REPORT OF THE

COMMITTEE ON PROTECTION, PARKS AND CULTURE

DATED JANUARY 9, 1995

On motion of Councillor Silva, the Report of the Committee on Protection, Parks and Culture, dated January 9, 1995, was considered clause by clause.

Moved by Councillor Silva,
That the Consent Agenda, Clauses 1,2,3,4,5 and 6, 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 and 5 was put and declared carried.

Her Worship the Mayor and Councillors:

Request to Waive Garden Plot Rental Fee -
Agape Table Inc. File PR-2 (Vol. 79)

435 - 1. The Committee on Protection, Parks and Culture has been advised that the Agape Table Inc. has requested a waiver of the rental fees for the use of two garden plots at the former Municipal Hospital garden site for 1995.

Agape Table Inc. is a non-profit organization which provides food to poor and hungry people in the City of Winnipeg. The meals consist of a hot hearty soup, bread, margarine, jam, tea/coffee and juice. The soup is made from vegetables donated or purchased from donations and are key to the ability to feed approximately 3,000 guests at three locations five days a week.

The former Municipal Hospital garden site is comprised of approximately 100 plots and is situated upon City-owned land east of the Dyke between Rathgar and Eccles Avenues. The Riverview Gardening Society currently utilizes the site for local gardening purposes. Representatives of the Society have indicated that they have no objection to making two plots available for use by Agape Table Inc.

On January 26, 1994, Council amended and adopted Clause 1 of the Report of the Executive Policy Committee dated January 12, 1994, with respect to the rental of garden plots, which included therein the rental rate for unserviced plots in 1994 ($15.00), and provision for increases, at the rate of inflation, in the year 1995 and beyond.

On January 26, 1994, Council further resolved that Winnipeg Harvest, a non-profit food bank organization, be allowed to utilize all available garden plots that are not rented out by the City of Winnipeg and Winnipeg Hydro, at no cost.

In view of the fact that Council waived the rental fees for Winnipeg Harvest, the Parks and Recreation Department is of the view that the fees also be waived for Agape Table Inc. for the use of two garden plots at the former Municipal Hospital garden site.

The Committee on Protection, Parks and Culture therefore recommends:

I. That the City Policy on the Rental of Garden Plots be waived in this instance to provide two garden plots at the former Municipal Hospital garden site to Agape Table Inc. at no cost on an annual basis.

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

Adopted by consent.

Report of the Committee on Protection, Parks and Culture dated January 9, 1995

Establishment of a Parks and Recreation Reserve Fund - The Concession Equipment Replacement Reserve Component
File PR-3 (Vol. 5)

436 - 2. The Committee on Protection, Parks and Culture has been advised that the Parks and Recreation Department presently has thirty concession outlets with equipment of varying age and cost valued in excess of $500,000.00. Seven outlets have kitchens and a number have vending machines, and when this equipment becomes unusable or breaks down it must be replaced by the Parks and Recreation Department.

Historically, the revenue collected from concession outlets has been included with other revenues in the General Revenue Fund, except for the golf course and zoo revenue, which has been credited to Golf Course and the Assiniboine Zoo Purposes Funds, respectively.

Replacement of concession equipment must be budgeted for by the Parks and Recreation Department which has no revenue to offset or match to such expenditures. In years of major equipment replacement this would be a hardship on the Department and may result in a possible reduction of services because budgetary resources would be used to replace equipment instead of providing a service for the year. Purchasing the equipment from a reserve fund would allow the Department to allocate their budgetary resources to providing services to the residents of The City of Winnipeg.

