REPORT OF THE

EXECUTIVE POLICY COMMITTEE

DATED FEBRUARY 5, 1997

On motion of Her Worship Mayor Thompson, the Report of the Executive Policy Committee, dated February 5, 1997, was considered clause by clause.

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

Councillor Thomas requested that Clause 2 be pulled from the Consent Agenda.

371 - Councillor Golden asked to be recorded as having voted against Clause 1, in accordance with Rule 50.7 of the Procedure By-law.

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

Re-Enactment of The Municipal Act and Consequential Amendments to The City of Winnipeg Act File GL-5.1 (Vol. 43)

372 - 1. The Province has requested the City's concurrence in the repeal of several pages of legislation which are not necessary to the City's current operations.

In May, 1996, following a public consultation process, the Province introduced Bill 54 which was to be a complete re-enactment of The Municipal Act.

Concurrently, the Director, Urban Government and Finance contacted the City Solicitor and requested comments and assistance in identifying those provisions of The Municipal Act, 1989-90, c. 10 ("the Old Act") which were applicable to the City of Winnipeg and were necessary for its continued operations. The Director advised that the Province intended to remove most provisions which applied to the City from the new Municipal Act and, where necessary, would re-enact them by way of amendments to The City of Winnipeg Act.

Throughout the following months, the City Solicitor provided comments to the Director, identifying provisions in the Old Act which were

a) applicable to the City of Winnipeg but were unnecessary because duplicate provisions were already contained within The City of Winnipeg Act;

b) applicable to the City of Winnipeg and were necessary to authorize and support its current operations; or

c) applicable to the City of Winnipeg but which conferred authority which was not currently being exercised by the City.

When Bill 54 was enacted, the Province included a transitional provision that continued in effect those provisions which had been of application to the City of Winnipeg in order to allow further time for a review of those provisions and, where necessary, re-enactment as part of The City of Winnipeg Act.

The Director, Urban Government and Finance indicated in her discussions with the City Solicitor that the Province intended to remove most references to the City of Winnipeg from The Municipal Act and, where necessary, would re-enact suitable provisions within The City of Winnipeg Act.

She indicated that the Province wished to use this opportunity to simplify and condense the statutory provisions wherever possible and that it only wished to re-enact those provisions which were strictly necessary to the City's current operations.

In the course of the review, approximately 24 pages of legislation were identified which allow the City to establish a Parks Board that could be given jurisdiction to operate its public parks. Further provisions allow the City to establish a Public Recreation Commission which could be given jurisdiction to operate recreation programs on the City's behalf. The legislation is very detailed and includes specific provisions for such things as term of board membership, process for filling of vacancies, meeting requirements, remuneration, hiring of staff,

Report of the Executive Policy Committee dated February 5, 1997

record keeping, submission by the Board of annual estimates for its operations, recommendation of local improvement by-laws and the issuance of debentures to fund its operations.

The Director has indicated that the Province does not wish to draft provisions to include the above matters in The City of Winnipeg Act given that the City has not exercised the powers to create such boards and appears unlikely to do so. The Province wishes to proceed with the drafting of legislation to continue those powers which are essential to the City's operations.

It should be noted that under the scheme of the Old Act, the City could establish a Parks Board to operate its public parks but, if it chose to do so, it would be governed by a provision that would require that the public be allowed access to all public parks without payment of a fee or charge. Accordingly, if the City chose to exercise that option, it would be precluded from charging for admissions to Assiniboine Zoo.

The Executive Policy Committee recommends:

1. That the Director, Urban Government and Finance, Province of Manitoba, be advised that the City has no objection in the repeal of those provisions in the Municipal Act 1989-90, c. 10 which permit the City of Winnipeg to establish a Parks Board and/or a Public Recreation Commission.

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

Adopted by consent.

(See Minute No. 371 for opposition recorded by Councillor Golden)

Delegated Authority to the Executive Policy Committee to Oversee The Winnipeg Development Agreement
File FR-3.2 (PA-12) (Vol. 1)

373 - 2. On January 29, 1997, 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 Silva,
Seconded by Councillor Angus,

WHEREAS the Winnipeg Development Agreement is an interdisciplinary agreement involving a number of City of Winnipeg Departments;

AND WHEREAS the Winnipeg Development Agreement is an intergovernmental agreement between three levels of government;

THEREFORE BE IT RESOLVED that the delegated authority to oversee the Winnipeg Development Agreement be delegated to the Executive Policy Committee of The City of Winnipeg.

The Executive Policy Committee concurs with the resolution and submits same to Council for approval.

Moved by Councillor Silva,
Adoption of the clause.

Moved by Councillor Lazarenko,
That the clause be referred to the Committee on Planning and Community Services.

The motion to refer was put.

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

Yea: Councillors Golden, Lazarenko, Lubosch, Murray, Thomas and Vandal 6

Nay: Councillors Clement, O'Shaughnessy, Phillips, Silva, Steek, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Angus. 8

and the motion to refer the clause to the Committee on Planning and Community Services was declared lost.

The Speaker called Councillor Thomas to the Chair in order to participate in the debate.

The motion for the adoption of the clause was put.

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

Yea: Councillors Clement, O'Shaughnessy, Phillips, Silva, Steek, Timm-Rudolph, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Angus. 9

Nay: Councillors Golden, Lazarenko, Lubosch, Murray, Thomas and Vandal. 6

and the motion for the adoption of the clause was declared carried.

Appointment of Citizen Members to the Concordia Hospital Board
File FH (Vol. 2) (c/r GC-7)

374 - 3. On November 6, 1996, Council referred the matter of citizen member appointments to the Concordia Hospital Board to the East Kildonan - Transcona Community Committee.

The East Kildonan - Transcona Community Committee recommends the re-appointments of Anne Jorowski and Bob Jonuk to the Concordia Hospital Board for a one year term to expire December 31, 1997, and the Selection Committee has concurred in this recommendation.

The Executive Policy Committee has ratified the recommendation of the East Kildonan-Transcona Community Committee concurred in by the Selection Committee and submits these appointments to Council for adoption.

Adopted by consent.

REPORT OF THE

EXECUTIVE POLICY COMMITTEE

DATED FEBRUARY 19, 1997

On motion of Her Worship Mayor Thompson, the Report of the Executive Policy Committee, dated February 19, 1997, was considered clause by clause.

Moved by Her Worship Mayor Thompson,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8 and 9 be adopted.

Councillor Thomas requested that Clause 1 be pulled from the Consent Agenda.

Councillor Murray requested that Clauses 2,3 and 6 be pulled from the Consent Agenda.

Councillor Timm-Rudolph requested that Clauses 5,7 and 8 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 4 and 9 was put and declared carried.

The Speaker here resumed the Chair.

Preparations for the 1997 Flood and any Emergency Situation File PD (Vol. 11)

375 - 1. Council Minute No. 1079 of May 2, 1979, provides authority for the Executive Policy Committee to take necessary steps to deal with flooding and other disasters, including the expenditure of monies, and to submit a full report to Council as soon as possible thereafter giving full details of the emergency and the cost associated therewith.

The City of Winnipeg incurred costs of approximately $1.2 million for flood protection preparations and operations during the high river level event of the Spring of 1996.

On January 20, 1997, a meeting was held at the Emergency Operations Centre with administrative representatives from various Departments on preparations for potential flooding in the Spring of 1997.

Prior to 1996, annual flood preparations began with a meeting of City staff after the Province released its first flood forecast in late February. The City staff were primarily from the former Waterworks, Waste and Disposal Department and Operations Department and included managers, supervisors and working level staff.

The purpose of the annual meeting is to discuss flood activity procedures, operation and maintenance responsibilities, roles of individuals/Branches within Departments, and other details. These meetings are routine because Winnipeg usually experiences some degree of elevated river levels in the Spring. Although they may not be considered “flood” levels there are flood protection facilities operated as a result. These normal operation and maintenance activities associated with the flood protection facilities are budgeted for in the Current Estimates.

Flood preparations for the 1996 Spring flood had increased over previous years primarily because of the reorganization of the City Departments involved. As a result of reorganization, the Water and Waste Department and Streets and Transportation Department are primarily responsible for flood preparations and operations. Snowmelt runoff in the Spring of 1996 resulted in a “flood” situation and the river levels were comparable to those experienced in 1979. Accordingly, flood operations involved other City Departments such as Fire, Police, Corporate Services, Transit, Social Services, and the Emergency Program Office, to name a few.

On January 20, 1997, a meeting was convened to review the flood preparations and operations of 1996. A separate report has been prepared by the Emergency Program Office on the event. The meeting was also held to discuss preparations for potential flooding in the Spring of 1997. There is a concern that with the overall amount of snow in the Red River basin, Winnipeg could experience as high or higher river levels than in 1996. This concern has not been substantiated as the first flood forecast is not due to be released by the Province until late February.

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There are a few preliminary flood preparation activities that must be undertaken immediately or shortly after the first forecast. These are primarily related to provision of sandbags for secondary dykes. For example, a supply of bags in Winnipeg must be secured and the operational condition of the sandbag filling machine, called the "Sandbagger", must be determined.

As the time of the Spring runoff event approaches, and as the Province regularly forecasts the flood potential, there will be other flood related activities that are undertaken by the various Departments involved, which are not likely to be covered in the Current Estimates. Even if some flood related activities are budgeted for, these activities will likely be well underway prior to Council approval of the 1997 Current Estimates.

It is the opinion of the administration that the City should adopt a policy, that hereon, authorizes the administration to spend funds as required for preparation and operation for any emergency situation. Emergency situations can be defined as those natural events, such as high river flood events, severe wind storms, significant overland flows as a result of a long duration, high intensity rainstorms, or tornados. Emergency situations can also be defined as those human-made events, such as gas explosions or hazardous material spills.

Any emergency situation has the potential to cause significant damage to public and private property, and a "state of emergency" may be declared. In either natural or unnatural events, there will likely be a concerted decision that an early and immediate response would result in significant benefits. With the recommended policy in place, there would be no delays in the City's response to an emergency situation or no hesitation on the part of City staff to plan, prepare and carry out appropriate emergency activities.

Expenditures may be recoverable for any emergency event. Recoveries may be in the form of compensation from other levels of government in the case of natural disasters or from private industry found responsible for other disasters.

The Executive Policy Committee recommends:

I. That the Board of Commissioners be authorized to do all things necessary to prepare for potential flooding this Spring including spending funds as required for flood preparations and operations.

II. That Council rescind its delegation of authority to Executive Policy Committee of May 2, 1979 and adopt a policy, that hereon, authorizes the Board of Commissioners to spend funds as required for preparation and operation for any emergency situation, and to submit a full report to Executive Policy Committee as soon as possible thereafter, giving full details of the emergency and the costs associated therewith.

Moved by Councillor Clement,

Adoption of the clause.

Council recessed at 11:56 a.m., and reconvened at 1:38 p.m., same members present.

Councillors O'Shaughnessy, Steek and Thomas entered the meeting after Council had reconvened.

The motion for the adoption of the clause was put and declared carried.

Councillors Golden and Thomas asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

Take Pride Winnipeg Program
File ER-1.5 (Vol. 8)

376 - 2. On May 10, 1989, Council adopted a program entitled "Winnipeg - A Clean City" which would become the Take Pride Winnipeg Program. At that meeting Council instituted a $2 per tonne surcharge on the commercial refuse tipping fee to fund the program. On April 4, 1990, Council adopted an additional $2 per tonne surcharge to the tipping fee to increase the funding for this program to a total of $4 per tonne.

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On May 15, 1991, Take Pride Winnipeg Incorporated was founded to oversee the program. The preamble to the by-law states "the purpose of the corporation is to establish a permanent body with civic, business, and public representation to maintain an ongoing program that will keep the City of Winnipeg clean and beautiful (the Take Pride Winnipeg program)." The Organization By-law, passed June 18, 1991. The key features of this organization as it is presently structured are as follows:

a) Take Pride Winnipeg is a nonprofit, charitable organization funded by a $4 per tonne surcharge on the commercial refuse tipping fee;

b) the organization was created as a result of a joint effort between the City administration and BFI in recognition of the need to address under funding in the areas of litter control, street cleaning, and image route enhancement;

c) the mission of the organization is to fund cleanup and beautification programs in the City of Winnipeg;

d) the majority of the operational programs are carried out through City departments mainly the Streets and Transportation Department (former Operations Department) and Parks and Recreation Department;

e) the organizational structure has an Advisory Committee and a Board of Directors which is co-chaired by the Commissioner of Works and Operations and a private sector board member;

f) while the Board of Directors approves the budget annually, they have little control over it except for the allocation for Take Pride Winnipeg activities;

g) the Advisory Committee essentially never meets and for all intents and purposes does not play a useful role;

h) the Board of Directors is composed of twelve directors selected from various associations and sectors in the business community.

Table 1 shows the amount of tipping fee revenue that has been generated by the surcharge since the inception of Take Pride Winnipeg and the disposition of those funds. The Take Pride Winnipeg organization has also generated revenue by accessing various grants and other private sector donations. The value of this revenue is also shown in the table.

On June 28, 1996, the Province of Manitoba approved the BFI application for a license to operate a landfill in the R. M. of Rosser. This action has fundamentally changed the funding structure for Take Pride Winnipeg as a significant volume of commercial refuse will be diverted from City owned landfills to the BFI landfill. Accordingly, the City will no longer have control over the tipping fee revenue stream. The City has consistently estimated this lost revenue stream to be about $7 million per year after the closure of the Summit Road landfill in 1998.

Through the course of the Clean Environment Commission Hearings and as documented in correspondence dated July 4, 1994 from BFI to the City of Winnipeg, BFI has committed to providing funding for Take Pride Winnipeg at a rate of ½ of the surcharge rate for all BFI hauled refuse. Their letter states "to the extent that its wastehaul is diverted to the proposed landfill, BFI is prepared to voluntarily grant to the City of Winnipeg 50% of the amount the City would have received for these programs if BFI was continuing to use the Brady landfill. BFI will continue this grant for so long as the City continues its present level of support for these programs."

The formula developed by BFI essentially reduces the Take Pride Winnipeg funding by 50% for BFI hauled refuse and eliminates the funding for non-BFI hauled refuse (ie. other haulers) that goes to the BFI landfill. The impact of this formula if there was no diversion and after the diversion of refuse away from City landfills is as follows.

Scenario 1 - No Diversion to the BFI Landfill

Waste Volume	Tipping Fee	Total Revenue	Take Pride Winnipeg Surcharge	Take Pride Winnipeg Funding
200,000	$40/tonne	$8,000,000	$4/tonne or 10%	$800,000

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Scenario 2 - BFI Landfill - Summit Road Closed

Waste Volume	Tipping Fee	Total Revenue	Take Pride Winnipeg Surcharge	Take Pride Winnipeg Funding
35,000	$40/tonne	$1,400,000	$4/tonne or 10%	$140,000
80,000[1]	$40/tonne	$3,200,000	$2/tonne or 5%	$160,000
85,000[2]	$40/tonne	$3,400,000	0	0
		$8,000,000		**$300,000**

[1] BFI hauled waste to BFI Landfill.
[2] Other hauled waste to BFI Landfill.

The difference between Scenario 1 and Scenario 2 amounts to $500,000 (i.e. $800,000 - $300,000 = $500,000), which will be raised by the $4 per tonne surcharge and retained by BFI for their own use. These surcharge funds will no longer accrue to the benefit of the Take Pride Winnipeg Program.

The foregoing analysis shows that the funding level for Take Pride Winnipeg will be reduced significantly by 1998. The year 1997 will be a transition year as the BFI landfill gets up and running and as the City prepares to close the Summit Road landfill whose operating permit expires in 1998. It is estimated that in 1997 the split in waste volumes between City landfills and the BFI landfill will be approximately 85,000 tonnes City and 115,000 BFI. This translates into Take Pride Winnipeg funding as follows:

Landfill	Surcharge Revenue
City	85,000 x $4/tonne = $340,000
BFI	80,000 x $2/tonne = $160,000
BFI By Others	35,000 x 0 =0
TOTAL	**$500,000**

Obviously, the funding reduction will mean that a number of City-run programs will have to be scaled back or eliminated in 1997. Another alternative is funding from mill rate supported budgets, which will be very difficult in light of the current budget problem facing the City. In 1998, the situation becomes worse as further refuse and tipping fee revenues get diverted to the BFI facility.

It is proposed that in the transition year certain City of Winnipeg delivered programs would be scaled back or eliminated, while others will be funded in the regular manner for the last time in 1997. In 1998 the funding allocation from both the City and BFI will go directly to the new Take Pride Winnipeg organization. It will be up to that board to decide its priorities which may well include carrying on some of the City of Winnipeg delivered programs. Should this be the case, funds will be allocated in the 1998 Take Pride Winnipeg Budget by their Board of Directors for that purpose. As with the City's other economic development agencies, the budget will be presented to the Executive Policy Committee and forwarded to Council for approval.

The City must address the issue of creating an interface with BFI, who while retaining a significant portion of the $4 per tonne Take Pride Winnipeg surcharge for its own purposes, is nonetheless making a substantial voluntary contribution estimated to be $160,000 per year to the Take Pride Winnipeg program. By 1998, the BFI contribution to Take Pride Winnipeg will in fact be larger than the City of Winnipeg contribution. In discussing this issue with BFI officials, the Commissioner of Works and Operations has determined that BFI clearly sees their funds being directed to Take Pride Winnipeg activities and not to City general revenues. BFI believes that this funding should be administered by the Take Pride Winnipeg Board and directed to programs in keeping with a new mandate and mission for Take Pride Winnipeg. The administration is in agreement with this concept.

The original concept behind Take Pride Winnipeg was "to improve the overall cleanliness and general appearance of the City of Winnipeg." Since its inception the Take Pride Winnipeg funding has provided an augmented street sweeping program, an annual litter control program, an image route enhancement program, including an upgrade of the Winnipeg International Airport entrance, a tree planting program and the placement and maintenance of

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attractive concrete litter receptacles throughout the City. In addition to these programs, Take Pride Winnipeg has developed substantial community support through the local media, corporate partners and sponsors, community organizations, educators and students and the general public, who have been instrumental in developing numerous community-based programs. The Residential Garden Landscaping Awards, in collaboration with the Winnipeg Real Estate Board, the Outstanding Business Property Awards, in collaboration with the Winnipeg Chamber of Commerce, and the Underpass Mural Project, are a few examples of these community-based programs.

The bulk of the funding for this program has been expended on City of Winnipeg delivered programs. The original description for the program says "The Take Pride Winnipeg Program is a joint public and private sector initiative that requires participation from both sectors to be successful. The program needs seed money to start a public awareness and participation component designed to encourage broad community involvement. While the City will contribute to this component, they require matching funding from the private sector to show community interest and commitment." While some funding for the program has been generated outside of tipping fee revenue, it has been difficult to obtain private sector funding, as the bulk of the program services are seen to be City responsibilities. Notwithstanding this misconception, a recent analysis by the Keep America Beautiful organization showed that for every dollar spent by Take Pride Winnipeg on beautification programs $11.12 is returned to the community in the form of in kind donations, volunteer hours, cash donations, grants and sponsorships. With the significant change in funding sources that will occur by 1998, an opportunity for program reevaluation has occurred.

The new financial circumstance has created the need for a fundamental review of the mission and mandate of Take Pride Winnipeg. As a result the Take Pride Winnipeg Board has held several strategic planning sessions to review the future of the organization. It has been concluded that a new organizational structure and mandate for Take Pride Winnipeg is required. With the reduced level of funding available from tipping fee revenues, it does not appear to be sustainable to continue funding the kinds of activities that were carried out in the past in the same manner. There is need in the community, however, to have an organization charged with the responsibility for furthering our urban image.

The Board believes that in fact a new and important issue has emerged since 1989 and that is the phenomenon of graffiti in the City of Winnipeg. This is seen as a growing problem in the City and one which crosses jurisdictional lines in that it affects public and private property, impacts our urban image, affects the City's economy and is not being addressed in a coherent manner by anyone in the community.

In addition, other issues affecting urban image, namely litter control and beautification are still areas that require coordinated direction and funding. The Take Pride Winnipeg Board believes that these three core areas should be the focus for a renewed Take Pride Winnipeg organization. The Board believes that a new organizational structure is required that gives the Board control over the program funding and makes the Board accountable and responsible for program delivery. It is believed that the organization should function in a manner similar to the Winnipeg Convention Centre, Tourism Winnipeg, and Winnipeg 2000, and like these organizations contribute to the City's overall economic and competitive position in Canada. The Board also believes that there is strong justification to have its program cost-shared as an economic development initiative in the same manner as the foregoing organizations.

A new Board structure is proposed that would eliminate the Advisory Board and create a structure similar to the boards of the aforementioned organizations. The Board would consist of 16 members as outlined in the draft by-law. A new draft organizational by-law is outlined in Appendix 1, which outlines the concept and structure for the new organization.

With the drop in tipping fee funding, the new Take Pride Winnipeg organization will have to become more concerned with securing program funding from the private sector, other government levels, and in partnering and leveraging the City/BFI funding. Good relations already exist with the various BIZ groups and joint-funded programs have been carried out successfully in the past. These arrangements and others will of necessity have to become a priority for the new Board. Another priority will be ensuring that cleanup and beautification programs, in preparation for show casing Winnipeg during the Pan Am Games, are in place.

A spending plan for the transition year 1997 is outlined in Appendix 2. This plan contemplates a scaled down program of activities traditionally carried out by City forces. During 1997 the main focus of the Board must be on developing a comprehensive business plan, complete with program development and budgets for presentation to Council for 1998. It is suggested that a September 1997 deadline is a realistic goal. The program would focus on the organization's three key core functions; namely, litter control, beautification and graffiti.

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This plan, of course, is only conceptual in nature at this point as Council must first make a determination as to whether or not it wishes to embark on this course of action. Should Council approve this plan, the 1997 program will be a transition to a new Take Pride Winnipeg organization with a dramatically changed organization and mandate. One of the first issues to be addressed by the new Board will be the recruitment of a new executive director for Take Pride Winnipeg to lead the transition process.

The Executive Policy Committee recommends:

1. That the new mandate for Take Pride Winnipeg be approved as outlined in Appendix 1.

2. That the draft organization by-law be reviewed by Legal Services Branch for completeness and forwarded to Council for approval.

3. That the year 1997 be a transition year and a detailed future program be developed for approval by Council by September, 1997.

4. That beginning in 1998 Take Pride Winnipeg function in the same manner as the City's other economic development agencies.

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

Moved by Her Worship Mayor Thompson,
Adoption of the clause.

Moved by Councillor Murray,
That the clause be referred to the Committee on Works and Operations current estimates meeting.

The motion to refer was put.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Golden, Lazarenko, Lubosch, Murray, Thomas, Timm-Rudolph, Vandal and Angus. 8

Nay: Councillors Clement, O'Shaughnessy, Phillips, Silva, Steek, Deputy Mayor Eadie and Her Worship Mayor Thompson. 7

and the motion that the clause be referred to the Committee on Works and Operations current estimates meeting was declared carried.

The Forks North Portage Partnership's Business Plan File FR-4.1 (Vol. 3)

377 - 3. The Forks North Portage Partnership presented its Business Plan to the Executive Policy Committee on November 6, 1996. As one of the three shareholders of The Forks North Portage Partnership, The City of Winnipeg has been asked to approve the August 1996 Business Plan.

The Forks North Portage Partnership's August 1996 Business Plan places a strong emphasis on self-sufficiency, particularly for The Forks, which is not self-sufficient. North Portage continues to show a positive cash flow for the future and, in the past year, contributed $1 million to The Forks' operation. Because part of the Partnership's mission is "to work to ensure financial self-sufficiency", one of its key goals is to improve both The Forks' self-sufficiency and the Partnership's overall cash position.

The Plan is quite firm that the Partnership requires capital investment in infrastructure to achieve self-sufficiency. It sees new development as key not only to improving the Partnership's cash position for the future, but to also investing in infrastructure renewal and creating connections to the rest of the downtown, as well as preparing The Forks for the 1999 Pan Am Games.

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Both of these issues - The Forks' transportation access and its options for the Pan Am Games - are being addressed separately. On June 21, 1996, the Partnership presented to the Executive Policy Committee its "Proposal for The York Avenue Extension For The Forks Site Development", which addresses access, and that plan is being reviewed by City staff. Jim August is completing the report on The Forks' options for the Pan Am Games, and it will soon be presented to the Pan Am Society and The Forks. However, the access question does bear on the remaining issue of self-sufficiency because the Partnership's Business Plan has said that if the access improvements are quickly implemented, the Partnership would no longer require property tax relief for public amenities in order to ensure its self-sufficiency. That is a major shift from last fall, when The Forks insisted that this plank was critical to its self-sufficiency.

The Partnership has developed a five-point plan to achieve self-sufficiency. This involves:

1) a general proposal call for future development at The Forks to provide a cash flow to the Partnership and ensure the site remains fresh, vibrant, and among the most popular attractions in Winnipeg;

2) continuing to control expenditures through contracted services and partnering arrangements to deliver site maintenance, programs and events;

3) initiatives to maximize revenue through existing operations and facilities;

4) lease arrangements and partnerships to lever external financial resources to maintain or upgrade infrastructure; and

5) lease arrangements to reduce land carrying costs associated with undeveloped lands owned by the Partnership.

The Business Plan includes few details of how this plan will be accomplished, but notes:

> "The business plan calls for the private sector to play a leading role in financing and operating new projects. The plan will require no government subsidy towards operating costs of the Partnership. New development will be financed by the private sector through land lease agreements. The Partnership's capital investment in site services and infrastructure development will be substantially reduced by levering private investment in negotiating land lease agreements for capital projects." (P. 18)

The Plan also notes that:

- disposing of the Partnership's non-strategic assets has not been addressed, but its Board will have planning discussions regarding this in the future;

- a financing strategy will be undertaken to lever financial support for heritage development at The Forks to market this historic site to tourists and educators;

- the Partnership would undertake a proposal call to identify a private sector proponent for developing 100 residential units at The Forks, and it will also facilitate special needs housing in the North Portage area; and

- it may need to expand its mandate area to address some issues, such as the conditions of Portage Avenue east of Hargrave to Main Street.

One of the Plan's other goals is to ensure there are sufficient cash reserves to invest in future infrastructure development and buttress the Partnership against lower revenues which could result from an economic downturn. In 1991, Portage Place's annual parking revenue dropped significantly due to the recession. About 32% of the Partnership's operating dollars come from parking and the Plan anticipates that "although parking revenues have climbed steadily since the 1991 recession, downtown Winnipeg continues to be vulnerable to changes in the economic climate", so "a downturn in the economy will happen... the only question is when."

The Forks North Portage Partnership's Business Plan places its greatest emphasis on self-sufficiency. Since 1994, The Forks and North Portage have amalgamated, and 1) cut their administrative cost; 2) focussed their resources to be a more efficient management; and 3) used North Portage financial resources to support The Forks. The Forks is still running at a $1 million loss before equivalency and equivalency will expire in 2004. Thus, with the end of equivalency payments in the foreseeable future, the Partnership's Business Plan may be somewhat optimistic in its goals for self-sufficiency. There is also a public amenities aspect to The Forks which may involve requests from it to government in the future.

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However, based on the Partnership's presentation to the Executive Policy Committee, and the continuing input of our city representatives - Mary Richard, Rudy Friesen, and Janice Penner - it is recommended the City endorse the Partnership's Business Plan on an interim basis, to be reviewed again in 1998 after the results of the proposal call for development and access issues are known, with the exception of residential development which shall require special approval of Council. In taking this action, it is understood that The Forks' Pan Am options and its transportation access are issues which are being addressed separately from this Plan, and thus endorsing this Business Plan does not constitute an endorsement for any site specific approval process or access. The City is also not approving any special grants at this time.

The Executive Policy Committee recommends:

I. That the City of Winnipeg approve the Business Plan of the Forks North Portage Partnership, subject to the following conditions:

a) The Request for Proposal for future development at the Forks be limited only to lands owned by the Forks North Portage Partnership and the Request for Proposal should not include any City of Winnipeg owned land;

b) Once the final concept has been prepared as an outcome of the Request for Proposal process, that the plan be submitted to the City of Winnipeg, and that Council must approve of said plan prior to any implementation;

c) Any possible residential development will be a separate issue apart from the Business Plan, and will need separate approvals from the City of Winnipeg.

II. That the Forks North Portage Partnership August 1996 Business Plan be reviewed again in 1998 after the results of the proposal call for development and access issues are known.

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

Moved by Her Worship Mayor Thompson,
Adoption of the clause.

Moved by Councillor Silva,
That the question be now put.

Carried.

The motion for the adoption of the clause was put.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Clement, Lubosch, O'Shaughnessy, Phillips, Silva, Steek, Timm-Rudolph, Vandal, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Angus. 11

Nay: Councillors Golden, Lazarenko, Murray and Thomas. 4

and the motion for the adoption of the clause was declared carried.

Report of the Executive Policy Committee dated February 19, 1997

Proposed Text Amendment to Plan Winnipeg (By-law No. 5915/92) by amending the provision for Multiple-Family Residential Development on properties fronting Portage Avenue - Assiniboia Community Area
EP-1.1 (PW) (Vol. 12)

378 - 4. Plan Winnipeg provides for the possible redevelopment of single family properties fronting onto Portage Avenue within Area 1 of the Airport Vicinity Protection Area to a maximum density of 35 units per acre. The Conway Gardens redevelopment application of 1995 proposed a multiple family density within that limit, yet the application was defeated. Airport interests argued that such a density would add an unacceptable number of new residents living directly beneath a flight path and therefore, the application represented a threat to its 24 operating status. Residents argued that the proposal would diminish the quality of their neighbourhood, particularly its environment and serenity, as a result of the proposal's height, density, and proximity to the riverbank. Following the Conway application, it became clear that the policy of Plan Winnipeg was no longer relevant. An expectation was created that the policy in Plan Winnipeg would be revisited and revised to be in greater accordance with the desires of both neighbourhood residents and airport interests.

Paragraph 2F-05 i) of Plan Winnipeg currently reads as follows:

> "within Area 1 no new residential development shall be permitted (subject to statutory non-conforming rights and any related variance); but, existing dwellings may be replaced if destroyed or demolished. Subject to any required rezoning or other change in land use controls, exceptions for minor residential infilling in existing and established residential areas and the conversion of single-family properties fronting Portage Avenue for limited multiple-family residential development to a maximum of 85 units per hectare (35 units per acre) may be approved;"

Council on May 25, 1994, passed By-law No. 6339/94 to amend Plan Winnipeg as required by The City of Winnipeg Act to establish an airport vicinity protection area and to establish plans and policies for the use of land and buildings and for the development in that area so as to ensure that the use of land and buildings and development are compatible with the operations of the Airport. The by-law introduced paragraph 2F-05 i) as outlined above, to allow for the potential development of the residential properties fronting Portage Avenue, while recognizing the need of the Airport to protect its ability to operate 24 hours a day.

Since that time, the Conway Gardens application, which proposed a density within the 35 unit maximum, was defeated - an indication that the limit set in Plan Winnipeg was not acceptable. Recent meetings with both area residents and various groups interested in protecting the 24 hour operation of the airport have been conducted to determine what would be acceptable for the area. Area residents are naturally protective and would prefer that redevelopment not be allowed. Airport interests recognize that redevelopment pressure will persist and that a reduction in allowable density could address their concerns.

On February 10, 1997, the Assiniboia Community Committee were of the opinion that in recognition of paragraph 2F-05i) of Plan Winnipeg no longer reflects the best interests of neighbourhood residents and airport operations and recommended:

1. That the exception created for properties fronting onto Portage Avenue be removed and the paragraph read as follows:

   "within Area 1 no new residential development shall be permitted (subject to statutory non-conforming rights and any related variance); but, existing dwellings may be replaced if destroyed or demolished. Subject to any required rezoning or other change in land use controls, exceptions for minor residential infilling in existing and established residential areas may be approved;"

The Executive Policy Committee concurs with the recommendation of the Assiniboia Community Committee and recommends:

I. That the Administration be requested to proceed to make an application to amend Plan Winnipeg so that the exception created for properties fronting onto Portage Avenue be removed and the paragraph reads as follows:

Report of the Executive Policy Committee dated February 19, 1997

"within Area 1 no new residential development shall be permitted (subject to statutory non-conforming rights and any related variance); but, existing dwellings may be replaced if destroyed or demolished. Subject to any required rezoning or other change in land use controls, exceptions for minor residential infilling in existing and established residential areas may be approved";

For the information of Council, the Committee on Planning and Community Services has been requested to withhold development permits for residential properties fronting Portage Avenue and falling within Area 1 of the Airport Vicinity Protection Area until such time as the above amendment is approved.

Adopted by consent.

