REPORT OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

DATED APRIL 1, 1996

On motion of Councillor Steek, the Report of the Committee on Finance and Administration, dated April 1, 1996, was considered.

Moved by Councillor Steek,
That the Consent Agenda, Clause 1 be adopted.

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

Her Worship the Mayor and Councillors:

Delegation of Authority to the Committee on Works and Operations to Hear Customer Appeals of High Water Bills
File WW-2.7 (Vol. 10)

706 - 1. The Committee on Finance and Administration has traditionally in the past been the appeal body to which residents of Winnipeg could appeal a high water bill. These have included appeals of water bills by residents who feel the charges are not based on their actual consumption. In the early 1970's when the Customer Accounts Branch reported to the Finance Department, appeals were referred to the Committee on Finance and Administration and later in the 1970's, when the Customer Accounts function transferred to the Waterworks, Waste and Disposal Department, the high water bill appeals continued to be referred to the Committee on Finance and Administration.

In the past, high water bill appeals have been small in number. They have increased recently due to the rising cost of water and sewer services as follows:

1993 8 appeals
1994 19 appeals
1995 25 appeals
1996 6 appeals to date

No By-laws, or policies were identified which require that high water bills appeals be heard by a particular body.

In reviewing the appeal process, three bodies were identified which could hear appeals: the Committee on Finance and Administration, the Committee on Works and Operations, and the Board of Commissioners.

If the City's priority is to keep the responsibility for hearing most appeals of City charges with one Committee, then the responsibility should remain with the Committee on Finance and Administration. This alternative increases the administrative cost of hearing appeals but maintains an open and impartial appeal process. If the City's priority is to minimize administrative costs, then appeals should be heard by the Board of Commissioners. However, this will remove the appeal process from a public forum. This alternative has the added disadvantage of placing the responsibility for hearing appeals of administrative decisions with other administrators. On finding that the Board of Commissioners has ruled against them, many citizens will request a further review by their elected representatives.

If the priority is to place responsibility for hearing appeals with the Standing Committee most knowledgeable about the billing practices and rate policies of the Water and Waste Department, then the appeals should be heard by the Works and Operations Committee. This alternative would reduce administrative costs and maintain the openness and impartiality of the review process.

The Committee on Finance and Administration is recommending that the responsibility for hearing appeals for high water bills be transferred to the Committee on Works and Operations because this alternative places the responsibility in the hands of the Standing Committee most knowledgeable about water issues, reduces the administrative cost of hearing these appeals, and insures the process is open and impartial.

Report of the Committee on Finance and Administration dated April 1, 1996

The Committee on Finance and Administration therefore recommends:

I. That the Committee on Works and Operations be delegated the authority to be the appeal body to hear appeals with respect to high water bills.

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

Moved by Councillor Steek,
Adoption of the clause.

The Speaker called the Deputy Speaker, Councillor Prystanski, to the Chair in order to participate in the debate.

Moved by Councillor Murray,
Seconded by Councillor Thomas,

That the clause be referred back to the Committee on Finance and Administration with instructions that it develop a policy or an administrative Hearing Appeal process with respect to high water bill appeals.

The Speaker here resumed the Chair.

The motion to refer with instructions was put and declared carried.

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

REPORT OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

DATED APRIL 29, 1996

On motion of Councillor Steek, the Report of the Committee on Finance and Administration, dated April 29, 1996, was considered clause by clause.

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

Councillor Golden requested that Clause 3 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,4,5 and 6 was put and declared carried.

Her Worship the Mayor and Councillors:

Recommendations for Amusement Tax Exemption
File FL-6 (Vol. 13)

707 - 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:

Dalnavert Museums for:
Year round operation from May 1 to December 31, 1996 and for “A Christmas Carol” in December, 1996 at Dalnavert Museum

Manitoba Naturalists Society for:
“Robert Bateman Presentation” on August 15, 1996 at Manitoba School for the Deaf

Sunset Music Productions for:
“Grand Jam ‘96" from June 7 to 9, 1996 at Le Rendez Vous

Winnipeg Mennonite Theatre Society Inc. for:
“Spring Production” from May 29 to 31, 1996 at MTC Warehouse