The equipment used in the concession outlets has a useful life of more than one year and therefore should be viewed as capital. Revenue Canada does not permit the write-off of the equipment over a one year period, and therefore puts more pressure on the annual operating budget of the particular Branch responsible, since equipment which would last for ten years must be budgeted for and purchased out of the current budget. This can result in large fluctuations of the funds required by a particular Branch of the Department which could then result in fluctuations of the mill rate. By annually putting aside funds into a reserve for the future replacement of equipment there is a smoothing effect on the current budget and the mill rate. A Concession Equipment Replacement Reserve would match the revenues received by the concessions with the expenditure for the equipment used in the concessions. The matching of costs to revenues is a fundamental principle of accounting.

Concession equipment has in the past broken down during the year and if funds were not budgeted for replacement this resulted in requests for additional appropriations or in the reduction of services. Placing 10% of the concession revenue in a reserve would ensure that funds are available to purchase equipment which breaks down during the year.

On October 31, 1994, the Deputy City Treasurer recommended that the Parks and Recreation Department's ultimate purpose in this regard may be better served by amalgamating the existing Departmental reserves, namely, the Zoo Animals, the Zoo Purpose, the Recreation Programming, and the Golf Course Reserves, into one fund so that as new reserves are created they simply become a separate component within the one reserve fund.

On November 17, 1994, the General Manager of Parks and Recreation indicated the Department's concurrence with the aforementioned suggestion subject to the following terms and conditions:

(a) the Parks and Recreation Department, through their Controller's Office, monitor the transactions of the separate components of the one central reserve;

(b) disbursements from each of the individual components would still be subject to the rules currently in place governing those reserves; and

(c) the Recreation Programming Reserve remain a separate entity insofar as this reserve is for use only by Community Committees.

The Committee on Protection, Parks and Culture therefore recommends:

I. That the following existing Parks and Recreation Reserve Accounts, namely: the Zoo Animals, the Zoo Purpose and the Golf Course, be rolled into one fund and be named the Parks and Recreation Reserve Funds, with a view that as new reserves are created they would become a component within the said Reserve Fund.

II. That a Concession Equipment Replacement Reserve be established as a component of the Parks and Recreation Reserve Funds.

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III. That 10% of the concession revenues collected by the Parks and Recreation Department be set aside in the Concession Equipment Replacement Reserve.

IV. That funds in the Concession Equipment Replacement Reserve be used to purchase new concession equipment, and to replace old worn out or broken equipment.

V. That the General Manager of the Parks and Recreation Department be given the authority to administer the Concession Equipment Replacement Reserve and purchase the required equipment.

VI. That the components within the Parks and Recreation Reserve Funds, namely: the Zoo Animals, Zoo Purpose, Golf Course and the Concession Equipment Replacement Reserves, remain as separate entities and be non-transferable within the said Fund.

VII. That an annual informational report be submitted to the Committee on Protection, Parks and Culture for each of the components within the said Parks and Recreation Reserve Funds.

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

Adopted by consent.

Dedication of Space in the Proposed Expansion of the Luxton Community Centre for the St. Cross Child Care Centre Inc
Files FC-1(1996-2000) & PR-2 (Vol. 79)

437 - 3. Council on November 17, 1994, referred the following motion to the Committee on Protection, Parks and Culture, namely:

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

WHEREAS Terry Clifford, President, St. Cross Child Care Centre appeared in delegation at the Lord Selkirk-West Kildonan Community Committee, the Committee on Protection, Parks and Culture, the Executive Policy Committee, and at City Council, in support of the concept of dedicating space in the proposed expansion of the Luxton Community Centre;

THEREFORE BE IT RESOLVED that space be dedicated in the proposed expansion/renovation to the Luxton Community Centre, as contained in year 1998 of the 1996-2000 Five Year Capital Forecast, for the operation of the St. Cross Child Care Centre.

On November 24, 1994, the Committee on Protection, Parks and Culture, considered the foregoing motion and concurred in the request from the St. Cross Child Care Centre Inc. that the matter be laid over so that a meeting could take place between representatives from the Luxton Community Centre and the St. Cross Child Care Centre Inc. to prepare a joint presentation for the Standing Committee.