City of Winnipeg Bid for the hosting of the 1999 World Junior Hockey Championship
File GC-8.14 (Vol. 1)

379 - 5. On February 19, 1997, the Executive Policy Committee passed the following resolution, namely:

WHEREAS The World Junior Hockey Championships is one of the most important and exciting sporting competitions in the world and will return to Canada during the 1998/99 season;

AND WHEREAS The City of Winnipeg is desirous of participating in bidding to stage this top-drawer international competition;

AND WHEREAS The City of Winnipeg wishes to jointly host The 1999 World Junior Hockey Championships along with the Municipalities of Brandon, Portage la Prairie and Selkirk;

AND WHEREAS it is anticipated that the economic impact of this event for industrial and value-added activity is estimated to be approximately $7,369,000;

AND WHEREAS it is anticipated that the Federal/Provincial/Municipal Tax revenue for hosting this championship would be approximately $1,183,000;

THEREFORE BE IT RESOLVED that an amount of $30,000 be approved from the 1997 Current Estimates and referred to the budget deliberations, to ensure the City of Winnipeg's commitment towards the bid process, said monies to be contingent upon funding being provided by the participating municipalities and the Provincial Government;

THEREFORE BE IT FURTHER RESOLVED that any surplus monies experienced by the event should be returned to the original bid participants on a pro-rata basis;

and submits this resolution to Council for approval.

Moved by Her Worship Mayor Thompson,
Adoption of the clause.

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

The motion for the adoption of the clause was put and declared carried.

Report of the Executive Policy Committee dated February 19, 1997

Amendment to the Organization By-law
File GL-5.6 (Vol. 8)

380 - 6. Council at its meeting of July 24, 1996 passed By-law No. 6865/96 which provided for the City Clerk's Department to report directly to Council. Notably through administrative oversight, Section 14.1 did not appropriately reference the Executive Policy Committee. In addition, Council at its meeting of November 20, 1996, adopted Clause 1 of the Report of the Secretariat Committee, dated October 24, 1996, which changed the Councillors' Support Branch.

In order to appropriately describe the role of the City Clerk, it would be in order to enact housekeeping amendments to the City of Winnipeg's Organization By-law No. 6550/95.

The Executive Policy Committee recommends:

I. That Council amend Section 14.1 of the Organization By-law No. 6550/95 by deleting Section 14.1 in its entirety and substituting therefor:

> "Council shall appoint a city clerk who, in addition to his or her statutory and administrative duties and responsibilities shall support the efforts of Council, Executive Policy Committee, Standing and Community Committees by recording minutes of all regular and special meetings, communicating decisions, maintaining by-laws, maintaining historical records, providing public information services, providing administrative and clerical support to the Board of Revision and Board of Adjustment and conducting municipal elections and by-elections. The City Clerk or designate shall, as time permits, assist committee chairpersons and committee members with agenda preparation, policy formulation and research and, at the discretion of the chairperson, attend and provide clerical support at any related workshops or informal strategy sessions."

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

Moved by Her Worship Mayor Thompson,
Adoption of the clause.

The motion for the adoption of the clause was put and declared carried.

Councillors Golden, Murray and Thomas asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

Request to purchase city-owned lands on the Portage Avenue East Site north of the Forks for the purpose of building a sports/recreation facility
Files FI-2.4(32) (Vol. 4) and PR-2 (32) (Vol. 1)

381 - 7. On February 19, 1997, the Executive Policy Committee considered representation from Mr. S. Katz, President, Winnipeg Goldeyes Baseball Club and a delegation comprised of Mr. B. McLean, Price Waterhouse, Mr. J. Orlikow and Mr. M. Michener, L. M. Architectural Group, Mr. E. Keller, Chairman and Mr. K. Smith, President and CEO, The Forks North Portage Partnership, and Mr. S. Shindleman, Shindico, Inc., in support of the construction of a sports/recreation facility on city-owned lands north of The Forks.

Details of the request to the City are as follows:

1) Approve in principle the sale of a parcel of land and associated services in the precinct of the old hydro site on Portage Avenue East. The sale price would be the fair market value of the lands and services. The amount payable would be paid after private sector contributors have received the return on and of their contributions. Preliminary indications are that this can be done in a 5 to 10 year period.

Report of the Executive Policy Committee dated February 19, 1997

2) The sale of the land is subject to the City and the purchaser agreeing upon price and terms and the City approving their business plan.

3) The City instruct Administration to negotiate with their architects and engineers as to the size and the location of the lands and the services to be provided to the project.

4) Upon the City endorsing the project in principle, the purchaser shall complete negotiations with the Federal and Provincial Governments, with the Pan Am Games Committee, The Forks North Portage Partnership and other private sector landowners in the area. The results of these negotiations shall be the basis for determining the strength and requirements of the business plan.

5) The City of Winnipeg and the Province of Manitoba agree to temporarily list the subject facility as a project under The Manitoba Centennial Projects Act which would temporarily waive property taxes.

6) The City be requested to either approve a grant in lieu of taxes or waive permit fees, business taxes and amusement taxes until all contributors have received the return of their capital contributions.

The Executive Policy Committee passed the following resolution in this connection, namely:

THAT the concept of allowing a baseball stadium on city-owned lands be endorsed in principle without compromising the city's options with respect to the issues of land ownership and site specifics, both of which require administrative reports;

AND FURTHER THAT the Chief Commissioner be directed to meet with the Katz group, the Forks North Portage Partnership and the Pan Am Games Society for the purpose of providing city input into the development of a proposed baseball facility on city-owned land north of the Forks and that the results of those discussions be reported back to the Executive Policy Committee in four weeks (March 19, 1997) in the form of a completed business plan, and a proposed agreement with a detailed analysis of the cost implications on the city; namely fair market value of the city-owned land, and infrastructure servicing;

and submits this resolution to Council for approval.

Moved by Councillor Steek,
Adoption of the clause.

The Speaker called Councillor Thomas to the Chair in order to participate in the debate.

Moved by Councillor Clement,
That Rule 8.6 of the Procedure By-law be suspended to allow Councillors to remove their jackets.

Carried.

At the request of Councillor Murray, Council considered the resolves separately.

The first resolve was put.

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

Yea: Councillors Clement, Golden, Lazarenko, O'Shaughnessy, Phillips, Silva, Steek, Timm-Rudolph, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Angus. 11

Nay: Councillors Lubosch, Murray, Thomas and Vandal. 4

and the first resolve was declared carried.

Report of the Executive Policy Committee dated February 19, 1997

The second resolve was put.

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

Yea: Councillors Clement, Golden, Lazarenko, Lubosch, Murray, O'Shaughnessy, Phillips, Silva, Steek, Timm-Rudolph, Vandal, Deputy Mayor Eadie, Her Worship Mayor Thompson, Councillors Angus and Thomas. 15

Nay: 0

and the second resolve was declared carried.

The City of Winnipeg Collective Bargaining Agreements and the involvement of Internal and External Auditors
GU-4 (Vol. 4) & GP-1.30 (Vol. 1)

382 - 8. On September 27, 1995, Council adopted Clause 5 of the Report of the Executive Policy Committee dated September 6, 1995, relative to the following resolution submitted by the Executive Policy Committee, namely,

> "NOW THEREFORE BE IT RESOLVED that prior to any ratification vote by Council of the City of Winnipeg on any such proposed agreement(s), that it be presented by the civic administration, the Auditor of the City of Winnipeg and the External Auditor, with a full and long term cost impact analysis of any such recommended agreements(s)."

On December 9, 1996, the Audit Committee of Council approved the Terms of Reference for the involvement of the Internal and External Auditors ("Audit") and requested that a process be developed to confirm this involvement.

The following issues must be resolved in the short term prior to the establishment of a final process for Audit involvement, namely:

1) While the intention of the above resolution is to provide Council with Audit assurance as to the fairness, completeness and accuracy of cost information prepared by the civic administration concerning proposed collective agreements, the particular wording of the resolution causes Audit concern. The wording suggests direct involvement of Audit in the negotiation process; i.e."*that it [agreement(s)] be presented by the civic administration, the Auditor of the City of Winnipeg and the External Auditor."*. This would seriously compromise Audit's independence. The Legal Department has been requested to assess the matter and provide feedback regarding the recommended action. They have concurred with the recommendations below.

2) Some cost items may not be reasonably determinable without actuarial or other assistance. For this reason, it may be necessary to consider a format for reporting that considers only five or six cost drivers in key areas -- for example in the areas of gross wage costs and significant benefit amounts. These key areas would be the subject of the Audit focus. Civic administration should include other relevant information such as an appendix to the report. Information in the appendix would not be subject to Audit testing.

3) A major issue will be the time available to conduct the Audit review; i.e. the time between receiving the financial impact analysis from civic administration and the next Council meeting. There may be situations where Audit cannot complete the analysis in the time frame allotted.

4) The current negotiation process as it currently exists for the City of Winnipeg may not be the most effective or efficient process available to Council. It may be worthwhile to have an independent assessment of this process with recommendations submitted to Council for consideration.

Report of the Executive Policy Committee dated February 19, 1997

There are currently three stages where some level of costing information is prepared:

1. At the beginning of the negotiation process when direction and guidance is provided to the Negotiation Team from Executive Policy Committee

   The Negotiation Team (Board of Commissioners and Human Resources) provides Executive Policy Committee with initial cost information of major salary and benefit elements of the agreement(s) to be negotiated and, where available, comparative/trend information of other organizations, cities and jurisdictions. They may also provide preliminary options and strategies for commencing negotiations. Executive Policy Committee will review the information and the current "state of the budget" and provide civic administration with a framework to begin negotiations.

2. During the process when draft proposals are prepared by the Negotiation Team.

   These proposals receive a preliminary costing and financial impact analysis by the Costing Team (Human Resources and Departmental Controllers) with review and assistance from Corporate Finance. Executive Policy Committee then reviews and approves the draft proposals. The Negotiation Team exchanges proposal(s) with the Union. The exchange of proposals with the Union may involve several iterations of the proposals; therefore, the financial impact analysis will be constantly changing.

3. When the Negotiation Team has reached agreement with the Union.

   The Costing Team then prepares a more formal financial impact analysis which is verified by Corporate Finance for consideration by Executive Policy Committee. The Committee then reviews the information and approves a Memorandum of Agreement which is sent to City Council for final ratification.

The Internal and the External Auditors should become involved at Stages 2 and 3 only.

In Stage 2, the Audit Department will review costing information provided by the civic administration. This preliminary review should help facilitate the timeliness of the Audit Report in Stage 3. The more changes to preliminary agreements, however, the less likely that initial costing information will be relevant to the final Audit report. Also, the more complete the preliminary costing information is, the more useful it is for Audit Report purposes.

In Stage 3, the Internal and External Auditors will review the final financial impact analysis report from civic administration and examine, on a test basis, evidence supporting the amounts and disclosures. The Audit Department and the External Auditor will prepare their reports for presentation to Council. The reports will provide an opinion as to the reasonableness of projected short and long term financial impacts; and, identify any other significant contract features that come to the attention of the Auditors during their review.

The Auditors' role is to provide an independent review of the civic administration's assessment of the short and long term financial impact of any proposed collective bargaining agreement. It is intended that a report by the Internal and External Auditors will be presented to Council prior to the ratification of any proposed agreement. The ability of the Internal and External Auditors to complete this review quickly will depend upon the accuracy, completeness and timeliness of the information provided. Assessment of the risks, opportunities and options available during contract negotiations is beyond the scope of this project. The responsibility for reaching "affordable" and "fair" agreements for the City of Winnipeg lies with the negotiation team and with the civic administration.

The Executive Policy Committee therefore recommends:

I. That Corporate Services hire, from outside the department, a qualified financial analyst to assist Labour Relations in the preparation of costing information for reviewing collective agreement options, including assessing the short and long term financial impact of agreements, building costing models for "what if" scenarios during negotiations, developing information concerning comparability to other public/private employers and providing information as required;

Report of the Executive Policy Committee dated February 19, 1997

II. That the recommendation adopted by Council on September 27, 1995, be amended to read as follows:

NOW THEREFORE BE IT RESOLVED that prior to any ratification vote by Council of the City of Winnipeg on any such proposed agreement(s), that it be presented by the civic administration with a short and long term financial impact analysis of any such recommended agreements(s) and that the Auditor of the City of Winnipeg and the External Auditor provide an independent review of the civic administration's assessment of the long and short term financial impact of any proposed collective bargaining agreement(s).

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

Moved by Deputy Mayor Eadie,
Adoption of the clause.

The Speaker here resumed the Chair.

Moved by Councillor Timm-Rudolph,
That the clause be referred back to the Executive Policy Committee.

Carried.

Extension of Contract - Community Outreach Co-ordinator - Community and Race Relations Committee
File CR (Vol. 10)

383 - 9. Council on May 22, 1996 adopted Clause 1 of the Report of the Executive Policy Committee, dated May 15, 1996 engaging Sheri Musa as the Community Outreach Co-ordinator for the Community and Race Relations Committee, on a contractual basis under a personal services contract for a one year duration commencing July 1, 1996 to June 30, 1997, with a provision for renewal on an annual basis.

On February 19, 1997, the Executive Policy Committee considered a request from the Community and Race Relations Committee that the length of the personnel contract for the Community Outreach Co-ordinator be changed to coincide with the City of Winnipeg's fiscal year as opposed to the present expiration date of June 30, 1997.

The Executive Policy Committee concurs with the request of the Community and Race Relations Committee and recommends:

I. That the personal services contract of Sheri Musa be extended from June 30, 1997 to December 31, 1997 to coincide with the City of Winnipeg's fiscal year, subject to receipt of a favourable Performance Appraisal by the Chairperson.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary contract extension between the City of Winnipeg and Sheri Musa.

Adopted by consent.

REPORT OF THE

EXECUTIVE POLICY COMMITTEE

DATED FEBRUARY 26, 1997

On motion of Her Worship Mayor Thompson, the Report of the Executive Policy Committee, dated February 26, 1997, was considered.

1996/1997/1998/1999 Collective Agreement Between The City of Winnipeg and The Amalgamated Transit Union, Local 1505
File GU-4.5 (Vol. 9)

384 - 1. On February 12, 1997 the City of Winnipeg and the Amalgamated Transit Union, Local 1505, executed a Memorandum of Agreement which, if approved by their respective principals, would form the terms of settlement for a revised Collective Agreement.

The Collective Agreement between the City of Winnipeg and the ATU, Local 1505 expired on January 20, 1996.

Proposals were exchanged on March 21, 1996, and negotiations commenced on May 26, 1996. Due to lack of progress at the negotiating table, the City applied to the Province for the assistance of a Conciliator on September 13, 1996.

On February 4, 1997, after numerous conciliation meetings and with no evidence that a settlement could be reached without a work stoppage, the Conciliator wrote a report to the City and the ATU, Local 1505 addressing issues that remained on the table.

The recommendations of the Conciliator and items that the two parties had agreed to form the basis of the Memorandum of Agreement, which is outlined in Appendix “A”.

The Executive Policy recommends:

I. That the terms outlined in the Memorandum of Agreement, signed on February 12, 1997, between The City of Winnipeg and The Amalgamated Transit Union, Local 1505, as outlined in Appendix “A”, be approved.

II. That the Proper Officers of the City be authorized to execute a revised Collective Agreement for the term January 21, 1996 to January 15, 2000, and to do all things necessary to implement same.

Moved by Her Worship Mayor Thompson,
That the clause be adopted.

Carried.

(See Minute No. 431 for attachment)

EXECUTIVE POLICY COMMITTEE

CONSIDERATION OF BY-LAWS

385 - On motion of Her Worship Mayor Thompson, 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. 6948/97, a by-law of The City of Winnipeg to provide for the assessment by special rate of the cost of installing Wastewater Sewers in the said City of Winnipeg.
Files SL and FC-1 (1998-2002)

By-law No. 6949/97, a by-law of The City of Winnipeg to provide for the assessment by special rate of the cost of installing Land Drain Sewers in the said City of Winnipeg.
Files SL and FC-1 (1998-2002)

By-law No. 6950/97, a by-law of The City of Winnipeg to provide for the assessment by special rate of the cost of installing Watermains in the said City of Winnipeg.
Files SL and FC-1 (1998-2002)

By-law No. 6951/97, a by-law of The City of Winnipeg to provide for the assessment by special rate of the cost of Lane Oiling in the said City of Winnipeg.
Files SL and FC-1 (1998-2002)

By-law No. 6952/97, a by-law of The City of Winnipeg to provide for the assessment by special rate of the cost of installing Street Pavements in the said City of Winnipeg.
Files SL and FC-1 (1998-2002)

By-law No. 6953/97, a by-law of The City of Winnipeg to provide for the assessment by special rate of the cost of installing Street Pavement with Boulevards in the said City of Winnipeg.
Files SL and FC-1 (1998-2002)

By-law No. 6954/97, a by-law of The City of Winnipeg to provide for the assessment by special rate of the cost of installing Sidewalks in the said City of Winnipeg.
Files SL and FC-1 (1998-2002)

By-law No. 6955/97, a by-law of The City of Winnipeg to provide for the assessment by special rate of the cost of Lane Lighting in the said City of Winnipeg.
Files SL and FC-1 (1998-2002)

By-law No. 6956/97, a by-law of The City of Winnipeg to provide for the assessment by special rate of the cost of installing Ornamental Lane Lights in the said City of Winnipeg. Files SL and FC-1 (1998-2002)

By-law No. 6957/97, a by-law of The City of Winnipeg to provide for the assessment by special rate of the cost of installing Ornamental Street Lights in the said City of Winnipeg.
Files SL and FC-1 (1998-2002)

By-law No. 6985/97, a by-law of The City of Winnipeg to amend By-law No. 1481/77, being The City of Winnipeg Streets By-law. File ST-5.3 (Vol. 6)

By-law No. 6991/97, a by-law of The City of Winnipeg to amend By-law No. 6550/95, being The City of Winnipeg Organization By-law. File GL-5.6 (Vol. 8)

On motion of Her Worship Mayor Thompson, the rule was suspended and By-law No. 6997/97, a by-law of the City of Winnipeg to amend By-law No. 6550/95, being The City of Winnipeg Organization By-law, 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 GP-1.29 (Vol. 1)

EXECUTIVE POLICY COMMITTEE

QUESTION PERIOD

386 - Councillor Golden questioned under what budget authority the Mayor's Office had spent $205,000 to hire public relations officers.

Her Worship Mayor Thompson took the question under advisement for reply back.

Councillor Steek responded that the matter had been reviewed and clarified for Councillor Golden at a meeting of the Committee on Finance and Administration. He went on to note that $105,000 of the $205,000 was provided for in the 1996 budget and that the reference for the year 1997 was not appropriate in that funds were already in the budget for the positions referred to by Councillor Golden.

The Speaker noted that the Mayor had taken the matter under advisement and would provide the information to Councillor Golden and all Members of Council before deliberation of the 1997 and 1998 Current Estimates.

Councillor Thomas advised that she had recently requested from the Mayor, a copy of the January 6, 1997 Executive Policy Committee In Camera Minutes and had not yet received a response.

Mayor Thompson advised that the information had been delivered to Councillor Thomas' office just this morning and the Speaker further confirmed that this had been done by a staff member of the City Clerk's Department.

Councillor Vandal referred to a motion proposing the creation of an urban aboriginal affairs committee which had been referred to Executive Policy Committee by Council and questioned the status of the matter.

Her Worship stated that she would follow up on the matter and report back to Councillor Vandal.

REPORT OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

DATED FEBRUARY 3, 1997

On motion of Councillor Steek, the Report of the Committee on Finance and Administration, dated February 3, 1997, was considered clause by clause.

Moved by Councillor Steek,
That the Consent Agenda, Clauses 1,2,3,4,5,6,8 and 9 be adopted.

Councillor Lazarenko requested that Clause 4 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3,5,6,8 and 9 was put and declared carried.

Recommendations for Amusement Tax Exemption File FL-6 (Vol. 14)

387 - 1. The Committee on Finance and Administration has considered recommendations received from the Winnipeg Arts Advisory Council for exemption to the Amusement Tax By-law.

The Committee on Finance and Administration submits draft by-law and recommends:

I. That the following list of exemptions be added to subsection 7(6) of the Amusement Tax By-law No. 3107/81, namely:

Winnipeg S.P.E.B.S.Q.S.A. for:
"Heritage of Harmony" on May 10, 1997, at the Pantages Playhouse Theatre;

Winnipeg Youth Orchestra Inc. for:
"Island Wedding Concert" from March 22 to 23, 1997, at the Pantages Playhouse Theatre;

Winnipeg Mennonite Theatre for:
"Spring Theatre Production" from May 28 to 30, 1997, at the Warehouse Theatre;

Alliance chorale Manitoba for:
"Le Festival de la Chanson française" on April 26, 1997, at the Pantages Playhouse Theatre;

Popular Theatre Alliance for:
"Marge Szkaluba (Pissy's Wife) from March 5 to 15, 1997 at the Blue Note Cafe.

I. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Soldiers' Taxation Relief Assistance File FL-2.3 (Vol. 7)

388 - 2. The Soldiers' Taxation Relief Act provides for the granting of relief from taxation in certain cases in an amount not exceeding $50.00 in each case. The amount so rebated by a municipality is recoverable in full through the Province of Manitoba.

The City has received applications for relief from taxation for the year 1996 under the provisions of this Act, and the Director of Corporate Finance has satisfied himself as to the bona fide and merit of the applications. The total amount of the applications is $800.00.

Report of the Committee on Finance and Administration dated February 3, 1997

Council on March 24, 1993, requested the Province of Manitoba to amend The Soldiers' Taxation Relief Act to increase the amount from $50.00 to $100.00, effective in 1994, however, to date, there has been no response.

The Chairperson of the Committee on Finance and Administration has undertaken to again approach the Province of Manitoba to adjust the Soldiers' taxation relief to reflect increases in inflation.

The Committee on Finance and Administration therefore recommends:

I. That Council authorize the partial exemptions from taxation, the cancellation of unpaid taxes or penalties, or the refund of tax or penalties paid, as the case may be, in respect to the properties set forth in the schedule on file in the office of the City Clerk in the amount of $800.00, recoverable from the Province of Manitoba.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Burland Estates - One Time Grant in Lieu of Penalties File AA-3 (Vol. 7)

389 - 3. In 1994, the Burland Estates complex, 1 Burland Avenue was converted from apartment status to 72 condominium properties.

Two things should occur when such a conversion takes place:

- the units are reclassified from apartment status to condominium status (i.e., class code 20 to class code 80) which changes their portioned values;

- the individual units are reassessed.

The reclassifications of the units were done on a timely basis in May of 1994, but the reassessment of the units was overlooked.

The error was realized in late 1995 and a reassessment of the units was conducted. Reassessment notifications were sent to all owners in June 1996, which included the normal provision for appeal. The effective date of the assessment increase was January 1, 1996.

On June 20, 1996, the tax office mailed revised tax statements reflecting the new assessments and providing for payment at par of these newly added taxes until August 1, 1996. Thereafter, any unpaid amounts would be subject to the normal penalty as prescribed by By-law No. 5986/91.

It is the position of the administration that all of the Burland Estates condominium owners have been given the standard notice period which is given to all taxpayers and they have been treated fairly and consistent with normal tax payment and penalty procedures. The unexpected increase in taxes is no different than that which might occur to a large percentage of property owners in a reassessment year. Of the 72 supplementary billings issued, 52 are paid in full and 20 remain totally or partially outstanding. The average penalty to December 31, 1996, on the average increase in the unit taxes only represents approximately $18.00.

Had the reassessment of the individual condominium units occurred on a timely basis (i.e., the date of title registration at Winnipeg Land Titles Office), each of the properties could have seen the tax increases experienced in 1996, as early as June 1994.

Due to the oversite, each of the properties experienced a tax break for a period of approximately 19 months amounting to roughly $678.00.

All 72 units received revised tax statements on June 20, 1996, with a due date for 1996 increase to be paid at par by August 1, 1996. The majority of the unit tax increases amounts to $428.71.

Report of the Committee on Finance and Administration dated February 3, 1997

The Committee on Finance and Administration requested the administration to provide a way to extend the payment without penalties to December 31, 1996. The solutions offered were as follows:

- a one time grant in lieu of penalties

- amend the penalty by-law

- retain status quo

It is the position of the Committee on Finance and Administration that the Burland Estates property owners should be liable for the increased assessment of their property taxes, however, some relief should be allowed insofar as the assessment of penalties which commenced shortly after they received revised tax statements on June 20, 1996. Committee is recommending that a grant be approved to all property owners, in the amount of $1,813.38, which is the collective penalty for all 52 condominium units from August 1, 1996 to February 28, 1997. A credit will be applied to 1997 taxes to the 42 paid accounts and would satisfy the penalty issue in the 10 accounts with outstanding taxes.

The Committee on Finance and Administration therefore recommends:

I. That a one-time grant in the amount of $1,813.38 be approved to Burland Estates, Winnipeg Condominium Corporation No. 276, being the collective penalty for all 52 condominium units from August 1, 1996 to February 28, 1997.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Means and Implications of Providing an Exemption from the Municipal Portion of Property Tax to Veterans Associations of Winnipeg File FL-2.5 (Vol. 10)

390 - 4. Council, at its meeting held on January 24, 1996, ruled automatic referral of the following motion to the Committee on Finance and Administration under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Lazarenko,
Seconded by Councillor O'Shaughnessy,

WHEREAS the 50th anniversaries of VE and VJ days have now passed;

AND WHEREAS Veterans Associations hold their lands and buildings for charitable purposes on behalf of their members and the community at large;

AND WHEREAS the lands and buildings of all Veterans Associations are deemed to be exempt from property tax levies in Saskatchewan and Alberta, to the extent that those properties are not licensed under Liquor Control Acts;

AND WHEREAS non-profit cultural organizations have received land, buildings, continuing fiscal support and exemption status from property tax;

AND WHEREAS the Veterans Associations now receive an exemption from the school levy (Sec. 23.1.f of The Municipal Assessment Act) and would and could be exempted from the municipal portion of the property tax;

THEREFORE BE IT RESOLVED THAT the City of Winnipeg study the means and the implications of providing to the Veterans Association of Winnipeg an exemption from the municipal portion of the property tax.

Council, on April 24, July 24, November 20, 1996, and January 29, 1997 granted 60-day extensions of time within which to report on the matter.

Report of the Committee on Finance and Administration dated February 3, 1997

On January 29, 1997, the Committee on Finance and Administration heard in delegation John Petrinka accompanied by Richard Wankling, Veteran, Royal Canadian Legion and Don Baird, Manager, Army, Navy and Airforce Veterans in Canada, Fort Garry Unit No. 60, requesting the provision of an exemption from the Municipal Portion of Property Tax to Veterans' Associations of Winnipeg.

The Committee on Finance and Administration considered an administrative report dated January 24, 1997, however requested additional information to be provided in this regard.

The Committee therefore requests an additional 60 days within which to report back to Council on this matter.

Moved by Councillor Steek,
Adoption of the clause.

In amendment,

Moved by Councillor Lazarenko,
Seconded by Councillor Thomas,

That the clause be amended by striking out the wording "requests an additional 60 days" and replacing it with "be granted a final extension of 28 days" and report back to the next Council meeting on this matter.

The amendment was put and declared carried.

The motion for the adoption of the clause, as amended, was put and declared carried.

Redemption of 561 St. Anne's Road from Tax Sale by Instalments
File FL-2.4 (Vol. 12)

391 - 5. On October 3, 1995, Mr. Ameer Khan, through his solicitor, Alex Cudney from the law firm of McRoberts, Cudney, Friesen, Boyechko, requested to be allowed to redeem his property from Tax Sale by instalments.

The City of Winnipeg Act Section 255(4) states the following:

> Notwithstanding section 245 and subsection (1), but subject to subsection (5), the City, if authorized by by-law, may enter into an agreement in writing with an owner of, or a person who has an interest or estate in, or a charge on, land that has been sold for taxes, for the redemption of the land from the tax sale and the payment of all taxes payable in respect of the land subsequently accrued to the date of the agreement and during the currency of the agreement, by instalments.

The payment plan negotiated consists of monthly payments in the amount of $2,300.00. The application of such a proposal, which falls within the framework of previous agreements approved by Council, would retire the present indebtedness of $36,997.48 in approximately 26 months.

The Committee on Finance and Administration therefore recommends:

I. That a redemption be granted from Tax Sale of 561 St. Anne's Road by consecutive monthly payments of $2,300.00.

II. That the Legal Services Division be requested to prepare the necessary by-law authorizing the agreement on a one year conditional basis.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Report of the Committee on Finance and Administration dated February 3, 1997

Redemption of 637 Oakdale Drive from Tax Sale by June 30, 1997
File FL-2.4 (Vol. 12)

392 - 6. On June 24, 1993, Mr. and Mrs. Stock, through their solicitor, requested to be allowed to redeem their property from Tax Sale by installments. The request was granted for a one year term which expired on September 30, 1994. The Stocks' then requested a renewal of the agreement which was granted for a one year term which expired September 30, 1995.

In June of 1993, when Mr. and Mrs. Stock originally negotiated the Agreement with the Finance Department, the proposed monthly payment was to be $540.00 for a period of 34 months, which would have seen the agreement completed in May of 1996. On September 3, 1993, the Stocks appeared before Committee on Finance and Administration and were successful in having the monthly payments reduced to $300.00 for a one year term. Although there were no collection problems during that original Agreement, the payments were too low to cover the annual taxes and interest and pay down the debt. At the end of the one year term, the account balance was slightly higher than it had been to start with.

In September of 1994, a one year extension to the Agreement was negotiated that called for monthly payments of $565.00. This plan would have seen the Agreement completed in 38 months (January of 1998). Together with the 12 month term granted previously, the total repayment schedule would have been 50 months, which is a longer term than has been negotiated for other agreements.

During the tenure of this Agreement, collection of the monthly payments started to become a problem. In September of 1995, after verbal assurances from Mrs. Stock that the situation would improve, a request for a further extension was negotiated at the same monthly payment of $565.00. Problems began immediately, with the first payment being two months late. During the term of this Agreement, five cheques were returned due to insufficient funds and the last payment was not made at all. As well, payment was stopped on the cheque issued to Legal Services for payment of the required legal fees.

On February 3, 1997, Mrs. Stock appeared before the Committee on Finance and Administration and offered to pay all outstanding taxes by the end of June, 1997 in one lump sum, and requested an extension of time to June 30, 1997 within which to pay the balance of taxes owing including arrears and penalties. The Committee is recommending that the owners be permitted to redeem the property from tax sale by June 30, 1997, however Committee will not consider any further extension of time for the redemption of the property after that date.

The Committee on Finance and Administration therefore recommends:

I. That an extension to permit the redemption of 637 Oakdale Drive from tax sale be granted to permit payment of all outstanding taxes.

II. That the City Solicitor/Manager of Legal Services be requested to withhold completion of the City's tax application until after June 30, 1997.

Adopted by consent.

Fixed Date - Assessment Appeals
File AB-2 (Vol. 10)

393 - 7. Council at its meeting held on October 23, 1996, ruled automatic referral of the following motion to your Committee, under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Golden,
Seconded by Councillor Lazarenko,

WHEREAS the deadline for filing assessment appeals to the 1997 assessment roll has been changed to Monday, October 28, 1996 at 4:30 p.m.;

AND WHEREAS the public has been misinformed that the deadline would be set in January of 1997;

Report of the Committee on Finance and Administration dated February 3, 1997

AND WHEREAS questions have been raised about the legality of the 1996 Secretary of the 1996 Board of Revision advertising a deadline for appeals to the 1997 roll;

AND WHEREAS aside from the question of the legality of setting the deadline for appeals at October 28, 1996 at 4:30 p.m., the public is better served if a fixed date is set annually, rather than some ratepayers being victimized by the setting of a different date annually;

NOW THEREFORE BE IT RESOLVED that City Council request the Province of Manitoba to set a fixed date annually as the deadline for filing assessment appeals.