The Winnipeg Symphony Orchestra for:
1996/97 Symphony Season from September 1996 to May 1997 at the Centennial Concert Hall as follows:

“Up from the Roots - an Evening with Spirit of the West” on November 30, 1996; “Handel’s Messiah with Manitoba Choral Association” on December 5, 7 and 8, 1996; “Choral Special - Mennonite Festival Chorus” on February 15 and 16, 1997;

Musically Speaking Series: October 4, November 1, 1996, January 17, February 21, March 14 and April 18, 1997;

MTS Pops Series: October 3, 5, 6 and 31, November 2 and 3, December 12, 14 and 15, 1996, March 13, 15 and 16, May 15, 17 and 18, 1997;

(For the information of Council, the Committee on Finance and Administration laid over consideration of the following two concerts for consideration at its meeting on May 27, 1996, namely: “The Big Picture - an evening with Shirley Jones” to be held on January 9, 11 and 12, 1997, and “Deep Song - the Voice of Jim Nabors” to be held on April 17, 19, and 20, 1997.)

Concerts for Kids: October 20, November 17, December 1, 1996, January 19, March 9 and May 4, 1997;

Report of the Committee on Finance and Administration dated April 29, 1996

Classics Series - Gold: September 26 and 28, October 17 and 19, November 7 and 9, 1996, January 16 and 18, February 27, March 1, April 10 and 12, 1997;

Classics Series - Platinum: September 20 and 21, October 11 and 12, November 15 and 16, 1996, January 24 and 25, March 7 and 8, May 23 and 24, 1997

Folk Arts Council of Winnipeg Inc. for:
"Folklorama" from August 4 to 17, 1996 at various venues throughout Winnipeg

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.

Proposed Sale of part of Redwood Park - East of Main Street between Redwood and Aberdeen Avenues
File FI-2.4(34) (Vol. 2)

708 - 2. The Committee on Finance and Administration has reconsidered Clause 5 of its report dated February 26, 1996, which was referred back to it by Council at its meeting held on March 20, 1996.

The Committee on Finance and Administration recommended therein:

I. That the application of the Holy Family Nursing Home to purchase the riverbank property shown shaded on Misc. Plan No. LSWK 9119/4 be rejected.

II. That the Director of the Land and Development Services Department be authorized to attempt to acquire the City's transportation needs at this location by concluding a land exchange with the Holy Family Nursing Home in accordance with the proposal as outlined and as shown on Misc. Plan No. 9119/4, or by cash purchase, and failing acceptance by the Holy Family Nursing Home, that the Director be authorized to issue appropriate notice to the Holy Family Nursing Home to remove its encroachments and improvements which exist on the City-owned lands.

III. That in the event the riverbank land is eventually sold to the Holy Family Nursing Home, that the property be declared surplus to the City's requirements, and that the net sale proceeds be credited to the General Revenue Account.

IV. 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.

On April 1, 1996, the Committee on Finance and Administration referred the matter to the Lord Selkirk-West Kildonan Community Committee for comment, and on April 29, considered the following recommendation from the Lord Selkirk-West Kildonan Community Committee, namely:

1. That negotiations for the sale of part of the park land continue and that the proceeds of the sale be credited to the General Revenue Account.

2. That the sale of the park land not be tied to the negotiations for the acquisition of the lands required for the street widening at the south east corner of Redwood Avenue and Main Street.

3. That the City initiate a corner cut at the south east corner of Aberdeen Avenue and Main Street.

The Committee on Finance and Administration also heard Councillor Prystanski and a representative of the Holy Family Nursing Home in delegation who advised that the street requirements have been resolved with the Streets and Transportation Department, and requested that the recommendation of the Community Committee be adopted.

Following deliberations, the Committee on Finance and Administration concurred in the recommendations of the Lord Selkirk-West Kildonan Community Committee and recommends:

Report of the Committee on Finance and Administration dated April 29, 1996

I. That the City-owned riverbank property shown shaded on Misc. Plan No. LSWK 9119/4 be declared surplus to the City's requirements, and that negotiations for the sale of part of the park land continue and that the proceeds of the sale be credited to the General Revenue Account.