On January 9, 1995, the Committee on Protection, Parks and Culture was advised that the representatives from the St. Cross Child Care Centre Inc. and the Luxton Community Centre required additional time to prepare their presentation. The Standing Committee subsequently referred the matter to the Lord Selkirk-West Kildonan Community Committee for review and recommendation.

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The Committee on Protection, Parks and Culture therefore recommends that Council grant an extension of time of 90 days to allow for further consideration of the matter.

Adopted by consent.

Support Services for Community Based Policing in High Risk Neighbourhoods
File GF-2 (Vol. 42)

438 - 4. Council on July 20, 1994, referred the following motion to the Committees on Protection, Parks and Culture and Planning and Community Services, namely:

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

WHEREAS there has been an increase in crime in communities particularly related to youth gang violence, car thefts and armed robberies;

AND WHEREAS the Protection, Parks and Culture Standing Committee has established an Ad Hoc Committee on Community Based Policing with an objective to providing more effective Policing in our communities;

AND WHEREAS City Council is currently engaged in developing the parameters for a 3rd Core Area Initiative through the Winnipeg Development Agreement;

THEREFORE BE IT RESOLVED that City Council, through its representatives to the Winnipeg Development Agreement, ensure that funding for the Winnipeg Development Agreement be utilized to provide support services for community based policing in high risk neighbourhoods.

On October 3, 1994, the Committee on Protection, Parks and Culture concurred in the recommendation of its Ad Hoc Committee on Community Based Policing and resolved as follows: that the Commissioner of Planning and Community Services and the Commissioner of Protection, Parks and Culture be requested to examine the concept of Neighbourhood Resource Centres; identify joint neighbourhood support programs including the provision of Police Services; and that the concept of Community Based Policing be looked at as a component of such Neighbourhood Resource Centres as is being discussed within the context of the Winnipeg Development Agreement.

Council, on October 19, 1994, granted an extension of time of 90 days to allow for further consideration of the matter.

On January 9, 1995, the Committee on Protection, Parks and Culture was advised that the Urban Safety Program in the proposed Canada-Manitoba-Winnipeg Agreement for the Development of Winnipeg 1995-1999 contains a community-based crime prevention sub-program, which would providing funding for activities that identify neighbourhood and community safety problems and provide a community-based response to the problems identified.

The Committee on Protection, Parks and Culture therefore recommends that Council grant a further extension of time of 90 days to allow for further consideration of the matter by its Ad Hoc Committee on Community Based Policing.

Adopted by consent.

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Proposed Panhandling By-law
File GF-2 (Vol. 42)

439 - 5. On December 16, 1992, Council passed By-law No. 6086/92, repealing the Public Convenience and Welfare By-law No. 16227 and amendments thereto which had included anti-begging provisions.

This decision was made on the advice of a report submitted by the Law Department which suggested that the City should not take any steps to attempt to regulate or to prohibit panhandlers until the "Change for the Better Program" had been evaluated and further experience had been obtained by the Winnipeg Police Service in enforcing The Criminal Code in relation to panhandlers. The aforesaid Law Department report also suggested that if these measures proved to be insufficient in dealing with this problem, then the City could re-evaluate its role and could consider options such as passing a by-law, recommending amendments to The Criminal Code and/or providing any necessary social services program.

In 1994, the Executive Director of the Downtown Winnipeg Business Improvement Zone submitted to the City of Winnipeg by-laws with specific regard to panhandling from the cities of Calgary, Baltimore, Seattle, Portland, and the District of Columbia.

On May 31, 1994, the Commissioner of Protection, Parks and Culture requested the Law Department to review and comment upon the aforesaid by-laws from various cities, and the Winnipeg Police Service to review the "Change for the Better Program" and to re-evaluate its role and consider options to The Criminal Code and/or social service programs.

