leave must be granted by Council to deal with a matter not on the agenda).

**8. CORPORATE REPORTS**R-1 Tax Adjustments

Report dated November 26 2008 from the Commissioner of Corporate Services and Treasurer with respect to Tax Adjustments

RECOMMENDATION:

That the tax adjustments outlined in Appendix 1 attached to the report dated November 26 2008 from the Commissioner of Corporate Services & Treasurer for applications for cancellation or refund of taxes pursuant to section 357 & 358 of the *Municipal Act*, be adopted.

Motion

FA.13.Mun

R-2 Tax Adjustments Pursuant to Section 359.1

Report dated November 26 2008 from the Commissioner of Corporate Services and Treasurer with respect to Tax Adjustments Pursuant to Section 359.1

RECOMMENDATION:

1. That the 2008 prior annualized adjustments outlined in Appendix 1 attached to the report dated November 26, 2008 from the Commissioner of Corporate Services & Treasurer for tax adjustments pursuant to Section 359.1 of the *Municipal Act*, be adopted.
2. That the 2008 final taxes for the properties listed in Appendix 1 be recalculated accordingly.

Motion

FA.36

R-3 Rezoning Application – Cabot Trail Estates Ltd., 7090 Benjamin Court, east side of McLaughlin Road, north of Derry Road West, OZ 08/004 W11, Ward 11

Report dated November 11, 2008 from the Commissioner of Planning and Building with respect to a Rezoning Application – Cabot Trail Estates Ltd., 7090 Benjamin Court, east side of McLaughlin Road, north of Derry Road West, OZ 08/004 W11, Ward 11

RECOMMENDATION:

That the Report dated November 17, 2008, from the Commissioner of Planning and Building recommending approval of the application under file OZ 08/004 W11, Cabot Trail Estates Ltd., 7090 Benjamin Court, be adopted in accordance with the following:

1. That notwithstanding that subsequent to the public meeting, changes to the application have been proposed, Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, any further notice regarding the proposed amendment is hereby waived.
2. That the application to change the Zoning from "H-RM4-40" (Townhouse Dwellings) to "RM6-Exception" (Townhouse Dwellings on a CEC-Private Road) to permit 74 common element condominium townhouse dwellings in accordance with the proposed zoning standards described in the Information Report except for the setbacks to the "R-10" and "C3-45" zones, be approved subject to the following conditions:
  - (a) That the northwest corner of the site be zoned "B" (Buffer).
  - (b) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development.
  - (c) That the school accommodation condition as outlined in City of Mississauga Council Resolution 152-98 requiring that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the Peel District and Dufferin-Peel Catholic District School Boards not apply to the subject lands.
3. That the decision of Council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.

Motion

OZ 08/004 W11

- R-4 Official Plan Amendment and Rezoning Application – Casaco Developments Inc., 1195, 1197 and 1203 Lorne Park Road, east side of Lorne Park Road, north of Queen Victoria Avenue, OZ 07/020 W2, Ward 2

Report dated November 11, 2008 from the Commissioner of Planning and Building with respect to an Official Plan Amendment and Rezoning Application – Casaco Developments Inc., 1195, 1197 and 1203 Lorne Park Road, east side of Lorne Park Road, north of Queen Victoria Avenue, OZ 07/020 W2, Ward 2

RECOMMENDATION:

That the Report dated November 17, 2008, from the Commissioner of Planning and Building recommending approval of the applications under File OZ 07/020 W2, Casaco Developments Inc., 1195, 1197 and 1203 Lorne Park Road, be adopted in accordance with the following:

1. That notwithstanding that subsequent to the public meeting, changes to the application have been proposed, Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, any further notice regarding the proposed amendment is hereby waived.
2. That the application to amend Mississauga Plan from "Residential Low Density I" to "Residential Low Density II – Special Site" and "Greenbelt" to permit semi-detached and townhouse dwellings in addition to the currently permitted detached dwellings and to recognize the greenbelt lands, be approved subject to the following:
  - (a) That semi-detached and townhouse dwellings be allowed in addition to the permitted detached dwellings at a maximum density of 19 units per net residential hectare (8 units per net residential acre).
3. That the application to change the Zoning from "R2-1" (Detached Dwellings) and "D" (Development) to "RM4-Exception" (Semi-detached and Townhouse Dwellings) and "G1" (Greenbelt) to permit four (4) semi-detached dwellings and five (5) townhouse dwellings under standard condominium tenure and to recognize the greenbelt lands, be approved in accordance with the zoning standards outlined in Appendix S-5 of this report and subject to the following conditions:
  - (a) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development;
  - (b) That the school accommodation condition as outlined in City of Mississauga Council Resolution 152-98 requiring that satisfactory arrangements regarding the adequate provision and

distribution of educational facilities have been made between the developer/applicant and the Dufferin-Peel Catholic District School Board and Peel School Board not apply to the subject lands.

