REPORT OF THE

COMMITTEE ON PROTECTION, PARKS AND CULTURE

DATED NOVEMBER 24, 1994

On motion of Councillor Silva, the Report of the Committee on Protection, Parks and Culture, dated November 24, 1994, was considered clause by clause.

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

Carried.

280 - Councillor Golden asked to be recorded as having voted against Clause 4, in accordance with Rule 50.7 of the Procedure By-law.

Her Worship the Mayor and Councillors:

Lease of Property at La Barriere Park -
Manitoba Raptor Foundation
File PR-7.10 (Vol. 1)

281 - 1. The Committee on Protection, Parks and Culture has been advised that the newly organized Manitoba Raptor Foundation has submitted a proposal for the establishment of a raptor research and education facility and has requested approval for a long term lease of a house, parking lot and five acres of land in the Camp Amisk area of La Barriere Park.

The main purpose of the Manitoba Raptor Foundation is to develop a specialist facility focusing solely on raptors to support the research, breeding, education and rehabilitation of birds of prey such as hawks, owls and eagles. The Foundation will construct a raptor breeding and rearing facility as well as an environmental education centre on the five acres of land adjacent to the house in the Camp Amisk area of La Barriere Park. The initial focus of the Foundation will be on the recovery of the endangered Peregrine Falcon through rearing, monitoring and release of falcons into the wild. The Peregrine Falcon has been re-established in the Winnipeg area in the last decade and three pairs return each year to the Winnipeg area to nest and raise their young.

The Manitoba Raptor Foundation is an environmentally conscious organization which will cater to the new wave of eco-tourism. Birds of prey, such as Peregrine Falcons and Burrowing Owls, are high profile species which attract media attention and provide opportunity to raise funds for conservation efforts.

The Manitoba Raptor Foundation currently has support from the following organizations/individuals, namely:- a $50,000.00 grant from the Sustainable Development Unit, Environmental Innovation Fund; the Manitoba Department of Natural Resources; the Peregrine Falcon Recovery Team; the donation of 5 pairs of breeding Peregrine Falcons and 3 non-releasable raptors for education purposes and incubation equipment from the Peregrine Falcon Breeding Facility, Canadian Wildlife Service in Wainwright, Alberta; the Manitoba Conservation Data Centre; the Manitoba Wildlife Rehabilitation Centre; and a donation from Robert Bateman, a Canadian Wildlife Artist.

The Manitoba Council of Scouts Canada, who have a lease for the use of the Camp Amisk area, fully support the concept of the project.

The Parks and Recreation Department is of the view that a ten year lease agreement should be entered into with the Manitoba Raptor Foundation based on the following terms and conditions:

The Raptor Foundation will utilize the house, parking lot, and on an adjacent five acres of land build the breeding, rearing and environmental education facility. The Foundation would also have access to the rest of the park for research or flight training of birds for release into the wild.
There will be no operating costs to the Parks and Recreation Department during the term of this agreement.
The Parks and Recreation Department will provide the house, parking lot and five acres of land in good condition.

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The Parks and Recreation Department will not be responsible for providing maintenance or service to the site during the term of the lease.
In exchange for the lease of the facility and grounds, the Raptor Foundation will provide access to their environmental facility and programming to Parks and Recreation Department staff.
The City Naturalist, or her designate, will liaise with the Board of Directors of the Raptor Foundation.

The partnership between the Parks and Recreation Department and the Manitoba Raptor Foundation supports the principles of sustainable development. The proposed lease will involve a facility which the Department cannot utilize at present and will benefit the citizens of Winnipeg by teaching positive environmental attitudes.

On November 24, 1994, Dr. James Duncan and Robert Wheeldon, Manitoba Raptor Foundation, appeared in delegation at the Committee on Protection, Parks and Culture, in support of their proposal for the establishment of a bird of prey centre at the Camp Amisk area in La Barriere Park. The Ward Councillor, J. Angus, also appeared in delegation in support of the proposal by the Manitoba Raptor Foundation.

The Committee on Protection, Parks and Culture therefore recommends:

I. That as part of a partnership with the Manitoba Raptor Foundation, the City of Winnipeg be authorized to enter into a ten year lease with the Manitoba Raptor Foundation, at a rate to be negotiated, for property including a house, parking lot and five acres of land in the Camp Amisk area of La Barriere Park.

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

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

Adopted by consent.

