REPORT OF THE

COMMITTEE ON PROTECTION, PARKS AND CULTURE

DATED MARCH 4, 1996

On motion of Councillor O'Shaughnessy, the Report of the Committee on Protection, Parks and Culture, dated March 4, 1996, was considered clause by clause.

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

Carried.

Her Worship the Mayor and Councillors:

Land Dedication Reserve Expenditure - Rivergrove Subdivision - Draco Development - Lord Selkirk-West Kildonan Community
File EP-2 (Vol. 23) c/r DASZ 11/95

470 - 1. On November 21, 1995, the Lord Selkirk-West Kildonan Community Committee recommended that funds from the Draco Development's cash dedication be earmarked for the construction of a foot path within the Fernbank R.O.W. connecting the sidewalk on Rivergrove Drive north to the bus stop at Main Street.

On December 5, 1995, the Committee on Planning and Community Services concurred in the recommendation from the Lord Selkirk-West Kildonan Community Committee, and also requested the Committee on Protection, Parks and Culture to review the funds from the Draco Development's cash dedication to be earmarked for the construction of the aforesaid foot path.

On January 8, 1996, the Committee on Protection, Parks and Culture concurred in the recommendation from the Lord Selkirk-West Kildonan Community Committee, provided that the project meets the criteria for expenditure of funds under the Land Dedication Reserve Fund.

On January 30, 1996, the Committee on Planning and Community Services concurred in the recommendation from the Committee on Protection, Parks and Culture in this connection.

On March 4, 1996, the Committee on Protection, Parks and Culture was advised by the Parks and Recreation Department that the project does not meet the criteria for expenditures under the Land Dedication Reserve Fund in that the pathway is not being developed on parks and recreation lands. The Committee subsequently recommended that the project proceed and be forwarded to Executive Policy Committee and Council with a recommendation for approval.

The Committee on Protection, Parks and Culture therefore recommends:

I. That the City Policy on the Land Dedication Reserve Fund be waived in this instance.

II. That the necessary funds be expended from the Lord Selkirk-West Kildonan Community Land Dedication Reserve Fund for the construction of a foot path within the Fernbank R.O.W. connecting the sidewalk on Rivergrove Drive north to the bus stop at Main Street.

III. That the foot path become part of the city sidewalk system for snow clearing (maintenance) purposes.

IV. 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 March 4, 1996

Proposed Land Acquisition - Northeast corner of Navy Way and Assiniboine Avenue - City Centre Community
File FI-2 (32) (Vol. 3)

471 - 2. The Committee on Protection, Parks and Culture has been advised that the owner of the property located on the northeast corner of Navy Way and Assiniboine Avenue, shown on Misc. Plan No. CCFR 7874/2, has offered to donate it to the City in exchange for a tax receipt and release from its financial obligation stemming from a servicing agreement.

The owner's proposal to donate the property to the City is subject to two main requirements: firstly, that the City forgive a financial obligation owed to it by the owner which stems from Servicing Agreement No. AG 231/88 as pertains to the development of a property located at the northwest corner of St. Anne's Road and Meadowood Drive; and secondly, that the City issue a tax receipt for the difference between the value of the subject land and the financial obligation.

The Parks and Recreation Department lends its support to the acquisition of this property because it can be used in exchange for other riverbank property owned by the Federal Department of National Defence and located across Assiniboine Avenue on the Assiniboine River. Acquisition of the south side Assiniboine Avenue lands will complete the land assembly and development for Bonnycastle Park. Acquisition of this property will also simplify the Parks and Recreation Department operational requirements in the short term. The Parks and Recreation Department has been utilizing the property as a staging area for riverwalk maintenance operations involving storage of equipment and material.

Under Servicing Agreement AG 231/88, the owner was obligated to pay $79,289.00 plus an adjustment to current costs for construction of municipal services. The Land and Development Services Department calculated the adjusted amount at $94,003.39 plus G.S.T. using the Consumer Price Index as a measure of the inflationary factor. The owner has suggested that making the adjustment with an inflationary factor is unfair, and has requested the City to instead amend Servicing Agreement No. AG 231/88 so as to base the calculation of its financial obligation on a regional streets rate (current cost of installation of comparable services).

The Land and Development Services Department has indicated that it would be fair and equitable to determine the amount as proposed by the owner, and have indicated their positive recommendation to proceed with the amendment. The Department advised that the amended obligation would amount to $90,085.00 (inclusive of G.S.T.). Normally, a recommendation to amend a servicing agreement would emanate from the Land Development Branch for eventual consideration by the Committee on Planning and Community Services. However since there is a 'tie in' to the acquisition proposal it is considered expedient to include such recommendation herein for approval by Council.

With regard to the financial obligation under AG 231/88, the understanding that existed prior to the current negotiations was that, once paid to the City, the money would be credited to a Streets and Transportation Department Account. The Streets and Transportation Department has no objections to the proposal on condition that the Parks and Recreation Department reimburse it for funds it would have otherwise received.