The Administration noted that four of the five above enactments are from jurisdictions in the United States, which unlike Canadian municipalities, have inherent police powers. In Canada, any by-law provision which is inconsistent with, or a duplication of, matters covered by The Criminal Code could be successfully challenged as being an unlawful invasion within the federal area of criminal law.

It is the opinion of the Law Department that by-laws which prohibit or restrict panhandling can potentially be expected to be challenged as being contrary to the provisions of The Canadian Charter of Rights and Freedoms which guarantee freedom of expression and the right to life, liberty and security of the person.

It is further the opinion of the Law Department that municipalities should be able to enact by-laws to regulate panhandling within the following confines:

(a) the by-law should not attempt to deal with "aggressive panhandling" as matters of that nature fall within the scope of The Criminal Code;

(b) the by-law should not be framed to prohibit panhandling absolutely but should be limited to restricting panhandling from occurring in those particular locations or ways, or at such times, as create a specific and substantial problem for members of the public; and

(c) the by-law provisions should be the least restrictive upon the rights of the affected individuals as are necessary to address the specific problems identified.

In the event that the City enacts a by-law to regulate panhandling and it is challenged under The Charter, the City would have the obligation to prove to the Court that the specific problems addressed in the by-law are of sufficient importance to justify the restrictions upon the Charter guarantees.

The Law Department and the Winnipeg Police Service have both reviewed the draft Panhandling By-law and are of the view that same should be enacted.

On January 9, 1995, Nick Ternette, Private Citizen, and Harry Finnigan, Executive Director of the Downtown Winnipeg Business Improvement Zone, appeared in delegation before the Committee on Protection, Parks and Culture with respect to the proposed Panhandling By-law.

On January 9, 1995, the Committee on Protection, Parks and Culture considered report dated December 15, 1994, from the respective Commissioner, with respect to the matter, and was of the view the draft Panhandling By-law should be amended to extend the areas in which no person shall panhandle within ten metres of, namely, a bus stop and a bus shelter, and that Sections 3 and 4 of the proposed by-law be amended accordingly to reflect this intent.

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The balance of the aforesaid administrative report relative to the review of by-laws from various cities which contain provisions regarding panhandling and the review of by-laws to discourage aggressive panhandling was received as information by the Standing Committee.

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

I. That the draft Panhandling By-law, as amended, be approved.

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

In amendment,

The Executive Policy Committee recommends that the first sentence of the draft By-law No. 6555/95, a By-law of the City of Winnipeg to regulate and control panhandling, be amended to read as follows:

THE CITY OF WINNIPEG, in Council assembled, and notwithstanding the Canadian Charter of Rights and Freedoms, enacts as follows:

Adopted by consent.

Proposed Property Acquisition - North St. Boniface - North of the "Highline"
File FI-2(35) (Vol. 2)

440 - 6. The Committee on Protection, Parks and Culture has been advised that the Committee on Finance and Administration, at its meeting on January 31, 1994, recommended that the sale of all houses owned by the City north of the railway line, commonly referred to as the "highline" in North St. Boniface, be put on hold until such time as the review of the Area Action Plan and Transportation Plan is reviewed, and that in the interim the City acquire property in the area, at fair market value, as property may become available.

The Land Surveys and Real Estate Department understood the Committee on Finance and Administration motion to be related to the acquisition of the subject lands for parks and recreation purposes and reacted to the Committee's instructions by setting in motion various processes to enable commencement of negotiations. A list of property available for sale in the subject area together with a capital estimate was forwarded to the Parks and Recreation Department together with a request to comment on the proposed acquisition program and to identify an appropriate source of funding.

On October 31, 1994, the Parks and Recreation Department advised that it was supportive of acquiring property in the area for the enhancement of the St. Boniface Riverbank Parkway and the westerly expansion of Whittier Park, however, it could not presently identify an appropriate source of funding. The Department was of the view that a reduction in the budget allocation for the Niakwa Road and Youville/Bertrand projects would free up the required funding on a short term basis from the Land Acquisition for General Unspecified Purposes Account.