Community Incentive Grant Application
- St. Norbert Children's Centre Inc
File PR-2.6 (35) (Vol. 2)

282 - 2. The Committee on Protection, Parks and Culture has considered an application from the St. Norbert Children's Centre Inc. for a Community Incentive Grant in the amount of $5,000.00 for the construction and installation of a playground structure.

Under the definition of Eligible Applicants within the Community Incentive Grant Program criteria, the application does not meet the Program's eligibility requirements as the St. Norbert Children's Centre Inc. is a day care operation and not a non-profit community recreation and sport organization.

On November 7, 1994, the Riel Community Committee recommended that a Community Incentive Grant in the amount of $5,000.00 be approved for this project and that the criteria for the Community Incentive Grant Program be waived in this instance.

The Parks and Recreation Department is of the view that inasmuch as the applicant is under a Tri-Parti Lease agreement between St. Norbert Community Centre Inc. and The City of Winnipeg, the applicant should agree to maintain the play structure over the term of the said lease.

On November 24, 1994, the Ward Councillor, J. Angus, appeared in delegation at the Committee on Protection, Parks and Culture and indicated his support for the Community Incentive Grant application.

The Committee on Protection, Parks and Culture concurred in the recommendation of the Riel Community Committee and therefore recommends:

I. That the criteria for the Community Incentive Grant Program be waived in this instance.

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II. That the amount of $5,000.00 be approved to the St. Norbert Children's Centre Inc. for the purpose requested, subject to:

(a) Confirmation of funding sources;
(b) Approval of final plans and specifications for the project by the General Manager of Parks and Recreation;
(c) The applicant entering into a formal agreement with the City of Winnipeg; and
(d) That the applicant agree to maintain the play structure over the term of the said Tri-Parti Lease.

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

Adopted by consent.

Proposed Acquisition - North Side Logan Avenue between the Slaw Rebchuk Bridge and Patrick Street - Lord Selkirk-West Kildonan Community
File FI-2.4.4.1 (Vol. 3)

283 - 3. The Committee on Protection, Parks and Culture has been advised that on May 17, 1993, the Minister of Urban Affairs communicated with Her Worship Mayor Thompson requesting the City to accept transfer of the title to the property located north of Logan Avenue between the Slaw Rebchuk Bridge and Patrick Street, shown as Parcel 1 on Misc. Plan No. LSWK 9271/1, for the sum of $1.00, with the view that the property would be subsequently rezoned as parkland. The Minister of Urban Affairs suggested the finalizing of an understanding reached during the Core Area Initiatives Program respecting the disposition of the subject property.

On June 24, 1994, the Board of Commissioners authorized the Director of the Land Surveys and Real Estate Department to do all things necessary to transfer title of the aforesaid parcel of land into the name of the City of Winnipeg.

On August 25, 1993, the Province of Manitoba offered several surplus parcels of land to the City including a parcel located on the northwest corner of Patrick Street and Logan Avenue and shown as Parcel 2 on Misc. Plan No. LSWK 9271/1.

On September 23, 1993, the Parks and Recreation Department advised of its requirements for Parcel 2, inasmuch as the subject property is an improved open space and is situated adjacent to landscaped improvements which form part of the eastern approach to the Slaw Rebchuk Bridge (Parcel 1). The Province of Manitoba subsequently placed the sale of Parcel 2 on hold pending the disposition of Parcel 1.

On September 6, 1994, the Province of Manitoba advised it was now prepared to sell Parcel 2 at market value as it had now been determined that Parcel 1 was to be transferred to the City for $1.00. The Province then proceeded to tender Parcel 2, and upon determining the City’s interest, deferred awarding the tender provided the City would have the necessary approval in place by the end of 1994.

Parcels 1 and 2 were developed as neighbourhood parks in conjunction with the Core Area Initiative project in the North Logan area. The sites are currently landscaped and improved with playground equipment, park fences and various plantings.

In addition to providing open space within the North Logan Neighbourhood, the sites also form part of the landscaped approach to the Slaw Rebchuk Bridge. As such, the Parks and Recreation Department is supportive of keeping these sites as open space for local community parks, recreation and streetscaping aesthetics purposes. The Department currently maintains these sites and no additional appropriation for maintenance would be required.

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Title for Parcel 1 would be transferred to the City at a purchase price of $1.00, as evidenced by the Minister of Urban Affair's letter dated May 17, 1993, wherein he states it was understood that, in time, the land would be turned over to the City of Winnipeg.