The Committee on Finance and Administration has been advised that the date of the closing of the Assessment Roll is determined by the City Assessor, in accordance with Subsection 9(3) of The Municipal Assessment Act. Historically the City Assessor has delivered the assessment roll on or about December 31. In the "City of Winnipeg Property Tax Assessment Inquiry" report, John M. Scurfield notes that:

> *"The British Columbia model is more efficient and should be followed. Draft notices, or preview assessments, should be delivered to property owners by June, together with their tax notices from the current year. Between June and September 30, informal meetings can be held with concerned property owners to confirm the assessments with them.....The assessment roll would then be delivered by September 30, with a thirty day appeal period thereafter. Hearing of the high value appeals should take place prior to the current budget deadline of December 31. If there remains a significant amount of the assessment roll at risk, Council can postpone its budget as late as March 31 and still comply with the legislation. The goal is to establish a stable assessment roll prior to the setting of the mill rate and, in any event, prior to the actual payment of taxes by property owners."*

In accordance with the cost saving concept of expediting the assessment appeal process so as to hear appeals prior to the budget process, the City Administration, specifically the Acting City Assessor, delivered the 1997 Assessment Roll on October 9, 1996. In a seminar to Council on November 19, 1996 the City Assessor noted:

> *"One strategy for limiting the City's exposure to losses due to tax refunds on appeal is to allow extra time for appeals to be heard prior to the issuance of tax bills. This strategy has the added advantage of enhancing the City's financial predictability and stability in that it provides for greater certainty regarding the actual size of the assessment base at the time when the mill rate is struck.*
>
> *With these advantages in mind a plan was developed to produce the 1997 "Maintenance" Roll by August 30, 1996. This plan was successfully implemented and the 1997 Roll and approximately 13,000 accompanying notices were produced by August 30, 1996. However, the legislation then in effect required that a full general assessment (involving the moving of the reference year to 1995 from 1991) be completed for 1997. Consequently the 1997 "Maintenance" Roll was technically illegal. The City Assessor had to delay delivery of the Roll until assurance was received from the Province of Manitoba on October 10, 1996 that validating legislation was about to be passed."*

Subsection 41(2) of The Municipal Assessment Act directs that "the Secretary shall, at least 30 days before the scheduled date of commencement of a sitting of the board, give public notice of the sitting", and Subsection 43(1) of The Municipal Assessment Act specifies that "an application for revision must [be made] at least 15 days before the scheduled sitting date of the board as indicated in the public notice".

Subsequently, upon receiving the Assessment Roll on October 9, 1996, public notice appeared in the local newspapers on October 12 and October 19, advising that applications for assessment revision must be submitted by October 28, 1996, and identified the first sitting of the Board of Revision on November 12, 1996.

In accordance with the concept of increasing the time for hearings prior to setting the budget, the Acting City Assessor is proposing to deliver the 1998 reassessment roll by June 30, 1997. The intent is to provide the longest possible period [between July 29, 1997 to March 13, 1998] in which to hear any appeals filed. The goal is to have all Board of revision-level appeals heard prior to tax bill production in 1998. Probably with the exception of Municipal Board Appeals, the 1998 tax roll would be "clean".

In compliance with this cost saving direction, the Board of Revision is planning on placing the public notice in local newspapers on June 28, 1997 and commencing the hearing of appeals on July 29, 1997.

Report of the Committee on Finance and Administration dated February 3, 1997

In reference to the possibility of legislated deadlines for the hearing of appeals, John M. Scurfield, in the "City of Winnipeg Property Tax Assessment Inquiry" report, notes that:

> *"Legislative deadlines for the hearing of appeals should be imposed to ensure that all appeals are heard, ideally, prior to the setting of the mill rate. Under the proposed system, the deadline for resolution of appeals by the Board of Revision should be February 28 of the budget year. The manner of hearing those appeals should be left to the Board of Revision but it is logical to allow unlimited written presentations to be made in advance and to limit oral presentations."*

The assessment appeal process implemented for the 1997 Assessment and that being proposed for the 1998 Assessment fully accords the principle of hearing the appeals prior to the setting of the mill rate.

On February 3, 1997, the Committee on Finance and Administration considered a motion to concur in the administrative recommendation, namely that a specific date is not mandatory or necessary inasmuch as it is the intention to have all assessment appeals heard prior to production of the tax bill, and Committee also considered a motion to request the Province of Manitoba to establish a filing date of June 30 in each taxation year, however, inasmuch as both motions resulted in a tie vote, the matter is submitted to Council without recommendation.

The Executive Policy Committee recommends that the Province of Manitoba be requested to establish a filing date of June 30 in each taxation year.

Moved by Councillor Steek,
That the clause be considered.

Carried.

Moved by Deputy Mayor Eadie,
That the recommendation of the Executive Policy Committee be adopted.

The recommendation proposed by the Executive Policy Committee was put and declared carried.

Leave and License Agreement - Winnipeg Blood Transfusion Service Centre Inc. - Underground Tunnel Encroachment within the William Avenue Right-of-Way East of Tecumseh Street
File ED(34) (Vol. 1)

394 - 8. The City has received a request from the Winnipeg Blood Transfusion Service Centre Inc. to construct an underground tunnel within the William Avenue right-of-way, as shown on Misc. Plan No. LSWK 9899/1, to connect the proposed Blood Transfusion Centre with existing tunnels contained within the Health Sciences Centre property on the south side of William Avenue. An agreement between the Winnipeg Blood Transfusion Service Centre Inc. and the Health Sciences Centre was formalized in May 1996 to permit the construction and operation of the tunnel within Health Sciences Centre property.

The application was circulated for comments from various City departments and public utilities with no objections being received, subject to certain conditions which have been incorporated into the proposed terms and conditions of agreement outlined in Schedule "A".

Briefly, the proposed terms and conditions of the agreement provide for the construction and maintenance of an underground tunnel at the expense of Winnipeg Blood Transfusion Service Centre Inc., for a term of 40 years with an automatic 10 year renewal if notice is not given at least 12 months prior to the expiration of the term. Rental of $300.00 per annum is computed on the basis of the fees outlined in the City of Winnipeg Encroachment By-law and shall be adjusted accordingly should the fees be amended from time to time under this by-law.

Over the years, Council has granted Leave and License to various organization to formalize this type of encroachment throughout the City. A similar agreement between the City of Winnipeg and the Health Sciences Centre to permit a tunnel under Emily Street was adopted by Council on July 11, 1990.

The Committee on Finance and Administration recommends:

Report of the Committee on Finance and Administration dated February 3, 1997

I. That a Leave and License be granted to the Winnipeg Blood Transfusion Service Centre Inc., to accommodate an underground tunnel within the William Avenue right-of-way as shown on Misc. Plan No. LSWK 9899/1, in accordance with the terms and conditions outlined in Schedule "A", and in a form satisfactory to the City Solicitor/Manager of Legal Services.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Copies of Misc. Plan No. LSWK 9899/1 and Schedule "A" are on file in the Office of the City Clerk.

Adopted by consent.

Proposed Acquisition of Lands 4.0m x 5.0m for Lane Corner Cut - 1003 Dumas Avenue File FI-2(35) (Vol. 4)

395 - 9. By memorandum dated May 10, 1996, the Solid Waste Division of the Water and Waste Department advised that it had evaluated the need for and wanted to proceed with the acquisition of the referenced corner cut identified as "proposed lane opening" on Misc. Plan No. ASBA 9725.

The owner's intention was to fence this property as he had in the past experienced problems with City and public vehicles trespassing over the property. The acquisition of the property at this time would minimize acquisition costs because it would not involve relocating a proposed fence.

On November 21, 1996, the Board of Commissioners formally authorized that negotiations be undertaken. Ongoing negotiations with the owner have resulted in the proposed settlement as outlined on Schedule "A".

The Land and Development Services Department supports acquisition of the property for the following reasons:

- the proposed settlement is fair, reasonable and consistent with other similar acquisitions,
- the proposed purchase price is within the estimated value range contained within the City's in-house appraisal,
- acquisition of the property will mitigate against future trespass and damage claims,
- the proposed lane radius modification will improve safety and facilitate movement of vehicular traffic in the lane.

The location of the proposed corner cut was not identified in any previous Council approved program and as such will require City Council approval.

Adequate funding for the proposed acquisition is committed in Certificate No. FT96-09 against the Land Acquisition for Future Transportation Account.

The Committee on Finance and Administration recommends:

I. That the acquisition of the property identified as "PROPOSED LANE OPENING" on Misc. Plan No. ASBA 9725 be approved at a purchase price of $714.00, in accordance with the terms and conditions outlined on Schedule "A".

II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Adopted by consent.

COMMITTEE ON FINANCE AND ADMINISTRATION

MOTIONS

Moved by Councillor Steek,
Seconded by Councillor Lazarenko,

396 - WHEREAS the City and the Province jointly funded a study with the KGS Group to review riverbank stability on lands commonly known as the Elmwood Cemetery;

AND WHEREAS the KGS Group have confirmed the need to relocate twenty-four graves within the Elmwood Cemetery due to the erosion of the riverbank and that there is an urgency to move the graves while the ground is still frozen this month;

AND WHEREAS Elmwood Cemetery wishes to move the graves with dignity and care and is prepared to provide at no cost, alternate grave sites within the cemetery for the twenty-four graves;

AND WHEREAS the cost to move the twenty-four graves is estimated to be approximately $70,000.00;

AND WHEREAS the Honourable Jack Reimer, Minister of Urban Affairs, has advised that the Province of Manitoba has agreed to finance one half of the estimated costs;

THEREFORE BE IT RESOLVED that a one-time grant from the 1997 Current Budget be approved to the Elmwood Cemetery Company, equivalent to one-half of the actual cost to relocate twenty-four graves and not exceeding $35,000.00, said funding to be placed in the 1997 Current Estimates with payment to be made subject to submission for the approval of the Director of Corporate Finance, itemized invoices together with such supporting documentation as he may require.

The Speaker ruled automatic referral to the Committee on Finance and Administration in accordance with Rule 16.1 of the Procedure By-law.

Moved by Councillor Steek,

That the rule be suspended to allow consideration of the motion at this time.

Carried.

The motion was put and declared carried.

COMMITTEE ON FINANCE AND ADMINISTRATION

CONSIDERATION OF BY-LAWS

397 - On motion of Councillor Steek, By-law No. 6992/97, a By-law of The City of Winnipeg to amend the Amusement Tax By-law No. 3107/81, 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 FL-6 (Vol. 14)

On motion of Councillor Steek, the rule was suspended and 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. 6995/97, a by-law of The City of Winnipeg to amend By-law No. 5796/91, being a by-law to fix the date on which realty and business taxes shall be due and payable and to establish a rate of penalties to be added to taxes in arrears. File FL-2 (Vol. 13)

By-law No. 6996/97, a by-law of the City of Winnipeg to widen the south side of Nairn Avenue, west of Panet Road. File FI-2.3 (33) (Vol. 1)

COMMITTEE ON FINANCE AND ADMINISTRATION

QUESTION PERIOD

398 - Councillor Murray noted that he was aware of numerous commercial properties in his ward that were under-assessed and questioned when this would be corrected.

Councillor Steek noted that there were three advisory committees currently reviewing assessment issues and further noted that to assist in resolving this problem Councillor Murray should specifically identify the examples of under-assessment.

Councillor Murray responded that he had reported to the Acting City Assessor on properties that were built four years ago and still do not appear on the City's assessment roll. He noted that for seven years, he has requested that the Assessment Department hire sufficient staff to go out and correct the roll and questioned whether staff was now in place and out inspecting these commercial properties.

Councillor Steek stated that he would be pleased to meet with Councillor Murray and the Acting City Assessor to review and address this matter.

Councillor Murray questioned what percentage of commercial properties had been reviewed by the Assessment Department to date.

Councillor Steek noted that the 1997 roll was a maintenance roll and that the 1998 roll represented the general assessment based on 1995 values, but further noted that he was not aware of the percentage of commercial properties that had been reviewed by the Assessment Department to date.

Councillor Golden noted prior to the last roll closing, that he had brought to the attention of the Assessment Department a number of properties which were under-assessed and questioned if Councillor Steek was aware of the fact that the Assessment Department had ignored the information and left the properties at their previously under-assessed values for this year's tax roll.

Councillor Steek noted that he would be pleased to review this matter with Councillor Golden.

Councillor Timm-Rudolph referred to the provisions of The Municipal Assessment Act which placed the onus on the City to ensure that its assessments were correct and questioned if Assessors would be visiting properties being appealed prior to Board of Revision hearings or Municipal Board hearings being held, in view of the fact that this had not transpired to date.

Councillor Steek stated that he believed that this was not practised in the past because of limited manpower and indicated that he would take the question under advisement to discuss it with the Acting City Assessor.

Councillor Murray referred to gross inaccuracies in commercial assessments and the lack of identification of revenue producing rooming houses and in noting the millions of dollars of lost revenue to the City, questioned what additional resources were in place and what was being done in the short term, over the next 12 to 24 months, to correct this.

Councillor Steek noted that there were three assessment review committees which had been set up and advised that at one of the meetings he attended last week, the members of the residential panel were addressing the very issues brought up by Councillor Golden on the floor of Council. Councillor Steek advised he would take the rooming house matter under advisement.

Councillor Murray noted that he had received a telephone call asking what improvements had been made to his condominium and questioned the effectiveness of having City staff phoning property owners blindly questioning what improvements had been made in their buildings, rather than have someone go out and do an assessment and questioned what plans where in place to begin conducting physical assessments of properties in this City.

Councillor Steek took the questions under advisement and stated that there were indications that the assessment roll base this year could be anywhere from $3 million to $3.5 million higher and suggested that the City must be doing something right in order to have that gain.

Committee on Finance and Administration - Question Period (continued)

Councillor Murray noted that the telephone call methodology was superior to past practise. He questioned when there would be additional resources in place prior to the passing of the new budget to make an adequate working system.

Councillor Steek noted he would take the questions under advisement.

REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED JANUARY 10, 1997

On motion of Councillor Silva, the Report of the Committee on Planning and Community Services dated January 10, 1997, was considered.

Proposed Changes to The Board of Adjustment By-law No. 5894/92
File GK-12 (Vol. 5)

399 - 5. The Committee on Planning and Community Services has been advised that in recognition of the continuous need to review and rationalize processes and procedures to achieve greater efficiencies, and in response to comments and concerns expressed in areas of the approval process, representatives of the City Clerk's, Community Services, Corporate Services and Land and Development Services Departments, together with the Chairperson of the Board, met and discussed ways and means to streamline the Variance and Conditional Use approval processes.

In addition, as a result of numerous organizational changes, reduced human and fiscal resources make it difficult to continue current levels of support for the public hearings in the current manner. This strategy is a result of the requirement to provide alternative services and does not in any manner, take away from the efforts and operations of the Board of Adjustment members.

With the passage of Bill 35 (2nd Session, 35th Legislature), the City was required to pass procedural by-laws governing land use regulation procedures, including a by-law to provide for the appointment of members and the functions of the Board of Adjustment.

Accordingly, Council passed The Board of Adjustment By-law No. 5894/92 on March 4, 1992, and approved appointments of the citizen members to the Board on March 25, 1992. On May 23, 1992, Council passed a further by-law amending The Board of Adjustment By-law re-establishing the initial terms of office.

Since April, 1992, the Board of Adjustment has been conducting public hearings once a week during the evening at 300 Assiniboine Avenue, and to-date has convened 224 meetings and considered more than 2,440 Variance and Conditional Use applications.

It must be noted that the City Clerk's and Community Services Departments (Community Planning Division) can no longer continue to support up to 115 - 120 public hearing dates annually with resources that have been reduced through "New Directions" and related budgetary reductions. It is therefore considered appropriate to review The Board of Adjustment By-law and recommend appropriate amendments to rationalize the service provided to the board, improve the efficiency of the approval processes and service provided by the Board.

Location of Meetings

Section 12 of The Board of Adjustment By-law states that:

> *"12. The board shall conduct public hearings on applications in the community offices, 300 Assiniboine Avenue, once a week during the evening or at such other locations and times as the chairperson of the board determines from time to time."*

As a result of "New Directions" and the direction articulated in the "Campus Concept" plan, staff will be located in or near the Civic Centre. The requirement that the Board conduct public hearings at 300 Assiniboine Avenue does not adequately provide for flexibility for future meetings. Notably, the Council Building may provide more suitable facilities, vis-a-vis transportation of equipment, files, supplies and occasional parking, car mileage, maintenance and security costs. Relocation of Board meetings to a more appropriate venue, such as the Council Chamber, would also allow better use of existing facilities by the Board of Revision, the principal tenant at 300 Assiniboine Avenue.

Report of the Committee on Planning and Community Services dated January 10, 1997

It is therefore recommended that reference to *"the community offices, 300 Assiniboine Avenue,"* as the designated meeting location be deleted to allow flexibility of the venue for meetings of the board. Selection of a more suitable venue, would of course, take into consideration the suitability of the facility, location, accessibility, on-site security, etc, and arise out of consultation with the Chairperson of the Board.

Schedule of Meetings

In accordance with the by-law, the Board meets once a week, the members of the Board being paid a set remuneration for a minimum 4 hearing hours. However, on fewer than half of the occasions do the Board meetings exceed 2 hearing hours. In 1995, the Board held meetings of a duration of 2 ½ hours or less on 30 of 48 occasions, resulting in unnecessary expenditures of more than 50% of the actual disbursement for remuneration of the members. If the Board were to meet on alternate weeks from the Appeal Committee *(Committee on Planning and Community Services)*, the same number of applications would be considered, as outlined on Appendix "A", however, panel members would attend Board meetings less often, likely for a longer duration, which could result in a net saving of approximately 50% of the budgeted allocation, ie $12,000 (as outlined on Appendix “B”).

In an effort to better manage the workload, and maximize both staff and financial resources, it is therefore recommended that the by-law be amended to allow the Board to conduct public hearings on applications on alternate weeks from Appeal Committee meetings, during the evening as determined by the Secretary of the Board, in consultation with the Zoning Administrator and Chairperson of the Board, or at such other times as may be determined from time to time.

Members of The Board

Section 2 of The Board of Adjustment By-law states that:

> *"2. The board shall be made up of 6 members appointed by resolution of Council including a chairperson and vice-chairperson and no member may hold a provincial or municipal office by appointment or election while a member of the board."*
>
> *C.W. Act Section 650(2)*

Moreover, should the Board of Adjustment change its schedule to meet on the said alternate weeks from the Appeal Committee, it would allow and be appropriate to reduce the member complement to five (5) members. The revised meeting schedule would require members to attend on fewer occasions, albeit to likely consider more applications. A rotation of five (5) members would provide for consistency, predictability and understandability by the members of the rules of practice and procedure.

It is therefore recommended that the Board be made of up of five (5) members instead of (6) six as is presently required, and Section 2 of the by-law be so amended.

Selection and Remuneration of Standby Members

Section 13 of The Board of Adjustment By-law states that:

> *"13. The board shall sit in panels of 3 members selected by the chairperson."*
>
> *C.W. Act Section 650(3)*

Further, Section 6 of The Board of Adjustment By-law sets out the remuneration to be paid by the City for each of the members - chairperson ($150 for a min. 4 hearing hours / $37.50 @ hour); vice-chairperson ($120 for a min. 4 hearing hours / $30.00 @ hour); and other members ($100 for a min. 4 hearing hours / $25.00 @ hour).

Since the initial meetings of the Board in April, 1992, the Chairperson has prepared the schedule of meetings, including selection of the panel members. As a matter of practice, the Chairperson has also scheduled a standby member for each meeting, which member has been paid $100/$120 per meeting, his/her attendance notwithstanding.

In 1995, the remuneration paid to the standby member(s) totalled $4,880, accounting for more than 25% of the entire allocation adopted by Council for remuneration of Board of Adjustment members ($24,200). On only four (4) occasions (of 48) was the standby member actually required to attend a Board Meeting as a panel member as outlined in Appendix “C”.

Report of the Committee on Planning and Community Services dated January 10, 1997

It is therefore recommended that the practice of selecting and remunerating a standby member be discontinued.

Terms of Office

To encourage participation and to avail of the abilities and contributions of as many persons residing in Winnipeg with a community interest, who wish to make a contribution and who are willing to devote time to review applications and attend meetings, it is further recommended that the following be included as subsection (4) to Section 3 of The Board of Adjustment By-law, namely:-

> *"3. (4) That upon adoption of the amending by-law by Council, no member of the said board shall serve more than three (3) consecutive terms, or nine (9) years, whichever is the lesser."*

The present staggered terms, as required by section 651(1)(a) of the City of Winnipeg Act and the initial terms of office as set out in amending By-law No. 6026/92, ensure that the terms of no more than 1/3 of the members expire in any given year. The staggered terms also allow for experienced members to provide consistency to the board and transfer knowledge to the newly appointed members.

It is further recommended that the Chairperson provide a performance evaluation on each of the Board members to Selection Committee prior to its consideration of applications for appointment and/or re-appointment of citizen members to the board, and same be included as subsection (5) to Section 3 of The Board of Adjustment By-law, namely:-

> *"3. (5) That the chairperson provide a performance evaluation on each of the board members to Selection Committee prior to its consideration of applications for re-appointment of citizen members to the board, and recommendation to Council at its first meeting in January in the year following the November Organization Meeting, in accordance with the selection process."*

Recording of Public Hearings

Section 11 of The Board of Adjustment By-law specifies that:

> *"11. The secretary of the board with such support staff as is provided by the city clerk shall maintain the records of the board, carry out correspondence, attend, record and process hearings and decisions of the board, prepare and issue orders setting out decisions of the board and perform generally all administrative functions required in the operation of the board."*

Moreover, requests have been received to the effect that meetings of the Board of Adjustment be taped or recorded in a manner that provides a record of comments and decisions made at a particular hearing.

In response thereto, it is recommended that the by-law be amended to make the recording of public hearings obligatory, which would require the Secretary of the Board to record by audio tape all proceedings, a copy of which would be retained in safekeeping until such time as the appeal period has expired, or a resolution of the matter is determined by the Appeal Committee (Committee on Planning and Community Services).

Written requests for a copy of the recording and/or transcripts, etc. would be processed in accordance with the Fees and Charges Policy for the City Clerk's Department adopted by Council, on a cost recovery basis, namely, $15.00 per reproduction of videocassette + GST, and/or the hourly wage of 1 employee (Clerk A) for the duration of the transcript time

Rules of Practice and Procedure of The Board

Section 16 of The Board of Adjustment By-law specifies that:

> *"16. The rules of practice and procedure of the board are as set out in Schedule 'A' to this by-law and may if required be supplemented by additional rules not contrary to Schedule 'A' made by a majority of the board."*

Upon review of the said Rules of Practice and Procedure of the Board, it is recommended that, as a matter of "housekeeping", same be repealed and replaced with the revised Schedule "A" to By-law No. 5894/92 as outlined on Appendix "D", and that Section 16 be amended to reference Schedule "A" as revised.

Report of the Committee on Planning and Community Services dated January 10, 1997

Use of Official Languages in Proceedings

To affirm the City of Winnipeg's general obligation to provide municipal services in both official languages, as provided in Part 3 of *The City of Winnipeg Act*, it is recommended that The Board of Adjustment By-law be amended to include provision for simultaneous translation services upon written request.

It is therefore recommended that the following be included as subsections (1) and (2) to Section 16 of The Board of Adjustment By-law to formally extend the City's commitment to proceedings of the board, as is provided to community committee, namely:-

"Use of official languages in proceedings of the Board of Adjustment

16. (1) Every person is entitled to use either official language in a proceeding of or before the Board of Adjustment with respect to a matter and, where notice is given, the proceeding with respect to that matter shall be conducted or simultaneously interpreted in both official languages."

C.W. Act Section 87.3(3)

"Notice

16. (2) A notice referred to in subsection (1) shall be in writing, shall specify the matter and the proceeding and shall be given to the secretary of the board not less than two (2) working days before the proceeding."

C.W. Act Section 87.3(2)

A comprehensive list of proposed amendments to The Board of Adjustment By-law No. 5894/92 and rationale is outlined on Appendix "E".

The Committee on Planning and Community Services recommends:

I. That the Board of Adjustment By-law No. 5894/92, be amended as follows:

A. Schedule of Meetings:

That the by-law be amended to allow the Board to conduct public hearings on applications on alternate weeks from Appeal Committee meetings, during the evening as determined by the Secretary of the Board, in consultation with the Zoning Administrator and Chairperson of the Board, or at such other times as may be determined from time to time.

B. Recording of Public Hearings:

That the by-law be amended to make the recording of public hearings obligatory, which would require the Secretary of the Board to record by audio tape all proceedings, a copy of which would be retained in safekeeping until such time as the appeal period has expired, or a resolution of the matter is determined by the Appeal Committee (Committee on Planning and Community Services).

C. Rules of Practice and Procedure of the Board:

That, as a matter of "housekeeping", the current 'Rules of Practice and Procedure of the Board' be repealed and replaced with the revised Schedule "A" to By-law No. 5894/92 as outlined on Appendix "D", and that Section 16 be amended to reference Schedule "A" as revised.

D. Voting:

That all members of the Board of Adjustment must vote on each application that is presented to them in public hearings.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending by-law and forward same to Council for all three readings.

Report of the Committee on Planning and Community Services dated January 10, 1997

III. That the Administration review *The City of Winnipeg Act* and The Development Procedures By-law No. 5893/92 which provides for procedures under Part 20 of the Act and the making of zoning variance orders and conditional use zoning orders, with a view to recommending additional legislative changes which would further improve customer service vis-a-vis combined notices and public hearings for zoning agreement amendment and license applications.

IV. That a further review of the operation of the Board of Adjustment and the Variance and Conditional Use approval processes be undertaken within one year, to assess the efficiency and effectiveness of the service provided to and by the board, at that time, with a particular focus to the changes in the meeting schedule.

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

The following recommendations of the Administration, which would also amend the By-law, are submitted without recommendation in view of a tie vote, namely: -

I. E. Location of Meetings:

That reference to *"the community offices, 300 Assiniboine Avenue,"* as the designated meeting location be deleted to allow flexibility of the venue for meetings of the board.

F. Members of the Board:

That the Board be made of up to five (5) members instead of (6) six as is presently required, and Section 2 of the by-law be so amended.

G. Selection and Remuneration of Standby Members:

That the practice of selecting and remunerating a standby member be discontinued.

H. Terms of Office:

1. That the following be included as subsection (4) to Section 3 of The Board of Adjustment By-law, namely:-

"3. (4) That upon adoption of the amending by-law by Council, no member of the said board shall serve more than three (3) consecutive terms, or nine (9) years, whichever is the lesser."

2. That the Chairperson provide a performance evaluation on each of the Board members to Selection Committee prior to its consideration of applications for appointment and/or re-appointment of citizen members to the board, and same be included as subsection (5) to Section 3 of The Board of Adjustment By-law, namely:-

"3. (5) That the chairperson provide a performance evaluation on each of the board members to Selection Committee prior to its consideration of applications for re-appointment of citizen members to the board, and recommendation to Council at its first meeting in January in the year following the November Organization Meeting, in accordance with the selection process."

I. Use of Official Languages in Proceedings:

That the following be included as subsections (1) and (2) to Section 16 of The Board of Adjustment By-law, namely:-

"Use of official languages in proceedings of the Board of Adjustment

16. (1) Every person is entitled to use either official language in a proceeding of or before the Board of Adjustment with respect to a matter and, where notice is given, the proceeding with respect to that matter shall be conducted or simultaneously interpreted in both official languages."

C.W. Act Section 87.3(3)

"Notice

Report of the Committee on Planning and Community Services dated January 10, 1997

16. (2) A notice referred to in subsection (1) shall be in writing, shall specify the matter and the proceeding and shall be given to the secretary of the board not less than two (2) working days before the proceeding."

C.W. Act Section 87.3(2)

The Executive Policy Committee recommends that the Board of Adjustment By-law No. 5894/92, be amended as follows:

I. A. Schedule of Meetings:

That the by-law be amended to allow the Board to conduct public hearings on applications on alternate weeks from Appeal Committee meetings, during the evening as determined by the Secretary of the Board, in consultation with the Zoning Administrator and Chairperson of the Board, or at such other times as may be determined from time to time.

B. Recording of Public Hearings:

That the by-law be amended to make the recording of public hearings obligatory, which would require the Secretary of the Board to record by audio tape all proceedings, a copy of which would be retained in safekeeping until such time as the appeal period has expired, or a resolution of the matter is determined by the Appeal Committee (Committee on Planning and Community Services).

C. Rules of Practice and Procedure of the Board:

That, as a matter of "housekeeping", the current 'Rules of Practice and Procedure of the Board' be repealed and replaced with the revised Schedule "A" to By-law No. 5894/92 as outlined on Appendix "D", and that Section 16 be amended to reference Schedule "A" as revised.

D. Voting:

That all members of the Board of Adjustment must vote on each application that is presented to them in public hearings.

E. Location of Meetings:

That reference to "the community offices, 300 Assiniboine Avenue," as the designated meeting location be deleted to allow flexibility of the venue for meetings of the board.

F. Members of the Board:

That the Board be made of up to five (5) members instead of (6) six as is presently required, and Section 2 of the by-law be so amended.

G. Selection and Remuneration of Standby Members:

That the practice of selecting and remunerating a standby member be discontinued.

H. Terms of Office:

1. That the following be included as subsection (4) to Section 3 of The Board of Adjustment By-law, namely:-

"3. (4) That upon adoption of the amending by-law by Council, no member of the said board shall serve more than three (3) consecutive terms, or nine (9) years, whichever is the lesser."

Report of the Committee on Planning and Community Services dated January 10, 1997

2. *That the Chairperson provide a performance evaluation on each of the Board members to Selection Committee prior to its consideration of applications for appointment and/or re-appointment of citizen members to the board, and same be included as subsection (5) to Section 3 of The Board of Adjustment By-law, namely:-*

"3. (5) That the chairperson provide a performance evaluation on each of the board members to Selection Committee prior to its consideration of applications for re-appointment of citizen members to the board, and recommendation to Council at its first meeting in January in the year following the November Organization Meeting, in accordance with the selection process."

I. *Use of Official Languages in Proceedings:*

That the following be included as subsections (1) and (2) to Section 16 of The Board of Adjustment By-law, namely:-

"Use of official languages in proceedings of the Board of Adjustment

16. (1) Every person is entitled to use either official language in a proceeding of or before the Board of Adjustment with respect to a matter and, where notice is given, the proceeding with respect to that matter shall be conducted or simultaneously interpreted in both official languages."

C.W. Act Section 87.3(3)

"Notice

16. (2) A notice referred to in subsection (1) shall be in writing, shall specify the matter and the proceeding and shall be given to the secretary of the board not less than two (2) working days before the proceeding."

C.W. Act Section 87.3(2)

II. *That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending by-law and forward same to Council for all three readings.*

III. *That the Administration review The City of Winnipeg Act and The Development Procedures By-law No. 5893/92 which provides for procedures under Part 20 of the Act and the making of zoning variance orders and conditional use zoning orders, with a view to recommending additional legislative changes which would further improve customer service vis-a-vis combined notices and public hearings for zoning agreement amendment and license applications.*

IV. *That a further review of the operation of the Board of Adjustment and the Variance and Conditional Use approval processes be undertaken within one year, to assess the efficiency and effectiveness of the service provided to and by the board, at that time, with a particular focus to the changes in the meeting schedule.*

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

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

Moved by Councillor Silva,

That the clause be referred back to the Executive Policy Committee.

Carried.

REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED FEBRUARY 4, 1997

On motion of Councillor Silva, the Report of the Committee on Planning and Community Services, dated February 4, 1997, was considered clause by clause.

Moved by Councillor Silva,
That the Consent Agenda, Clauses 1,2,4,5,6,7,8,9,10,11 and 12 be adopted.

Carried.

Naming of the new Public Library located at 765 Keewatin Street south of Burrows Avenue - Lord Selkirk-West Kildonan Community File L-34 (Vol. 2)

400 - 1. On January 21, 1997, the Lord Selkirk-West Kildonan Community Committee considered a communication dated December 8, 1996 from Rick Walter, Area Head, Library Department with respect to naming of the new public library. The communication advised of the contest held by the Library Department which was considered very successful as over 250 entries were received from the community.

The Lord Selkirk-West Kildonan Community Committee recommended that favourable consideration be given to naming the library located at 765 Keewatin Street, the "Sir William Stephenson Library", after the well known inventor, businessman and master spy.

For the information of Council, Sir William Samuel Stephenson was born in Winnipeg on January 11, 1896. He flew as a fighter pilot in World War I, winning several medals for bravery. While a student at the University of Manitoba, he invented the wirephoto and then a radio facsimile method of transmitting pictures without telephone or telegraph wires. He moved to Britain in 1921 to develop and market this invention to newspapers and rapidly earned a fortune and an entree to influential political circles in London.

At the beginning of World War II, William Stephenson was placed in charge of British Security Co-ordination (counterespionage) with headquarters in New York where the telegraphic address was INTREPID, later popularized as Stephenson's code name. Although he was knighted by King George VI and awarded the US Medal for Merit, not much was known about his war services until the publication of H. Montgomery Hyde's *The Quiet Canadian* (1962). William Stevenson (no relative to Stephenson) later published 2 well known books about him, *A Man Called Intrepid* (1977) and *Intrepid's Last Case* (1983).

The Committee on Planning and Community Services concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends:

I. That the new library located at 765 Keewatin Street be named the "Sir William Stephenson Library";

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.