II. That the sale of the park land not be tied to the negotiations for the acquisition of the lands required for the street widening at the south east corner of Redwood Avenue and Main Street.

III. That the City initiate a corner cut at the south east corner of Aberdeen Avenue and Main Street.

IV. 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.

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

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

Adopted by consent.

Proposed Sale of City Lands to the Springfield Flying Club Inc.
File FI-2.4 (Vol. 5)

709 - 3. The City acquired the property shown as City lands on Misc. Plan No. 7962/1, in March of 1975 as part of the City's Land Assembly Program under the Tri-Partite Land Bank Agreement. The Lyncrest Flying Club was leasing a portion of the property at the time it was acquired. A lease was entered into by the City at the time of the acquisition with the Lyncrest Flying Club. In 1979 the name of the Lyncrest Flying Club was changed to "The Springfield Flying Club Inc." and the lease to the Springfield Flying Club Inc. has been maintained since that time. The current lease to the Springfield Flying Club Inc. expired April 30, 1995. The Springfield Flying Club is currently paying $3,300.00 per year in an overholding position on the lease.

On June 17, 1992, the Steering Committee for the Land Assembly Agreement declared all of the lands banked in the R.M. of Springfield including the subject property to be surplus and instructed the Land and Development Services Department to do all things necessary to implement the decision to dispose of the lands.

On October 10, 1995 the Tri-Partite Land Bank Agreement Steering Committee instructed that lands under the Springfield Land Assembly, which includes the subject property, be circulated internally for indication of interest and to determine if there are any buyers, i.e. the Springfield Flying Club, and prepare for a tender call if the lands are still available in April of 1996. The Springfield Flying Club were the only ones to express interest in the property.

The Land and Development Services Department had the property appraised in the spring of 1993 and offered the property to the parties that were currently leasing the property, i.e. Springfield Flying Club Inc. and James Farms. James Farms did not respond to the offer.

The Land and Development Services Department have been negotiating with the Springfield Flying Club over the past two years and the Department is now in receipt of an offer to purchase from the Springfield Flying Club Inc.

The Land and Development Services Department has consulted with Transport Canada which has now indicated that in addition to the actual runway and graded areas, certain standards of obstacle free airspace on and around the aerodrome airport must be provided to allow safe aircraft operation.

Transport Canada has indicated that penetration of these obstacle limit surfaces may jeopardize certification of an aerodrome/airport and to protect obstacle surfaces, land purchases or agreements/caveats against building obstacles by neighbouring land owners should be considered.

Report of the Committee on Finance and Administration dated April 29, 1996

Notwithstanding the information from Transport Canada, the Land and Development Services Department is advised that the required property definition is subject to change given final interpretations of Federal Airport regulations and the potential to reorient the existing runways to minimize additional property requirements. Consequently, the Land and Development Services Department suggests that it be authorized to sell whatever lands, subject to survey, that are required by Springfield in order to comply with Federal Standards at an across the board rate of $800.00/acre.

The Land and Development Services Department is supportive of the proposed sale for the following reasons:

1. the market for this type of land is quite weak;

2. the Flying Club would be purchasing 107.8 acres, including the referenced transition surface and including the irregular shaped portion of the total site lying to the south of its east/west runway which would be more difficult to market;

3. the remaining portion of the site has good access from the access road adjacent to the Perimeter Highway;

4. the remaining portion of approximately 107.2 acres lends itself to being subdivided into residential lots since it is adjacent to an existing subdivision should the R.M. of Springfield agree that the land can be subdivided. The required slope formula (obstacle clearing surface) beyond the transitional surface in line with the East/West runway may not have any negative effect on the remaining City lands as the site is large enough for a developer to work with.

   The City can continue to lease the remaining lands for agricultural purposes.

The City property was appraised in April 1993 at a market value of $1,200.00 per acre with the low end of the range in the vicinity of $900.00 per acre. There has been very little activity in the market since 1993 and the values if anything have declined since 1993.

The Rural Municipality of Springfield has indicated that it is willing to permit the necessary proposed subdivision in order to accommodate a sale of part of this land to the Springfield flying Club. However, there is little prospect of obtaining further subdivision of the remaining lands, and the lands should therefore, be perceived as having a market value that is reflective of only farmland use.