4. That the decision of Council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.

Motion

OZ 07/020 W2

**9. COMMITTEE REPORTS**

- (a) Audit Committee – Report 4 – 2008 dated November 24, 2008  
MG.29
- (b) Planning & Development Committee – Report 17-2008 dated December 1, 2008  
MG.03
- (c) Budget Committee – Report 7 – 2008 dated December 2, 2008  
MG.29
- (d) General Committee - Report 19-2008 dated December 3, 2008  
MG.23
- (e) Space Planning and Accommodation Ad –Ho Committee – Report 2–2008 dated December 3, 2008
- (f) Extracts of the public meetings held by the Planning and Development Committee on December 1, 2008:
  - (i) Rockwest Property Inc.  
Rezoning Application  
BL.09.Com W3
  - (ii) Definitions of Lodging House and Lodging Unit  
Proposed Zoning By-law Amendments  
CD.06.Hou

To be Received

MG.01

**10. UNFINISHED BUSINESS**UB-1 Central Parkway Transit Campus Renovations and Expansion Project – Additional Funding

Report dated November 20, 2008 from the Commissioner of Transportation and Works with respect to the Central Parkway Transit Campus Renovations and Expansion Project- Additional Funding.

RECOMMENDATION

That the budget for the Central Parkway Transit Facility Expansion be increased by \$7.1 million to \$83.9 million to cover the cost of higher than anticipated costs for Phase 3 construction and that this additional cost be included in the 2009-2018 Capital Budget and funded through Federal Gas Tax Reserve Fund.

This matter was referred to Council without a recommendation

DIRECTION REQUIRED

FA.05

FA.19

**11. PETITIONS**

- (a) Petition with respect to storage, garbage and litter at the rear of strip plazas.

Refer to the Transportation and Works Department for Appropriate Action  
EC.04

**12. CORRESPONDENCE**

- (a) Information Items I-1 – I-15

- (b) Direction Items

**13. MOTIONS**

- (a) To approve recommendations from the following committee reports:

- AC-0014-2008 and AC-0016-2008 inclusive as contained in the Audit Committee Report 4-2008 dated November 24, 2008

- PDC-0083-2008 to PDC-0090-2008 inclusive as contained in the Planning and Development Committee Report 17-2008 dated December 1, 2008
- BC-0036-2008 and BC-0037-2008 inclusive as contained in the Budget Committee Report 7-2008 dated December 2, 2008
- GC-0880-2008 to GC-0975-2008 inclusive as contained in the General Committee Report 18-2008 dated December 3, 2008
- SPA-0006-2008 to SPA-0011-2008 inclusive as contained in the Space Planning & Accommodation Ad Hoc Committee Report 2-2008 dated December 3, 2008

## MG.01

- (b) To close a portion of the Council meeting to be held on December 10, 2008 to deal with:
- (i) Matter with respect to Solicitor-Client Privilege
  - (ii) Potential Litigation – Committee of Adjustment – “A” 309/08 – J.G. Tompkins Insurance Agency Limited, 4161 Tomken Road, Ward 3 (This matter was deferred – Council meeting November 26, 2008)
  - (iii) Acquisition of Property – Mississauga Road (Ward 8) (This matter was deferred – Council meeting November 26, 2008)
  - (iv) Potential Litigation – Committee of Adjustment – “A” 245/08 – 530 Indian Road, Ward 2
  - (v) Potential Litigation – Committee of Adjustment – “A” 362/08 – 596 Amesbury Avenue, Ward 5
  - (vi) Security of Property – Enersource Corporation

And further that a portion of this Council meeting be closed to the public under Section 239 (3.1) for:

- (vii) Education Session dealing with Communication of the Strategic Plan

## MG.20

- (c) To adopt tax adjustments outlined in Appendix 1 attached to the report dated November 26, 2008 from the Commissioner of Corporate Services & Treasurer for applications for cancellation or refund of taxes pursuant to sections 357 and 358 of the *Municipal Act*.

Corporate Report R-1

FA.13.Mun

- (d) To adopt the 2008 Prior Annualized Adjustments outlined in Appendix 1 attached to the report dated November 26, 2008 from the Commissioner of Corporate Services & Treasurer for tax adjustments pursuant to Section 359.1 of the *Municipal Act*, and that the the 2008 final taxes for the properties listed in Appendix 1 recalculated accordingly.