The Land Surveys and Real Estate Department estimated that $167,000.00 of funding is required at this time to finance the acquisition of the three properties that are currently available. If the land acquisition is to be accomplished on a gradual basis and given the current status of the 1995 Capital Budget Process, it is probable that subsequent acquisitions can be charged (depending on the level of uncommitted funding) against the Land Acquisition for General Unspecified Purposes Account. Should Council decide to pursue this project then consideration could be given to allocating appropriate specific funding in a subsequent Capital Budget.

The Land Surveys and Real Estate Department has reviewed the land ownership in the area and found that the City currently owns approximately 66% of the lands (exclusive of streets and lanes) north of rue Darveau and west of rue St. Joseph to the Red River. There exists 30 separate private holdings, 26 (87%) of which are residential and 4 (13%) of which are non-residential. To acquire the 30 properties by negotiation the estimated cost, based on assessed value, is approximately 2.0 million dollars. This estimate is based on negotiated purchases. The cost estimate provides for land acquisition and related costs but does not include demolition costs because presumably the properties will be acquired over time and will be utilized until such time as they are required for park development. Should the acquisition program require an expropriation, the estimated cost would be significantly higher.

Report of the Committee on Protection, Parks and Culture dated January 9, 1995

The District Planner has advised that a land acquisition program for any purpose other than residential development will require an amendment to Plan Winnipeg and/or the North St. Boniface Secondary Plan.

On November 21, 1994, the Committee on Finance and Administration considered report dated November 14, 1994, from the Commissioner of Finance and Administration, and concurred in the recommendations contained therein, with the exception of the authorization, on an interim basis, of the use of funds currently committed against the Niakwa Road and Youville/Bertrand land acquisition projects.

On January 9, 1995, the Committee on Protection, Parks and Culture approved as to need the acquisition of the privately owned properties as shown on Misc. Plan No. Riel 9301/3.

The Committee on Protection, Parks and Culture therefore recommends:

I. 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.

II. 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.

III. 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.

IV. That, subject to Recommendation III above, the authorization on an interim basis, of the use of funds currently committed against the Niakwa Road and Youville/Bertrand land acquisition projects.

V. 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.

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

Copy of Misc. Plan No. Riel 9301/3 is on file in the office of the City Clerk.

Moved by Councillor Silva,
Adoption of the clause.

In amendment,

Moved by Councillor Silva,
Seconded by Councillor Reese,
WHEREAS the clause recommends, in part, as follows:

III. That, subject to Recommendations I and II, the Director of 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.

IV. That, subject to Recommendation III above, the authorization on an interim basis, of the use of funds currently committed against the Niakwa Road and Youville/Bertrand land acquisition projects.

AND WHEREAS the Youville/Bertrand project is presently active so this will not be touched while the Niakwa Road project is not active, and therefore this would be the fund identified;

THEREFORE BE IT RESOLVED that Recommendation IV be amended by deleting the words "and Youville/Bertrand" and read as follows:

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

Report of the Committee on Protection, Parks and Culture dated January 9, 1995

With the concurrence of the seconder, Councillor Reese and with the permission of Council, Councillor Silva withdrew his amendment.

In amendment,

Moved by Councillor Reese,
Seconded by Councillor Silva,

THAT Recommendation IV contained in the clause be referred back to the Committee on Finance and Administration, and the Committee on Protection, Parks and Culture.

Moved by Councillor Golden,

That the question be now put.

Carried.

The amendment was put and declared carried.

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

COMMITTEE ON PROTECTION, PARKS AND CULTURE

CONSIDERATION OF BY-LAWS

441 - On motion of Councillor Silva, By-law No. 6555/95, a By-law of The City of Winnipeg to regulate and control panhandling, was read a first time. File GF-2 (Vol. 42)

Councillor Silva moved that this constitute the first reading of By-law No. 6555/95, which motion was carried.