The Water and Waste Department has indicated that the land upon which the Springfield Flying Club is located is not needed for that Department's purposes.

The Land and Development Services Department has reviewed the proposed sale of the lands in view of what impact the airport would have on other city lands in the area, and is of the opinion that the sale of these lands will not have a negative impact on the City owned lands in South Transcona.

The Land and Development Services Department recommended as follows:

I. That all of the property, shown as subject "City property" on Misc. Plan No. 7962/8, (excluding the lands to be retained for the Greater Winnipeg Water District) be declared surplus to the City's requirements.

II. That the Director of the Land and Development Services Department be authorized to sell the subject City property shown hatched on Misc. Plan No. 7962/8, and such other lands as are required by the Springfield Flying Club Inc. to comply with Federal Airport Regulations at a price of $800.00/acre, subject to survey, plus $1,500.00 survey and administrative costs with terms and conditions as outlined, and subject to subdivision approval.

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.

The Committee on Finance and Administration, due to a tie vote, submits this matter to Council without recommendation.

Report of the Committee on Finance and Administration dated April 29, 1996

The Executive Policy Committee concurs in the recommendation of the Land and Development Services Department as follows:

I. That all of the property, shown as subject "City property" on Misc. Plan No. 7962/8, (excluding the lands to be retained for the Greater Winnipeg Water District) be declared surplus to the City's requirements.

II. That the Director of the Land and Development Services Department be authorized to sell the subject City property shown hatched on Misc. Plan No. 7962/8, and such other lands as are required by the Springfield Flying Club Inc. to comply with Federal Airport Regulations at a price of $800.00/acre, subject to survey, plus $1,500.00 survey and administrative costs with terms and conditions as outlined, and subject to subdivision approval.

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.

Moved by Councillor Steek,
That the recommendation of the Executive Policy Committee be adopted.

In amendment,

Moved by Councillor Golden,
Seconded by Councillor Timm-Rudolph,

BE IT RESOLVED that Council accept the recommendation of the Executive Policy Committee subject to the following condition:

If Council of the City of Winnipeg, at a future date, shall determine that the operation of an airport at the subject location is detrimental to the interests of the City of Winnipeg, the then owners of the subject lands shall cease and desist from operating this use or any other use not authorized by the then Council.

This agreement shall be registered by caveat against the subject lands.

The amendment was put.

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

Yea: Councillors Golden and Timm-Rudolph. 2

Nay: Councillors Lazarenko, Lubosch, Murray, O'Shaughnessy, Phillips, Silva, Steek, Thomas, Vandal, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Angus. 12

and the amendment was declared lost.

The motion for the adoption of the recommendation of the Executive Policy Committee was put.

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

Yea: Councillors Lazarenko, Lubosch, Murray, O'Shaughnessy, Phillips, Silva, Steek, Thomas, Vandal, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Angus. 12

Nay: Councillors Golden and Timm-Rudolph. 2

and the motion for the adoption of the recommendation of the Executive Policy Committee was declared carried.

Report of the Committee on Finance and Administration dated April 29, 1996

Proposed Sale of North West Corner of Kirkbridge Drive and Marrington Road to Southpark Estates Inc.
File FI-2.4(35) (Vol. 3)

710 - 4. On May 17, 1995 Council approved an exchange of lands as shown on Misc. Plan No. Riel 9129/2 with the Fort Garry School Division No. 5 subject to completion of a "Park Planning Study" of the adjacent lands. The "Park Planning Study" was completed and the Fort Garry School Division was advised of its completion on January 3, 1996.

The Park Planning Study determined that the "subject City property" (approximate 3 acres) as shown on Misc. Plan No. Riel 9129/5 is not needed for Parks and Recreation Department requirements and could be made available for sale.

On January 18, 1996 the Land and Development Services Department received from Southpark Estates Inc. an Offer to Purchase the subject City property shown on Misc. Plan No. Riel 9129/5. Southpark Estates is reported to be an incorporated non-profit organization sponsored by the Knights of Columbus Council 5264 and Mary, Mother of the Church, a church located on Marrington Road across the street from the subject City-owned site.