Corporate Report R-2

FA.36

- (e) To adopt the recommendations in the Report dated November 17, 2008, from the Commissioner of Planning and Building recommending approval of the application under file OZ 08/004 W11, Cabot Trail Estates Ltd., 7090 Benjamin Court, Ward 11.

Corporate Report R-3

OZ 08/004 W11

- (f) To adopt the recommendations in the report dated November 11, 2008 from the Commissioner of Planning and Building recommending approval of the applications under File OZ 07/020 W2, Casaco Developments Inc., 1195, 1197 and 1203 Lorne Park Road, Ward 2

Corporate Report R-4

OZ 07/020 W2

- (g) To amend the Terms of Reference of the Mississauga Environmental Advisory Committee to add a position of a member to represent the University of Toronto in Mississauga (UTM).

MG.31

- (h) To reconsider the matter of the Transit Fares and Tolls for the Mississauga Transit System (effective January 26, 2009) as adopted by Council on October 22, 2008.

GC-0760-2008/October 15, 2008

FA.11.Fee (TS.09)

- (i) To repeal and replace By-law 0353-2008 and enact a by-law to establish revised Mississauga Transit Fares and Tolls for the Mississauga Transit system that are to be effective January 26, 2009, as since that time, the price of diesel fuel has decreased, providing an opportunity to apply a slight reduction to the Transit Fares and Tolls.

FA.11.Fee (TS.09)

#### **14. BY-LAWS**

- B-1 A by-law to authorize the Execution of an Agreement, Frank Camillo Mezzanotte and Suzanna Louise Tyler, with respect to the construction of a residential addition at 1455 Elaine Trail, lands considered to be located within the floodplain off the Cooskville Creek.

GC-0888-2008/ December 3, 2008  
SP 07/168 (W1)

- B-2 A by-law to establish certain lands as part of the municipal highway system for Registered Plan 43M 1623, Village Walk, in the vicinity of Mavis Road and Derry Road West.

GC-0889-2008/ December 1, 2008  
43M-1623 (W11)

- B-3 A by-law to establish certain lands as part of the municipal highway system for Registered Plan 43M-1626, in the vicinity of Derry Road West and Second Line West.

GC-0890-2008/ December 1, 2008  
43M-1626 (W11)

- B-4 A by-law to establish certain lands as part of the municipal highway system for Registered Plan 43M-1663, in the vicinity of Eglinton Avenue West and Ninth Line.

GC-0891-2008/ December 1, 2008  
43M-1663 (W10)

- B-5 A by-law to establish certain lands as part of the municipal highway system for Registered Plan 43M-1664, in the vicinity of Erin Centre Boulevard and Ninth Line.

GC-0891-2008/ December 1, 2008  
43M-1664 (W10)

- B-6 A by-law to establish certain lands as part of the municipal highway system for Registered Plan 43M-1665, in the vicinity of Churchill Meadows Boulevard and Erin Centre Boulevard.

GC-0891-2008/ December 1, 2008  
43M-1665 (W10)

- B-7 A by-law to authorize the execution of a Development Agreement, Cabot Trail Estates Ltd., east side of McLaughlin Road, north of Derry Road West.

OZ 08/004 (W11)

- B-8 A by-law to amend By-law 0225-2007 as amended, for the proposed rezoning under application under file OZ 08/004 W11, Cabot Trail Estates Ltd, east side of McLaughlin Road, north of Derry Road West.

OZ 08/004 (W11)

- B-9 A by-law to authorize the execution of a Servicing Agreement for Municipal Works Only and other related documents between Trustees of Churchill Meadows Christian Church, The Corporation of the City of Mississauga, and The Regional Municipality of Peel, east side of Tenth Line W, south of Highway 401.

PDC-0059-2007/ September 12, 2007  
OZ 06/006 (W9)

- B-10 A By-law to authorize the execution of a Development Agreement, Trustees of Churchill Meadows Christian Church, east side of Tenth Line West, south of Highway 401.

PDC-0059-2007/ September 12, 2007  
OZ 06/006 (W9)

- B-11 A by-law to amend By-law 0225-2007 as amended, for the proposed rezoning under application under file OZ 06/006 W9, Trustees of Churchill Meadows Christian Church, east side of Tenth Line W, south of Highway 401.

PDC-0059-2007/ September 12, 2007  
OZ 06/006 (W9)

- B-12 A by-law to Adopt Mississauga Plan (Official Plan) Amendment No. 89, Rathwood District Policies of the Mississauga Plan (Official Plan), northeast corner of Dixie Road and Rathburn Road East.