Report of the Committee on Planning and Community Services dated February 4, 1997

Fencing Requirements for Outdoor Pools
File EZ-DAZ(34)(Gen.)
[c/r EB-1.7 (Vol. 9)]

401 - 2. On December 9, 1996, Executive Policy Committee referred back Clause 6 of the Report of the Committee on Planning and Community Services dated November 26, 1996, as outlined in Exhibit "A", for review by the Law Department.

The Committee has been advised in an administrative report that the Building Code requirements for fencing are established by the Province and are enforced by the City. The requirements are consistent with by-law requirements for residential pool fencing in other Canadian cities.

The designated officer of the City does have discretionary powers to accept an "approved equal" which would meet the intent of the Code. However, in the opinion of that officer and of Legal Services, a lockable cover does not constitute an acceptable equivalent.

The administration has recommended that amendments to the Manitoba Building Code should only be proposed if one of the following considerations apply:

1. Does the amendment improve safety for the general public?
2. Is it a common complaint of the public that this is an unreasonable condition?
3. Is the cost of complying with this condition prohibitive?

The assessment of the administration is that the proposed amendment would result in a reduced level of safety for other persons in the neighbourhood. Fencing around a pool or hot tub creates an environment which is readily controlled by the owner of the pool or hot tub. While arguably the owner of the pool or hot tub can control access through the placement of a locked cover, the time and effort required to position such a device make it unlikely that this precaution would be taken everytime the person using the pool or hot tub has to go in "for a few minutes". The existence of a fence surrounding the area promotes a conscious decision by that person to remove any children from the pool and to secure the area from access by others before leaving the pool area to go inside the house to answer a phone, go to the bathroom, etc. Although a lockable cover may be of equal protection for "long term closures," it would likely be of little value in the short term situation. Accidents happen in the short term.

The administration has advised that they are unaware of any pattern of complaints that the existing requirement is unreasonable or cost prohibitive and would suggest that the prevention of one drowning is well worth the cost of the requirement.

The administration has further suggested that the existing requirements are consistent with the provisions of The Occupiers Liability Act which provides:

> "3(1) An occupier of premises owes a duty to persons entering on the premises and to any person, whether on or off the premises, whose property is on the premises, to take such care as, in all circumstances of the case, is reasonable to see that the person or property, as the case may be, will be reasonably safe while on the premises."

This duty extends to young children who may not understand the concept of trespass.

The Committee on Planning and Community Services has reiterated its decision of November 26, 1996 and recommends:

I. That the Province of Manitoba be requested to amend the Manitoba Building Code to provide that small pools such as hot tubs be required to have lockable covers in lieu of fencing around the property.

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.

(See Minute No. 432 for attachment)

Proposed Amendments to the Development
Fees By-law No. 6655/95

Report of the Committee on Planning and Community Services dated February 4, 1997

File EP-1 (Vol. 18)

402 - 3. The Committee on Planning and Community Services has reconsidered Clause 6 of its Report dated January 10, 1997, as outlined in Exhibit "A", with respect to proposed amendments to the Development Fees By-law No. 6655/95, which was referred back by Council on January 29, 1997.

The Committee on Planning and Community Services recommends:

I. That the amendments to Development Fees By-law No. 6655/95 dealing with definitions and the re-organization of certain sections of the by-law as outlined in Schedule “A”, be approved.

II. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of the City of Winnipeg Act.

III. That the City Solicitor/Manager of Legal Services forward the by-law to Council for all three readings.

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

The Committee on Planning and Community Services resubmits to Council, without recommendation, the matter relative to fees.

The Executive Policy Committee concurs with the amendments to the Development Fees By-law No. 6655/95 dealing with definitions and the reorganization of certain sections of the by-law; and further recommends the matter relative to fees be referred to the Administration for further consideration and report back.

Moved by Councillor Silva,
That the clause be considered.

Carried.

Moved by Deputy Mayor Eadie,
That the recommendation of the Executive Policy Committee be adopted.

The recommendation proposed by the Executive Policy Committee was put and declared carried.

(See Minute No. 433 for attachment)

Proposed Amendment to Development Agreement AG 57/86 - Kildonan Estates Development - East Kildonan-Transcona Community File DASZ 57/86 (AG 57/86)

403 - 4. The Committee on Planning and Community Services has been advised that the Kildonan Estates Development Agreement AG 57/86, Finance Department No. 7939 dated July 29, 1987, provides for the Developer to satisfy its financial obligations on a certain staged basis coinciding with the servicing of the land. The Kildonan Estates Subdivision which is located north of Grassie Boulevard, east of Lagimodiere Boulevard, is currently approximately 70% developed and there are approximately $144,000.00 of charges associated with the undeveloped land outstanding calculated on the basis of 1989 rates.

The Developer, North Grassie Properties Inc., has requested that the outstanding charges be paid in three instalments coinciding with additional servicing phases which have been approved by the City as identified on Schedule “A”.

Report of the Committee on Planning and Community Services dated February 4, 1997

The Administration has reviewed the Developer's request and concurs therewith subject to the charges associated with the second and third phases being updated to current rates. This arrangement will result in the City collecting at least $12,200.00 over what it would have collected under the current terms of the development agreement.

On January 21, 1997, the East Kildonan-Transcona Community Committee considered a report from the Administrative Coordinating Group, dated December 23, 1996, with respect to the subject matter and concurred in the recommendation contained therein as outlined below.

The Committee on Planning and Community Services concurred in the recommendations of the East Kildonan-Transcona Community Committee and recommends:

I. That the Development Agreement under file AG 57/86 be amended to provide that the Developer's financial obligations with respect to the undeveloped land will be paid in three installments coinciding with three servicing phases approved by the City subject to the payments in connection with the second and third phases being updated to reflect current rates.

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.

(See Minute No. 434 for attachment)

Proposed Amendment to Development Agreement AG 2/89 - Whyte Ridge Developments Ltd. - Assiniboia Community File DASZ 2/89 (AG 2/89)

404 - 5. The Committee on Planning and Community Services has been advised that under the terms of Development Agreement AG 2/89, the Developer is required to install certain traffic improvements at and in the vicinity of the intersection of McGillivray Boulevard and Columbia Drive. The agreement also provides that the City will endeavour to recover a proportionate share of the cost of the traffic improvements from the owners of the properties located on the south side of McGillivray Boulevard west of Columbia Drive.

The Developer has advised the Administration that the owners of the land located on the north side of McGillivray Boulevard west of Kenaston Boulevard should also be responsible for a share of the cost of the traffic improvements to be installed in McGillivray Boulevard by the Developer. Korpan Tractor is currently the leaseholder of City-owned land located at the northwest corner of McGillivray Boulevard and Kenaston Boulevard and it is this development which triggered the Developer's request that the property owners on the north side of McGillivray Boulevard also share in the cost of the subject traffic improvements.

The Administration has reviewed the Developer's request and concurs that it would be appropriate for the City to endeavour to also collect from benefiting property owners located on the north side of McGillivray Boulevard on behalf of the Developer. Cost recoveries would be subject to the approval of development applications when the properties are rezoned and/or subdivided. The leasing of appropriately zoned City-owned land to Korpan Tractor did not require the approval of any development application and recovery from that property will likely not occur until the land is redeveloped (i.e. subdivided and/or rezoned).

On January 14, 1997, the Assiniboia Community Committee considered a report from the Land Development Engineer, dated January 6, 1997, with respect to the subject matter and concurred in the recommendation contained therein as outlined below.

The Committee on Planning and Community Services concurred in the recommendations of the Assiniboia Community Committee and recommends:

I. That the Development Agreement under File AG 2/89 be amended to provide that the City shall endeavour to also recover on the Developer's behalf a proportionate share of the cost of traffic improvements to be installed by the Developer at and in the vicinity of the intersection of McGillivray Boulevard and Columbia Drive from the property owners located on the north side of McGillivray Boulevard west of Kenaston Boulevard as determined by the Commissioner of Works and Operations.

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

Report of the Committee on Planning and Community Services dated February 4, 1997

Adopted by consent.

Proposed Amendment to Development Agreements - Lindenwoods - Genstar Development Company - Assiniboia Community Files DASZ 39/79, DASZ 405/80, DASZ 18/83, DASZ 30/83, DASZ 18A/84, DASZ 42/84, DASZ 15/86, DASZ 33/86 and DASZ 11/90

405 - 6. The Committee on Planning and Community Services has been advised that under the terms of Development Agreements AG 39/79, AG 405/80, AG 18/83, AG 30/83, AG 18A/84, AG 42/84, AG 15/86, AG 33/86 and AG 11/90 with respect to the Lindenwoods Subdivision, the Developer, Genstar Development Company was required, at no expense to the City, to install land drainage trunk facilities to accommodate the Lindenwoods Subdivision plus an additional 191.5 acres to the north and to the east of Lindenwoods. Although the City is under no obligation to collect a proportionate share of the cost on behalf of Genstar of the trunk facilities installed by Genstar, the City has retained the funds collected for its own account. The administration has recently reviewed the issue and is of the opinion that any funds collected by the City from the owners of property outside the Lindenwoods Subdivision which benefit from the trunk facilities installed by Genstar Development Company should be reimbursed to Genstar.

On January 14, 1997, the Assiniboia Community Committee considered a report from the Land Development Engineer, dated January 7, 1997, with respect to the subject matter and concurred in the recommendations contained therein as outlined below.

The Committee on Planning and Community Services concurred in the recommendations of the Assiniboia Community Committee and recommends:

I. That the Development Agreements under files AG 39/79, AG 405/80, AG 18/83, AG 30/83, AG 18A/84, AG 42/84, AG 15/86, AG 33/86, and AG 11/90, entered into by the City and Genstar Development Company, be amended to provide that the City shall endeavour to recover on behalf of Genstar a proportionate share of the cost of land drainage trunk facilities installed by Genstar within the Lindenwoods Subdivision and benefiting property located outside the limits of the Lindenwoods Subdivision as determined by the Commissioner of Works and Operations.

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.

Proposed Rezoning - land located at 1 Hallonquist Drive - Assiniboia Community File DAZ 221/96 (c/r DAV 708/96D)

406 - 7. The Committee on Planning and Community Services has been advised that an application has been received from Peregrine Hunter Properties Ltd., 215 - 1610 Ness Avenue, Winnipeg, MB, R3J 3X3, to amend By-law No. 6400/94 by rezoning the land from an “R1-5.5” Residential District to an “RM-2” Residential District to allow the construction of a multiple-family development.

Site Area: Approximately 2.3 acres

The following is the Existing Land Use and Zoning:

The subject property is located at the northwest corner of Hallonquist Drive and Sturgeon Road. There are no buildings situated on the site. The property is mainly grassed, with rows of mature trees in the most northerly portion. A small park, known as Kirby Setter Playground is situated in the northwest corner of the site and is

Report of the Committee on Planning and Community Services dated February 4, 1997

equipped with a variety of children's play equipment and associated park furnishings. In addition, a natural ice pleasure skating rink is located adjacent to the park on a seasonal basis. The property is zoned "R1-5.5" Residential District. The property is owned by the City of Winnipeg pending approval of conditions of sale to the applicant.

The following is the Surrounding Land Use and Zoning:

Lands to the north of the subject property are zoned "R1-5.5" Residential District and are developed with single-family dwellings. Lands to the east of the property (across Sturgeon Road) are zoned "R1-5.5" Residential District. Situated on this land is the Grace General Hospital. Lands to the west of the property (across Setter Street) are zoned "RM-3" Residential District and are developed with a 14-storey multiple-family building. Lands to the south (across Hallonquist Drive) are zoned "R1-5.5" Residential District and are currently vacant, with the Sturgeon Creek public reserve immediately south.

The applicant is proposing to develop a 3-storey, 61 unit condominium on the subject property. Onsite parking will consist of 92 parking spaces at grade level. A concurrent variance application (DAV 708/96D) requests permission to provide substandard yards. Access to the site is proposed from Hallonquist Drive, via a single private approach.

The City of Winnipeg recently determined this property to be surplus land. Subsequently, the property was offered for sale for residential development. The application has been reviewed by the Administrative Co-ordinating Group and no concerns or objections were noted. A servicing agreement is not required. As a condition of sale, no dedication is payable by the applicant for the rezoning of the site to "RM-2"; therefore, the dedication will be paid from the proceeds of the sale. The Parks and Recreation Department has determined that the Kirby Setter Playground can be relocated to the City-owned property across Hallonquist Drive from the subject property. Parks and Recreation Department staff has requested that funds be made available from the proceeds of the sale to offset re-location costs.

Community Planning Division has recommended approval of the proposed rezoning. The proposed height and density of the condominium represent a reasonable transition between single-family dwellings and higher density multiple-family developments adjacent to the property. In addition, the site abuts Sturgeon Road, which is a four-lane divided arterial street. From this perspective, the proposed rezoning is compatible with neighbouring land uses and development.

A Public Hearing was held before the Assiniboia Community Committee on December 10, 1996.

One person appeared in support of the application.

One person appeared in opposition thereto.

The Assiniboia Community Committee recommended that the proposed rezoning be approved for the following reasons:

A. The overall development of the site is very well done and there is a demand for such developments in the community.

B. The zoning agreement addresses some of the concerns expressed, and the set-back is maintained.

The Committee on Planning and Community Services concurred in the recommendations of the Assiniboia Community Committee and recommends:

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for file DAZ 221/96, dated December 3, 1996, to an "RM-2" Residential District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

      1. that no more than 61 dwelling units shall be permitted on the lands;

      2. that no building shall exceed three storeys in height;

Report of the Committee on Planning and Community Services dated February 4, 1997

3. that no building, structures, or works shall be erected on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed building, accessory parking areas, private approaches, driveways, fencing, garbage enclosures, and landscaping are submitted to and approved by the Assiniboia Community Committee, and thereafter identified by the signature of the Commissioner of Planning and Community Services under the designation as Schedule "A" to Zoning Agreement DAZ 221/96 and no buildings, structures, or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement;

4. that a minimum of 8 of the aggregate 92 parking spaces be designated for visitor parking;

5. that there be appropriate landscaping providing adequate screening to the properties north of the subject property;

II. That a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land. Dedication will come from the proceeds of the sale;

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time;

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings;

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twelve (12) months from the date that the said rezoning by-law is adopted by Council;

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement;

VII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See Minute No. 435 for attachment)

Proposed Rezoning - land located at 894 St. Mary's Road - Lots 21 and 22, Block 3, Plan 2026 - Riel Community
File DAZ 225/96 (c/r DASZ 29/76)

407 - 8. The Committee on Planning and Community Services has been advised that an application has been received from Sam El-Harouni, 894 St. Mary's Road, to amend By-Law No. 6400/94 by rezoning the land shown below from an "R2" Residential District to a "C2" Commercial District to permit the establishment of a Contractors Establishment (offices for a cleaning service).

Previous Files: DAV 58/80, DAV 563/74, DAV 278/74

The following is the present Site Description:

A dwelling currently occupies the south half of the site. The site is a corner lot.

Site Area: The lot in question is 70 feet in width and has a 100 feet of depth.

The following is the Existing Land Use and Zoning:

The property is currently zoned "R2" Residential. Over the years, a number of home occupation businesses have been operated on the premises without incident.
The following is the Surrounding Land Use and Zoning:

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South: The land south of Norberry Drive is occupied by the St. Vital School Division Buildings.

East: All zoned "C2" Commercial. Occupied with retail businesses.

North: Frontage along St. Mary's Road is a range of "C2" Commercial and Residential housing (R2).

West: Zoned "R1-5" - Existing residential subdivision.

The applicant proposes to use the building on the corner as an office and storage facility for cleaning equipment supplies (Leader Building Cleaning Services). All other structures will be removed and a buffer area will be maintained on the north half of the property. A rear parking area with access to the lane is for a required loading space and two (2) parking stalls.

The Community Planning Division has regularly supported small businesses along St. Mary's Road - particularly on corner lots and in areas where there is a concentration of commercial uses. The lot in question is appropriate for the proposed use in that it is a large lot with the building to be utilized situated right at the corner. That offers a great deal of separation space between the building and parking area and the adjacent lot to the north. The proposed business is of the type and scale that should not adversely affect the adjacent neighbourhoods or be out of character with the types of businesses already operating successfully along this stretch of St. Mary's Road.

A Public Hearing was held before the Riel Community Committee on January 20, 1997.

One person appeared in support of the application.

No one appeared in opposition thereto.

The Riel Community Committee recommended that the proposed rezoning be approved for the following reasons:

A. Approval of this rezoning is considered to be compatible with the surrounding neighbourhood.

B. The adjacent neighbours have demonstrated support for this application and there is no registered opposition.

The Committee on Planning and Community Services concurred in the recommendations of the Riel Community Committee and recommends:

I. That By-law 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for file DAZ 225/96, dated January 13, 1997, to a "C-2" Commercial District, subject to the following:

1. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

A. That final plans indicating building locations, parking, fencing, landscaping and approaches be submitted to and approved by the Commissioner of Planning and Community Services and the Riel Community Committee prior to the issuance of any building permits.

B. That the following uses be prohibited on the site:

i) Automobile: rental, sales, including accessory repair service, installation of supplies/parts;
ii) Boats: sales, service
iii) Landscape and garden supplies: sales landscape contractor
iv) Recreation centres
v) Tires: sales, service

II. That a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land. Dedication will come from the proceeds of the sale.

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III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twelve (12) months from the date that the said rezoning by-law is adopted by Council.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See Minute No. 436 for attachment)

Proposed Zoning Agreement Amendment - 820 Kimberly Avenue - East Kildonan-Transcona Community
File ZAA 12/96 [c/r DAZ 50/76]

408 - 9. The Committee on Planning and Community Services has been advised that an application has been received from Mycom Group Inc., 1240-363 Broadway, Winnipeg, MB, R3C 3N9, to amend the zoning agreement affecting the land shown below to include an office/showroom/stock area for retail sales, not exceeding a floor area of 5,000 square feet, (subject to Conditional Use approval).

The subject site was originally zoned "C2" Commercial District under File DAZ 50/76 in the year 1976. The purpose of that rezoning was to permit the use of the land for the construction of a Postal Station/Letter Carrier depot. The Zoning Agreement which Council required in conjunction with approval of DAZ 50/76 limited the use of the land and building to the above-noted Postal Station/Letter Carrier depot and accessory uses only.

The subject building is located on the edge of a single-family residential neighbourhood. It is adjacent to a church to the south, and single-family homes to the west. Grounds of Valley Gardens Community Club, and Kildonan East School are located to the east. Under typical circumstances, a "C2" zoning on the subject site would be considered inappropriate.

However, now that the Postal Station use has been removed from the building, either the building should be demolished or alternative uses compatible with the neighbourhood must be found. The Community Planning Division considers that the size, construction and physical appearance of the building is not out of place and unduly obtrusive within the neighbourhood. Additionally the building is of concrete block construction with a substantial foundation. Demolition of the building in this case would not be warranted.

In order to facilitate the sale of the building, Mycom Group, on behalf of Canada Post made application in August 1996 under file ZAA 4/96, to add additional uses to the zoning agreement. That list of additional uses is appended and has been approved by Council. Mycom Group is now requesting a further amendment to the original zoning agreement. The subject application is to add retail sales, not exceeding 5,000 square feet as a conditional use to the list of uses which may be allowed in the building. A concurrent conditional use application is being made under file DCU 258/96C which will be subsequently scheduled before the Board of Adjustment.

In reviewing the previous amendment application, ZAA 4/96, the Community Planning Division was supportive of the proposed list of uses, in part because retail sales were not included in that list. The location of the subject building within a residential community is not considered appropriate to accommodate retail sales. Although Mycom Group has indicated that the retail sales contemplated at the present time are to be in conjunction with an office use, the zoning agreement and conditional use must run with the land, and it is therefore not possible to

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limit future operation of a retail business in the building to one particular company. Additionally the proposed area of the retail sales component, at 3,500 square feet, is, more than 50% of the net useable floor space of the building and the Community Planning Division considers that this in itself is excessive and inappropriate. The approval of retail sales from the building would, in the opinion of this Division, have a potentially serious long-term adverse effect on the residential neighbourhood.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on January 21, 1997.

Six persons appeared in support of the application.

No one appeared in opposition thereto.

The East Kildonan-Transcona Community Committee recommended that the proposed rezoning agreement amendment be approved for the following reasons:

1. The residents are allowed the opportunity to be consulted on the possible Permitted and Conditional Uses.

2. The residents in the community are supportive of the proposal.

The Committee on Planning and Community Services concurred in the recommendations of the East Kildonan-Transcona Community Committee and recommends:

I. That Zoning Agreement DAZ 50/76, dated February 16, 1977, be amended as follows:

   a) that Clause 6 be amended by adding as a Conditional Use, Retail sales for heating, ventilation, and air conditioning equipment, not to exceed 5000 square foot floor area.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending agreement to Zoning Agreement DAZ 50/76, dated February 16, 1977, as approved in aforesaid Clause I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

IV. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

Proposed Street corner widening at the northeast corner of Pandora Avenue and Day Street - East Kildonan-Transcona Community File DAO 8/96

409 - 10. The Committee on Planning and Community Services has been advised that the acquisition of the 6 meter by 6 metre corner widening required to facilitate the turning radius of vehicles at the northeast corner of Pandora Avenue and Day Street was approved by Council as part of the 1993 Capital Program. The property owner has agreed to the sale of the land to the City, but has requested permission to allow a free standing sign in the area to remain in place. In order to accommodate this request, the Streets and Transportation Department propose to open that part of the property required immediately for the corner cut and lease back to the former property owner the portion of the property containing the sign. Significant clauses in this lease are a ninety day cancellation clause and a clause requiring the lessee to remove the sign at no expense to the City upon demand. The areas required for the street widening and the lease area are so identified on Misc. Plan No. EKT 8726/3, as outlined on Schedule “A”.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on January 21, 1997. The Community Committee recommended approval of the proposed lane opening as outlined below.

Report of the Committee on Planning and Community Services dated February 4, 1997

The Committee on Planning and Community Services recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening in accordance with Misc. Plan No. EKT 8726/3, as outlined on Schedule "A".

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.

(See Minute No. 437 for attachment)

Proposed lane corner cut at the intersection of the first lane west of McGregor Street with the first lane south of Church Avenue - Lord Selkirk-West Kildonan Community
File DAO 21/96

410 - 11. The Committee on Planning and Community Services has been advised that in March of 1993, the Board of Commissioners considered the report of the Commissioner of Works and Operations concerning the subject proposal and directed the Land and Development Services Department to negotiate for the acquisition of the lane corner in accordance with Misc. Plan No. LSWK 8825/1, as outlined on Schedule "A".

The corner cut is required to facilitate the turning radius of vehicles in the area. The owners have agreed to the sale of the property to the City and the corner cut has been constructed. It is now necessary to legally open the land as a public lane.

The proposed opening has been circulated to all concerned City departments and public utilities with no objections having been received.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on January 21, 1997. The Community Committee recommended approval of the proposed lane opening as outlined below.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening in accordance with Misc. Plan No. LSWK 8825/1, as outlined on Schedule "A".

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.

(See Minute No. 438 for attachment)

Report of the Committee on Planning and Community Services dated February 4, 1997

Proposed lane corner cut at the intersection of the second north/south lane east of Main Street with the first east/west lane north of Alfred Avenue - Lord Selkirk-West Kildonan Community

File DAO 22/96

411 - 12. The Committee on Planning and Community Services has been advised that in September of 1994, the Board of Commissioners considered the report of the Commissioner of Works and Operations concerning the subject proposal and directed the Land and Development Services Department to negotiate for the acquisition of the lane corner cut in accordance with Misc. Plan No. LSWK 9322/1, as outlined on Schedule "A".

The corner cut is required to facilitate the turning radius of vehicles in the area. The owners have agreed to the sale of the property to the City and it is necessary to legally open the land as a public lane.

The proposed opening has been circulated to all concerned City departments and public utilities with no objections having been received.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on January 21, 1997. The Community Committee recommended approval of the proposed lane opening as outlined below.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening in accordance with Misc. Plan No. LSWK 9322/1, as outlined on Schedule "A".

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.

(See Minute No. 439 for attachment)

REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED FEBRUARY 18, 1997

On motion of Councillor Silva, the Report of the Committee on Planning and Community Services, dated February 18, 1997, was considered clause by clause.

Moved by Councillor Silva,
That the Consent Agenda, Clauses 1 and 2 be adopted.

Councillor Golden requested that Clauses 1 and 2 be pulled from the Consent Agenda.

Northwest Airport Area Land Use Plan
File GG-1 (Vol. 27)

412 - 1. The Committee on Planning and Community Services has been advised that the Winnipeg Airport Vicinity Development Plan By-law No. 6378/94, adopted by Council on May 25, 1994, directed the City to prepare a concept plan for an industrial area and address land use, servicing and marketing issues in the vicinity of the Winnipeg International Airport. The Executive Policy Committee directed the Commissioner of Planning and Community Services to develop a land use concept plan west of the Airport.

As background history, in May 1994, the City of Winnipeg, in consultation with the Rural Municipality of Rosser, adopted a Plan Winnipeg amendment to establish an area adjoining the Winnipeg International Airport (YWG) as an Airport Vicinity Protection Area (AVPA) which served to protect the 24-hour operation of the Airport and set out policies and actions for economic development, land use and noise management in it's vicinity.

The Winnipeg Airport Vicinity Development Plan (AVDP) called for the preparation of a concept plan west of the Airport that would provide a strategy for the development of the area, address land use, servicing and marketing issues. On application by area landowners, the City of Winnipeg also amended Plan Winnipeg, expanding the Airport's Industrial Policy Area designation by 1,463 acres to the west. The South Interlake Planning District Board took concurrent steps to redesignate some 2,922 acres of land south of Inkster Boulevard to "Airport Compatible Industrial" in order to accommodate the Winnport multi-modal transportation initiative. An overall land use plan for this area was recently completed by IDG Stanley Inc. under the Winnipeg Development Agreement, on behalf of a steering committee mandated by the Province and co-chaired by the City of Winnipeg and the Rural Municipality of Rosser. The lands included in the Airport Area Plan lie almost equally within the boundaries of the City of Winnipeg and the Rural of Municipality of Rosser. The IDG Stanley Airport Area Plan Study concluded that, for the purpose of marketing the airport area land internationally, it is essential that the airport vicinity development zone be perceived as a seamless jurisdictional entity.

NORTH-WEST AIRPORT AREA PLAN

The Civic Administration has been directed by Executive Policy Committee to develop a land use plan for the west side of the Airport. Because jurisdiction involved with the AAP goes beyond the City of Winnipeg, the Provincial Land Use Committee of Cabinet established an Airport Plan Planning Committee (APPC) comprised of representatives from the City of Winnipeg, the Rural Municipality of Rosser, the South Interlake Planning District Board, the Province of Manitoba and the Winnipeg International Airport. Terms of reference were established and a consultant was chosen to develop a land use plan that would address the interests of all Manitobans. Completing the APPC North-West Airport Area Plan was a critical step in fulfilling the Executive Policy Committee's direction relative to a land use plan west of the Airport.

The City of Winnipeg representatives on the Airport Area Plan Administrative Working Group have reviewed the final North-West AAP Report set of documents and have recommended "sign-off". The consultants, IDG Stanley Inc. have delivered an Airport Area Plan for the north-west side of YWG that contains all information contracted out in their terms of reference from the APPC. An administrative working group comprised of all vested interests worked with IDG Stanley Inc. to develop this land use plan which incorporates 6,300 acres of land in the Rural Municipality of Rosser and the City of Winnipeg. The plan, which covers an area north and west of the Airport, has been designed to accommodate the Winnport multi-modal transportation initiative at YWG (Appendix "A").

Report of the Committee on Planning and Community Services dated February 18, 1997

The following discussion focuses on issues that are critical to the City regarding implementation of the AAP.

LAND USE CONCEPT PLAN: ISSUES

For the most part, the Civic Administration agrees with the IDG Stanley Land Use Concept Plan for the north-west side of the Airport; however, certain issues relating to food processing, rail rationalization, infrastructure development and phasing require elaboration.

Phasing: Infrastructure/Land Development

The North-West AAP identifies with two distinct planning/development phases: Phase I, comprised of 500 acres, will occur entirely within the City of Winnipeg's existing jurisdiction. Phase II, comprised of an additional 500 acres, is split between the City (300 acres) and the Rural Municipality of Rosser (200 acres). That is, of the first 1,000 acres, 80% of the industrial land use plan has been designed to occur inside the City of Winnipeg.

Because Phase I occurs entirely within the City of Winnipeg, changes to existing legislation are not required for development within this phase and as such jurisdiction is not an issue at this time. However, when Rosser lands come on line for development in Phase II, potential issues related to land use, servicing costs and tax base will have to be resolved. All of these potential issues relate directly to "jurisdiction". The inter-jurisdictional issues will be addressed forthwith during Phase I of the North-West Airport Area Plan by the City of Winnipeg and the Rural Municipality of Rosser.

Orderly Development

Development should occur in an orderly fashion to ensure an efficient use of existing infrastructure and public resources. Prior to extending services to accommodate Phase II development interests, Phase I land should be developed to a point where an extension of existing services is actually required to accommodate development interests.

Food Processing in the Rural Municipality of Rosser

While the IDG Stanley Report cites meat processing as an acceptable industrial activity, this activity should not be of a type that would compete with meat processing in the St. Boniface area.

Rail Rationalization

It is appropriate to develop an intermodal rail terminal north-west of the Airport as a means of promoting transportation related industrial development. However, specific land uses, revenue sharing and taxation issues must be carefully considered. If the existing CN Winnipeg Intermodal Terminal moves to the Rural Municipality of Rosser to accommodate the proposed intermodal rail terminal in the North-West sector of the Airport Area Plan, a revenue sharing agreement between the City and Rosser will be designed to compensate Winnipeg for the opportunity cost associated with losing this portion of its tax base.

Provision of Municipal Services

The City of Winnipeg could provide municipal services related to water, wastewater sewage treatment, land drainage, snow removal, police, fire protection and emergency services within the AAP boundary. All services could be contracted out to the City regardless of jurisdiction on a cost for service basis plus a reasonable public sector rate of return.

Development Management Structure

The AAP recommends that both the public and private sectors have voting rights on the board of directors of the development management entity. That is important as the public sector will invest in infrastructure and should clearly have a say in managing the North-West AAP development initiative.

INFRASTRUCTURE COSTS:

The Airport Area Plan identifies infrastructure requirements north-west of YWG, according to a preliminary phasing outline. (Appendix "B")

Report of the Committee on Planning and Community Services dated February 18, 1997

As identified below, the total cost of AAP transportation (roads), sewer and water infrastructure is $337.5 million (1996 value). The public sector is to be responsible for $110.3 million or 33% of the total cost. Phase I of the land use plan requires $36.3 million (1996 value) of public sector funding out of a total $46.5 million investment. Note that the public sector is responsible for 70% of the Phase I and Phase II infrastructure requirements. The private sector contribution does not become substantial until after the industrial park is well established and the risk has been eliminated. It should be noted that cost is associated with a long-term enterprise spanning several decades.

Cost Assignment (millions 1996 dollars) Regional and Local Services North-West YWG Industrial Development			
Phase	Private	Public	Project Total
Phase I	10.2M	36.3M*	46.5M
Phase II	23.5M	41.9M	65.4M
Remainder	56.2M	32.1M	88.3M
Total (Regional)	$89.9M	$110.3M	$200.2M
Local Services	137.3M		137.3M
Total	$227.2M	$110.3M	$337.5M

❍Public Sector Share: 33% ❍Private Sector Share: 67%

*As this project is a strategic economic development initiative, commitment to public sector infrastructure should be considered a function of "return on investment". Infrastructure expenditure is the public sector investment required to initiate an airport related industrial development park west of YWG.

The tax return to the public sector on a $36 million private sector investment in the Winnport initiative is clearly in favour of the two senior levels of government. Out of $104 million in taxes, the Federal Government would receive $53 million, the Provincial Government receives $37 million and the Municipalities receive $14 million. The Federal Government receives close to four times the return on municipal infrastructure expenditure that the Municipalities (City of Winnipeg and Rural Municipality of Rosser) receive. The Provincial Government receives 2.6 times the tax return of the municipalities (source: Manitoba Bureau of Statistics Winnport Economic Impact Assessment). The City's capital expenditure on this strategic infrastructure project should reflect the anticipated return on this investment.

Political and financial resources are necessary to implement the AAP as quickly as possible. Political will exists, and should increase when Winnport gets off the ground. An infrastructure financing plan is one of the critical elements required to implement the AAP. Financing and funding for airport vicinity related infrastructure development will arise through long-range budgeting and negotiated government and private sectors agreements.