It is the intent of Southpark Estates Inc. to construct a three storey non-profit housing project on the site to serve seniors in Fort Richmond and surrounding areas.

The Offer to Purchase received is subject to the following additional conditions:

1. That the City of Winnipeg agrees that Offer to Purchase agreement is subject to Southpark Estates Inc. having received a commitment to finance the proposed project from a qualified lending institution, and that this offer to finance shall be on terms and conditions satisfactory to Southpark Estates Inc.

2. That the deposit shall be one dollar. The Board of Southpark Estates believes that its activities and expenditures to date demonstrate its commitment to the project. The Board believes it is in the best interests of the City to have the Board devote its remaining limited financial resources to completing the next series of pre-development activities including marketing.

3. That the City of Winnipeg shall agree to extend this Offer to Purchase to December 31, 1996. This period of time should be sufficient for the Board to proceed with the remaining pre-development activities including re-zoning and a commitment for financing.

4. That the City of Winnipeg shall waive its standard dedication fee in view of the fact that the land is priced at a level consistent with multi-family zoning. (This is consistent with the City's past practise which sets aside the cash dedication out of the sale proceeds).

5. That the City of Winnipeg authorize Southpark Estates Inc., its agents, employees and contractors to enter upon the lands during regular business hours for the purpose of taking soil samples, digging test holes conducting other geological and environmental investigations, surveying the site and conducting appraisals of the property.

6. That Southpark Estates Inc. be authorized to erect a sign on the site for the purpose of advertising and promoting the proposed project.

7. Southpark Estates Inc. is to provide the necessary plan of survey at no cost to the City.

8. That the formal offer to purchase agreement be subject to review by legal counsel representing Southpark Estates Inc.

The Board of Directors of Southpark Estates Inc. has completed a number of pre-development activities in order to determine the feasibility of building a project on the subject site. These activities involved: the hiring of a development consultant and architect; the development of a preliminary building and operating program; the administration of a preliminary market survey; and the preparation of preliminary architectural drawings. To date, 68 households have expressed interest in becoming a resident of the proposed project and Southpark Estates Inc. has received 40 deposit cheques ($500.00 each) for unit reservations in the project. Preliminary drawings call for a three storey building composed of 76 one and two bedroom units with 100% underground parking.

Ensuing negotiations have resulted in Southpark Estates Inc. making a final offer of $364,988.00 ($2.85 p.s.f.) for the subject property. The Land and Development Services Department is in support of the offer for the following reason:

a) the price offered is in a range of value that has been established by a formal appraisal of the property;

b) if the property was offered for sale by public tender it would take time and cost to prepare the tender and it is highly unlikely that the City would receive an offer in excess of the price offered or it may not receive any offer at all.

The lack of a significant deposit is the only request that is not consistent with the City's past practice. Conditional sales have been approved with refundable deposits on previous occasions. In view of the funds already expended by Southpark Estates Inc., the Land and Development Services Department supports the proposal with a one dollar deposit, on the basis that Southpark Estates Inc. provides the City with a copy of any and all geological and environmental reports obtained by Southpark Estates Inc. on the subject property.

The Richmond West Park Committee which consists of homeowners in the area and other interested parties including representatives from the Parks and Recreation Department is supportive of a multiple residential building being erected on the site not to exceed three stories in height.

The Parks and Recreation Department has discussed the proposed project with a representative (architect/consultant) of Southpark Estates Inc. and is receptive to the sale to Southpark Estates as outlined.

According to the Planning Study the Richmond West Park Committee has recommended that the net proceeds from a sale of the lands be used for development of the Park. The Land and Development Services Department in considering this proposal has the following comments:

> The Land Operating Reserve Account funded the acquisition of 2 acres of the site that was transferred to the Fort Garry School Division (shown as City property reserved for School Division on Misc. Plan No. Riel 9129/2). Servicing costs and purchase price in total are estimated to be in the range of $170,000.00 to be fully expended from the Land Operating Reserve Account when servicing of the site transferred to the School Division is finalized (to date approximately $150,000.00 of that amount has been charged against the Land Operating Reserve Account).

