# REPORT OF THE

# EXECUTIVE POLICY COMMITTEE

# DATED OCTOBER 4, 2000

On motion of His Worship Mayor Murray, the Report of the Executive Policy Committee, dated October 4, 2000, was considered clause by clause.

Moved by His Worship Mayor Murray,
That the Consent Agenda, Clauses 1,2,3,4 and 5, be adopted.

Councillor Gerbasi requested that Clause 5 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3 and 4 was put and declared carried.

**Proposed Lane Opening at the Intersection of the First Lane North of Melbourne Avenue and the First Lane East of Watt Street File DAO 2/00**

**919 -** 1. The Executive Policy Committee has been advised that the City of Winnipeg acquired the lands identified as "City Property" on Schedule "A" in 1910 for the Pointe Du Bois transmission line.

In 1999, the Transportation Division of the Public Works Department identified the requirement for a corner rounding at the intersection of the lane north of Melbourne Avenue and the lane east of Watt Street. Winnipeg Hydro agreed to the dedication of this land for lane purposes, which was subsequently adopted by Council at its meeting held on February 23, 2000.

This report is submitted in accordance with the provisions of By-law No. 7325/98, a by-law to amend current procedures to allow certain street opening and closing applications to be submitted to the Executive Policy Committee for report to Council without the requirement to be reviewed by a Standing Policy Committee.

The following criteria must be met before the authority given in the by-law may be exercised:

3. The proposed opening and acquisition must have been approved by the Director of Public Works.

4. The proposed opening must have been submitted to all affected City Departments and public utilities with no objections having been received.

5. Any conditions regarding engineering aspects (i.e. relocation of facilities) must have been mutually agreed to.

6. The affected property owner(s) must have agreed to the terms and conditions of the acquisition of the land required for the opening.

7. The terms and conditions of any agreements concerning the proposed opening and acquisition must have been approved by the Director of the department that requested the opening and either the Standing Committee on Fiscal Issues, the Standing Policy Committee on Property and Development, or the Director of Planning, Property and Development, as is appropriate.

All of these criteria have been met.

The Public Works Department will assume all expenses involved with this lane opening. The Transportation Division has advised that, in accordance with their policies, the City and Manitoba Hydro will share the expense of relocating a Manitoba Hydro pole and anchor from the area.

The dedication of this property as a public lane requires a by-law pursuant to Section 495 of The City of Winnipeg Act.

**Report of the Executive Policy Committee dated October 4, 2000**

The Executive Policy Committee recommends:

1. That the City Solicitor/Manager of Legal Services, be instructed to prepare the necessary by-law for submission to Council to effect the lane opening in accordance with "Schedule A", Misc. Plan No. 10572.

2. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Copy of attachment referred to in the above clause is on file in the office of the City Clerk.

Adopted by consent.

**Expenditure from Land Dedication Reserve Fund - Willow Park Housing Co-Op Ltd. - Lord Selkirk-West Kildonan Community**
**Files FI-2.3(34) (Vol. 2), EP-2 (Vol. 28)**

**920 -** 2. The Executive Policy Committee has been advised that on September 5, 2000, the Lord Selkirk-West Kildonan Community Committee considered a motion by the Standing Policy Committee on Property and Development from its meeting held on August 31, 2000:

"That the Lord Selkirk-West Kildonan Community Committee be requested to identify a funding source for the costs associated with creating additional approaches and internal roadways to facilitate continued access to Willow Park East Housing Co-op."

and passed the following motion, namely:-

*"That funds in the amount of $21,000.00 be recommended for approval from the Lord Selkirk-West Kildonan Land Dedication Fund to the Willow Park Housing Co-op Ltd., and to the Willow Park East Housing Co-op to assist with the costs of creating additional approaches, internal roadways, fencing and landscaping and forwarded to the Executive Policy Committee."*

The Executive Policy Committee concurs with the above and recommends that funds in the amount of $21,000.00 be approved from the Lord Selkirk-West Kildonan Land Dedication Reserve Fund for the project.