It should be noted that the City previously had an understanding with the owner to purchase the Navy Way property at the sum of $260,000.00 which proposal had been approved by Council on May 29, 1991. The proposal was conditional upon the City securing a further understanding for a land exchange, with the Federal Department of National Defence. The negotiations with the D.N.D. were unsuccessful due to wide difference in the respective opinions of market value and as a result, the conditional purchase was never completed. The D.N.D. have again been contacted and have indicated a willingness to reopen such discussions. Even if a transaction with the D.N.D. cannot be concluded, acquisition of the subject property (Navy Way) is still desirable, because, if consolidated with the nearby City property on Garry Street, will improve it's overall marketability and developability. In the interim, the property could be developed for employee and/or customer parking.

The Parks and Recreation Department is prepared to fund this acquisition on the basis that the proceeds from any subsequent sale of the subject property, for purposes other than herein stated, be credited to a Parks and Recreation Department account. Acceptance of the proposed donation of land will require the Parks and Recreation Department to secure funding in the amount of $111,000.00 from the Land Acquisition for Riverbank Purposes Account and the Future General Unspecified Purposes Account. The proposed funding would be inclusive of the amount required to reimburse the Streets and Transportation Department for funds it would normally have received pursuant to AG 231/88.

Report of the Committee on Protection, Parks and Culture dated March 4, 1996

On February 26, 1996, the Committee on Finance and Administration considered and concurred in the recommendations contained in a report dated February 1, 1996, from the Chief Commissioner and the Commissioner of Protection, Parks and Culture in this connection.

On March 4, 1996, the Committee on Protection, Parks and Culture also considered the report dated February 1, 1996, from the Chief Commissioner and the Commissioner of Protection, Parks and Culture.

The Committee on Protection, Parks and Culture therefore recommends:

I. The issuance of an acknowledgement from the City Treasurer of receipt of the donated portion of the property in accordance with Schedule “A”.

II. The release of Meadow Gardens Limited from its obligation to pay to the City its financial obligation in accordance with Schedule “A”.

III. The proposed amendment of Servicing Agreement No. AG 231/88 so as to base the calculation of Meadow Gardens Limited’s financial obligation on a regional streets rate.

IV. The proceeds of any subsequent sale of the subject property for purposes other than herein stated be credited to the account of the Parks and Recreation Department.

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

Copy of Misc. Plan No. CCFR 7874/2 and Schedule “A” are on file in the City Clerk’s Department.

Adopted by consent.

REPORT OF THE

COMMITTEE ON PROTECTION, PARKS AND CULTURE

DATED FEBRUARY 5, 1996

On motion of Councillor O'Shaughnessy, the Report of the Committee on Protection, Parks and Culture, dated February 5, 1996, was considered.

Her Worship the Mayor and Councillors:

Property Acquisition Program - North St. Boniface, north of the C.N.R. Highline
File FI-2(35) (Vol. 2)

472 - 1. On January 26, 1995, and March 22, 1995, Council resolved the following with respect to the acquisition of property in North St. Boniface, north of the C.N.R. Highline, as shown on Misc. Plan No. 9301/3, namely:

1. That Council rescind its decision of October 20, 1993, which declared thirteen properties in the subject area surplus to parks needs and which authorized their disposal.

2. That the Planning Department be authorized to make application to amend the North St. Boniface Secondary Plan to designate the area north of a line drawn 100 feet north of the centre line of rue Darveau west of rue St. Joseph to the Red River to future park lands.

3. That, subject to Recommendations I and II, the Director of the Land Surveys and Real Estate Department be authorized to commence negotiations for the acquisition of the privately owned properties in the area as they become available for sale.

4. That, subject to Recommendation III above, Council authorize on an interim basis, the use of funds currently committed against the Niakwa Road land acquisition project.

5. That the Parks and Recreation Department and the Budget Bureau be directed to identify an appropriate funding source for the acquisition of the private lands when the properties become available for sale.

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

On April 8, 1995, a one-day workshop was conducted by the Old St. Boniface Residents' Association to consider future planning of the neighbourhood. Various motions were passed by the Residents' Association during the course of the workshop, and in particular one motion in opposition to the purchase of residential properties north of the C.N.R. Highline for public parks purposes.

On May 1, 1995, the Committee on Protection, Parks and Culture heard representation from the Old St. Boniface Residents' Association in opposition to Council's decision of January 26, 1995, to acquire the entire subject property for parkland. Committee subsequently passed a motion instructing the Administration to meet with representatives of the Residents' Association and the St. Boniface Ward Councillor, regarding the January 26, 1995, decision of City Council to resume acquisition of property for parks purposes north of the C.N.R. Highline in North St. Boniface, and report back on the status of the matter.

On June 6, 1995, the Riel Community Committee also considered the various motions of the Residents' Association and requested the Committee on Planning and Community Services to instruct the Administration to provide comments on each of the motions.

On June 20, 1995, the Committee on Planning and Community Services considered the motions and the request from the Riel Community Committee and referred the matter to the Commissioner of Planning and Community Services, who in turn requested the Parks and Recreation Department (along with two other departments) to review and provide comments on the various motions passed by the Old St. Boniface Residents' Association.