The proposed purchase price for Parcel 2 is $13,848.00 ($3.00 per square foot), which is considered to be reasonable by the Land Surveys and Real Estate Department, and is supported by the assessed value of the property. The Province of Manitoba is expecting that all approvals for the City to acquire these two parcels of land be in place by December 31, 1994.

The Parks and Recreation Department advised that the necessary funds required to finance the proposed acquisitions can be obtained by transferring surplus funds in Account No. 03-118117-5490350702 (an account created to finance the acquisition of the North St. Boniface Market Garden).

On November 21, 1994, the Committee on Finance and Administration considered report dated November 9, 1994, from the Land Surveys and Real Estate Department, and concurred in the recommendations contained therein.

On November 24, 1994, the Committee on Protection, Parks and Culture also considered report dated November 9, 1994, from the Land Surveys and Real Estate Department, and established the need for the acquisition of greenspace at this location.

The Committee on Protection, Parks and Culture therefore recommends:

1. That the acquisition of the property, identified as Parcel 1 on Misc. Plan No. LSWK 9271/1, be approved, at a purchase price of $1.00;

2. That the acquisition of the property, identified as Parcel 2 on Misc. Plan No. LSWK 9271/1, be approved, at a purchase price of $13,848.00;

3. That the transfer of surplus funds from Account No. 03-118117-5490350702, to finance the acquisition of Parcels 1 and 2, as shown on Misc. Plan No. LSWK 9271/1, be authorized;

4. That the Proper Officers of the City be authorized, after acquisition by the City, to do all things necessary to initiate the rezoning of both parcels of land into a Parks and Recreation District.

A copy of Misc. Plan No. LSWK 9271/1 is on file in the office of the City Clerk.

Adopted by consent.

Major Food and Beverage Service Contract - Parks and Recreation Facilities

File PR-3 (Vol. 5)

283 - 4. The Committee on Protection, Parks and Culture has been advised that the existing Food and Beverage Service Contract at Parks and Recreation facilities expires November 30, 1994.

Prior to 1994, the Food and Beverage Service Contract was tendered in four packages, namely:- the Bertrand and Maginot Arenas, the St. Vital, Century and Eric Coy Arenas, the Assiniboine Park Zoo and all other Facilities. Integ Food Services Limited (now called the Marriott Corporation of Canada Ltd.) provided food and beverage services under the Major Food and Beverage Service Contract for the period December 1, 1984, to November 30, 1991. This contract was renewed in 1991 for three years and then extended a further year to November 30, 1994. The Marriott Corporation of Canada Ltd. also was the food service contractor in the Assiniboine Park Zoo from 1989 to the present. Judy Friesen provided the food and beverage service for the above five arenas for the period 1985 to the present.

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The 1984 tender specified the menu items, prices, hours of operation and that the Parks and Recreation Department provided all the equipment and repairs thereon. This tender was based on the philosophy that the function of the food and beverage service was to enhance the leisure experience of the patrons to the parks and recreation facilities.

In June 1994, a Request for Proposal for the Assiniboine Park Pavilion was tendered with the provision of a four season food service facility and there were no proposals received. The Pavilion has now become a part of the Food and Beverage Service Contract tender package as a three season facility.

The Food and Beverage Service Request for Proposal developed and tendered in 1994 will change the nature of providing the food and beverage service to the citizens of the City of Winnipeg. The proposers were requested to develop a food concept, provide a menu, prices, a marketing plan and a Capital Investment Plan. As a result of recent budget constraints, the City can no longer provide the capital investment or maintenance for the food service equipment, hence the proposals requested inclusion of such provisions. It is hoped that this will lead to better facilities without affecting the City's capital budget and will result in greater usage of the facilities by the patrons. Since capital investment was requested in the tender process, the term in the proposal request was a minimum of five years.

Nine proposals were received in response to Request for Proposal No. 94-195. Only three proposals had any significant investment and two of these proposals had lease terms of ten years or more. The investment proposal by Versa Service Ltd. included repairs and painting and it was the view of the Administration that these repairs would not result in a significant improvement in the facilities or revenue generated. The Marriott Corporation of Canada Ltd. provided four options with varied investments from $305,000.00 to $530,000.00. These investments would provide increased seating capacity, improved amenities, should generate higher sales and increase revenues to the City of Winnipeg. MacDonald's Restaurant bid only on the Zoo package and had proposed capital expenditures of $150,000.00, with the rate of revenue to the City being the lowest of all rates submitted.