The Land and Development Services Department is recommending that the Land Operating Reserve Account be credited with a pro rata share of the sales revenue estimated to be approximately $248,000.00 with the balance of the sales revenue estimated to be $116,988.00 being credited to the Riel cash-in-lieu of land dedication reserve account for the purpose of developing Elswood Bole Park.

Meanwhile, a report prepared by the Parks and Recreation Department to the Committee on Protection, Parks and Culture is concurrently recommending that Council allocate the entire net sales revenue (i.e. all monies received over and above the monies paid by the City for the acquisition and servicing of the 2 acres as aforesaid) to be set aside for site development.

In its consideration of the 1996 Current Estimates, Council has directed that revenue in the amount of $4.964 M be generated in the sale of surplus City-owned properties. The Committee on Finance and Administration does not concur with the Council directive in this instance and is recommending that the net sales revenue be set aside for development of Elswood Bole Park.

The Committee on Finance and Administration recommends:

I. That the "subject City property" as shown on Misc. Plan No. Riel 9129/5 be declared surplus to the City's requirements.

II. That the Offer to Purchase from Southpark Estate Inc. to purchase the subject City property, as shown on Misc. Plan No. Riel 9129/5, be approved.

III. That Council's directive that land sales revenue be directed to the General Revenue Account be waived in this instance, given that the sale of the property was negotiated with the Community on the basis of net proceeds being directed to the development of Elswood Bole Park, and being approved by both the Community Committee and the Committee on Protection, Parks and Culture.

Report of the Committee on Finance and Administration dated April 29, 1996

IV. That $170,000.00 in sales revenue be allocated to the Land Operating Reserve Account to cover previous servicing and acquisition costs of the site.

V. That the remaining balance of the sales revenue be allocated to the Riel Community Cash-In-Lieu of Land Dedication Account to finance the construction of improvements at Elswood Bole Park.

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.

Copy of Misc. Plan No. Riel 9129/5 is on file in the office of the City Clerk.

Pursuant to Section 156(2) of The City of Winnipeg Act, the approval of at least two-thirds majority of Council is required on the sale of property designed or acquired for park purposes.

Adopted by consent.

Proposed Acquisition of 1277 McCreary Road File FI-2(31) (Vol. 2)

711 - 5. Acquisition of the property located at 1277 McCreary Road has been requested by the Streets and Transportation Department in order to satisfy the requirements for the future extension of Sterling Lyon Parkway and the widening of McCreary Road. The Streets and Transportation Department advises that the subject property will also provide an appropriate "window" on McCreary Road at a reasonably economical cost. Given the nature and extent of redevelopment on McCreary Road it is unlikely that any other property for a "window" could be acquired in this price range.

Acquisition of the property is being recommended now rather then in the future because the owners have offered the property for sale and indicated that should the City not be interested in purchasing the property they plan to redevelop the site. The costs of acquiring the subject property now would be significantly lower than acquiring the property if it is redeveloped. In general, surrounding homes are newer and larger than the subject property, and in the event the extension of Sterling Lyon Parkway is cancelled in the future the property could be sold.

The Land and Development Services Department is of the opinion that the proposed purchase price of $90,000.00 is acceptable and is supported by its internally produced appraisal. Furthermore, the other terms and conditions of acquisition, as outlined on Schedule "A", are consistent with other similar City transactions.

The property will be included in the Department's property management program until such time as a decision is made to proceed with the transportation project.

Adequate funding for this acquisition is available in the Land Acquisition for Future Transportation Purposes Account.

The Committee on Finance and Administration recommends:

I. The acquisition of 1277 McCreary Road, identified on Misc. Plan No. ASBA 9149, be approved at a purchase price of $90,000.00, and 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.

Copies of Misc. Plan No. ASBA 9149 and Schedule "A" are on file in the office of the City Clerk.

Adopted by consent.

Report of the Committee on Finance and Administration dated April 29, 1996

Proposed Leave and License Agreement - Dutch Maid Ice Cream - Sidewalk Café - 1853 Portage Avenue and Delegation of Authority File ED(31) (Vol. 1)

712 - 6. The City has received a request from Casa Loma Investments Ltd. wishing to establish a sidewalk café encroachment within the Portage Avenue right-of-way adjoining its Dutch Maid Ice Cream restaurant as shown on Misc. Plan No. ASBA 9603. The application was circulated for comments from various interested agencies and was referred to the Land and Development Services Department to negotiate the terms and conditions of agreement.