Adopted by consent.

**Expenditure from Land Dedication Reserve Fund - Proposed Transfer of 551 Empress Street - Assiniboia Community**
**File EP-2 (Vol. 28)**

**921 -** 3. The Executive Policy Committee has been advised that on September 12, 2000, the Assiniboia Community Committee concurred that the Assiniboia Land Dedication Reserve Account be the funding source, to a maximum of $29,000.00, for the transfer of 551 Empress Street, the removal of the existing asphalt parking lot and the restoration of natural vegetation.

The Executive Policy Committee concurs with the above and recommends that funds, to a maximum of $29,000.00, be approved from the Assiniboia Community Committee Land Dedication Reserve Fund for the project.

Adopted by consent.

**Report of the Executive Policy Committee dated October 4, 2000**

**Land Dedication Funds - Lakewood School Site File EP-2 (Vol. 28)**

**922 -** 4. The Executive Policy Committee has been advised that on September 12, 2000, the Assiniboia Community Committee concurred in the allocation of $9,000.00 from the Assiniboia Land Dedication Fund for works associated with the restoration of the school ground, to open play space, after removal of a hockey rink at the Lakewood School site.

The Executive Policy Committee concurs with the above and recommends that funds in the amount of $9,000.00 be approved from the Assiniboia Community Committee Land Dedication Reserve Fund for the project.

Adopted by consent.

**Term Limits for Members of Council File GL-5.1 (Vol. 45)**

**923 -** 5. On September 20, 2000, Council ruled automatic referral of the following motion to the Executive Policy Committee, under Rule 16.1 of the Procedure By-law No. 5400/90:

*Moved by Councillor Smith,*
*Seconded by Councillor Gerbasi,*

*WHEREAS civic government is a fundamental instrument of democracy;*

*AND WHEREAS democracy, by its very definition, encourages and invites the introduction and debate of new ideas, philosophies and approaches to governance;*

*AND WHEREAS democracy is best served by facilitating and making possible challenges to the status quo;*

*NOW THEREFORE BE IT RESOLVED that in the spirit of the above principles, Council consider and canvass possible options for term limits for Members of Council;*

*AND BE IT FURTHER RESOLVED that the Executive Policy Committee direct the administration to compile a report and that Council consider this matter within 60 days.*

The Executive Policy Committee recommends that the motion be filed.

Moved by His Worship Mayor Murray,
That the recommendation of the Executive Policy Committee, that the clause be filed, be adopted.

The Speaker called the Deputy Speaker, Councillor Lazarenko, to the Chair in order to participate in the debate, and after speaking, resumed the Chair.

The motion that the clause be filed was put.

Councillor Smith called for the yeas and nays, which were as follows:-

Yea: Councillors O'Shaughnessy, Clement, De Smedt, Gerbasi, Lubosch, Steeves, Deputy Mayor Thomas, Vandal, Eadie, His Worship Mayor Murray and Councillor Lazarenko. 11

Nay: Councillors Prystanski, Smith, Steek and Timm-Rudolph. 4

and the motion that the clause be filed was declared carried.

**REPORT OF THE**

**EXECUTIVE POLICY COMMITTEE**

**DATED OCTOBER 11, 2000**

On motion of His Worship Mayor Murray, the Report of the Executive Policy Committee, dated October 11, 2000, was considered clause by clause.

Moved by His Worship Mayor Murray,
That the Consent Agenda, Clauses 1,2 and 3, be adopted.

Councillor Timm-Rudolph requested that Clause 2 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1 and 3 was put and declared carried.

**Proposed Settlement of Due Compensation in the Expropriation of Lands from F.B. Westendorf and Sons Ltd., for the Expansion of the Brady Road Landfill Site**
**File GL-4 (Vol. 6)**

**924 -** 1. On December 7, 1988, Council, passed By-law No. 5060/88 expropriating certain lands, including the subject property, in connection of the expansion of the Brady Road Landfill Site.