On motion of Councillor Silva, By-law No. 6555/95 was read a second time.

In amendment,

Moved by Councillor Eadie,
Seconded by Councillor Silva,

WHEREAS Clause 5 of the Report of the Committee on Protection, Parks and Culture dated January 9, 1995, recommended that a by-law to regulate and control panhandling in the City be approved;

AND WHEREAS the Executive Policy Committee at its meeting on January 18, 1995, recommended that the by-law enactment contained in the first sentence of the aforesaid Clause be amended to include reference to the Canadian Charter of Rights and Freedoms;

THEREFORE BE IT RESOLVED that By-law No. 6555/95, a by-law of The City of Winnipeg to regulate and control panhandling, be amended to read as follows:

> "THE CITY OF WINNIPEG, in Council assembled, and notwithstanding the Canadian Charter of Rights and Freedoms, enacts as follows".

Carried.

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

Committee on Protection, Parks and Culture - Consideration of By-laws (continued)

Councillor Silva moved that this constitute the second reading of By-law No. 6555/95, as amended, which motion was carried.

On motion of Councillor Silva, the rule was suspended and By-law 6555/95, as amended, was read a third time, and was passed and ordered to be signed and sealed.

COMMITTEE ON PROTECTION, PARKS AND CULTURE

QUESTION PERIOD

442 - Councillor Angus requested information on the trip planned by the Members of the Standing Committee on Protection, Parks and Culture to Edmonton, on the matter of Community-based policing.

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

Councillor Silva noted that Edmonton's system of Community-based policing was regarded as the foremost model in North America and stated that the Members of the Committee, with the exception of Councillor Clement, accompanied by the Commissioner of Protection, Parks and Culture, would be visiting Edmonton and meeting with key officials to discuss Edmonton's Community-based policing, and tour the Police facilities. In addition he noted that the group would also be meeting with the City Manager and the Fire Chief to discuss the issues surrounding the amalgamation of the Fire and Ambulance Departments.

Councillor Angus further questioned whether it was necessary for all Members of the Committee to visit Edmonton, and further noted that there was no representation of the Riel Community Committee.

Councillor Silva noted that Committee Members held various points of view on the matter and that the Committee was attempting to establish a consensus on this matter, further noting the priority attached to the matter of policing overall.

Councillor Angus questioned whether it would have been more appropriate for the Standing Committee on Protection, Parks and Culture to invite representation from each of the Community Committees, given the significance of Community-based policing at the Community Committee level.

Councillor Silva noted that the Standing Committee on Protection, Parks and Culture had the designated authority for the Police Department and policing matters for the City of Winnipeg.

Councillor Murray questioned how the information received on the visit would be shared with other Members of Council.

Councillor Silva noted that the Standing Committee on Protection, Parks and Culture was dedicated to the concept of decentralized Community-based policing and that the matter was of significance to all Members of Council and stated that all Members of Council would have the opportunity to receive information on the visit and share in the development of the Committee's proposed strategy, probably through a Council seminar.

Councillor Boychuk questioned whether the Chairperson would communicate to the media to advise them to not publicize Councillors' absences, in that it constituted possible safety and security problems for the Councillor and his or her family while absent, and further questioned whether the Police Services would provide some form of special services for Councillors' families and residences while away on City business.

Councillor Silva took the question as notice.

Committee on Protection, Parks and Culture - Question Period (continued)

Councillor Lazarenko questioned whether the Councillors visiting Edmonton would report back to Members of Council, how many officers were assigned to Community-based policing, the location of the Community Offices and the number of Community Offices per capita.

Councillor Silva stated that the Committee would be prepared to share all information from the Edmonton visit and further stated that the City of Edmonton operates on the basis of 12 Community Police "Service Centres", open seven days a week, sixteen hours per day, with approximately 500 constables assigned, geographically dispersed throughout Edmonton, with priority given to high-crime areas.