Only two proposals detailed a significant marketing strategy. These proposals were from Versa Services Ltd. and the Marriott Corporation of Canada Ltd. It is the opinion of the Administration that the Marriott Corporation has the stronger marketing package.

A condition in the Versa Services Ltd. and Marriott Corporation of Canada Ltd. proposals was that all six packages had to be accepted as a group or none would be accepted. Whereas a couple of the individual proposals provided higher percentages of gross sales on certain packages to the City of Winnipeg, acceptance of these individual packages would have resulted in no food or beverage services in a number of locations. Therefore, it was the view of the Administration that acceptance of proposals on individual packages was not feasible.

A comparison of the Versa Services Ltd. and Marriott Corporation of Canada Ltd. proposals demonstrates that the Marriott Corporation proposal would generate the most revenue for the City of Winnipeg. The Marriott Corporation option of a ten year term and $305,000.00 of capital investment would maximize the revenue to the City of Winnipeg. The higher percentages of sales and the increased sales from the capital improvements to the Assiniboine Park Conservatory (increased seating capacity) and the Assiniboine Park Pavilion will both contribute to maximizing the revenue to the City of Winnipeg.

Therefore, it is the opinion of the Administration that the City of Winnipeg enter into a contract with the Marriott Corporation of Canada Ltd. This contract should be predicated on the Marriott Corporation providing $305,000.00 in leasehold improvements in year one of the ten year lease. This contract would also provide the City of the following percentages of gross sales:

Pools and Arenas	18%
Vending Machines	15% - 24% - different rates per food group
Kildonan Park	13.5%
Golf Courses	16%
Assiniboine Park (except Zoo)	15%
Assiniboine Zoo	18%

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These percentages are significantly higher than the present contracts' percentages which are 16% for five arenas, 13.1% for the Zoo and 12.5% for the other facilities.

The Marriott Corporation of Canada Ltd. has agreed to the terms and conditions recommended by the Administration.

On November 24, 1994, Ardythe McMaster and Lorna Leader, Co-Presidents, Friends of the Assiniboine Park Conservatory, were heard in delegation expressing concern with respect to the quality of food and beverage service at the Conservatory.

The Committee on Protection, Parks and Culture was of the view that improvements to the food and beverage service, as well as the concession environment, at the Assiniboine Park Conservatory facility, were a necessity.

Committee was further of the view that there should be no smoking permitted in the Conservatory Concession facility.

The Committee on Protection, Parks and Culture therefore recommends:

I. That the Marriott Corporation of Canada Ltd., 1455 Waverley Street, Winnipeg, be granted a 10-year contract from December 1, 1994, to November 30, 2004, to operate the Food and Beverage Services at the Parks and Recreation facilities, with the exception of the contract for the Pavilion and the Carousel locations, which would be on a year to year basis, not to exceed 10 years, subject to but not limited to the following conditions with respect to the Conservatory in order to reflect the intent of the Committee on Protection, Parks and Culture, namely:

   (a) that the improvements outlined in the Capital Investment Plan be in place by June 1, 1995, with the new menu for the Conservatory Concession being an Appendix to the said contract, and also be in place by June 1, 1995;

   (b) that a survey be conducted by the Marketing Branch of the Parks and Recreation Department six months following the opening of the Conservatory Concession, with the results from same being forwarded to the Ad Hoc Committee on Food Concessions at Assiniboine Park;

   (c) that if performance is deemed unsatisfactory, the contract be reviewed, and if cancelled, the capital improvement costs be refunded to the contractor on a proportionate basis.

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

Adopted by consent.

(See Minute No. 280 for opposition recorded by Councillor Golden)

COMMITTEE ON PROTECTION, PARKS AND CULTURE

MOTIONS

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

285 - WHEREAS it is a well recognized and respected parliamentary convention that elected representatives do not publicly criticize or negatively comment on members of the public service;

AND WHEREAS the principles of government recognize that elected officials are responsible and answerable for the actions of government, not members of the public service;

AND WHEREAS reputations of public servants can be seriously harmed by elected officials, and members of the administration are unable to comment critically or publicly disagree with an elected City official;

THEREFORE BE IT RESOLVED that Council direct the Secretariat Committee to bring forward amendments to Council's Code of Conduct and Rules of Procedure to recognize the principle that elected officials are responsible for actions of government and should refrain from commenting critically on the person or actions of members of the administration, consistent with parliamentary convention.

Automatic Referral to the Secretariat Committe in accordance with Rule 16.1 of the Procedure By-law