Minute No. 178
Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 33 **Facility Access Agreement - River East Transcona School Division, the City and Valley Gardens N.A.S.P. Inc. - Use of a Portion of the Valley Gardens Junior High School**
File PR-2.3

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the Facility Access Agreement between the River East Transcona School Division, the Valley Gardens N.A.S.P. (Noon and After School Program) Inc. and the City for the use of a portion of the Valley Gardens Community Centre for daycare purposes, as approved by the Standing Policy Committee on Property and Development on February 1, 2005, be endorsed by Council.

2. That Clause 2.02 of the Facility Access Agreement be amended by deleting the words "6:30 a.m. till 5:30 p.m. Monday through Friday" and substituting therefore the words "6:30 a.m. to 6:00 p.m. Monday through Friday".

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

Report - Standing Policy Committee on Property and Development - January 9, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 9, 2007, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

RE: **Proposed Facility Access Agreement Between the River East Transcona School Division, the City and Valley Gardens N.A.S.P. Inc. for the Use of a Portion of the Valley Gardens Junior High School**
Elmwood/ East Kildonan Ward
East Kildonan/ Transcona Community

FOR SUBMISSION TO: **Standing Policy Committee on Property and Development**

ORIGINAL REPORT SIGNED BY: **Director of Planning, Property and Development**

REPORT DATE: **January 2, 2007**

RECOMMENDATION:

1. That the Facility Access Agreement between the River East Transcona School Division, the Valley Gardens N.A.S.P. (Noon and After School Program) Inc. and the City for the use of a portion of the Valley Gardens Community Centre for daycare purposes, as approved by the Standing Policy Committee on Property and Development on February 1, 2005, be endorsed by Council.

2. That Clause 2.02 of the Facility Access Agreement be amended by deleting the words “6:30 a.m. till 5:30 p.m. Monday through Friday” and substituting therefore the words “6:30 a.m. to 6:00 p.m. Monday through Friday”.

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

Report Summary

Key Issues:

- At it’s meeting held on February 1, 2005, the Standing Policy Committee on Property and Development approved the recommendations in a report from the Director of Planning, Property and Development to enter into a Facility Access Agreement between the River East Transcona School Division, the Valley Gardens N.A.S.P. Inc. and the City for the use of a portion of the Valley Gardens Community Centre for daycare purposes.

- During the finalization of the Facility Access Agreement, the Legal Services Division advised that the City required Council approval to enter into the Facility Access Agreement because the existing Joint Use Agreement between the River East School Division No. 9 and the City is being amended as part of this Agreement.

- The Valley Gardens N.A.S.P. Inc. subsequently advised that it wished to amend the operating hours of the Daycare. The River East Transcona School Division and Valley Gardens Community Centre are in agreement with this request.

Implications of the Recommendation(s):

General Implications

(x) None

( ) For the organization overall and/or for other departments

( ) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Policy Implications

(x) No

( ) Yes

Regulatory Implications

(x) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Environmental Implications

(x) No

( ) Yes

Human Resources Implications

(x) No

( ) Yes

Financial Implications

(x) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Report

REASON FOR THE REPORT:

Council approval of the Facility Access Agreement is required as it is an amendment to the Joint Use Agreement between the River East School Division No. 9 and the City.

HISTORY:

Subsequent to the Council approval dated May 29, 1974, the former River East School Division No. 9 and the City entered into a Joint Use Agreement to develop the Valley Gardens Community Centre building as part of the Valley Gardens Junior High School.

The particulars of the Joint Use Agreement are as follows:

Owner:	River East School Division No. 9
User:	City
Location:	220 Antrim Road
Term:	Continuing period subject to termination.
Termination:	By giving notice in the month of January of any year to become effective on the first day of September in the same year as notice
Purpose:	To provide space for a community centre and access to school facilities

At its meeting held on February 1, 2005, the Standing Policy Committee on Property and Development approved the proposed terms and conditions for a Facility Access Agreement between the River East Transcona School Division, the City and Valley Gardens N.A.S.P. Inc. as follows:

Owner:	River East Transcona School Division
Joint User:	City
Daycare:	Valley Gardens N.A.S.P. Inc.
Location:	220 Antrim Road
Purpose:	To provide access to school facilities for the operation of a Daycare
Assignment:	No assignment without the approval of the City and School Division

Daycare Operation

Partial Building Description:	One-storey 7,490 sq. ft. multi-purpose building comprised of a multi-purpose area, common area washrooms, change rooms, kitchen, and storage rooms, Office and front entrance area as shown on Misc. Plan No. 12045
Term:	five (5) years commencing January 1, 2002
Hours:	6:30 AM till 5:30 PM Monday through Friday
User Fee:	$11,369.40 (2002), to be determined annually in accordance with agreed upon eligible cost sharing formula
Realty taxes:	Daycare
Cleaning:	Daycare
Maintenance/ Repair:	Valley Gardens Community Centre
Insurance:	Commercial general liability insurance of at least $2.0 Million all-inclusive, with the City of Winnipeg added as an additional insured, a cross liability clause; such liability policy to contain tenant's legal liability, contractual liability, non owned automobile liability and a products and completed operations endorsement.
Indemnification:	Daycare to indemnify the City
Termination:	Upon (90) ninety days notice in any year
Renewal:	Upon (180) one hundred eighty days prior to expiry of agreement, an additional term of (5) five years
Special Conditions:	Valley Gardens N.A.S.P. Inc. to be responsible to pay for any renovations or upgrades required to meet existing or new building codes relative to maintaining a Daycare license in the Province of Manitoba

As part of the February 1, 2005 Report, the Standing Policy Committee on Property and Development was advised that the Joint Use Agreement between the City and the River East Transcona School Division will be automatically amended by approval and execution of all documentation related to this Facility Access Agreement. During the finalization of the Facility Access Agreement, the Legal Services Division advised that Council approval was required, as executing the Facility Access Agreement will amend the existing Joint Use Agreement.

Subsequent to the February 1, 2005 approval by Standing Policy Committee on Property and Development, the Valley Gardens N.A.S.P. Inc. requested that the hours of operation be amended from 6:30 AM to 5:30 PM to 6:30 AM to 6:00 PM. The River East Transcona School Division and the Valley Gardens Community Centre are in agreement with this request.

DISCUSSION:

The Administration wishes to finalize the subject Facility Access Agreement between the River East Transcona School Division, the City and the Valley Gardens N.A.S.P. Inc. to ensure that this daycare occupancy is appropriately documented.

The Planning, Property and Development and Community Services Departments are supportive of the proposed amendment to the operating hours as requested by the Valley Gardens N.A.S.P. Inc.

Given the passage of time, the Administration is also advising that the parties to this Agreement have exercised their renewal option as at December 31, 2006 for an additional five-year term expiring December 31, 2011.

Financial Impact Statement Date: December 12, 2006

Project Name:

Proposed Facility Access Agreement Between the River East Transcona School Division, the City and Valley Gardens N.A.S.P. Inc. for the Use of a Portion of the Valley Gardens Junior High School

COMMENTS:

The recommendations contained in this report are that the Facility Access Agreement between the River East Transcona School Division, the Valley Gardens N.A.S.P. (Noon and After School Program) Inc. and the City for the use of a portion of the Valley Gardens Community Centre for daycare purposes, as approved by the Standing Policy Committee on Property and Development on February 1, 2005, be endorsed by Council and that Clause 2.02 of the Facility Access Agreement be amended by deleting the words "6:30 a.m. till 5:30 p.m. Monday through Friday" and substituting therefore the words "6:30 a.m. to 6:00 p.m. Monday through Friday".

There are no financial implications associated with these recommendations.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

Legal Services Division

Community Services Department

City Clerks Department

External Consultation With:

Valley Garden N.A.S.P. Inc.

River East Transcona School Division

Valley Gardens Community Centre

THIS REPORT SUBMITTED BY:

Department Planning, Property and Development
Division Real Estate
Prepared by: D. Armstrong
PPD File No. 4631 V2

O:\Reports Directive\Real Estate\Leasing\(da) Valley Gardens.doc