Location	North side of Portage Avenue, between Collegiate and Roseberry Streets 1853 Portage Avenue
Area	14.9 m² (161 sq. ft.) shown shaded and identified as "Leave and License" Area on Misc. Plan No. ASBA 9603.
Term	From May 15 or the date spring clean-up is completed, whichever is the later, to September 30 during each year
Hours	6:00 a.m. to 10:00 p.m. to coincide with the Applicant's business operation
Rental	$300.00 payable in advance of each season, plus an initial administrative fee of $250.00. Rental is subject to annual review by the City but in no event will it be less than that paid in the previous year (the rental calculation included an allocation for taxes).
Insurance:	Public Liability Insurance of at least $1,000,000.00 naming the City as additional insured and containing a cross-liability clause
Cancellation	Upon 10 days notice by either party; or immediately upon default

The Land and Development Services Department has negotiated the foregoing terms and conditions of leave and license and the terms negotiated are consistent with agreements of a similar nature.

As an additional matter, due to the processing time required to approve the numerous sidewalk cafe encroachments received annually, on July 12, 1995, Council amended By-law 6662/95 which amendment substituted Section 4(1)(c) of Encroachment By-law No. 692/74, which regulates the construction and maintenance of certain encroachment in streets, with the following:

"(c) In the case of an outdoor patio adjacent to restaurant, the application must be referred to the Director of Land and Development Services for the purpose of negotiating a reasonable rental"

and renumbered the former Section 4(1)(c) to 4(1)(d).

The purpose of the amendment to the Encroachment By-law was to reduce the approval processing time for outdoor patios adjacent to a restaurant. The problem being the limited time frame from the date an application is received from a restaurant owner (usually in the first four months of the year) and the date that the restaurant owner wishes to commence operation (usually May 1 of that year).

Although the amendment to Section 4(1)(c) is specific to outdoor patios adjacent to restaurants and allows the Director of Land and Development Services to negotiate a reasonable rent, it is the interpretation of the Land and Development Services Dept. that it does not specifically authorize the Director of Land and Development Services to approve the rental rate and execute the agreement on behalf of the City of Winnipeg. If the word "negotiating" was intended to also mean approve and execute then, in order to effectively reduce the processing time frame to accommodate the needs of the applicants, the Committee on Finance and Administration is recommending that in addition to negotiating a rental rate, the Director of the Land and Development Services Department be authorized to approve the rental rate; execute sidewalk cafe agreements on behalf of the City of Winnipeg; approve assignments and sublets and be authorized to terminate agreements.

Report of the Committee on Finance and Administration dated April 29, 1996

The Committee on Finance and Administration therefore recommends:

I. That a Leave and License be granted to Casa Loma Investments Ltd. to permit the establishment of a sidewalk café as shown on Misc. Plan No. ASBA 9603, 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 further to the delegation of authority approved by Council on July 21, 1993 under the process management review, the Director of the Land and Development Services Department be authorized: to negotiate; to approve the rental rate; to approve assignments and sublets; to cancel agreements and to execute sidewalk café agreements on behalf of the City of Winnipeg.

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.

Copies of Misc. Plan No. ASBA 9603 and Schedule "A" are on file in the office of the City Clerk.

Adopted by consent.

COMMITTEE ON FINANCE AND ADMINISTRATION

CONSIDERATION OF BY-LAWS

713 - 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. 6843/96, a By-law of the City of Winnipeg to amend the Amusement Tax By-law No. 3107/81. File FL-6 (Vol. 13)

By-law No. 6845/96, a By-law of the City of Winnipeg to amend By-law No. 6662/95 which amended By-law No. 692/74 which regulates the construction and maintenance of certain encroachments in streets. File ED(31) (Vol. 1)

The Speaker advised that Council would here proceed to consider the order of business “Report of the Committee on Protection, Parks and Culture, dated May 6, 1996".