Strategic Implementation of Phase I Infrastructure: Phase 1A

An efficient use of existing resources to accommodate start up of Phase I of the AAP without having to commit substantial resources to initiate infrastructure development through Rosser lands is under review. This initiative, known as Phase 1A, would provide the Winnipeg business community with industrial land in a strategically located part of the city, at minimal cost to taxpayers. Appendix "C" outlines estimated Phase 1A servicing costs. Winnipeg's share of the total Phase 1A cost has been estimated at $1.7 million.

JURISDICTION

Jurisdiction is the critical element required to successfully implement the AAP. It is essential that the AAP be seen by all vested interests as a joint venture that works for everyone involved.

Report of the Committee on Planning and Community Services dated February 18, 1997

Tax Equalization/Revenue Sharing

Tax equalization and revenue sharing are critical elements designed to successfully implement a win/win North-West Airport Area Plan. The City cannot afford to lose business (existing or new) to an adjacent lower tax jurisdiction with comparable services and immediate proximity to the airport. In order to avoid a situation where one jurisdiction's gain is based upon the others loss, an interjurisdictional revenue sharing arrangement will be established to ensure that both jurisdictions win.

Seamless Option

According to the IDG Stanley Report the management of public responsibilities relating to land development and construction activity should be considered a seamless option. That is, one government agency that manages all north-west airport area land use. Airport related industrial development should be fast-tracked in order to accommodate implementation of the AAP. The City will manage this process. We will obtain the experience necessary in Phase I of the AAP, as all lands to be developed in this phase are within the City of Winnipeg.

The IDG Stanley Land Use Plan identifies with 3 options related to jurisdiction:

1. Agreement between the City of Winnipeg and Rural Municipality of Rosser;
2 A new planning authority/jurisdictional entity; or
3. Annexation.

All three options will eventually require new legislation to accommodate Phase II of the land use plan. The administration of public responsibilities relating to land use management within the North-West AAP must be a seamless jurisdiction entity. It is preferable not to proceed with a lengthy legislative amendment process that is not amenable with the fundamental objective to get Phase I under way as soon as possible. As all development in Phase I is contained within the existing City of Winnipeg boundaries, jurisdiction is not an issue in Phase 1 of the North-West AAP. During Phase I all parties will work together in establishing the most appropriate solution to accommodate a "one stop shop" for industrial development interests north-west of the airport. Required legislative amendments to accommodate Phase II of the AAP will be established during this time.

The major underground infrastructure services, such as water, wastewater sewer and land drainage will be developed by way of extension of existing City of Winnipeg systems. An agreement between the City of Winnipeg and Rural Municipality of Rosser to accommodate Phase I infrastructure requirements that must pass through Rosser lands can be accomplished without legislative amendments. An agreement between the City of Winnipeg and Rural Municipality of Rosser should be established forthwith to implement Phase I of the North-West AAP.

The Committee on Planning and Community Services therefore recommends:

I. A. That the North-West Airport Area Plan, and the following recommendations related to plan implementation be endorsed in principle, namely:

A.1 Endorse, in principle, the North-West Airport Area Land Use Plan, established by the Provincial Land Use Committee of Cabinet, Airport Area Plan Planning Committee.

A.2 Phase I Development:
All 500 acres of Phase I development occur entirely within the City of Winnipeg.

A.3 Jurisdiction:
An agreement between the City of Winnipeg and the Rural Municipality of Rosser be established forthwith to implement Phase I of the North-West Airport Area Plan. The agreement will address the terms under which the City's Phase I wastewater sewer force main will be permitted to pass through Rosser lands and will define the specifics of the seamless jurisdiction which will accommodate ongoing development in the two municipalities. This should occur as early as possible within the first phase of development.

A.4 Endorse the cost effective use of existing infrastructure to implement Phase I of the AAP, to enable the City of Winnipeg to implement the land use plan without committing substantial public funds.

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A.5 Orderly Development:
Ensure an efficient use of existing infrastructure and public resources. Prior to extending services to accommodate Phase II development interests, Phase I land will be developed to a point where an extension of existing services is actually required to accommodate development interests.

A.6 Infrastructure Cost-Sharing:
An Agreement be entered into among the City of Winnipeg, Province of Manitoba, Government of Canada and the private sector to settle the terms of an infrastructure cost-sharing arrangement that would enable the City of Winnipeg to effectively plan for capital financing to accommodate Phase I infrastructure requirements as identified in the North-West Airport Area Plan.

A.7 Public sector financing of infrastructure for this land use plan will be a function of "return on investment" as identified in this report.

A.8 Cost Sharing Mechanism:
Ensure mechanisms are established for cost sharing to compensate the City of Winnipeg for additional demands on its services related to snow removal, police, fire protection emergency services and/or potential losses to its tax base that evolve as a result of land development within the boundaries of the West Airport Area Plan.

A.9 Revenue Sharing Mechanism:
The interjurisdictional agreement between the City of Winnipeg and the Rural Municipality of Rosser will ensure that one jurisdiction does not gain at the other's expense. Both jurisdiction's win, neither lose. A revenue sharing mechanism will be established to ensure that the City of Winnipeg retains its existing tax base, regardless of whether land development north-west of the airport results in redistributing a portion of that tax base into the Rural Municipality of Rosser.

A.10 Tax, utility and water rate equalization be established, regardless of jurisdiction, for all land and business contained within the North-West AAP.

A.11 AAP Management Structure:
A management entity, represented by the public and private sector, be established to manage development within the North-West AAP.

<u>Amend Existing AVPA/AVDP By-Laws to Accommodate North-West AAP</u>:

B. Amend existing Airport Vicinity Protection Area (AVPA) / Airport Vicinity Development Plan (AVDP) by-laws by designating all land west of the airport and north of Saskatchewan Avenue, within the City of Winnipeg, to Industrial.

C. Amend the existing Airport Vicinity Protection Area (AVPA) boundary to incorporate all lands contained within the North-West Airport Area Plan.

II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing, including the execution of any necessary documents related thereto.

Moved by Councillor Silva,
Adoption of the clause.

Carried.

(See Minute No. 440 for attachments)

Report of the Committee on Planning and Community Services dated February 18, 1997

Letters of Understanding between the City of Winnipeg and the Rural Municipality of Rosser - Northwest Airport Area Land Use Plan File GG-1 (Vol. 27)

413 - 2. The Committee on Planning and Community Services has been advised that in order to implement Phase 1 of the North-West Airport Area Plan, an agreement between the City of Winnipeg and the Rural Municipality of Rosser is deemed necessary, as the Area Plan identifies that the extension of the City's wastewater sewer force main is required to pass through lands in the Rural Municipality of Rosser.

As background history, a land use plan for the north-west side of the airport was recently completed by IDG Stanley Inc. on behalf of the Province of Manitoba, with participation by the City of Winnipeg and the Rural Municipality of Rosser. The lands included in the Airport Area Plan lie almost equally within the boundaries of the City of Winnipeg and the Rural Municipality of Rosser. In order to service the 6,300 acre industrial area contained within this Land Use Plan, the report from IDG Stanley Inc. identified that the City's wastewater sewer force main would have to be extended through lands in the Rural Municipality of Rosser.

The Province of Manitoba has since initiated an Airport Area Strategic Review Team comprised of representatives from the following: Government of Canada, Province of Manitoba, City of Winnipeg, Winnport Logistics Ltd., Airport Vicinity Landowners Association, Rural Municipality of Rosser, and the Winnipeg Airport Authority.

The objective of this team is to support the growth of the multi-model transportation facilities and capabilities surrounding the Winnipeg International Airport. The proponents of the industrial development initiative and the Airport Area Plan Study call upon government to assist in providing the required infrastructure incrementally as development proceeds.

As a member of the Airport Area Strategic Review Team, the City is attempting to overcome issues of jurisdiction that exist with the Rural Municipality of Rosser. Without an agreement regarding the creation of a seamless jurisdiction between the City of Winnipeg and Rural Municipality of Rosser, implementation of Phase I could not go beyond the introductory stage. As Phase I occurs entirely within the City of Winnipeg, jurisdiction is not an issue at this time; however, an agreement between the two municipalities is necessary to enable the City's Phase I wastewater sewer force main to pass through Rosser lands. Although the City is presently reviewing an opportunity to initiate 180 acres or 36% of Phase I serviced land via existing infrastructure, this merely shifts the Phase I wastewater sewer force main extension back by a number of years. The requirement to construct this infrastructure still exists.

In this regard, discussions have taken place and a letter of understanding from the Rural Municipality of Rosser (Appendix "A") has been received to initiate discussions with the City of Winnipeg in order to accommodate Phase I of the Airport Area Plan. The Rural Municipality of Rosser recognizes the creation of a seamless jurisdictional initiative through an agreement with the City of Winnipeg that is acceptable to both parties. The final solution will be based upon negotiation between the City of Winnipeg and Rural Municipality of Rosser - one that will be a win/win situation for both jurisdictions.

The Committee on Planning and Community Services therefore recommends:

I. That an agreement be developed between the City of Winnipeg and the Rural Municipality of Rosser to implement Phase I of the North-West Airport Area Plan.

II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing, including the execution of any documents related thereto.

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

Moved by Councillor Silva,

Adoption of the clause.

The Speaker called Councillor Thomas to the Chair in order to participate in the debate.

The motion for the adoption of the clause was put and declared carried.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

414 - On motion of Councillor Silva, 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. 6978/97, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on lands located on the north west corner of Inkster Boulevard and King Edward Street in the Lord Selkirk-West Kildonan Community. File DAZ 216/96

By-law No. 6979/97, a by-law of The City of Winnipeg to close part of Finkelstein Road (formerly Four Mile Road) west of McGillivray Boulevard. File DAC 11/96

By-law No. 6980/97, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(31) (Vol. 1)

By-law No. 6981/97, a by-law of The City of Winnipeg to amend By-law No. 6946/96, being the Library Board By-law. File L-11

By-law No. 6982/97, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located between Horace Street and Eugenie Street east of Kenny Street in the Riel Community. File DASZ 15/96

By-law No. 6983/97, a by-law of The City of Winnipeg to close part of Beliveau Road west of Darwin Street. File DAC 9/95

By-law No. 6984/97, a by-law of The City of Winnipeg to open Stradbrook Avenue, south of Bell Avenue. File DAO 5/94

By-law No. 6993/97, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on Vineland Crescent, west of Scurfield Boulevard in the Assiniboia Community. File DASZ 58/85 (Phase 18)

By-law No. 6994/97, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on lands located on the east and west sides of Scurfield Boulevard north of Vanderbilt Drive in the Assiniboia Community. File DASZ 58/85 (Phase 19)

REPORT OF THE

COMMITTEE ON PROTECTION, PARKS AND CULTURE

DATED FEBRUARY 10, 1997

On motion of Councillor O'Shaughnessy, the Report of the Committee on Protection, Parks and Culture, dated February 10, 1997, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 1 and 2 be adopted.

Carried.

Proposed Transfer of Surplus Funds - 1993 Parks and Recreation Capital Budget - From Frontenac Park to the Seine River Walkway System File PR-4.4 (Vol. 3)

415 - 1. The Committee on Protection, Parks and Culture has been advised that $184,000.00 was allocated in the 1993 Capital Budget to provide for walkway and land drainage improvements for Frontenac Park. The project was contingent upon the St. Boniface School Division No. 4 contribution of $85,000.00 towards the project completion.

The subject works, substantively completed in 1996 and approved by both the Parks and Recreation Department, as well as the St. Boniface School Division No. 4, came in below estimate. As a result, the School Division was requested to pay only a proportion of the contribution towards the improvements. The School Division has paid $48,975.67 to the City of Winnipeg.

The balance in the Capital Budget Account 03-118xxx-5493450505 for the Frontenac Park Walkway is $22,115.98, and taking into consideration that the Parks and Recreation Department has minor project deficiencies (estimated at approximately $2,000.00) to complete in the Spring of 1997, the remaining account balance of $20,000.00 has been declared as surplus.

With the pending completion of the Seine River Greenway Study, the Seine River Interpretive Trail proposal to the Winnipeg Development Agreement by the Save Our Seine River Environment Inc., as well as the potential for funding of a portion of the Seine River walkways through the Glenwood and East Norwood Manitoba/Winnipeg Community Revitalization Programs, there is an opportunity to make substantial progress in the provision of a Seine River Pedestrian Trail System.

The proposed transfer of the surplus funds would allow for design and quotation documents, the construction of walkways along the Seine River between the Red River and Marion Street, as well as provide a potential leverage for additional funding under the Winnipeg Development Agreement or other Provincial or Federal Programs.

The St. Boniface Ward Councillor, whose ward includes both Frontenac Park as well as the section of the Seine River Walkway identified, is in agreement with the proposed transfer of surplus funds.

The Committee on Protection, Parks and Culture therefore recommends:

I. That funds in the amount of $20,000.00 from the 1993 Capital Account No. 03-119xxx-5493450505 for the Frontenac Park Walkway and Drainage System be transferred to the Seine River Walkway System.

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

Adopted by consent.

Report of the Committee on Protection, Parks and Culture dated February 10, 1997

By-law to provide for the Execution of Standard Agreement Forms by the Director of Parks and Recreation - Update to Standard Use Agreement Form
File PR-2.10 (Vol. 9)

416 - 2. The Committee on Protection, Parks and Culture has been advised that the last revision to the Standard Agreement to Use Facility form was in 1989, and since that time, with the centralization of booking services as well as ongoing efforts at quality customer service, the form no longer meets the needs of the Parks and Recreation Department and more importantly, its customers.

The existing agreement was designed specifically for use of recreation facilities such as indoor pools and arenas, complete with twenty-seven conditions of use on the reverse of the document that form part of the agreement. The Parks and Recreation Department has had need of such an agreement for the use of other amenities, and over the years began employing it for equipment (mobile bleachers and bandmobiles), garden plots, park site and athletic field bookings. Consequently, the conditions of use are applicable to some of the amenities, and conversely, key conditions for other amenities are not on the document.

Following a comprehensive consultation process with representatives from the Insurance Branch of the Corporate Finance Department, the Legal Services Division of the Corporate Services Department, and the Parks and Recreation Department, the Agreement To Use Facility Form has been reviewed and redesigned into four separate use agreements that meet the booking requirements for use of the following:

(a) facilities (i.e. Conservatory, pools, arenas);
(b) equipment (mobile bleachers and bandmobiles);
(c) garden plots; and
(d) athletic fields and park lands.

The conditions of use on the reverse form part of the agreement and are directly related to the use of the amenity and satisfy legal and insurance requirements. The format is user friendly for both staff and customers. The document will be prepared in duplicate and has the capability for computerization.

The proposed new by-law repeals By-Law No. 3344/83 and all subsequent amendments. The new by-law includes the proposed four Standard Use Agreements. The reference to senior officers in this proposed by-law has been revised to read “Director of Parks and Recreation or designate” to reflect the New Directions structure of the Parks and Recreation Department and to accommodate any future organizational changes without compromising the intent of the by-law. It is the intent that the Director can appoint a designate staff person who has the authority to make a booking/scheduling decision.

The Committee on Protection, Parks and Culture therefore submits draft by-law and recommends:

I. That By-Law No. 3344/83 and any amendments thereto be repealed, and replaced as outlined on Attachment “A”.

II. That the existing Agreement To Use Facility Form be replaced with the format as outlined on Attachment “B”.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

Report of the Committee on Protection, Parks and Culture dated February 10, 1997

Proposal to Declare City-owned Riverbank Property Situated Adjacent to 170 Victoria Crescent, and Two Right-of-Ways and Vacant Strip of Land Situated Off Victoria Crescent as Surplus to Parks and Recreation Department Requirements
File FI-2.4(35) (Vol. 3)

417 - 3. The Committee on Protection, Parks and Culture has been advised that on May 6, 1996, the Land and Development Services Department inquired as to whether the Parks and Recreation Department wished to continue leasing the property situated between 170 and 178 Victoria Crescent, as identified on Plan No. 23-96.

On September 6, 1996, the Water and Waste Department informed the Parks and Recreation Department of flood protection and land drainage issues effecting the developability of the parks property between 170 and 178 Victoria Crescent.

During the period between May and December, 1996, the Parks and Recreation Department has consulted with representatives from the Land and Development Services Department and the Water and Waste Department, as well as the local area Councillor, regarding developability and disposal of the property.

With respect to the need for the subject Victoria Crescent riverbank property, the two right-of-ways and the vacant strip of land, the properties are currently undeveloped and exist in a natural state with shrubbery and some trees which are primarily located in proximity to water's edge. The property located between 170 and 178 Victoria Crescent was previously leased to the owner of 178 Victoria Crescent.

The properties are presently located within the planning boundaries of the proposed future St. Vital Riverbank Parkway as shown on Plan No. 6-94. The St. Vital Parkway extends from Lyndale Drive to Bishop Grandin Boulevard along the east bank of the Red River.

Victoria Crescent, being a quiet attractive residential street, will be utilized as a lineal parkway connector between Harris Park and River Road for the future parkway. Given the character of private property ownership of lands situated between Victoria Crescent and the Red River, it is highly unlikely that acquisition of the remaining adjacent private residential properties along the Crescent could be achieved within the next half century. Therefore, it is the view of the Parks and Recreation Department that the subject properties are not required for future lineal riverbank linkage purposes.

In addition to reviewing the need for lineal riverbank parkway purposes, the Parks and Recreation Department also considered the need for retaining the property for community-local-neighbourhood access to the river. Currently, local area residents have the opportunity for accessing the river at several other locations within the community including Harris Park and St. Vital Park and in the future at the former Winnipeg Canoe Club Golf Course. As a result, the Parks and Recreation Department is satisfied that the Community is provided with sufficient existing and potential opportunities for direct public riverbank access, and therefore the subject properties are considered redundant to needs.

As such, the Parks and Recreation Department has no objection to the sale of the land given the character of adjacent development of lands situated along Victoria Crescent and that the Crescent is going to be used to provide a lineal connection for the St. Vital Parkway.

As at December 1996, the Parks and Recreation Department has not been able to obtain a preliminary estimate of value for the subject property given that certain issues such as flood protection, as outlined in a memorandum dated September 6, 1996, from the Water and Waste Department, must be researched prior to determining a value. Notwithstanding same, a riverbank property with a 150 foot frontage and 240 feet in depth on Victoria Crescent will likely have considerable value. As well, additional research is required into the existing right of ways and vacant strip of land to ensure that no underground structures or other improvements are located within same prior to disposing of the properties to the adjacent owners.

With respect to the Riverbank Land Acquisition Account, the Five Year Capital Budget, and the Winnipeg Development Agreement, during 1996, the Parks and Recreation Department in conjunction with the Land and Development Services Department, disposed of approximately $6.5 million dollars of property under the jurisdiction of the Department. The funds from the sale of the properties was credited to the City's General Revenue Account in order to reduce the potential budget shortfall in 1996.

Recently, the Parks and Recreation Department has been informed that the budget allocations to the Land Acquisition

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for Riverbank Purposes Account for 1997 and 1998 are deleted as part of the proposed Five Year Capital Program. As such, funding for acquisitions to complete land assembly for the North Winnipeg, Assiniboine, Churchill and St. Boniface Parkways, as well as other opportunities to purchase riverbank properties as they become available, will have no source of funding.

Given that assembly of properties is approximately 95% complete for each of the aforementioned riverbank parkways and that funding, in part, to develop each of the parkways is likely to become available from the Winnipeg Development Agreement under the Riverbank Program, the Parks and Recreation Department is highly supportive of directing the sale proceeds of this property to the Land Acquisition for Riverbank Purposes Account to provide funding to further the assembly of required riverbank properties.

On February 3, 1997, the Committee on Finance and Administration considered report dated January 16, 1997, from the Chief Commissioner and the Commissioner of Protection, Parks and Culture, in this connection, and concurred in the recommendations contained therein. The Committee on Finance and Administration recommended the addition of one further condition, namely, that the residents of Victoria Crescent be informed of the City's intention to offer the property for sale.

Pursuant to Section 156(2) of The City of Winnipeg Act, the sale of City property designated or acquired for parks purposes requires the approval of at least two-thirds majority of Council.

The Committee on Protection, Parks and Culture therefore recommends:

I. That the properties as shown on Plan No. 23-96 under the jurisdiction of the Parks and Recreation Department be declared as surplus, subject to Recommendation No. III.

II. That the Director of Land and Development Services be authorized to dispose of the property situated between 170 and 178 Victoria Crescent for residential development purposes provided that the adjacent owners be given first right of refusal.

III. That the Director of Land and Development Services in conjunction with the Director of Water and Waste be requested to determine whether the two right-of-ways and the vacant strip of property extending from Victoria Crescent and Victoria Row to the Red River should be disposed of, and if so, that the properties be offered for sale to the adjacent property owners.

IV. That the net proceeds from the sale of the properties be credited to the Land Acquisition for Riverbank Purposes Account in order to provide capital funding for riverbank property acquisitions.

V. That the residents of Victoria Crescent be informed of the City's intention to offer the property for sale.

VI. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Copies of Plan Nos. 6-94 and 23-96 are on file in the Office of the City Clerk.

Moved by Councillor O'Shaughnessy,

THAT Recommendation No. 1 be amended by deleting the words "subject to Recommendation No. III." and adopted;

AND THAT Recommendation Nos. 2 - 6 be referred to the Committee on Finance and Administration.

Carried.

COMMITTEE ON PROTECTION PARKS AND CULTURE

CONSIDERATION OF BY-LAWS

418 - On motion of Councillor O'Shaughnessy, By-law No. 6986/97, a By-law of The City of Winnipeg to provide for the execution of Standard Agreement forms by the Director of Parks and Recreation, or designates, 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 PR-2.10 (Vol. 9)

REPORT OF THE

COMMITTEE ON WORKS AND OPERATIONS

DATED FEBRUARY 11, 1997

On motion of Councillor Clement, the Report of the Committee on Works and Operations, dated February 11, 1997, was considered clause by clause.

Moved by Councillor Clement,

That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9 and 10 be adopted.

Councillor Silva requested that Clause 6 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3,4,5,7,8,9 and 10 was put and declared carried.

Request for an Extension of Time - Review of the Handi-Transit Policy
TT-1.3 (Vol. 11)

419 - 1. Council on November 20, 1996, passed the following motion in connection with approval of the Additional Appropriation for the purpose of addressing Handi-Transit demands for service to the end of 1996, namely:

> *AND THAT the Committee on Works and Operations be directed to review the Handi-Transit Policy with the express view of creating a system for the "truly handicapped" including an appropriate level of funding and a secondary system for "others who have special transit needs".*

On December 3, 1996, the Committee on Works and Operations considered the above motion and referred same with instruction to the Administration and the Handi-Transit Policy Advisory Committee to consult with the various user groups and report back to Committee.

Subsequently, on February 11, 1997, the Committee on Works and Operations was apprised that the consultative process is underway and a final report will be forthcoming. In view of the foregoing, the Committee on Works and Operations recommends a 60-day extension of time in which to report back to Council relative to the above motion.

Adopted by consent.

Purchase of Replacement Transit Buses for 1997, 1998 and 1999
File TE-1 (Vol. 7)

420 - 2. The 1997 Capital Estimates and 1998 - 2002 Five-Year Capital Forecast identifies the need to replace 25 transit buses in 1997, and 30 in each of 1998 and 1999.

The purchase cost of replacement transit buses is funded by equal contributions from the City and the Province of Manitoba. The City's portion is currently drawn from a mix of contributions from the Transit Bus Replacement Reserve (funded through the Current Budget) and debenture financing.

The planned replacement program for buses required by Winnipeg Transit from 1997 through 2002 is as follows:

Year	No. of Replacements
1997	25
1998	30
1999	30
2000	30
2001	30
2002	30

A basic replacement program of 30 buses per year, given Winnipeg Transit's total fleet size of 535 buses, results in an

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average service life of approximately 18 years. The manufacturer's design target for these vehicles is 12 years, and best industry estimates of the average minimum cost 'economic life' are in the neighbourhood of 14 to 16 years.

The three major manufacturers of transit buses for the Canadian market are currently quoting lead times for delivery of at least 104 weeks. As a result, orders for replacement equipment required before the 1999 Pan Am Games must be placed within the next two to three months. Winnipeg Transit staff are currently completing preparation of a tender package to solicit quotes for replacement buses required in 1997, 1998 and 1999.

The problem of two-year lead times arose during the second half of 1995, and the conditions that lead to this situation are expected to persist for the next two or three years. Normal lead times prior to late 1995 were in the order of nine months to one year. Winnipeg Transit's regular replacement program is already effectively one year behind plan, as replacement buses ordered in 1995 are just in the process of being delivered now.

Planning of transportation requirements for the Pan Am Games is currently in the early stages, and forecasts of equipment needs are not complete. It is expected, however, that a considerable number of passenger carrying vehicles will be required beyond the 535 vehicles available in Winnipeg Transit's fleet. Delivery of all replacement buses planned up to 1999 would permit a short term expansion of the fleet by delaying the retirements of any buses which could still be rendered safe and reliable for the Games period.

The proposed plan of tendering for 85 replacement buses in the spring of 1997 for delivery no later than the spring of 1999, with retirements delayed until after the Pan Am Games, will provide up to 85 additional buses for use during the Pan Am Games. Although a commitment of funds is required at this time to allow for tendering, it will not result in funds being expended any earlier than visualized in the 1997 Capital Estimates and the 1998 - 2002 Five-Year Capital Forecast.

Council and Provincial funding approvals are required in order to allow for the tendering of 1997, 1998 and 1999 bus replacements in the Spring of 1997 to facilitate deliveries no later than the Spring of 1999 for the Pan Am Games.

The Committee on Works and Operations therefore recommends:

I. That first charges be made against the 1998 Transit Utility Capital Budget in the amount of $9,794,000 (debt financing of $912,000) and the 1999 Transit Utility Capital Budget in the amount of $9,766,000 (debt financing of $743,000) for the purchase of replacement transit buses as specified in the 1998 - 2002 Five-Year Capital Forecast.

II. That first charges be made against the 1998 Transit Utility Current Budget in the amount of $3,500,000 and the 1999 Transit Utility Current Budget in the amount of $4,200,000 for the purchase of replacement transit buses as specified in the 1998 - 2002 Five-Year Capital Forecast.

III. That the Province of Manitoba be requested to provide an advance commitment to cost share the funding of transit bus replacements in 1998 and 1999 in the amount of $4,823,000 each year.

IV. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing, and subject to receiving the Council and Provincial authorizations in Recommendations I., II., and III. above, tender for the supply of the 1998 and 1999 transit bus requirements concurrent with the 1997 order for delivery no later than the Spring of 1999.

Adopted by consent.

Report of the Committee on Works and Operations dated February 11, 1997

Evaluation of DART (Dial-A-Ride Transit)
File TT-1 (Vol. 28)

421 - 3. The 1996 Current Estimates for the Transit Department included provision for the demonstration of an alternative service concept in low density areas. Effective June 16, 1996, a trial demonstration of demand responsive service was implemented in the southeast part of Winnipeg. The fixed-route service formerly provided by 16 OSBORNE in the St. Amant - Plaza Drive and Southdale - Island Lakes areas was replaced by a demand responsive service, DART, during evenings and Sunday mornings.

1. Trial Demonstration

The overall objective of the DART trial demonstration has been to develop a new approach to service delivery in low density areas during periods of low demand.

The specific goals of the trial demonstration have been:

1. To test and refine the operational delivery of the service including:

    a) Passenger information (timetables, "how-to-use" information)
    b) Trip reservation procedures
    c) Schedule adherence for transfer connections and pick-up times
    d) Number and distribution of DART Stops
    e) Route planning for multiple drop-offs/pick-ups
    f) Type of bus for DART use
    g) On-board equipment (cell phones, lights, maps, trip forms)
    h) Bus operator training

2. To determine the operational feasibility of DART in winter driving conditions.

3. To determine the characteristics and travel behaviours of DART users.

4. To assess the cost-effectiveness of DART service.

5. To assess passenger reactions to DART service.

2. How DART Works

The current DART 101 and DART 102 services replaced fixed-route service formerly provided by 16 OSBORNE in the St. Amant - Plaza Drive area and in the Southdale - Island Lakes area during evenings and Sunday mornings.

When DART is in operation, the main line Route 16 buses terminate at the shopping centres located at the edge of the two services areas: St. Vital Centre and Southdale Shopping Centre. In each service area, one DART vehicle (a small 20-passenger ELF bus) provides transit service when and where required.

The DART vehicles are scheduled to meet the main line Route 16 buses at the respective terminals. Outbound passengers destined to the service areas transfer to the DART bus and, upon boarding, inform the bus operator of their final destinations. The bus operator then plans a route to deliver passengers to their destinations so that overall travel time is minimized for all passengers.

Passengers are dropped off at DART Stops. DART Stops are designated by a special blue bus stop marker at regular transit stops and at several other intersections in the service areas. To minimize passenger walking distances, the number of DART Stops is approximately twice the number of regular transit stops. Maps of the two service areas are outlined on Appendices A and B.

Passengers wishing to travel from their homes in the service area also have access to DART service. These passengers must book trips by calling the DART phone number: 287-3278 (BUS-DART). Through a phone menu system, the passenger is directly connected to the DART bus operator (who is equipped with a cellular telephone) to relay pertinent information relative to origin, destination and requested pick-up time. Subsequently,

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the bus operator schedules the trip into his vehicle tour. Trip reservations are made about 30 minutes prior to the pick-up time and because pick-up times are approximate, passengers are picked-up at their homes rather than at DART Stops. Regular transit fares apply to DART service.

3. Advantages and Disadvantages of DART Service

DART service has the following advantages:

a) Passengers are dropped-off or picked-up in very close proximity to their homes. This not only reduce walking distances, but provides an increased level of personal security for passengers.
b) Travel is more direct for most passengers. The DART bus travels only to those areas where passengers need to be dropped-off or picked-up.

c) The operation of large 40-foot buses through residential areas is eliminated during the off-peak time periods in which DART operates.

There are some minor disadvantages, however:

a) Passengers are required to transfer between the main line service and the DART bus. The former Route 16 service provided service without transfer.
b) Some passengers dropped off during the latter part of a busy DART vehicle tour may spend more time on the bus than on the former fixed-route service.
c) The DART service finishes somewhat earlier than the former fixed-route service.

4. Information Sources Used to Evaluate DART

Since implementation of the DART trial, several types of information have been gathered to enable evaluation of the service. The major sources of information include:

a) Feedback received in regular meetings with DART bus operators.
b) A survey of DART passengers conducted in November 1996.
c) Commendations and complaints received from the public about DART.
d) A database of all passenger trips (including DART route, date, time, origin, and destination for each trip) made on DART since the inception of the service.

An evaluation of the trial DART services has been completed. Information from various sources is used to evaluate specific aspects of the DART operation.

5. Evaluation of DART Service Delivery

5.1 Passenger Information

DART service is more complicated for passengers to use than traditional fixed route service. The nature of demand responsive service requires that passengers be made aware of:

a) The types of trips for which a reservation is required and those for which a reservation is not required
b) The procedure to use to book trips
c) The location and numbering of DART stops.

This requires that a comprehensive approach be used to provide the necessary user information to passengers. For the DART 101 and DART 102 services, the following have been used:

a) An informational brochure and a detailed “how-to-use” pocket timetable were distributed to each household in each service area immediately prior to start-up of the service.
b) A detailed map of the service area showing the locations of DART Stops and detailed “how-to-use” information are posted at each DART terminal.
c) A detailed map of the service area showing the locations of DART Stops is posted in each DART bus on the back of the panel behind the bus operator. This map provides a convenient reference for passengers when informing the DART operator of their destination DART Stop.

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d) The DART phone number (287-3278) is posted prominently in the DART bus destination signs and on the street signs designating the DART Stops.

Feedback from passengers and bus operators has indicated that this approach has provided good information for residents of the service areas. For persons resident in other parts of the city and travelling to the DART service areas, however, only the pocket timetable provides readily available information about DART. In most cases, these passengers learn about DART the first time they are required to transfer to it from the main line Route 16.

5.2 Trip Reservations and Waiting Time

Passengers starting trips from their homes in the DART service areas must call 287-3278 (BUS-DART) to book their trips directly with the bus operator.

There are two components to the phone system: the phone menu system (provided by MTS) and the cell phone system (provided by Cantel). The phone menu system has worked very reliably; the system has never failed to operate. The Cantel cell phone network has also worked quite reliably. There have been only two occasions since June 1996 when cell phone service has not been available.

The phone system can currently handle up to three calls at a time. A passenger will encounter a busy signal only if there are more than three calls using 287-3278 at the same time. Once access is gained to the phone menu system, a caller might get another busy signal if the call is transferred to a bus operator cell phone already engaged. In such cases, a passenger must call 287-3278 again.

