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.

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