Council Resolution 0234-2008/ September 10, 2008  
OZ 05/019 (W9)

- B-13 A by-law to amend By-law 0225-2007 as amended for the proposed rezoning under application under file OZ 05/19 W3, 1315 Bough Beeches Boulevard Limited, northeast corner of Dixie Road and Rathburn Road East.

Council Resolution 0234-2008/ September 10, 2008  
OZ 05/019 (W9)

- B-14 A by-law to authorize the execution of a Development Agreement, and other related documents, Gemini Urban Design Corporation, southeast corner of Lakeshore Road West and Southdown Road.

PDC-0085-2008/ December 1, 2008  
OZ 08/002 (W2)

- B-15- A by-law to amend By-law 0225-2007 as amended, for the proposed rezoning under application under file OZ 08/002 W2, Gemini Urban Design Corporation, southeast corner of Lakeshore Road West and Southdown Road.

PDC-0085-2008/ December 1, 2008  
OZ 08/002 (W2)

- B-16 A by-law to amend By-law 0225-2007, as amended, to remove the “H” Holding Symbol under file H-OZ 07/006 W5, Orlando Corporation, northwest quadrant of Highway 401 and Hurontario Street.

PDC-0074-2008/ November 3, 2008  
OZ 07/006 (W5)

- B-17 A by-law to authorize execution of a Servicing Agreement for Municipal Works only and other related documents between Greenfield South Power Corporation, The Corporation of The City of Mississauga and The Regional Municipality of Peel, east of Dixie Road, south of Dundas Street East.

H-OZ 05/004 (W1)

- B-18 A by-law to authorize the execution of a Development Agreement and other related documents, Greenfield South Power Corporation, east of Dixie Road and south of Dundas Street East.

H-OZ 05/004 (W1)

B-19 A by-law to amend By-law 0078-2005, being a By-law to appoint a Chief Administrative Officer for The Corporation of the City of Mississauga and to define the duties of the City Manager.

HR.03

B-20 A by-law to amend By-law 0281-2005, being a By-law to appoint a Commissioner of Corporate Services and Treasurer for The Corporation of the City of Mississauga.

HR.03

B-21 A by-law to amend By-law 0282-2004, being a By-law to appoint a Commissioner of Planning and Building for the Corporation of the City of Mississauga.

HR.03

B-22 A by-law to amend By-law 0414-2007, being a By-law to appoint Lottery Licensing Officers for the Corporation of the City of Mississauga.

HR.03

B-23 A by-law to amend By-law 0445-2002, being a By-law to appoint a municipal Clerk for the Corporation of the City of Mississauga.

HR.03

B-24 A by-law to amend By-law 0536-2001, being a By-law to appoint a Commissioner of Transportation and Works for the Corporation of the City of Mississauga.

HR.03

B-25 A by-law to amend By-law 0569-1999, being a By-law to appoint a Deputy Fire Chief of Mississauga Fire and Emergency Services, Community Services Department for The Corporation of the City of Mississauga.

HR.03

B-26 A by-law to amend By-law 327-99 being a By-law to appoint a Fire Chief of Mississauga Fire and Emergency Services, Community Services Department for the Corporation of the City of Mississauga.

HR.03

B-27 A by-law to amend By-law 555-2000 as amended, be the Traffic By-law, due to a typographical error.

BL.02.Tra

B-28 A by-law to establish Mississauga Transit's fares and tolls, and to repeal By-law No. 353-08.

Motion

FA.11.Fee

**15. OTHER BUSINESS**

**16. INQUIRIES**

**17. NOTICES OF MOTION**

(a) Moved by Councillor C. Parrish

WHEREAS pursuant to section 150 of the *Municipal Act*, 2001, City Council adopted By-law 1-06, as amended, being the Business Licensing By-law, and By-law 521-04, as amended, being the Tow Truck Licensing By-law for the City of Mississauga;

AND WHEREAS pursuant to section 155 of the *Municipal Act*, 2001, as amended, City Council has established rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality or from any point in the municipality to any point outside the municipality;

AND WHEREAS section 11 of the *Municipal Act*, 2001 as amended, provides a local municipality with authority to pass by-laws respecting matters related to protection of persons and property, including consumer protection;

AND WHEREAS By-law 1-06, as amended and By-law 521-04, as amended, provide for a system to license and regulate the owners of Vehicle Pound Facilities;

AND WHEREAS there are currently no provisions within the City of Mississauga by-laws regulating rates to be charged for storage of vehicles in a Vehicle Pound Facility or maximum flat rates to be charged for re-tows or tows from Vehicle Pound Facilities;

AND WHEREAS a stakeholder meeting was held on September 30, 2008 to discuss issues related to the towing industry;