Report of the Committee on Protection, Parks and Culture dated February 5, 1996

The several motions of the Residents' Association pertaining to the jurisdictional interests of the Parks and Recreation Department have been reviewed, in consultation with the (former) Ward Councillor and representatives of the Residents' Association, Festival du Voyageur and the Chambre de Commerce Francophone de St. Boniface.

On January 30, 1996, the Committee on Planning and Community Services considered and laid over consideration of a report dated January 18, 1996, from the Commissioners of Planning and Community Services, and Protection, Parks and Culture, wherein it was recommended that the purchase of the residential properties north the C.N.R. Highline for public parks purposes be suspended, except riverbank property, until such time as a secondary or other appropriate plan can be developed in consultation with the affected stakeholders.

In summary, although the Parks and Recreation Department is supportive of many of the motions passed on April 8, 1995, by the Old St. Boniface Residents' Association, it must be acknowledged that the Department has no funding identified in the current Five Year Capital Budget with which to contribute towards implementation of the various projects identified, and only limited staff resources available to participate in the planning of the various projects. Regarding this latter statement, it would be beneficial if the Residents' Association were to assign priorities to the motions/projects in order to facilitate staging of staff participation.

On February 5, 1996, the Committee on Protection, Parks and Culture considered the administrative report dated January 18, 1996, from the Commissioners of Planning and Community Services, and Protection, Parks and Culture. Committee also heard in delegation David Dandeneau, President of the Chambre de Commerce Francophone de St. Boniface, who indicated the Chambre's opposition to the acquisition of all residential properties north of the C.N.R. Highline, and the Chambre's concurrence with the recommendations contained the January 18, 1996, administrative report.

On February 5, 1996, the Committee on Protection, Parks and Culture established a Sub-Committee, to be chaired by Councillor Vandal, St. Boniface Ward, to examine the feasibility and ramifications of implementing the current Action Area Plan, which is consistent with Plan Winnipeg, including an outline of the full costs to the City relative to the subject property.

The Committee on Protection, Parks and Culture therefore recommends:

I. That Council rescind its decision of January 26, 1995 (and further amended by Council on March 22, 1995), as outlined on Appendix "A".

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

Moved by Councillor Vandal,
Adoption of the Clause.

Moved by Councillor Golden,
Seconded by Councillor Clement,
THAT the clause be referred back to clarify the mandate of the Ad Hoc Committee appointed to study alternative uses of the subject lands.

The motion to refer with instructions was put.

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

Yea: Councillors Clement, Golden, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Angus. 5

Nay: Councillors Lazarenko, Lubosch, Murray, O'Shaughnessy, Phillips, Silva, Steek, Thomas, Timm-Rudolph, Vandal and Prystanski. 11

and the motion to refer with instructions was declared lost.

Report of the Committee on Protection, Parks and Culture dated February 5, 1996

Moved by Councillor Silva,

That the question be now put.

Carried.

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

(See Minute No. 505 for attachments)

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

COMMITTEE ON PROTECTION, PARKS AND CULTURE

QUESTION PERIOD

473 - Councillor Golden stated that it was his recollection that Council had decided that they were not going to service the area north of the C.N.R. highline, in St. Boniface, and that this area was going to be returned to park because of the high cost of servicing. He recalled that the Committee on Protection, Parks and Culture directed that the cost of servicing this area be looked at, and what the alternatives to servicing this area might be. Councillor Golden questioned if this was correct or if the Ad Hoc Committee was formed solely to look at the option of putting single family residences in the area.

Councillor O'Shaughnessy quoted from Clause 1 of the Report of the Committee on Protection Parks and Culture dated February 5, 1996, that "the Committee establish a Sub-Committee, to be chaired by Councillor Vandal, St. Boniface Ward, to examine the feasibility and ramifications of implementing the current Action Area Plan, which is consistent with Plan Winnipeg, including an outline of the full costs to the City relative to the subject property", and noted that alternatives were not being explored.

Councillor Golden asked the Chairperson of the Committee on Protection, Parks and Culture for his interpretation on what the Committee did.

Councillor O'Shaughnessy responded that his interpretation was that it would be an examination of the current action area plan, with the costs and other ramifications, before making a decision to either implement the action area plan or amend the action area plan, if proven not to be feasible.

Councillor Golden questioned what the intention of the Committee on Protection, Parks and Culture would be if they were without the information required to determine whether or not this land should be developed as residential and whether the Committee would allow other persons to bring their points of view to the Committee.

Councillor O'Shaughnessy responded that if the report came back with a lack of information, he would request that the Committee gather more. If the Committee brought back enough information, which information did not make the action area plan feasible, then other alternatives would have to be examined. He further noted that Councillor Vandal was instructed that any member of Council who wished to sit on the Committee could do so, and that he believed that a member of the community requesting to sit on the Committee should also not be denied.

Councillor Lazarenko questioned why this issue took so long before it finally came to Council, given Council's previous deliberation of the matter on January 26, 1995.

Councillor O'Shaughnessy noted that the Executive Policy Committee felt that the Sub-Committee could be implemented and an inquiry done prior to Council's consideration. As a result, the Executive Policy Committee referred the matter back to the Committee on Protection, Parks and Culture.

The Speaker here resumed the Chair.