The City of Winnipeg's former Committee on Finance and Administration, at its meeting on February 21, 1989, approved formal Offers of Compensation in accordance with Section 16 of The Expropriation Act of Manitoba, which included $415,000.00 ($1,300.00 per acre) for the subject property.

Notices of Objection having been received, the Province was requested to appoint an Inquiry Officer, whose report concluded that the expropriation was reasonably necessary to achieve the aims and objectives of the City and, on May 17, 1989 the City's Declaration of Expropriation was registered together with the Order confirming the said Declaration.

The City obtained vacant possession of the subject property as of July 1, 1989.

Following attempts at negotiation, the matter was set before the Land Value Appraisal Commission (LVAC) to adjudicate the due compensation payable. At the conclusion of the hearing in September, 1990 the LVAC accepted the City's opinion of market value based on the evidence presented at that time. In accordance with The Expropriation Act in effect at the time, that decision while binding on the City was appealed to Manitoba's Court of Queen's Bench by the expropriated owner.

A determination of the due compensation for this expropriation was set for trial in the Court of Queen's Bench beginning September 25, 2000. The Legal Services Division of the Corporate Services Department and the Real Estate Division of the Planning, Property and Development Department have negotiated a proposed settlement which requires Council's consideration and approval.

While preparing for trial, solicitors for the parties engaged in several rounds of negotiation in an effort to achieve a settlement that is free of the risk inherent in the trial process.

On September 22, 2000 a proposed settlement agreement was reached as follows:

- $1,700.00 per acre for 320 acres.
- Statutory interest on the unpaid portion from the date of possession (note: in 1989 the expropriated owner accepted, as an advance, the amount in the offer of compensation without prejudice to the due compensation yet to be determined).
- Contribution to legal costs and disbursements of $25,000.00 (note: subject to the claimant substantiating this amount).

**Report of the Executive Policy Committee dated October 11, 2000**

- Appraisal costs of $20,000.00 (note: subject to the claimant substantiating this amount).

- The registered owners to execute a Release and Quit Claim finalizing all claims arising out of the expropriation of this property.

Although the foregoing settlement proposal has the support of both the Legal Services Division of the Corporate Services Department and the Real Estate Division of the Planning, Property and Development Department, the proposal is subject to consideration and approval by Council.

The Legal Services Division and the Real Estate Division have given careful consideration to the matter and have concluded that settlement as outlined herein would be in the best interests of the City. Council's approval of the settlement as negotiated would eliminate the risk of a litigated award at a significantly higher amount with compounded statutory interest (plus the additional costs associated with a trial which include additional legal expenses and appraisal costs, court costs and administrative costs).

Funding for this settlement and attendant costs is available in Account No. 45 118117 5393970701.

The Executive Policy Committee recommends:

I. That the City Solicitor/Manager of Legal Services be authorized to settle the due compensation in the expropriation of the subject property in accordance with the proposed settlement agreement as outlined herein.

II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Adopted by consent.

**Changes to the Schedule of Meetings**
**File GC-4 (Vol. 28)**

**925 -** 2. On October 11, 2000, the Executive Policy Committee passed the following motion, namely:

*THEREFORE BE IT RESOLVED that the regularly scheduled meeting of Council on Wednesday, November 15, 2000 at 9:30 a.m. be cancelled and rescheduled for Wednesday, November 22, 2000 at 9:30 a.m.; and the regularly scheduled meeting of the Executive Policy Committee on November 22, 2000 at 9:00 a.m. be cancelled in order to accommodate this change in dates;*

and submits same to Council for approval.

Moved by His Worship Mayor Murray,
Adoption of the clause.

Carried.