In the survey of passengers, very few respondents indicated that busy signals are encountered when booking trips on DART. In addition, no complaints have been received from the public about the phone system. In the passenger survey, all respondents reported that bus operators answer promptly. In addition, 92% of the respondents indicated that they are able to get a convenient pick-up time. About 90% of all survey respondents indicated that the trip reservation procedure is *Easy* or *Just Right*. Amongst respondents who actually book trips on DART, only 7% indicated that the procedure is *Difficult*.

DART bus operators report that it is best for passengers to call to book a trip about 30 minutes prior to the desired pick-up time. In the survey, 85% of the respondents indicated that the time required to call ahead is *Short* or *Just Right*. About 15% of respondents feel that the time required to book ahead is *Too Long*.

5.3 Schedule Adherence

Schedule adherence is important for DART from two perspectives. For transferring passengers, DART must provide reliable connections with the main line service at the DART terminals. For passengers starting their trips from their homes, it is important that DART provide pick-ups at agreed upon times.

In the passenger survey, almost all respondents indicated that Route 16 buses arrive on time at the DART terminals and that good connections are provided with the DART service. It should be noted that, since implementation of DART, arrangements have been in place to synchronize Route 16 and DART buses if one of the services is running late.

The survey results also showed good performance for pick-up times for the surveyed trips. About 88% of respondents reported that they were picked up on time; 7% indicated that the actual pick-up time was early; and 5% indicated that the actual pick-up time was later than promised.

5.4. Walking Distances

A major objective of DART service is to reduce walking distances to/from transit service. For passengers starting their trips in the service area, DART provides the pick-up at the doorstep. For these passengers, therefore, there is no walk.

For passengers destined to the service area, DART provides the drop-off at the nearest DART Stop. The greater the number of DART Stops, the shorter the effective walking distances to the final destinations of passengers.

In the passenger survey, about 85% of respondents indicated that the number of DART Stops is *Just Right*. About 15% indicated that there are too few DART Stops. A higher proportion of DART users in the St. Amant - Plaza Drive area indicated that there are too few DART Stops. The distribution of DART Stops in this area is currently under review.

5.5. Directness of Travel

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Because DART provides transit service only where and when required in the service area, travel by DART is often more direct for passengers than is travel by a fixed-route service. On the other hand, passengers dropped off during the latter part of a busy DART vehicle tour can spend more time on the bus than on the former fixed-route service.

Based on the results of the passenger survey, it appears that DART provides a more direct trip for a large majority of passengers. About 86% of respondents indicated that the directness of travel is *Just Right* or *Very Direct*. Only 14% indicated that the service is *Indirect*.

5.6. Hours of Service

When DART was implemented in June 1996, the last scheduled trip to leave the DART terminal was 12 midnight for DART 101 (in St. Amant - Plaza Drive) and 11:37 pm for DART 102 (in Southdale-Island Lakes). No complaints have been received from the St. Amant - Plaza Drive area about the hours of service.

In the Southdale - Island Lakes area, however, complaints have been received that the DART service ends too early on weekdays and Saturdays. There are Route 16 arrivals at Southdale Shopping Centre at 12:34 am and 1:21 am and some residents feel that DART 102 should meet these last two main line trips. To accommodate shift workers finishing work at midnight in the downtown, an additional DART 102 trip at 12:34 am was added to the schedule in November 1996. This small adjustment to finishing time appears to have met the most important need.

The passenger survey was conducted just prior to the adjustment to the schedule. Consequently, there were a number of requests from respondents to operate the DART 102 service later. There were also suggestions that the service operate on Saturday mornings.

5.7. Buses Used for DART Service

Small ELF buses (25 foot length, 20 passenger capacity) have been operated on DART since implementation of the service. Each of the ELF buses has been outfitted with equipment required for DART operation (cell phone and battery charger, writing console, reading light, spotlight to read house numbers).

Two difficulties have been encountered with the ELF buses on DART service:

a) The turning radius of the ELF buses is as long as a large transit bus. As a result, bus operators find the ELF buses difficult to manoeuvre on small streets.
b) A significant proportion of DART passengers find the ride quality of ELF buses to be uncomfortable. Only 55% of survey respondents ranked the ride quality as *Good*. In particular, the ride quality is poor in the winter months when many residential streets are rutted with snow and ice.

To resolve these difficulties, the Transit Department plans to test the operation of small New Flyer Low-Floor buses (30 foot length, 25 passenger capacity) in DART service. These recently-acquired buses provide a much more comfortable ride and have a much shorter turning radius than the ELF buses.

5.8. DART Bus Operators

For each schedule period, DART work assignments are included in the general bus operator sign-up. Bus operators who select DART work must attend special training for the service. The training involves classroom sessions that cover cell phone use, telephone courtesy, route planning techniques, and record keeping. In addition, time is spent in the field to learn the local geography of each service area. A number of spareboard operators are also trained to fill in when regular operators are sick or on vacation.

Feedback from bus operators has been very positive about the service. DART provides an opportunity for an operator to practice a broader range of skills on the job. In addition to customer relations and driving skills, the operator must do route planning and scheduling and must provide customer information while the service is in operation. In effect, the bus operator provides a community-based transit service in each DART service area. DART provides an opportunity for the operator to deliver more personalized service to customers.

The successful operation of DART is very dependent on the bus operators providing the service. In the passenger survey, DART operators were rated very highly on courtesy and helpfulness. Over 95% of the respondents rated the operators as *Good* or *Excellent*. Only 4% of the respondents rated the operators as *Fair*.

6. Evaluation of DART Operation in Winter Driving Conditions

The feasibility of operating DART during the winter was a major issue to be assessed during the trial demonstration.

Due to road conditions, average operating speeds are generally lower in winter than in summer. After a departure of a

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DART bus from the terminal, there needs to be sufficient time to service all drop-offs and pick-ups prior to the next scheduled departure of the DART bus from the terminal. To date, a wide variety of road conditions have been experienced in both service areas. Despite this and despite higher ridership levels in the winter, schedule adherence has been very good and there have been very few instances when the DART service has been late arriving at the terminal.

For DART service to work properly, DART buses must be able to operate on any street in the service area. Except in very extreme conditions, it has been possible to operate on all streets this winter. During major blizzards, the DART buses were restricted to the fixed route formerly operated by Route 16. In these situations, passengers made arrangements with the bus operators to walk to the nearest stop to be picked up. In the worst case (the mid-November blizzard), the DART buses were restricted to the fixed route for two days after the blizzard.

In general, experience gained during the trial has shown that DART can be successfully operated during the winter months.

The operation of DART during the winter can be improved by using a different type of bus on the service. Feedback from bus operators indicates that a bus that is more manoeuvrable than the ELF would be a major improvement. In addition, passengers have requested that a bus with a better ride quality be used on the service. Consequently, small New Flyer Low-Floor buses (30 foot length, 25 passenger capacity) will be tested in DART service in the near future.

7. Characteristics and Travel Behaviours of DART Users

7.1. Age-Gender Profile

The following table shows the age and gender characteristics of DART users:

	% of DART Users		
	Female	**Male**	**Total**
18 years & under	20%	9%	29%
19 - 64 years	32%	37%	69%
65 years & over	1%	1%	2%
Total	53%	47%	100%

To some extent, the DART user profile reflects the demographics of the service areas. In the DART areas, the proportion of the total population accounted by young people is higher than for the city as a whole.

Compared to fixed route transit, a higher proportion of DART users are young people (especially women). In the passenger survey, young women reported that the short walking distances provided by DART make public transit safer to use.

A very small proportion of DART users are senior citizens. This is because DART currently operates during time periods when few seniors travel by transit.

7.2. Passenger Trip Patterns

Passengers starting trips in the service area must book their trips with the bus operator. Passengers starting their trips at the DART terminals can travel without the need to make reservations.

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Based on records of trips made on DART to date, the following tables show the types of trips made by passengers on a typical weekday evening:

DART 101: St. Amant - Plaza Drive

		Trip Destination				Total
		St. Vital Centre	St. Amant Centre	Pembina/ Plaza Drive	Private Residence	
Trip Origin	St . Vital Centre	-	4%	24%	25%	53%
	St. Amant Centre	**3%**	-	**7%**	**1%**	11%
	Pembina/ Plaza Drive	11%	1%	-	10%	22%
	Private Res.	**5%**	**1%**	**4%**	**4%**	14%
Total		19%	6%	35%	40%	100%

Shaded cells in the table are trips for which a reservation must be made.

Of weekday users of the DART 101 service, 25% make reservations for their trips and 75% travel without the need to make reservations.

Trips made exclusively between the major activity centres/transfer locations (St. Vital Centre, St. Amant Centre, Pembina/Plaza Drive) account for 50% of all weekday trips made on DART 101.

DART 102: Southdale - Island Lakes

		Trip Destination		Total
		Southdale Mall	Private Residence	
Trip Origin	Southdale Mall	-	68%	68%
	Private Residence	**20%**	**12%**	32%
Total		20%	80%	100%

Shaded cells in the table are trips for which a reservation must be made.

Of weekday users of the DART 102 service, 32% make reservations for their trips and 68% travel without the need to make reservations.

About 12% of weekday trips on DART 102 are made between residences within the service area. On Saturday evenings, the proportion is 20%. These proportions are significantly higher than those for the former fixed-route service. The flexibility of DART service makes it much easier to provide local service for intra-community travel.

8. Ridership and Productivity

Since implementation in June 1996, DART ridership has been comparable to that formerly carried by the Route 16 fixed-route service in the two areas.

Since implementation, ridership has grown with the normal seasonal increase from summer to winter. The following table shows average winter ridership and productivity levels for the two services:

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Time Period	DART 101: St. Amant-Plaza Drive		DART 102: Southdale-Island Lakes	
	Boardings	Boardings/Bus Hr	Boardings	Boardings/Bus Hr
Weekday Evening	45	8.2	55	8.6
Saturday Evening	45	8.2	70	10.9
Sunday Morning	36	5.7	20	3.4
Sunday Evening	33	5.3	35	5.5

It should be noted that, for individual DART vehicle tours, there is a wide variation in productivity. Buses leaving the DART terminals early in the evening often service 15 to 20 passengers per trip. Later in the evening when demand is lower, about 3 to 5 passengers are serviced per trip.

Demand responsive services are designed to accommodate low levels of demand dispersed over a large geographical area. As a practical limit, DART can service a maximum of about 20 locations per bus hour. At higher levels of demand, it is more productive to use fixed-route transit.

During early evenings on weekdays and Saturdays, the existing DART services operate at close to maximum capacity. It is not expected, however, that transit demand will grow much beyond existing levels in the service areas during the time periods that DART currently operates. Consequently, it is not expected that demand will exceed the service capacity of DART.

9. Impact of DART on Transit Operating Costs

For any area, the aggregate demand for transit is determined by the nature of the land use, the demographic characteristics of the population, employment levels, school enrollment levels, and the proximity of major activity centres. Given an area's aggregate demand, the actual use of transit will vary by day of the week and by time of day.

To accommodate variations in demand, it is important to tailor the type of transit service to the level of demand. When ridership levels are high, fixed-route transit should be operated. When ridership levels are lower, DART can service low-density areas more cost-effectively and, at the same time, provide better service to passengers.

The conversion of existing fixed-route service into DART service does not necessarily result in savings in transit operating costs, however. The net impact on costs depends on two factors:

a) The number of buses operated on the affected routes before and after DART is implemented;
b) The hours of service operated by the affected routes before and after DART is implemented.

If a conversion of fixed-route service to DART results in a decrease in the total number of buses in operation or in a reduction in the hours of service, then operating costs decrease. If the number of buses in service does not change and if the hours of service remain intact, then no cost savings are realized.

The impact on the number of buses is determined by the scheduling requirements (round trip time and headway) of the fixed-route service before and after conversion to DART.

In the case of DART 101 and DART 102, the total number of buses required to provide service has not decreased.

There are some cost savings, however. The DART services finish at about 12:30 am. This is about one and a half hours earlier than the former Route 16 service in the DART areas. Consequently, there has been a net saving of about 3 bus hours each weekday and Saturday.

In summary, there are two important points to note:

a) The conversion of fixed-route service to DART does not necessarily result in cost savings. The impact on transit costs is dependent on the scheduling requirements for the fixed route before and after conversion to DART. These scheduling requirements are determined outside the DART service area at the fixed route's maximum load point. Consequently, the cost implications of DART conversions must be assessed on a case-by-case basis.
b) Even if a conversion to DART results in no savings in operating costs, there will be an improvement in cost-effectiveness. This is because DART can service a much larger geographical area than can a fixed route. The flexibility of DART operation means that passengers travelling to/from areas out of reach of fixed-route transit

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can be served. In low density areas with low levels of demand, DART makes more efficient use of existing resources than does fixed-route transit and is considered by passengers to provide better service.

The trial demonstration of DART has shown that a demand responsive service can provide cost-effective and personalized service to passengers in low density areas during off-peak periods.

During the trial demonstration, DART has operated reliably in both summer and winter driving conditions. In addition, it has proven to be popular with passengers. In the passenger survey, 92% of respondents rated the current DART service as *Good* or *Excellent*. Only 8% rated the service as *Fair*.

Consequently, it is recommended that the current DART 101 and DART 102 services be made permanent.

In addition, the results of a passenger survey indicated that over 80% of respondents felt that the DART concept should be expanded to other areas of Winnipeg.

The Committee on Works and Operations therefore recommends:

I. That, effective Sunday, April 13th, 1997, the DART 101 and DART 102 services be expanded to operate during the following time periods:

Weekdays:	7:00 pm - 12:30 am (Existing)
Saturdays:	6:00 am - 12 noon (NEW) 7:00 pm - 12:30 am (Existing)
Sundays/Holidays:	7:00 am - 12 noon (Existing) 12 noon - 6:00 pm (NEW) 6:00 pm - 12:30 am (Existing)

II. That, where feasible, the DART concept of transit service delivery be expanded to other areas of Winnipeg. Further reports on DART expansion will be brought forward for the consideration and approval of the Committee on Works and Operations.

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

For the information of Council the Saturday morning operation of DART 101 and DART 102 will result in a net saving of one bus. This annual saving of $10,000 is included in the draft 1997 Current Estimates.

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

Approval for Funding Transfer for the Lily Street Combined Sewer Renewal
File WS-5 (Vol. 18)

422 - 4. The Committee on Works and Operations has been advised that a recent television inspection of the Lily Street Combined Sewer revealed a large void, beneath the pavement at the first manhole south of Henry Avenue, the result of severe deterioration of the brick manhole. The void extends from the manhole located in the center of the pavement to the east curb and all the way down to the sewer invert. The inspection also showed that the combined sewers running south from Henry Avenue to the manhole are failing and should be renewed.

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Public safety has been severely compromised by the sewer failure and repairs should be made immediately. A barricade has been placed around the area until repairs can be made.

The Construction Branch of the Streets and Transportation Department are prepared to undertake the repairs immediately. The delay in going out for tender for this work could be three to four weeks and would increase the hazard to the public and the risk of a pavement failure. The Construction Branch will adjust its workload by delaying other projects.

Financial Status of the Lily Street Combined Sewer Renewal Project		
Combined Sewer Renewal Reserve Available:		$ 812,201.60
Lily Street Sewer Renewal		
Estimated Construction Cost	$ 70,000.00	
Engineering (16%)	$ 11,200.00	
Contingency	$ 7,000.00	
GST (3%)	$ 2,600.00	
Total Estimated Cost	$ 90,800.00	$ 90,800.00
Estimated Combined Sewer Renewal Reserve Residual		$ 721,401.60

UMA Engineering Inc. is performing the engineering services for the design, specifications and installation of this project.

Council approval is required for projects funded from the Combined Sewer Renewal Reserve.

The Committee on Works and Operations therefore recommends:

I. That funding in the amount of $90,800.00 for the renewal of the combined sewer under Lily Street from Henry Avenue to the first manhole south of Henry Avenue be accommodated though the Combined Sewer Renewal Reserve.

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

Adopted by consent.

Approval for Funding Transfer for the George Avenue Watermain Renewal
File WW-2.4(34) (Vol. 1)

423 - 5. The Committee on Works and Operations has been advised that there has been an increasing frequency in the number of leaks on the George Avenue watermain over the past few years, resulting in repeated service interruptions and inconvenience to area residents. In addition, the 60 year old, 100 millimetre diameter cast iron watermain is undersized to provide the required fire flow protection.

The combined sewer along the same stretch of the street is to be renewed in 1997. Renewing both the combined sewer and watermain at the same time would be cost effective and consequently reduce service disruption and inconvenience to residents.

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Financial Status of the George Avenue Watermain Renewal Project		
Watermain Renewal Reserve Available		$1,541,840.00
George Avenue Watermain Renewal:		
Estimated Construction Cost	$ 47,000.00	
Engineering (16%)	$ 7,500.00	
Contingency	$ 4,700.00	
GST (3%)	$ 1,800.00	
Total Estimated Cost	$ 61,000.00	$ 61,000.00
Estimated Watermain Renewal Reserve Residual		$1,480,840.00

UMA Engineering Inc. is performing the engineering services for the design, specifications and installation of this project.

Council approval is required for projects funded from the Watermain Renewal Reserve.

The Committee on Works and Operations therefore recommends:

I. That funding in the amount of $61,000.00 for the renewal of the watermain under George Avenue from Disraeli Freeway to Duncan Street be accommodated though the Watermain Renewal Reserve.

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.

Funding Approval for the Installation of the Sidewalk on Ashworth Street between Woodydell Avenue and Brixford Crescent Files SC-3.12 (Vol. 12) and SL (1997)

424 - 6. On February 11, 1997, the Committee on Works and Operations considered an Administrative report relative to changing the method of funding for the installation of the sidewalk on Ashworth Street between Woodydell Avenue and Brixford Crescent which was constructed during the fall of 1995. The subject sidewalk was constructed as a local improvement assessable to eleven (11) properties fronting the subject block of Ashworth Street.

The installation of the subject sidewalk on the east side of Ashworth Street between Woodydell Avenue and Brixford Crescent was advertised as a local improvement on three occasions since 1982. On the first two occasions, the emphasis was to install the missing block of sidewalk, thus having a continuous sidewalk on the east side of Ashworth Street. The most recent advertisement occurred on November 24, 1994, as a result of the completion of a new french immersion school Ecole Julie-Riel on Ashworth Street between Nova Vista Drive and Harlesden Road. This school has 480 students from kindergarten to Grade 8, and the safety of students using the sidewalk to and from the school was a major concern to parents and the school administration.

Subsequent to the 1994 advertisement, a petition against was unable to attain the required 60% to defeat the installation of the sidewalk as a local improvement, as only 49.56% of the useable frontage is privately owned. The percentage of privately owned property frontage in opposition to the proposed installation was officially recorded as 59.97%. However, when the impact of the technicality, namely, the requirement in the case of joint property ownership requiring both signatures is taken into consideration, the actual percentage of privately owned property frontage in opposition to the proposed sidewalk was 100%.

On July 4, 1995, the Riel Community Committee recommended to the Committee on Works and Operations that the above sidewalk be installed as a supplementary local improvement funded from cancellations and/or surpluses in the Local Improvement Capital funds with no property owner assessments or that the installation be funded as a City-at-large expenditure.

On July 25, 1995, the Committee on Works and Operations referred the matter back to the Riel Community Committee for reconsideration of the installation as a local improvement with instruction that the Committee on

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Works and Operations is prepared to proceed with the installation of the sidewalk as a local improvement with assessment to the property owners in the established Local Improvement process.

On September 12, 1995, the Committee on Works and Operations heard representation from the area residents in support of the sidewalk installation for safety considerations of children attending the Ecole Julie-Riel School. The Committee on Works and Operations recommended that the sidewalk be installed as a local improvement. Council on September 27, 1995 adopted Clause 2 of the Report of the Committee on Works and Operations dated September 12, 1995 approving the subject sidewalk installation as a local improvement (Appendix A). Subsequently, on September 27, 1995, Council passed By-law No. 6708/95, being the authorization by-law for the subject local improvement.

At its meeting held on September 12, 1995, the Committee also tabled a motion to fund the installation of the subject sidewalk from City-at-large funding and requested the Administration to report back relative to a policy for City-at-large funding for the installation of sidewalks on collector streets where an elementary school or bus route is in the vicinity. On December 8, 1995, the Committee on Works and Operations considered a report from the Administration with respect to alternative methods of financing the installation of sidewalks on non-regional streets that are transit routes, and received same as information.

The subject sidewalk was constructed during the fall of 1995, in accordance with By-law 6708/95, as a local improvement assessable to eleven (11) properties fronting the subject block of Ashworth Street. The sidewalk was not supported by fronting property owners as a local improvement, but the property owners were unable to attain a successful petition against because of City property ownership. Since the sidewalk provides a safe transportation system for the majority of the students at Ecole Julie-Riel and comfort to the parents in the area, the cost of the sidewalk ($25,500.00) could be funded by City-at-large and surplus Capital funds available in Account No. 5193000405 (street renewal - Kimberly Avenue, Watt to Roch) transferred to Local Improvement Account No. 9995220501. Council approval is required to change the subject sidewalk from being a local improvement to a project funded by the City-at-large. In this regard, there has been a precedent in the past for a similar sidewalk project on the north side of Grassie Boulevard between Lagimodiere Boulevard and Molson Street, which is non-regional.

The issue of local improvement assessment for sidewalks to and around schools where fronting property owners do not perceive the installation as a benefit and thus petition against the installation is under administrative consideration for an equitable solution which may be offered by the newly legislated district area assessment concept in The City of Winnipeg Act.

Following deliberation, the Committee on Works and Operations recommends:

I. That Council rescind its previous decision of September 27, 1995, namely, that the installation of a sidewalk on the east side of Ashworth Street between Woodydell Avenue and Brixford Crescent be approved as a local improvement in the amount of $25,000.00 and that the relevant portion of By-law No. 6708/95 be repealed.

II. That the cost of the concrete sidewalk on the east side of Ashworth Street from the south line of Woodydell Avenue to the north line of Brixford Crescent be funded as a City-at-large expenditure and that Capital funds from Account No. 5193000405 (street renewal - Kimberley Avenue, Watt to Roch Streets) in the amount of $25,000.00 be transferred to Local Improvement Account No. 999522591.

III. That the City Solicitor/Manager of Legal Services be directed to prepare the necessary by-law to repeal the relevant portion of By-law No. 6708/95 approving the subject installation as a local improvement.

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

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

Moved by Councillor Clement,
Adoption of the clause.

Carried.

Local Improvement Districts Procedural By-law File SL-1 (Vol. 19)

425 - 7. The Committee on Works and Operations has been advised that on November 19, 1996, the Province of Manitoba gave royal assent to Bill 44, *The City of Winnipeg Amendment and Consequential Amendments*

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Act which included, in part, an addendum to Part X of The City of Winnipeg Act to designate local improvement districts and levy costs of construction on a district basis.

Pursuant to Sub-sections 392.1(2)(b) and (2)(c), Council is required to pass a by-law to establish guidelines for the composition of a committee of council for a local improvement district (to be known as the *District Proposal Committee*) and to establish procedures for giving notice of and conducting public hearings for proposed local improvement districts.

The Local Improvement Districts Procedural By-law establishes the guidelines for the designation of the District Proposal Committee and the mechanics of advertising and conducting public hearings. This by-law will govern all proposed local improvement districts.

For each proposed district, a District Initiation By-law will be developed which will encompass the appointment of Councillors to the District Proposal Committee, define the proposed district (preliminary boundaries, improvements, estimated cost of construction) and the estimated costs associated with the initiation/approval processes and a funding source for same.

Once the District Initiation Bylaw has been passed by Council, the District Proposal Committee will, in conjunction with the administration, develop a District Proposal Document which will be reviewed at public hearings. The District Proposal Document will form the basis for the formal District Improvement Bylaw. After receiving first reading by Council, the District Proposal will be advertised and affected property owners can formally object to the proposal. If the proposal was not successfully *objected to*, and Council still concurs in the proposal, the District Improvement By-law will receive second and third readings by Council after which construction may begin.

When the improvements are substantially complete, the properties within the district will be assessed based on the full cost of construction. A District Improvement Assessment Bylaw will be presented to Council at that point in time which identifies the individual properties, the basis for assessment, the cost and rate per unit of assessment, the term and interest rate.

The *Local Improvement Districts Procedural By-law* is a general framework which provides guidance in the development of individual local improvement districts.

A copy of the presentation provided at the February 11, 1997 Committee on Works and Operations meeting relative to the Local Improvement District process and procedures and has been circulated to all members of Council for their information.

The Committee on Works and Operations therefore submits for all three readings and enactment by Council the Local Improvement Districts Procedural By-law.

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

Adopted by consent.

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Funding Authorization for a Streets and Transportation Geographic Information System File SC-1.2 (Vol. 2)

426 - 8. The Committee on Works and Operations has been advised that in 1990, as part of a Public Works implementation strategy, the Land Based Information Systems Team set forth and began the development of the Operations Facilities Management (OPFM) application, consisting of the Water, Sewer, and Land Drainage data. Following this initiative, the strategy was to continue by integrating the Streets and Transportation Department application.

The original plan as conceived in 1990, was to begin with data conversion in the Waterworks System then move onto Sewer, Land Drainage and the Streets network. As data conversion was completed in each component, applications were written to use this data for automated mapping and facilities management. Conversion of data began in 1991 with the Waterworks System and continued with the Sewer and Land Drainage components until the 1995 reorganization under New Directions. Approximately 95% of the Water, Sewer and Land Drainage conversion was achieved during this time, and a large portion of the approximately $13 Million Land Based Information Systems (LBIS) Capital Budget was utilized for this purpose.

Following New Directions, the bulk of the LBIS resources (staff, equipment and data) went to the new Waterworks and Waste Department as the majority of the completed program consisted of the Water and Sewer components. The new Streets and Transportation Department was left with the task of completing the Street network conversion component of the project. The Corporate Services Department, who are responsible for the administration of the LBIS Capital Budget, has indicated that 1997 and 1998 Capital funds will be significantly reduced for the LBIS project. However, Corporate Services is offering $50,000.00 towards the Streets and Transportation Department's Geographic Information System (GIS) project, specifically towards street infrastructure conversions activities.

Information relating to the street system in the Streets and Transportation Department exists as AutoCAD Drawings, microfiches, paper drawings and various automated systems, both PC based and mainframe databases, spreadsheets and paper files. Both the format of the information and the sites where it is kept largely reflect the original creation and use of this information in the former Operations and Streets and Transportation Departments.

The Streets and Transportation Department have expressed a pressing need to bring together the above information within the new Streets and Transportation Department. To better focus on its own departmental needs and responsibilities for GIS related data, the Streets and Transportation Department intends to create a departmental geographic information system, to be called GIS-T, made up of components such as AutoCad, MapInfo, Delphi and related existing data bases. At the same time, the Department will be participating fully in the City's corporate LBIS effort. Information that is useful beyond the department will be maintained as corporate information.

To ensure the tie in of Streets and Transportation Department data into the corporate Land Based Information System (LBIS), the LBIS Branch of the Corporate Services Department will be a direct participant of this project. Participation includes a contribution of $50,000.00 and the assignment of an LBIS staff person towards the Streets and Transportation project. Corporate Services will set the standards to which Streets and Transportation Department will maintain its portion of the corporate data to ensure its continued usability by the whole of the City. Corporate data from this project will be maintained in LBIS/GDS until such time as otherwise may be determined by the Corporate Services Department. As a preliminary step towards these ends, the Corporate Services staff assignee has already begun work for the creation of a data model for the data conversion part of the GIS project.

The GIS-T project has three components which will be undertaken concurrently over a period of two years. The first component is the data conversion of information such as curb lines, pavement centre lines, etc., to be carried out largely in the Engineering Division of the Department at an estimated cost of $650,000.00. The second component is the creation of GIS-T systems and data bases for all areas of the Department through a GIS-T Coordinator, at an estimated cost of $160,000.00. The third component is a partnering with the University of Manitoba Traffic Information Group, to initially identify the City of Winnipeg's traffic information systems data management needs ($25,000.00) and, subject to the needs assessment, begin implementation of an automated traffic information system at an estimated cost of $125,000.00.

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The table below summaries the three components, including time frames and estimated cost.

PROJECT COMPONENT	DATES	ESTIMATED COST
Street System Date Conversion	Jan. 97 - Dec. 98	
- Staff Resources		$ 400,000.00
- Hardware/Software		$ 200,000.00
-Staff Training		$ 50,000.00
GIS-T System Development	Jan. 97 - Dec. 98	
- Coordinator		$ 125,000.00
- Hardware/Software		$ 35,000.00
Traffic Information System	Jan. 97 - Sept. 97	
- Needs Assessment (U of M)	Oct. 97 - Dec. 98	$ 25,000.00
- Implementation		$ 125,000.00
TOTAL		$ 960,000.00
Sources of Funding: - LBIS Capital Budget: $ 50,000.00 - Previously approved Capital funds (Appendix A): $910,000.00		

In order to avoid a significant loss in investment for work that has been started and to allow the project to be completed in a timely manner, the Streets and Transportation Department recommends that the above described GIS-T project utilize funds from previously approved Capital projects as identified in Appendix A in addition to the $50,000.00 funding to be provided from the LBIS Capital fund.

The Committee on Works and Operations therefore recommends:

I. That the Streets and Transportation Department with the support of the Land Based Information Systems Branch of Corporate Services proceed with the development of a Streets and Transportation Geographic Information System.

II. That authority be granted to the Director of Streets and Transportation to transfer funds in the amount of $910,000.00 from previously approved Capital Budgets to support completion of the Streets and Transportation Geographic Information System

III. 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 are on file in the office of the City Clerk.

Adopted by consent.

Spring Weight Restriction on City Streets
File ST-5.2 (Vol. 24)

427 - 9. The Committee on Works and Operations has been advised that the Manitoba Highways and Transportation, Transportation Safety and Regulatory Services Division, Compliance and Regulatory Services Branch, recently established a Spring Road Restriction Reform Working Group consisting of government and transportation industry representatives, for the purpose of developing a revised proposal for Spring Road Restriction Reform. Modifications to the Spring Weight Restriction were deemed necessary to make the regulations more readily understandable, facilitate efficient enforcement, and to recognize the reality that trucks are equipped with tires that are somewhat wider than has been the industry standard in the past.

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Section 86 (1) of The Highway Traffic Act enables a municipality to impose Spring Weight Restrictions and Section 86 (4) requires that such restrictions be made known by way of signing. Section 17 of the Traffic By-law specifies that the maximum gross weight of a vehicle operated on a non-concrete pavement during the Spring thaw shall be such that the maximum gross weight of any axle assembly for each centimetre of width of tire on the wheels of the axle assembly shall not exceed 60 kilograms. The methodology of limiting the weight of a vehicle on the basis of axle weight per unit width of tire is also currently in place on non-concrete Provincial Highways and on non-concrete roads in other municipalities. Such a method of Spring Weight Limit regulation has limitations due to the following:

1) the trucking industry can, and in some cases has increased the width of the tires on a vehicle, thereby obviating any load reduction that is otherwise intended to be achieved by such a regulation.

2) there are inconsistencies in pavement-tire contact areas due to differences in tire tread and cross-section design, inflation pressure, radial versus bias ply features, and variations in nominal tire widths and actual tire widths.

Although tire width is one of the factors that influences pavement damage, it is the total load on an axle or axle group that causes pavement damage. Research has shown that pavement damage accruing from the operation of commercial trucks is proportional to the weight of the load on each axle group.

The transportation industry deems the existing means of regulation to be awkward and unwieldy because of the variety of tire widths that are available from suppliers and that may be used on any particular truck or truck combination assembly. In addition, the enforcement process is unnecessarily time consuming because of the need to undertake measurements of tire widths as opposed to simply weighing the load on an axle or axle group. Accordingly, it is proposed that Spring Weight Restrictions be regulated by way of a maximum percentage of "normal" summer loading (ie. specifying a proportion of the maximum summer loading that is allowable on an axle or axle group of a particular vehicle type). Specifically, in the case of City streets with non-concrete pavements, it is proposed that the Spring Weight Restriction be 90% of "normal" summer axle loads.

With the proposed 90% of "normal" summer loading on City streets during the Spring melt season the maximum allowable weight on the payload axles of a typical truck arrangement is expected to be slightly less or slightly more than that which is permitted with the current control based on tire width, depending on the truck configuration (i.e. a 3 axle single unit tandem truck with 28 cm wide tires, the industry norm, would be permitted to carry a slightly higher payload than is currently the case while a 4 axle single unit tridem truck with 28 cm wide tires would be permitted to carry a slightly lower payload than is currently the case). The maximum allowable weight on the steering axle, however, will be in the order of 20% greater than that which is permitted with the current control. Under such a circumstance, non-concrete pavements will be subjected to greater stress than was formerly the case, particularly under circumstances where/when dynamic loading occurs during the vehicle braking process. Since front axle load limits are lower than limits for rear axles, such a level of loading under such circumstances will not significantly affect the integrity of the City's non-concrete roadways during the Spring thaw season.