AND WHEREAS problems have been identified by both stakeholders, insurance companies, and members of the public related to the rates being charged for towing and storage of vehicles in the City of Mississauga;

AND WHEREAS unregulated storage and administration charges and the cost of re-tows from Vehicle Pound Facilities are currently resulting in exorbitant bills for consumers reaching \$1000 or more;

AND WHEREAS representatives from the Enforcement Division have been directed to conduct a full review and to make recommendations related to these issues, however in the interest of consumer protection it is necessary to regulate the fees being charged for storage of vehicles in Vehicle Pound Facilities and the associated rates for re-towing while this more fulsome review is being conducted;

NOW THEREFORE LET IT BE RESOLVED THAT City Council direct staff to prepare an amending by-law to By-law 1-06, as amended, and By-law 521-04, as amended, to regulate the fees being charged for the storage of vehicles in Vehicle Pound Facilities and the associated rates for re-towing, in accordance with the requirements of the *Municipal Act*, 2001.

THAT the maximum rate for towing from the scene of a collision remains two hundred dollars (\$200.00) all inclusive, with no additional charges other than federal and provincial taxes;

THAT a maximum rate charged for storage of vehicles at Vehicle Pound Facilities be twenty five dollars (\$25.00) per day, plus applicable taxes;

THAT a maximum flat rate charged for re-tows, or tows from Vehicle Pound Facilities be one hundred dollars (\$100.00), with an additional fee of three dollars (\$3.00) per kilometre for re-tows outside the municipal boundary;

THAT complaints regarding fee maximums be strictly investigated and enforced;

THAT minimum fines for a conviction related to overcharging of storage rates or re-tow fees be established, as well as escalating fines for subsequent convictions;

AND THAT staff investigate the possibility of expanding the Public Vehicle Advisory Committee to include at least three (3) duly elected members of the Tow Truck Industry, to be tasked with developing a protocol that incorporates the essential elements of Bill 87, the Towing Industry Act, 2008, as outlined in the attached memorandum dated December 2, 2008, as well as the finding and recommendations of the Enforcement Division.

BL.09

(b) Moved by Councillor C. Parrish

WHEREAS an in depth discussion regarding the City's asset known as Enersource has been ongoing throughout the year;

AND WHEREAS this discussion was precipitated by two significant, impending dates: October 17, 2008 for tax-free sales to other public utilities and December 31, 2008 for a fixed-price sale to our 10% partner, Borealis;

AND WHEREAS a financial advisor was hired (Credit Suisse) through an R.F.P. and an outside legal firm ( Stikemans) was retained to provide Council with an evaluation of Enersource and to advise Council of all possible options available regarding Enersource;

AND WHEREAS the process has included a consultation with the public in the form of an advertised public meeting held the evening of Thursday June 26, 2008;

AND WHEREAS the process resulted in awareness by Council that the original Shareholders' Agreement is heavily weighted to the advantage of Borealis – in effect giving the 10% shareholder powers of veto far in excess of their proportional share of the entity;

AND WHEREAS several outstanding issues require resolution by Council and should be made –excluding specific monetary values and details – in public so that all interested citizens are aware of both the resolutions and the rationale behind them;

NOW THEREFORE LET IT BE RESOLVED THAT Council debate this matter in public session; and further

THAT Council will not sell its 90% interest in Enersource at this time; and further

THAT Council will not be exercising its option to sell Enersource to Borealis at a fixed price and further, will not seek to renew that option; and further

THAT Council continues to negotiate the purchase of Borealis's 10% of Enersource at a fair and reasonable price.

MG.11.Enersource

## **18. CLOSED SESSION**

- (i) Matter with respect to Solicitor-Client Privilege
- (ii) Potential Litigation – Committee of Adjustment – “A” 309/08 – J.G. Tompkins Insurance Agency Limited, 4161 Tomken Road, Ward 3 (This matter was deferred – Council meeting November 26, 2008)

- (iii) Acquisition of Property – Mississauga Road (Ward 8)  
(This matter was deferred – Council meeting November 26, 2008)
- (iv) Potential Litigation – Committee of Adjustment – “A” 245/08 – 530 Indian Road, Ward 2
- (v) Potential Litigation – Committee of Adjustment – “A” 362/08 – 596 Amesbury Avenue, Ward 5
- (vi) Security of Property – Enersource Corporation
- (vii) Education Session dealing with Communication of the Strategic Plan

MG.20

**19. CONFIRMATORY BY-LAW**

A by-law to confirm the proceedings of the Council of The Corporation of the City of Mississauga at its meeting held on December 10, 2008.

MG.01

**20. ADJOURNMENT**