Councillor Timm-Rudolph asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

**Report of the Executive Policy Committee dated October 11, 2000**

**Municipal Leaders' Resolution on Climate Change File GC-5.1 (Vol. 45)**

**926 -** 3. On October 11, 2000, the Executive Policy Committee endorsed and passed the following Municipal Leaders' Resolution on Climate Change:

*WHEREAS 1990 to 1999 was the warmest decade of the millennium;*

*AND WHEREAS a global reduction in emissions of greenhouse gases (GHG) is necessary to slow climate change and reduce the risks to human health, the physical environment, economy and quality of life;*

*AND WHEREAS the 1998 ice storm cost the City of Montreal $116 million; Baie Comeau more than $2.5 million, and the Regional Municipality of Ottawa-Carleton $6.32 million, while the Red River flood cost Winnipeg $32.3 million;*

*AND WHEREAS these water-related expenses are creating an additional financial burden for municipalities at a time when responsibilities are increasing as a result of devolution;*

*AND WHEREAS reducing greenhouse gases makes good economic sense. New and improved infrastructure, energy efficiency, building retrofits, water conservation, more effective wastewater treatment and distribution, renewable energy technologies, waste reduction, better fleet management, etc., reduce municipal operating costs and help maintain community services while having a positive impact on the environment;*

*AND WHEREAS industrialized countries, realizing initial commitments were inadequate to protect the Earth's climate system, agreed in December 1997 to the Kyoto Protocol which, if ratified, commits Canada to reducing its greenhouse gas emissions six per cent below 1990 levels between 2008 - 2012;*

*AND WHEREAS in November, national governments will meet in The Hague, Netherlands to negotiate terms and conditions for ratifying the Kyoto Protocol. It is critical that Canada has the support it needs to conclude negotiations.*

*AND WHEREAS Mayors and Municipal Leaders responsible for the well being of communities across Canada urge federal and provincial/territorial governments to make climate protection a priority;*

*THEREFORE BE IT RESOLVED THAT The City of Winnipeg endorse this MUNICIPAL LEADERS' RESOLUTION ON CLIMATE CHANGE;*

and submits same to Council for approval.

Adopted by consent.

## EXECUTIVE POLICY COMMITTEE

## CONSIDERATION OF BY-LAWS

**927 -** On motion of His Worship Mayor Murray, By-law No. 7020/97, a by-law of The City of Winnipeg to amend By-law No. 6378/94, a by-law establishing a secondary plan for the Airport Vicinity Protection Area established by Plan Winnipeg, by deleting the provision allowing for the conversion of single-family properties fronting on Portage Avenue within Area I of the Airport Vicinity Protection Area, to limited multiple-family residential development, was read a second and third time, and was passed and ordered to be signed and sealed. Files EP-1.1 (PW 5/97) and SPA 1/97

**Executive Policy Committee - Consideration of By-laws (continued)**

On motion of His Worship Mayor Murray, the following by-laws were read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:

By-law No. 7695/2000, a by-law of The City of Winnipeg to close part of Borebank Street, south of Taylor Avenue. File DAC 28/99

By-law No. 7701/2000, a by-law of The City of Winnipeg to amend By-law No. 6418/94, being the Airport Vicinity Protection Area - Zoning By-law, by deleting the provision allowing for the conversion of single-family properties fronting on Portage Avenue within Area I of the Airport Vicinity Protection Area, to limited multiple-family residential development. Files EP-1.1 (PW) (Vol. 14) and DAZ 215/94

By-law No. 7702/2000, a by-law of The City of Winnipeg to amend the City Organization By-law No. 7100/97 and certain other by-laws in order to change the name of the Emergency Response Service to the Fire Paramedic Service. File GP-1.36 (Vol. 2)

On motion of His Worship Mayor Murray, the rule was suspended and By-law No. 7704/2000, a by-law of The City of Winnipeg to amend the Procedure By-law No. 5400/90 was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File GK-4 (Vol. 9)

## EXECUTIVE POLICY COMMITTEE

## QUESTION PERIOD

**928 -** Councillor Steek inquired as to the status of the Red River College downtown development.

His Worship Mayor Murray advised that he would be meeting with the Province on this matter and that a decision was pending. He stated that the Province had not budgeted for this but were trying to find the funds. His Worship further advised that he was optimistic that the Princess Street location would be chosen, especially due to the amendments that were made to the tax credit program to allow education institutions to benefit from it. He further noted that it was imperative that the land be given to make the project work.