The Province intends to obtain the necessary approval for such a policy change in time for the 1997 Spring Weight Restriction season. It is proposed to convey the new system of Spring Weight Restrictions by posting signs reading "Weight Restriction, 90% of Normal Axle Loads" on the affected streets. Based on studies of historical climatological data for southern Manitoba, the start date of the Spring Weight Restriction will be March 23 and the end date will be May 31 unless declared otherwise rather than on an as required basis as is currently the case. Such a practice of a consistent annual time period during which the Spring Weight Restriction is in effect will eliminate industry uncertainty, since the current system requires up to 10 days of lead time to declare and make known the start date and end date of the restriction while ensuring that the "window" within which non-concrete roadways are most susceptible to damage is adequately addressed.

It should be noted that certain types of vehicles used in the heavy construction industry and other specially permitted vehicles will continue to be governed by conditions specified on the permit, including factors such as limitations via the tire width formula, route of travel, time of travel, etc.

In view of the foregoing, it is proposed that Section 17 of the City of Winnipeg Traffic By-law No. 1573/77 (Spring Weight Restrictions) be repealed and substituted with the following, namely:

> *17. The Commissioner or his/her delegate may place and maintain or cause to be placed and maintained traffic control devices to limit the weights of vehicles operated upon streets and roads that do not have concrete pavements, between March 23 and May 31 of each year unless declared otherwise to prevent damage during the Spring thaw.*

The above By-law amendment will allow the Commissioner of Works and Operations or his/her delegate to implement any revised Spring Weight Restrictions approved by the Province, subject of course to it being acceptable to the City of Winnipeg circumstance, and to post signs as and when required, consistent with the revised regulation.

Report of the Committee on Works and Operations dated February 11, 1997

Such authority will ensure that the City's Spring Weight Restriction is harmonized with the Province, thereby simplifying matters for the transportation industry and enforcement officials. With such harmonization in place, the Streets and Transportation Department will explore the possibility of relying on advertising of the Spring Weight Restriction by the Provincial government as a cost cutting measure.

The Committee on Works and Operations therefore recommends:

I. That the City of Winnipeg Traffic By-law No. 1573/77 be amended by rescinding Section 17 (Spring Weight Restrictions) in its entirety and substituting therefor the following:

17. The Commissioner or his/her delegate may place and maintain or cause to be placed and maintained traffic control devices to limit the weights of vehicles operated upon streets and roads that do not have concrete pavements, between March 23 and May 31 of each year unless declared otherwise to prevent damage during the Spring thaw.

II. That the City Solicitor/Manager of Legal Services be directed to prepare the necessary amending by-law for submission directly to Council.

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

Adopted by consent.

Repairs to Damaged Private Approaches where a Manhole Exists within the Private Approach File GL-3.2 (Vol. 37) c/r GL-5.8 (Vol.11)

428 - 10. Council at its meeting held on October 23, 1996, passed the following motion, namely:

Moved by Councillor Timm-Rudolph,
Seconded by Councillor Phillips,

WHEREAS the Ombudsman has filed a report to Council in accordance with Section 71(4) of the City of Winnipeg Act;

AND WHEREAS the matter involves a complaint by Mr. William Byard of 22 Quiring Bay against the City of Winnipeg (Complaint File No. 400806) concerning damage to a private approach at said property;

AND WHEREAS both the Committee on Works and Operations and the Committee on Finance and Administration have jurisdiction in this case as follows:

Committee on Works and Operations:

To examine the question of whether the Private Approaches By-law should be amended to prohibit placement of a private approach on a manhole, except when no other alternative exists. To further consider whether, in the future if / when a private approach is placed on a manhole, a higher standard of concrete reinforcement should be required,

Committee on Finance and Administration:

To examine whether homeowners whose private approaches are cracked as a direct result of the existence of a manhole on the approach (where the cracking impedes the functionality of the approach) should be reimbursed for any percentage of the actual cost of repairs that have been completed,

NOW THEREFORE BE IT RESOLVED that the investigation report of the Ombudsman be referred to the aforementioned Standing Committees for review and recommendation;

AND BE IT FURTHER RESOLVED that the Ombudsman be requested to appear (in the capacity outlined in letter dated October 15, 1996 addressed to City Clerk) before the respective Standing Committees during deliberation of the matter.

Report of the Committee on Works and Operations dated February 11, 1997

On November 5, 1996, the Committee on Works and Operations referred to the Administration for report back, the matter relative to the question of whether the Private Approaches By-law should be amended to prohibit placement of private approaches on a manhole, except when no other alternative exists; and to further consider whether, in the future if/when a private approach is placed on a manhole, a higher standard of concrete reinforcement should be required. Subsequently, on February 11, 1997, the Committee on Works and Operations considered Administrative report dated January 17, 1997 relative thereto.

The City Ombudsman has suggested that the City of Winnipeg increase the standard of private approach construction where a manhole is located within the approach and that the City reimburse owners 50% of the cost of repairing approaches where they have deteriorated prematurely as a result of the presence of a manhole. On January 6, 1997, the Committee on Finance and Administration rejected the recommendation that the City contribute towards the cost of repairing private approaches with manholes.

City of Winnipeg sewers and manholes are constructed under the authority of *The City of Winnipeg Act*. Section 445(1) and (2) of *The City of Winnipeg Act* states:

445(1) Subject to the provisions of The Environment Act and The Public Health Act, and regulations under those Acts, council may pass by-laws

> *(a) authorizing the constructing and maintaining of such sewers, drains and ditches, either within or outside the city, as may be required*
>
> *(i) to secure the proper drainage of the city and disposal of the waterwaste, or*
>
> *(ii) to control or divert water in any stream or other watercourse;*

445(2) For the purposes of carrying out its duties under this Part, the city has all the powers rights and immunities conferred on the metropolitan Corporation under Part VIII (Sewage Disposal System) of The Metropolitan Winnipeg Act, as contained in Schedule A to this Act, immediately before repeal of that Act and, for the purpose of conferring those powers, rights and immunities on the city, that Act shall, to that extent, be deemed to be in force.

Section 26 of The Metropolitan Winnipeg Act states as follows:

General powers
26(1) For the purpose of collecting or receiving sewage and land drainage into the metropolitan system either from an area municipality or, by agreement, from any other municipality, and the treatment and disposal thereof, the corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon an area municipality, and in particular and without restricting the generality of the foregoing, may construct, maintain, improve, repair, widen, alter, divert and stop up trunk sewers, trunk sewer systems, trunk sewage works and treatment works, and the corporation shall be deemed always to have had this power.

26(2) Without restricting the generality of subsection (1), the corporation has all the powers and rights conferred but, except as herein stated, not the duties or responsibilities charged, upon Greater Winnipeg Sanitary District under The Greater Winnipeg Sanitary District Act immediately before the repeal of that Act, and in particular and without restricting the generality of the foregoing, under sections 3 to 6 and 9 of that Act; and, for the purpose of conferring those powers and rights on the corporation, that Act shall, to that extent and notwithstanding its repeal, be deemed to be in force, and the corporation shall be deemed always to have had these powers."

Limitations on action
12 Where an action or suit is brought against a person or against the corporation or the board

> *(a) for anything done under this Act; or*
>
> *(b) for indemnity for any damages or injury sustained by reason of, or caused by, or arising from, the construction, existence, maintenance or operation of any of the properties, works, plants, equipment or it appliances of the corporation; it shall be brought within six calendar months after the act committed, or the cause of actin arising or, where there is a continuation of damage, within one year after the original commencement of the damage.*

Report of the Committee on Works and Operations dated February 11, 1997

Action for nuisance
13 No action, proceeding or arbitration proceeding for damages, compensation or injunction on account of nuisance or anything on the nature of nuisance, or for injuriously affecting any property or interfering with the comfort of a person, shall be brought, instituted or commenced against the corporation or a member of the board or a commissioner, officer, servant or agent, by any person by reason of anything that is done by the corporation without negligence, and that is authorized or required under this Act to be done by the corporation.

Based on the aforesaid legislation, The City of Winnipeg is immune from any proceedings or claims for damages or compensation on account of nuisance or anything in the nature of nuisance or any that injuriously affects the property or interferes with the comfort of a person unless such action has been done negligently by The City of Winnipeg.

The damages and inconvenience which may be suffered by an owner of a private approach does not arise out of The City of Winnipeg negligently constructing or maintaining its sewer, in fact, no evidence has been brought forward to suggest that there has been any such negligence. The problem does, in fact, arise as a result of the inadequacy of the design of the private approach that traverses the City of Winnipeg sewer and particularly, the inadequacy of the design of the private approach where a manhole is coincidently located within the private approach.

Section 519 of *The City of Winnipeg Act* places a legal duty on the City to keep its streets (and boulevards contained therein) in repair. Section 519(1) and (2) states:

519(1) The city shall keep in repair every street, and on default in so doing the city shall, besides being subject to any punishment provided by law, be civilly responsible for all damages sustained by a person by reason of the default."

519(2) The liability of the city under subsection (1) shall be limited to that portion of the street on which work has been performed or local improvements made by the city.

It is for that reason that minimum standards are imposed on private approaches, and the responsibility of maintaining and keeping private approaches in repair is placed on the owner of the property being served by that private approach. The owners are free to upgrade the standards of the approach (subject to the approval of the designated officer). If the private approach deteriorates, the owner could be ordered to repair said approach, failing which, the City could commence enforcement proceedings to correct the defect. Although the cost of constructing and maintaining a private approach around a manhole might be greater than if there was no manhole; this however, is just one of the factors which developers may take into account when pricing a lot.

Sewers, watermains, lamp standards and fire hydrants are often installed well in advance of the development of building lots. Developers should be directed to locate and orient their construction of new buildings in such a way as to avoid having manholes, lamp standards and fire hydrants within a private approach. At the present time, it is my understanding that if lamp standards or fire hydrants have to be relocated, the cost is borne by the developer. This same policy could be applied to relocating manholes.

The Committee on Works and Operations recommends that the Ombudsman's recommendation that the City amend the Private Approaches By-law to prohibit the placement of a private approach on a manhole, except when no other alternative exists, be not concurred in. Further, Committee recommended that the City adopt a policy wherein owners who make application for private approach permits be reminded of the existence of the City's water and sewer lines and other utilities within the right-of-way and be advised that proper precautions should be taken in the compaction of the subsoils to minimize cracking of private approaches. In addition, Committee directed that applicants should also be made aware of the fact that the existence of manholes within the private approach may require the applicant to upgrade the construction standards of the approach to reduce the risk of cracking and or failure of the approach.

Adopted by consent.

COMMITTEE ON WORKS AND OPERATIONS

CONSIDERATION OF BY-LAWS

429 - On motion of Councillor Clement, By-law No. 6989/97, a by-law of The City of Winnipeg to amend By-law No. 1573/77, being The City of Winnipeg Traffic By-law, was read a first time.
File ST-5.2 (Vol. 23)

Councillor Clement moved that this constitute the first reading of By-law No. 6989/97, which motion was carried.

Councillor Timm-Rudolph asked to be recorded as having voted against the first reading of By-law No. 6989/97, in accordance with Rule 50.7 of the Procedure By-law.

On motion of Councillor Clement, 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. 6988/97, a by-law of The City of Winnipeg to amend By-law No. 1573/77, being The City of Winnipeg Traffic By-law. Files ST-5.2 (Vol. 23) & ST-5(33) (Vol. 4)

By-law No. 6990/97, a by-law of The City of Winnipeg to establish guidelines for the composition of a committee of council for a local improvement district and to establish procedures for giving notice of and conducting public hearings for proposed local improvement districts. File SL-1 (Vol. 19)

COMMITTEE ON WORKS AND OPERATIONS

QUESTION PERIOD

430 - Councillor Steek noted the number of complaints received from residents in the River Heights area with respect to problems arising from backlane snow removal right down to bare pavement and questioned if anything could be done to modify this approach.

Councillor Clement responded that he did not know if there was anything that could be done to modify this in the short term. He noted that there could be 2 or 3 inches of slush that when driven on, creates ruts. These ruts freeze and a dangerous situation occurs, with people getting stuck in the ruts. He further noted that by sending in front end loaders to try and work on the ice does not solve the problem as it is mostly a drainage problem compounded this year by the amount of snow.

Councillor Murray requested an update on the street renewal program to which Councillor Clement responded that there would be $14 to $15 million dedicated to 1997 residential street renewal in the infrastructure program.

Councillor Murray asked for a commitment as to the time frame when the money would be available or the deadline before the City would have to initiate its street repair works unilaterally.

Councillor Clement replied that the information would probably be available by March 11 or 12, in time for the deliberation of the current estimates.

Councillor Murray requested an explanation of the rationale behind the strategy whereby Capital Budget monies are utilized for new projects and funding for residential street renewal is sought through joint funding, and further questioned if the City were to go through another 6 months without any federal residential street renewal money, whether it would abandon this strategy and go back to having a base level residential street renewal program.

Councillor Clement stated that if the strategy fell short, then the City would want to revisit its position on the matter.

Committee on Works and Operations - Question Period (continued)

Councillor Silva advised of problems from snow being dumped in front of residential handicapped loading zones. He stated that upon complaining to the City, the residents were being told that they hadn't filled out the application form indicating that they wanted their handicapped loading zone kept clear; a form the residents were not aware of. Councillor Silva questioned if the Committee Chairperson was aware of this and asked what could be undertaken to ensure that this problem was addressed for next winter and requested an explanation of the related procedure.

Councillor Clement advised he was aware of the form to be filled out and noted that he would have Works and Operations personnel identify the procedure so that all Members of Council would be informed on this matter.

Councillor Lazarenko questioned if Councillor Clement was aware that the Commissioner was going to be sending out a newsletter pertaining to back lane plowing being done now and explaining that if plowing was not done, that the catch basins would be filled with 6 to 7 inches of ice which could exacerbate basement flooding due to excess water in the backyards.

Councillor Clement advised that many of the back lanes in the City have catch basins. The lanes are now being plowed to clear the catch basins so that when the snow starts to melt, the water will have a place to go.

Moved by Councillor O'Shaughnessy,
That Council do now adjourn.

The Clerk called the roll.

Present: The Speaker Councillor Angus, Councillors Clement, Golden, Lazarenko, Lubosch, Murray, O'Shaughnessy, Phillips, Silva, Steek, Thomas, Timm-Rudolph, Vandal and Her Worship Mayor Thompson.

The motion to adjourn was put and carried and Council adjourned at 5:46 p.m.

APPROVED AND CONFIRMED

City Clerk Speaker

431 - Appendix "A" referred to in Clause 1 of the Report of the Executive Policy Committee dated February 26, 1997

MEMORANDUM OF AGREEMENT

Between

The City of Winnipeg

and

The Amalgamated Transit Union, Local 1505

The Negotiating Committee of the City of Winnipeg and the Negotiating Committee of the Amalgamated Transit Union, Local 1505 agree to the following revisions to the Collective Agreement subject to ratification by City Council and by Members of the Union.

SECTION I - GENERAL ARTICLES

ARTICLE 1 - DURATION OF AGREEMENT

The Agreement shall be effective January 21, 1996 and expire January 15, 2000.

ARTICLES 5 AND 6 - GROUP LIFE INSURANCE PLAN AND PENSION PLAN

Move to the end of the General Articles Section.

ARTICLE 6 - PENSION PLAN

The parties agree that all negotiation of changes to the Civic Employees' Pension Plan shall be conducted at a Central Table and these changes be incorporated into the Collective Agreement subject to ratification by the City and the Union. Both parties reserve the right to refer pension proposals to main bargaining.

ARTICLE 7 - WEEKLY SICKNESS AND ACCIDENT INSURANCE

The City shall cease payment of its contributions to the Great West Life Sickness and Accident Insurance Plan effective Pay Period #11, 1997.

Effective Pay Period #17, 1998 delete the title and all existing provisions of Article 7 and implement a sick pay plan based on the principles outlined in the Letter of Understanding re: Sick Pay Plan.

The City will retain any unused funds remaining in the Great West Life account at the time of implementing the Sick Pay Plan.

ARTICLE 8 - SICKNESS AND ACCIDENT SEVERANCE PLAN

1. Members hired before January 1, 1997:

   Existing provisions of the Collective Agreement shall remain unchanged.

2. Members hired on or after January 1, 1997:

   Upon death or retirement, an employee, or the employee's estate, shall receive a cash payment of one (1) day per year of service for the first fifteen (15) years of service and two (2) days per year of service over fifteen (15) years multiplied by the daily rate of the employee's regular classification in effect on the employee's last day of service.

ARTICLE 9 - BLUE CROSS INSURANCE COVERAGE

Change title to SUPPLEMENTAL HEALTH PLANS and consolidate Article 10 and 10-A under same title

ARTICLE 10-A - VISION CARE

Include prescription sunglasses.

ARTICLE 11 - VACATIONS

11-4 Replace with the following:

Vacations shall be taken according to seniority, by classification, for all classifications covered by this Agreement. Operations Division vacations will be scheduled between the Sunday closest to January 1st and the Saturday closest to December 31st; Plant and Equipment Division vacations will be scheduled between the Sunday closest to May 1st and the Saturday closest to April 30th; Treasury Branch vacations will be scheduled in the same time period as the Plant and Equipment Division but subject to the Letter of Understanding Re: Treasury Vacation. Based on the requirements of the service, as many Bus Operators as possible will be permitted to take their vacation during the summer months.

Appendix "A" referred to in Clause 1 of the Report of the Executive Policy Committee dated February 26, 1997 (continued)

ARTICLE 14 - PROMOTION

14-4 Combine the Building Services Sub-Section and the Loop and Bus Stop Sub-Section into a single sub-section and title it "the Facilities Maintenance Sub-Section." (Change the number of sub-sections from "four (4)" to "three (3)")

ARTICLE 20 - GRIEVANCES

New Grievance Procedure as previously agreed to:

20-1 Should any employee to this Agreement believe he has been unjustly dealt with or that any provisions of this Agreement have been violated, he may proceed with his grievance in the following manner:

Step 1

Within ten (10) working days of the occurrence in question or the consequences of the event in question the employee(s) may, with the assistance of a representative of the Union, if he so desires, take up the matter with the appropriate Supervisor in the Section within which the employee works.

The parties will approach the resolution of grievances in a problem-solving manner. For that purpose, any discussions and/or resolution of the grievance at this stage shall be "without prejudice" to either party and will not be used and/or relied on by the parties at subsequent steps of the grievance process and/or at other grievance proceedings between the Union and the City. To that end, the Supervisor shall render a decision within ten (10) working days of such consultation.

Step 2

Failing satisfactory settlement in Step 1, the grievance shall be reduced to writing, outlining the particulars of the grievance, the clauses of the Agreement allegedly violated and the redress sought. The Union may, **within ten (10) working days**, submit the matter to the appropriate Manager and the matter shall be considered by the Union's Grievance Committee and such persons as may be appointed by the Manager and a decision shall be rendered within a further ten (10) working days.

Step 3

Failing satisfactory settlement being reached in Step 2, the Union may, **within ten (10) working days**, of the decision, appeal the decision of the Manager to the Director of Transit for a decision within ten (10) working days.

Step 4

Failing satisfactory settlement being reached in Step 3, the Union may appeal in writing, **within ten (10) working days** to the Board of Commissioners who shall render a written decision within ten (10) working days.

Step 5
Failing satisfactory resolve of any grievance at the level of the Board of Commissioners, the Union may, **within thirty (30) working days** from the date of the decision of the Board of Commissioners, refer the grievance to arbitration.

Policy Grievance

The Union may originate a policy grievance on behalf of an employee or a group of employees, with respect to any matter of dispute which affects the general membership of the Union, and to seek adjustment with the City in the manner provided in the grievance procedure. Such a grievance shall commence at Step 2 of the grievance procedure with the appropriate manager(s).

ARTICLE 23 - TIME OF PAYING WAGES

23-1 Change "Thursday" and "Thursdays" to "Friday" and "Fridays" and delete last sentence (i.e. "Night employees....pay day.")

23-2 Replace existing wording with the following:

Effective May 4, 1997 (beginning at Pay Period 10), wages of each employee covered by this Agreement will be paid by direct deposit to the bank or other qualifying financial institution of the employee's choice.

23-3 Change fourteen (14) to twenty (20) working days as per Letter of Understanding dated August 18, 1995.

Appendix "A" referred to in Clause 1 of the Report of the Executive Policy Committee dated February 26, 1997 (continued)

23-4 Add new sub-article as follows:

A Bus Operator's detailed pay information sheet will be provided only at the request of the individual employee.

ARTICLE 24 - AGREEMENTS

Delete (copies of the Collective Agreement will be available as per the letter from R. Borland dated June 24, 1996 - Attachment #10).

ARTICLE 30 - LONG SERVICE PAY

Amend to read:

Effective in 1997 Long Service Pay will be:

$6.25/month after six years of service
$12.50/month after eleven years of service
$18.75/month after sixteen years of service
$25.00/month after twenty-one years of service
$31.25/month after twenty-six years of service
$37.50/month after thirty-one years of service.

Effective in 1998 Long Service Pay will be:

$6.25/month after seven years of service
$12.50/month after twelve years of service
$18.75/month after seventeen years of service
$25.00/month after twenty-two years of service
$31.25/month after twenty-seven years of service
$37.50/month after thirty-two years of service.

Effective in 1999 Long Service Pay will be:

$6.25/month after eight years of service
$12.50/month after thirteen years of service
$18.75/month after eighteen years of service
$25.00/month after twenty-three years of service
$31.25/month after twenty-eight years of service
$37.50/month after thirty-three years of service.

SECTION 2 - BUS OPERATORS ARTICLES

Working Conditions Committee to reconvene in order to discuss ways and means of improving the hours of work for Bus Operators.

ARTICLE 1 - HOURS OF WORK

1-4 Revise to reflect current practice as per Letter of Understanding of July 4, 1994.

ARTICLE 3 - SENIORITY AND SIGN UP

3-2 Change the first sentence to read:

All crews, including change-off men and relief men, will be posted for selection according to seniority of Bus Operators at least four (4) times per year.

ARTICLE 5 - INSTRUCTION

5-5 Delete and move second paragraph of related Letter of Understanding to Article 1-4.

ARTICLE 6 - UNIFORMS

6-2 Revise as per the Letter of Understanding dated February 6, 1997.

Appendix "A" referred to in Clause 1 of the Report of the Executive Policy Committee dated February 26, 1997 (continued)

SECTION 3 - MAINTENANCE AND TREASURY

ARTICLE 5 - TOOL ALLOWANCE

5-1(a) Add Diesel Coach Technician.

RE: LETTERS OF UNDERSTANDING

Renew the following Letters of Understanding:

Uniform Committee
Working Conditions Committee
Treasury Technician Position
Maintenance Workers
Encouragement of Transit Service in Both Official Languages - Amended to apply to the entire Riel Community Committee Area
Methods of Calculating Debits from Credits Accumulated
Spareboard Guarantee
Schedule Committee
Bus Equipment
Storekeeper Lunch Period

Add the following Letters of Understanding:

Downsizing (Attachment #1)
Increased Flexibility of Work Assignments in the Plant and Equipment Division (Attachment #2)
Religious Holidays (Attachment #3)
Sick Pay Plan (Attachment #4)
Pan Am Games 1999 (Attachment #5)
Furloughs (Attachment #6)
Procedures for Dealing with Harassment (Attachment #7)
Treasury Vacations (Attachment #8)
Permanent Rehabilitative Employment (Attachment #9) (This will supersede two previous Letters of Understanding relating to "Employees on WCB and/or Working in WCR Positions" and "Placement of Disabled A.T.U. Staff")

Delete the following Letters of Understanding:

Bus Operator Uniform Dry Cleaning

No Harassment and add the following as a new Article.

NEW ARTICLE

-1 The City and the Union jointly affirm that every employee in the civic service shall be entitled to a respectful workplace. The environment must be free of discrimination and harassment.

The principle of fair treatment is a fundamental one and both the City and the Union do not and will not condone any improper behaviour on the part of any person which would jeopardize an employee's dignity and well being and/or undermine work relationships and productivity.

-2 Through this Collective Agreement, the parties agree that there shall be no discrimination based on:

- ancestry
- race
- ethnic or national origin
- political belief, association or activity
- religion or creed
- family status
- sex, including pregnancy
- age
- marital status
- source of income
- physical or mental disability
- place of residence
- membership or activity in a Union.

-3 Harassment is a form of discrimination and includes personal harassment. Harassment means any improper behaviour by a person that is directed at and/or is offensive to any employee and which that person knew or ought reasonably to have known would be inappropriate or unwelcome. It comprises objectionable conduct, comment or display made on either a one-time or continuous basis that demeans, belittles or causes personal humiliation or embarrassment to an employee.

-4 The definition of discrimination and harassment contained within the Manitoba Human Rights Code shall also apply.

-5 The procedures for dealing with harassment are contained in a Letter of Understanding between the two parties.

NEW ARTICLE

Add new article on Criminal and Civil Liability (wording pending).

Appendix "A" referred to in Clause 1 of the Report of the Executive Policy Committee dated February 26, 1997 (continued)

GENERAL

* Revise all wording in the Collective Agreement to reflect the current organizational structure of the Transit Department.
* Revise numbering of Articles and references to numbered Articles as required.
* Develop a system of numbering/lettering Letters of Understanding to facilitate tracking and referencing.
* The City reaffirms its commitment to provide timely notification of all rehabilitative employment placements to the Union by fax wherever possible.
* Add classification of Tireman I/C (classification code 8326) to salary schedule, as approved July 23, 1992.

WAGES

Effective Pay Period #1, 1999, provide a general wage adjustment equal to the January 1, 1998 to December 31, 1998 CPI Winnipeg average, to a maximum of three percent (3%) and, should the Winnipeg average exceed three percent (3%), one-half (½) of the percentage over three percent (3%).

Agreed this date: February 12 1997

For the Negotiating Committee of the City of Winnipeg

For the Negotiating Committee of the Amalgamated Transit Union, Local 1505

432 - Exhibit "A" referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated February 4, 1997

Fencing Requirements for Outdoor Pools
File EZ-DAZ (34)(Gen.) [c/r EB-1.7 (Vol. 9)]

6. On September 17, 1996, the Committee on Planning and Community Services heard an appeal of an Order issued under the City of Winnipeg Building By-law No. 4555/87 on premises located at 220 Hawthorne Avenue. The Committee denied the appeal, and asked the Administration to meet with the appellant to come up with a low cost alternative to properly address the situation of fencing and report on alternatives to fences that surround outdoor pools.

On November 26, 1996, the Committee considered the administrative report which advised that Standards for fencing surrounding outdoor pools are required by the Manitoba Building Code and are enforced by the Building Inspections Division, of the Land and Development Services Department, as the authority having jurisdiction under the City of Winnipeg Building By-law No. 4555/87. Manitoba standards are consistent with by-law requirements for residential pool fencing in other Canadian cities. The Manitoba Building Code is the responsibility of the Minister of Labour and any changes would have to be proposed to and made by the Province of Manitoba.

The intent of these standards is to provide a minimum level of safety to the public and to prevent the accidental drowning of small children. Notwithstanding these provisions, the Department also accepts alternatives proposed by homeowners that will meet the spirit of the requirements. In these cases each situation is examined based on its' own merits.

For example, it has been suggested that small pools such as hot tubs be provided with a lockable cover in lieu of fencing around the property. This alternative has been reviewed and rejected on the basis that it is a manual system that depends on the pool user to make sure the cover is put in place and locked each time the hot tub is left unattended. This is considered to be inadequate since there can be many instances where a hot tub user may leave the pool unattended for a short period of time, eg. to answer the phone, to check the stove, etc. On the other hand, a fence with a lockable gate equipped with a self-closing device is a very passive type of protection that requires little attention on the part of the pool owner to maintain the level safety intended by the code especially when the pool is left unattended for a short period of time.

Rarely have concerns been expressed by pool owners regarding the fencing requirements. The general consensus is that these requirements are fair and easy to achieve. To assist in implementing these standards the Land and Development Services Department provides a free informational brochure to the public that clearly outlines the requirements and who to contact for assistance.

The Committee on Planning and Community Services recommends:

I. That the Province of Manitoba be requested to amend the Manitoba Building Code to provide that small pools such as hot tubs be required to have lockable covers in lieu of fencing around the property.

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

The Executive Policy Committee recommends that this clause has been referred back to the Committee on Planning and Community Services for review by the Law Department.

433 - Exhibit “A” referred to in Clause 3 of the Report of the Committee on Planning and Community Services dated February 4, 1997

Proposed Amendments to the Development Fees By-law No. 6655/95 File EP-1 (Vol. 18)

6. On January 22, 1992, Council adopted a policy on fees and charges levied by the City of Winnipeg, namely:

1. That all fees and charges for the City of Winnipeg be reviewed at least once every three years.

2. That said fees and charges increase automatically, annually, by the rate of inflation, unless a review indicates otherwise.

On September 27, 1995, Council adopted Development Fees By-Law No. 6655/95 which amended the previous By-law No. 5675/91.

On November 26, 1996, the Committee on Planning and Community Services recommended that the Administration be requested to determine how costs can be streamlined and to meet with representatives of the industry to determine the effects of the proposed amendments for comment back to the Committee.

By-law No. 6655/95 corrected certain inconsistencies in the previous by-law and adjusted a number of the fees following a comprehensive analysis of the entire fee structure. Feedback was solicited from the various industry groups indicated on Schedule "B" with the only response being received from the Mechanical Contractors Association of Manitoba.

Consistent with Council’s 1992 policy the development fees in By-law No. 6655/95 were reviewed in 1996 and it is proposed that certain fees be increased to more accurately reflect costs and/or reflect the annual inflation rate. These increased fees are outlined (shaded) on Schedule "A". The increases range from $2.00 to $55.00 with the majority being $5.00. By-law No. 6655/95 contains approximately 250 fees representing annual charges of approximately 4.5 million. It is estimated that approximately $46,000.00 will be generated from the 46 fees proposed for revision. In addition the following three new fees have been added:

a) Section 4.5(2) - a new fee ($425.00) to cover the administration costs for processing amendments to development and servicing agreements.

c) Section 5.2(1) - a new fee ($105.00) to cover the administration costs for the preparation of a zoning agreement.

b) Section 13.2(6) - a new one time fee ($100.00) for minor fence encroachments to eliminate yearly licensing fees of, in most cases, $40.00.

Conversion of annual licensing fees to the proposed one time fee will eventually result in an annual reduction in revenue. The one time fee will off-set projected cumulative annual fees and result in a neutral revenue situation over the conversion period.

The other by-law amendments consist of the addition of certain definitions and the "re-organizing" of certain sections to allow the by-law to be more easily interpreted and administered.

The Land and Development Services Department intends to carry out another comprehensive review of the entire by-law in early 1998 in accordance with Council’s 1992 policy. This review will include input from the industry. In the interim, the Department will be researching ways to reduce costs to the industry, eg. posting certain types of applications rather than advertising them in newspapers, reducing the size of advertisements, advertising certain types of applications in community newspapers rather than dailies with a City wide circulation, etc. Input from selected industry representatives will be solicited during 1997 to evaluate certain ideas and proposals. Input from all industry groups will be obtained for the comprehensive 1998 review.

The Land and Development Services Department has recommended:

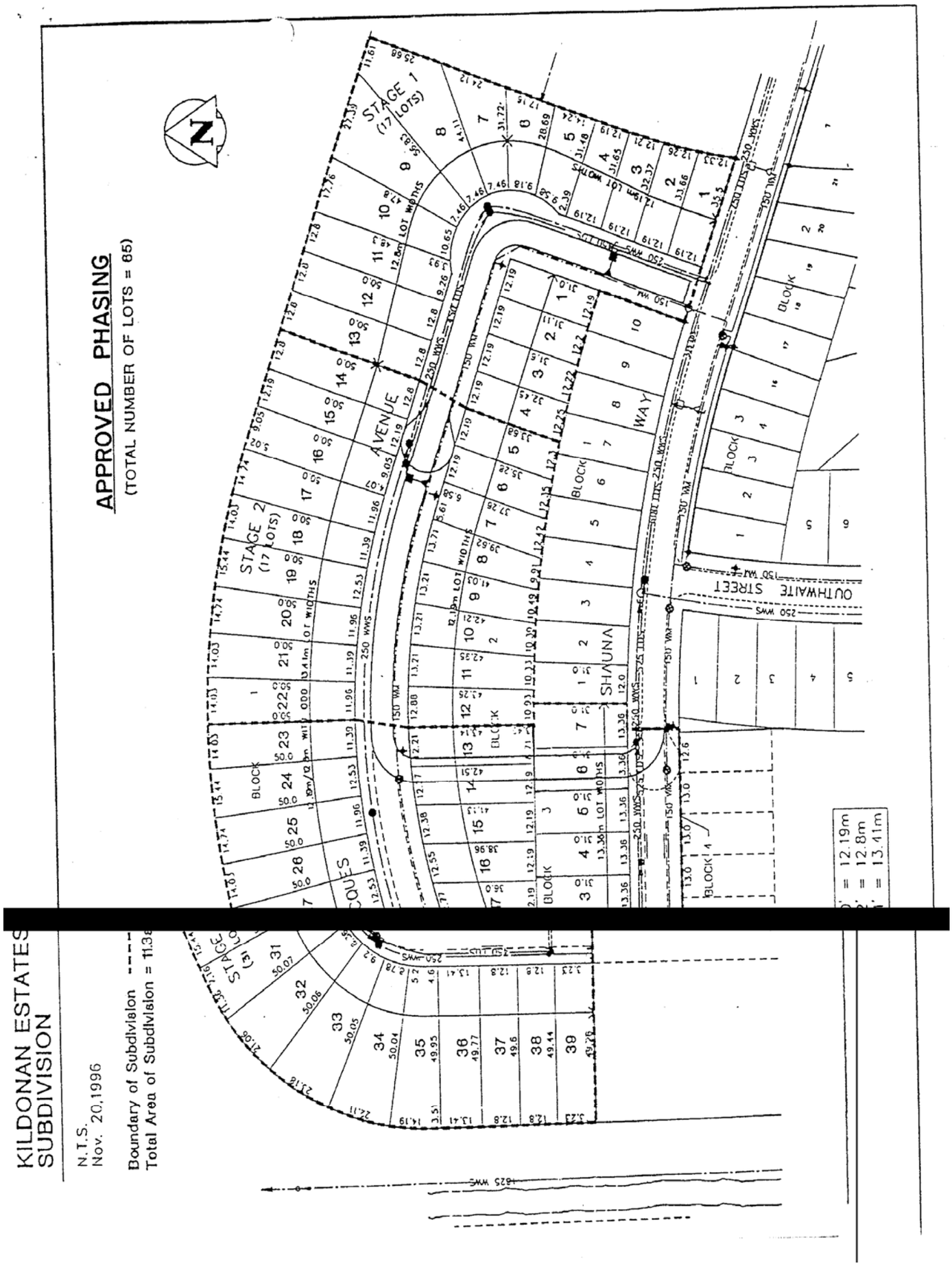
I. That the Development Fees By-law No. 6655/96, be repealed and a new fees by-law be adopted in accordance with Schedule "A".

II. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of the City of Winnipeg Act.

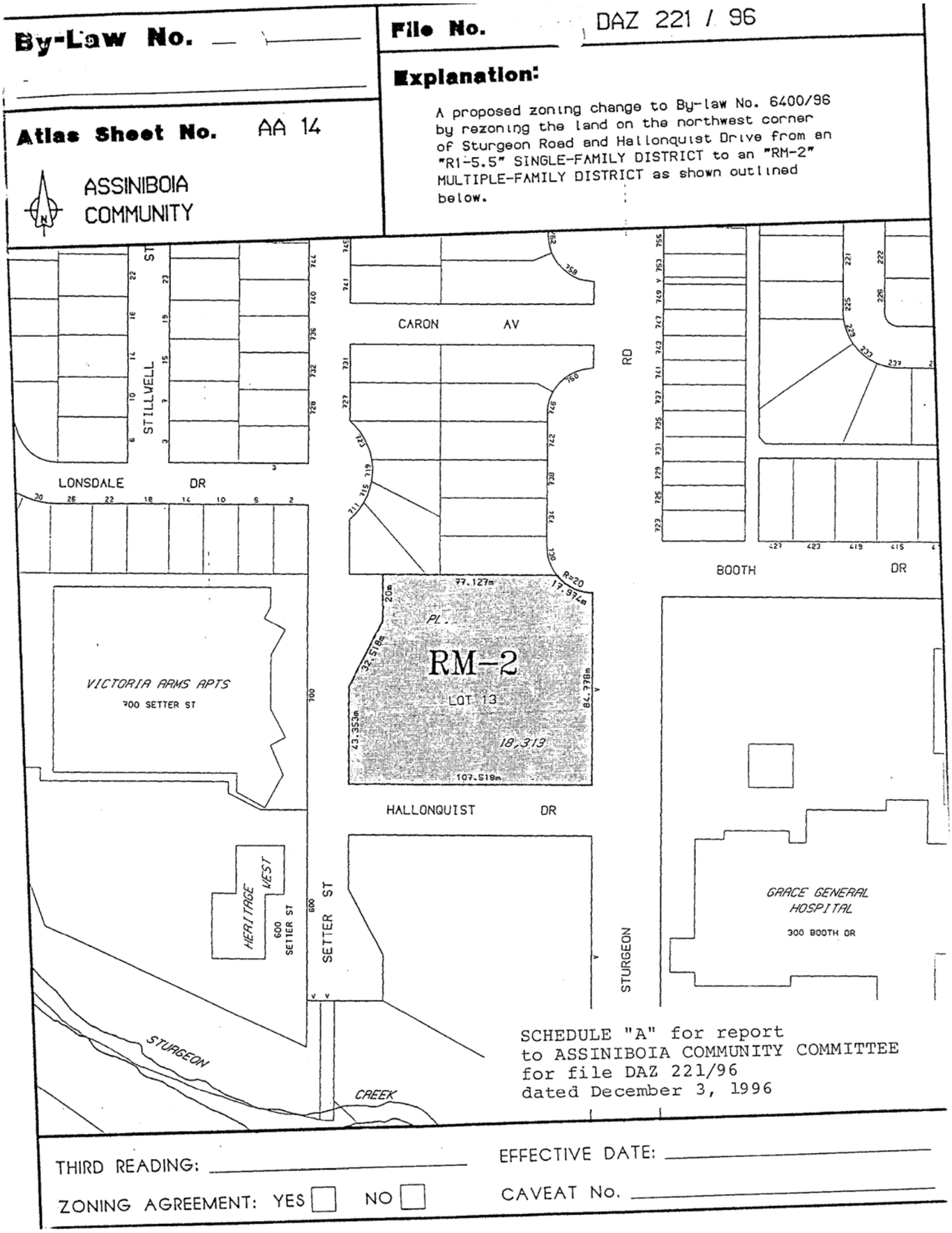
III. That the City Solicitor/Manager of Legal Services forward the by-law to Council for all three readings.

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

The Committee on Planning and Community Services submits this matter to Council without recommendation.



434 - Schedule "A" referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated February 4, 1997



435 - Schedule “A” referred to in Clause 7 of the Report of the Committee on Planning and Community Services dated February 4, 1997

By-Law No. _____

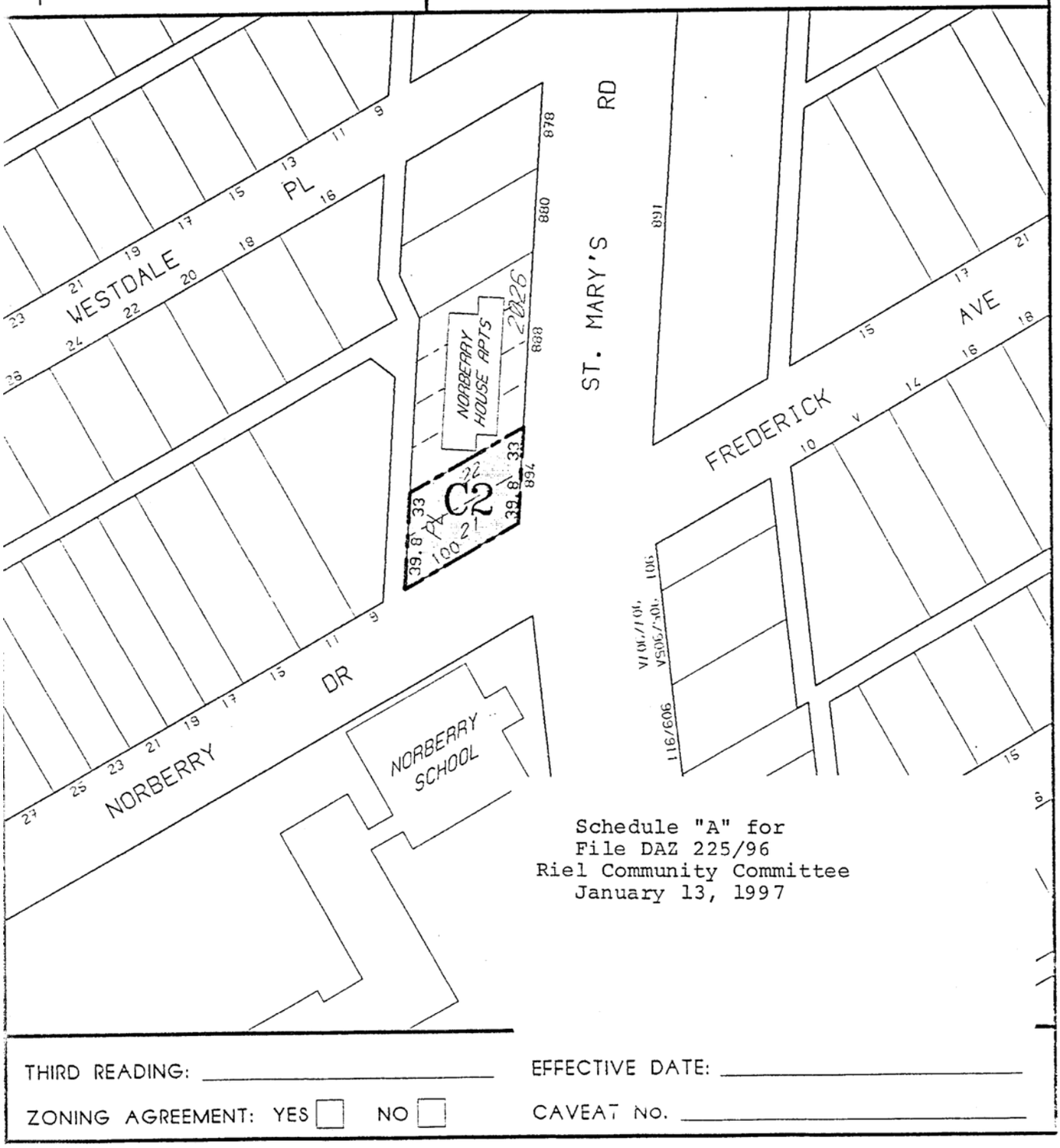
File No. DAZ 225 / 96

Explanation:

A proposed zoning change to Bylaw 6400/94 by rezoning the land at 894 St Mary's Road from an "R2" TWO-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No. AF 26

RIEL COMMUNITY



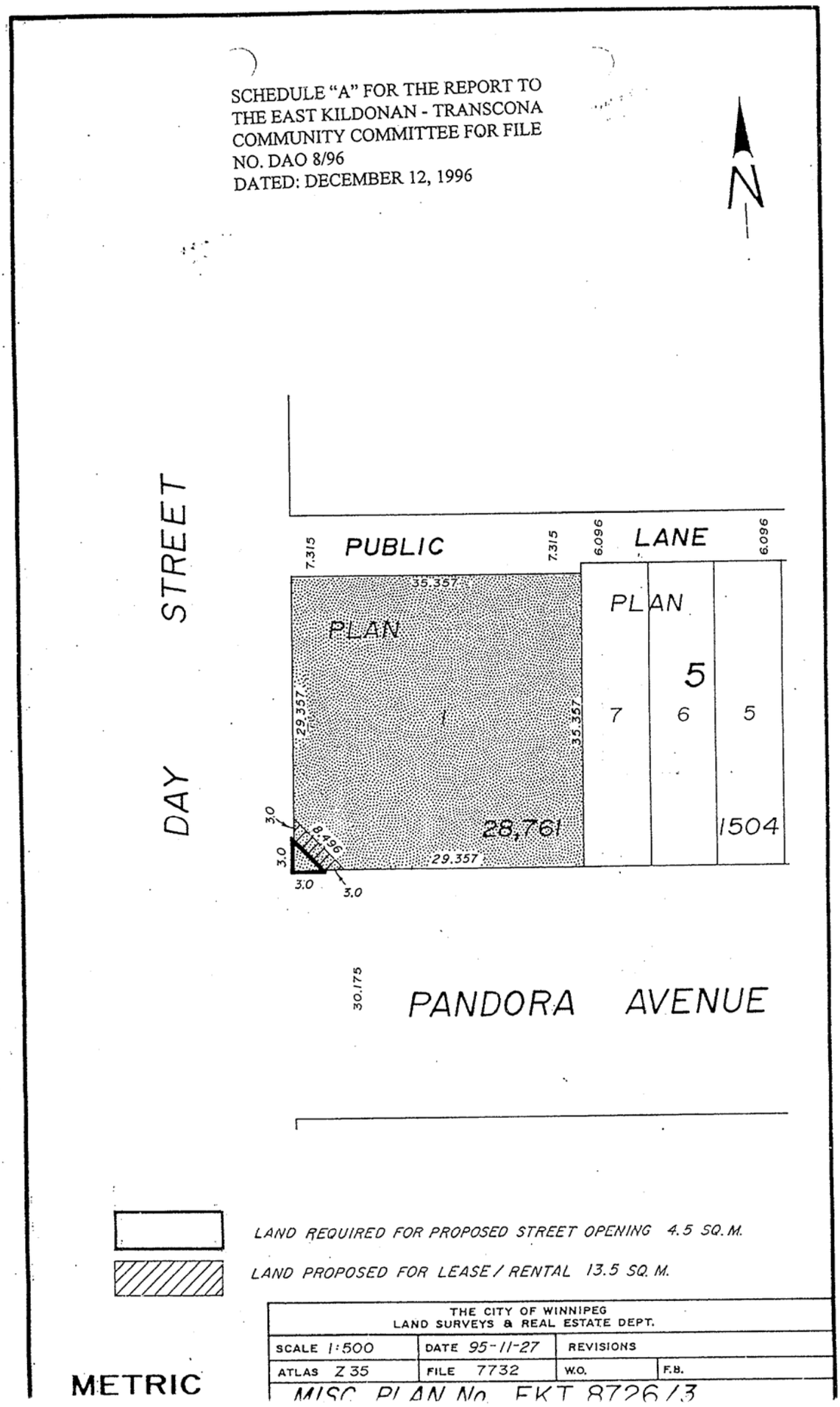
Schedule "A" for
File DAZ 225/96
Riel Community Committee
January 13, 1997

THIRD READING: _____ EFFECTIVE DATE: _____

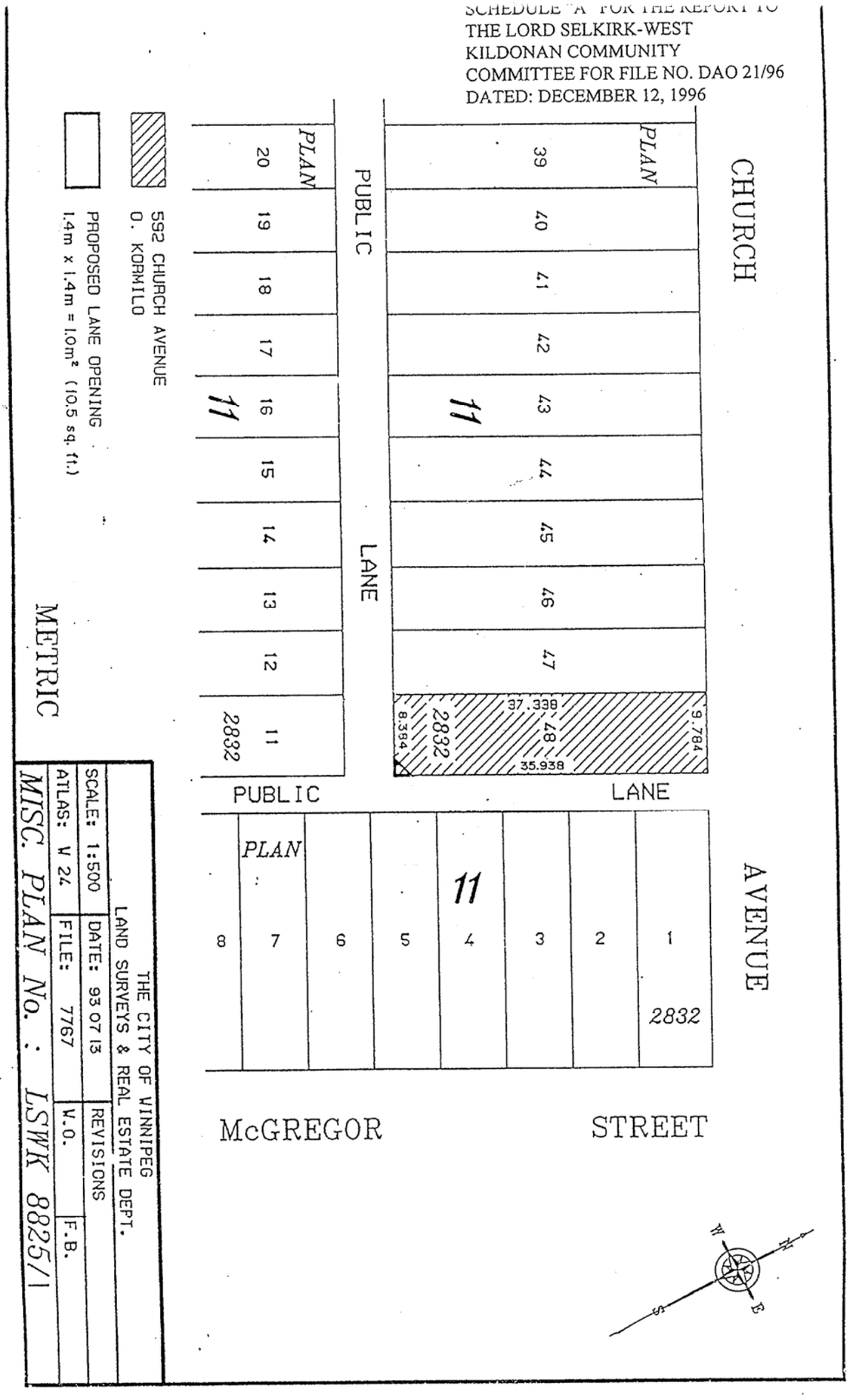
ZONING AGREEMENT: YES ☐ NO ☐ CAVEAT NO. _____

436 - Schedule "A" referred to in Clause 8 of the Report of the Committee on Planning and Community Services dated February 4, 1997

437 - Schedule "A" referred to in Clause 10 of the Report of the Committee on Planning and

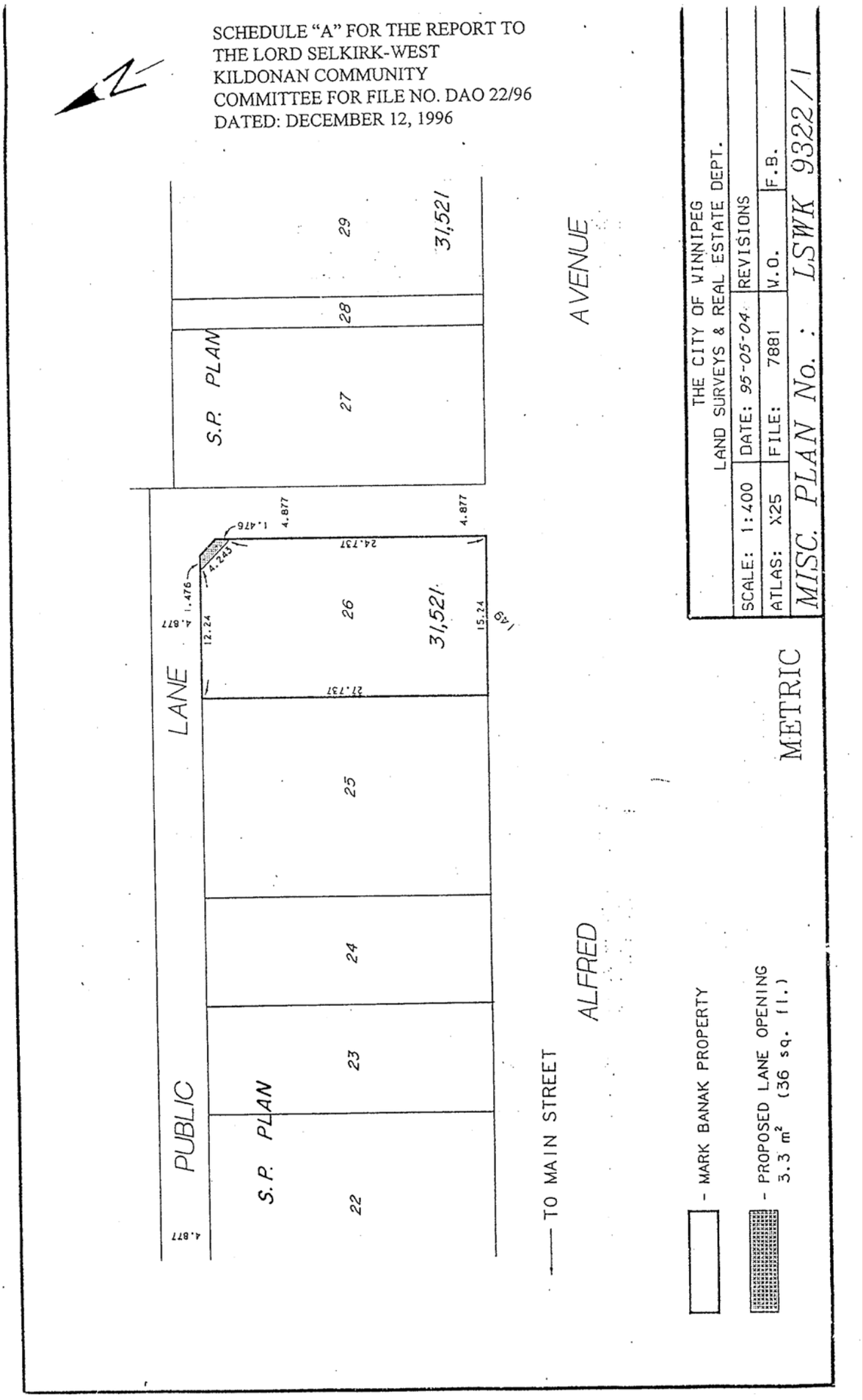


Community Services dated February 4, 1997

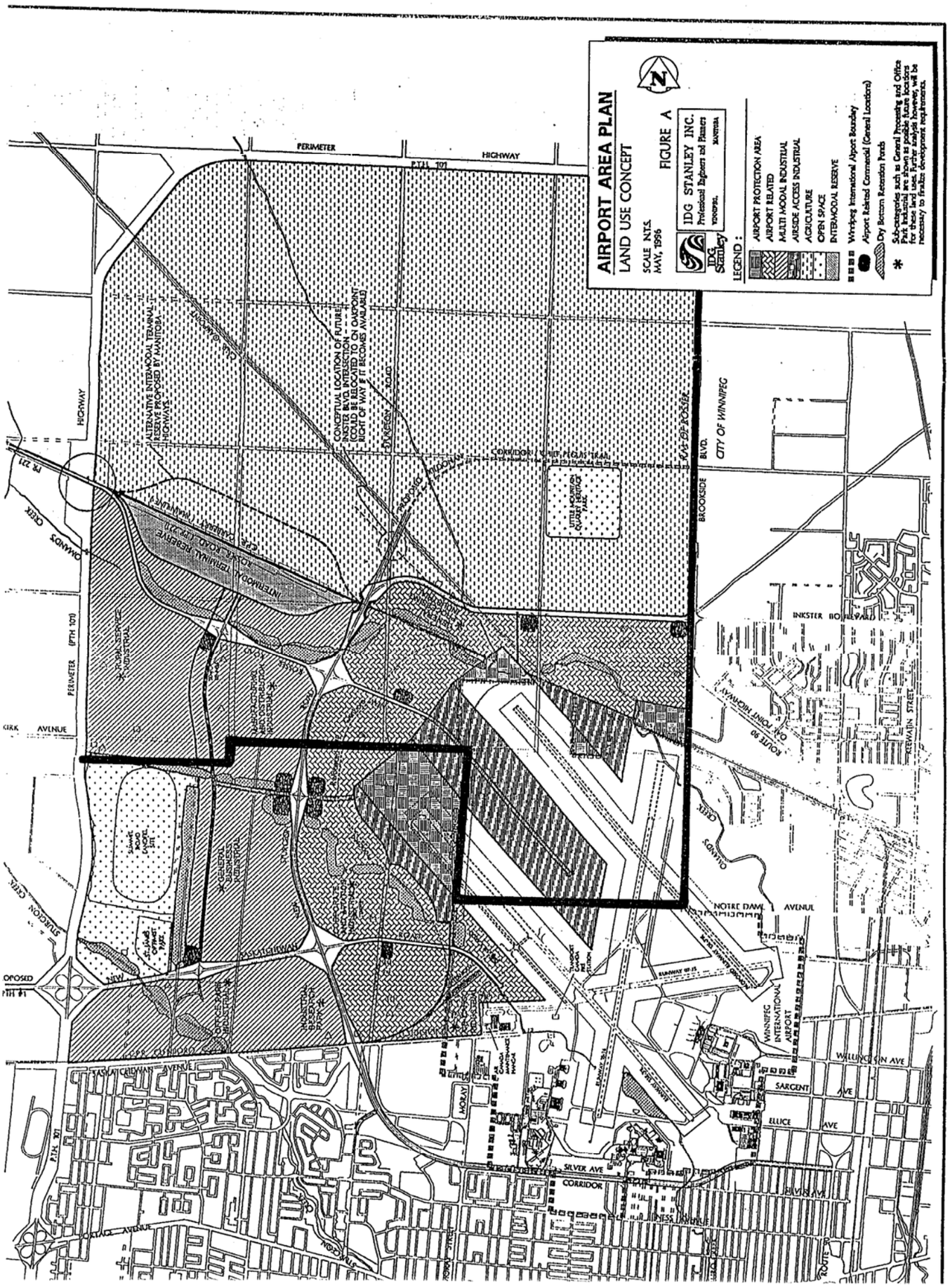


438 - Schedule "A" referred to in Clause 11 of the Report of the Committee on Planning and Community Services dated February 4, 1997

439 - Schedule "A" referred to in Clause 12 of the Report of the Committee on Planning and



Community Services dated February 4, 1997



440 - Appendix "A" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated February 18, 1997

Appendix "B" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated February 18, 1997

TABLE B

AIRPORT AREA
ESTIMATED MUNICIPAL INFRASTRUCTURE COSTS
DISTRIBUTED ON BASIS OF TRADITIONAL WINNIPEG METHODOLOGY

SERVICE	COST ASSIGNMENT							PROJECT TOTAL
	DEVELOPER				GOVERNMENT			
	Ph. 1	Ph. 2	Remainder	Developer Total	Ph. 1	Ph. 2	Remainder	Government Total	
Major Roads	4.4 M	17.7 M	6.4 M	28.5 M	27.0 M	38.4 M	16.5 M	81.9 M	110.4 M
Major Wastewater Sewers	-	-	-	-	6.5 M	1.8 M	3.0 M	11.3 M	11.3 M
Major Watermains	-	-	-	-	2.8 M	1.7 M	12.6 M	17.1 M	17.1 M
Major Land Drainage Facilities	5.8 M	5.8 M	49.8 M	61.4 M	-	-	-	-	61.4 M
SUBTOTALS	10.2 M	23.5 M	56.2 M	89.9 M	36.3 M	41.9 M	32.1 M	110.3 M	200.2 M
Local Services	12.5 M	12.5 M	112.3 M	137.3 M	-	-	-	-	137.3 M
TOTALS	22.7 M	36.0 M	193.5 M	227.2 M	36.3 M -	41.9 M	32.1 M	110.3 M	337.5 M

Source: IDG Stanley Inc.
North-West Airport Area Plan

Airport Area Plan
Phase 1A
(revised concept - January 2, 1997)

Estimated Servicing Costs*
(conceptual)

	Includes 35% Allowance (Eng. Testing, Contingencies, GST, Finance and Administration)
Wastewater Sewers	
Local Gravity Sewers	$ 725,000
8" Forcemain	$ 405,000 to $ 625,000
Pump Station	$ 300,000
	$ 1,430,000 to $ 1,650,000
Land Drainage	
Gravity Sewers (15: - 72")	$ 2,895,000
Linear Dry Bottom Retention Basins & Existing Channel Improvements	$ 300,000
	$ 3,195,000
Watermains	
12" Watermain Loop/10" Local Mains	$ 1,390,000
Pavements	
New Saskatchewan Ave. (2 lanes)	$ 1,190,000
Local Industrial Streets	$ 3,100,000
	$ 4,290,000
Total	**$ 10,305,000 - $ 10,525,000**

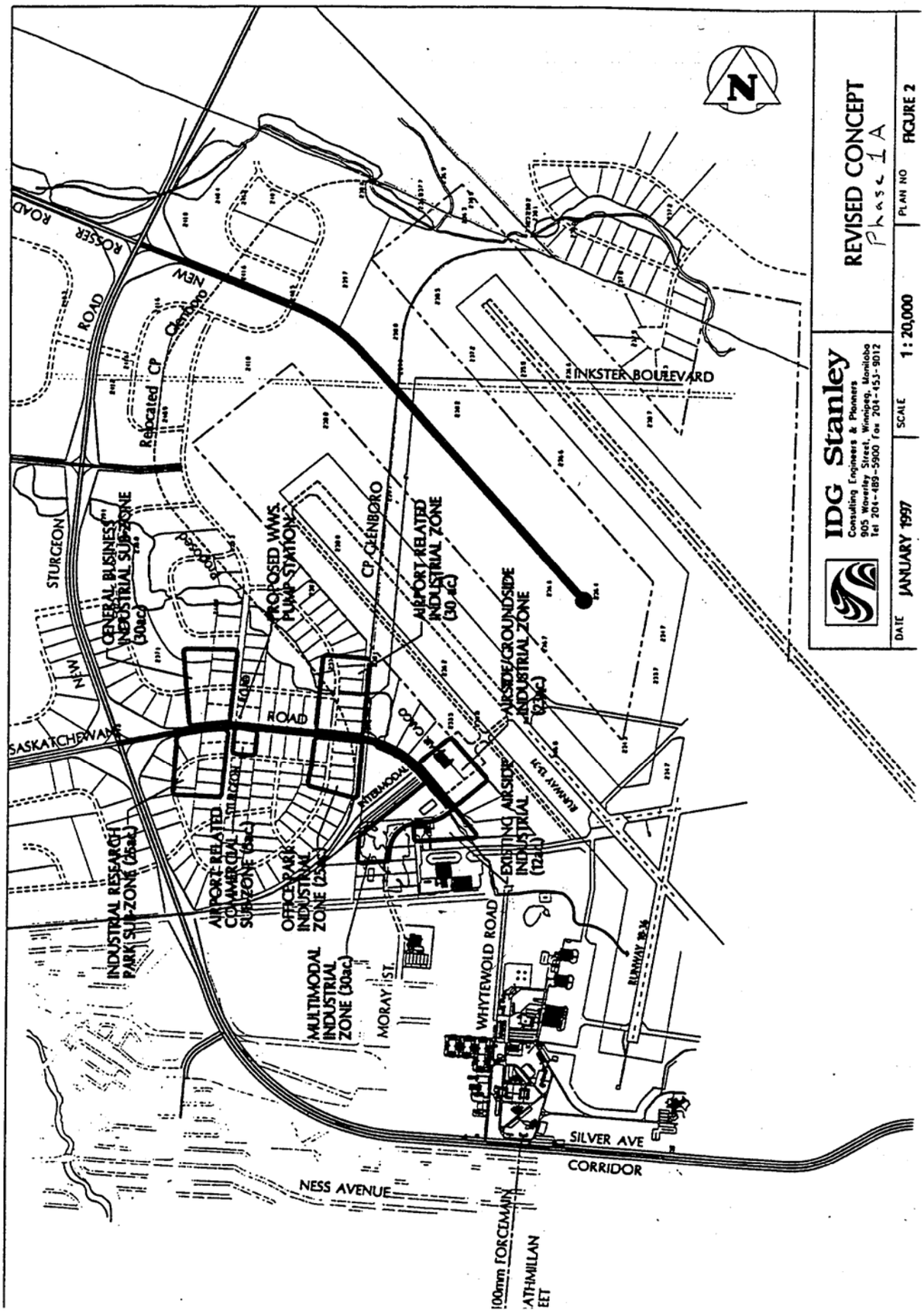
***Electrical Power, Telephone and Gas Excluded**

Source: IDG Stanley Inc.

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Appendix "C" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated February 18, 1997



Appendix "C" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated February 18, 1997 (continued)