REPORT OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

DATED MAY 30, 1994

On motion of Councillor Eadie, the Report of the Committee on Finance and Administration, dated May 30, 1994, was considered clause by clause.

Moved by Councillor Eadie,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11 and 12 be adopted.

Councillor Silva requested that Clause 2 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,3,4,5,6,7,8,9,10,11 and 12 was put and declared carried.

Her Worship the Mayor and Councillors:

Proposed Amendment to the Civic Employees' Pension Plan By-law No. 5300/89
File GU-3.9 (Vol. 15)

830 - 1. The Committee on Finance and Administration has considered an amendment to the Civic Employees' Pension Plan By-law No. 5300/89 whereby Council would be permitted to appoint members to the Civic Employees' Pension Plan Investment Committee to terms other than three years to allow for continuity of investment expertise.

The Committee on Finance and Administration therefore submits draft by-law and recommends:

I. That Subsection 15(1)(b) of By-law No. 5300/89 be amended by deleting the words "a term of three years" and substituting therefor "such term as may be fixed by Council".

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.

Application for Exemption from City of Winnipeg License By-Law 4007/85 - Elim Chapel FellowshipFile EL-1 (Vol. 28)

831 - 2. The Committee on Finance and Administration has been advised that the Elim Chapel Fellowship applied for an exemption from the licensing of a billiard parlour at its premises at 299 Young Street. The applicant is a non-profit organization operating as a religious fellowship and falls within the City's jurisdiction to exempt.

The License Branch of the Finance Department inspected the premises and reports that it has not received any complaints regarding the operation. The Elim Chapel Fellowship keeps two billiard tables on the premises for which no fee for use is charged. Access to the club is restricted to members as the club is locked unless members contact security for admission. The Administration is of the view that the exemption from licensing should be granted.

The City of Winnipeg has the power to exempt non-profit clubs from licensing under Section 524(1)(t) of The City of Winnipeg Act and can accomplish same by proceeding with an amendment to License By-law No. 4007/85.

Report of the Committee on Finance and Administration dated May 30, 1994

The Committee on Finance and Administration therefore submits draft by-law and recommends:

I. That the Elim Chapel Fellowship be exempted from licensing of a billiard parlour at its premises at 299 Young Street pursuant to the provisions of the License By-law No. 4007/85.

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.

Moved by Councillor Eadie,
Adoption of the clause.

Moved by Councillor Hyman,
That the clause be referred back to the Committee on Finance and Administration.

The motion to refer was put.

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

Yea: Councillors Boychuk, Duguid, Eadie, Hyman, Lazarenko, Murray, Prystanski, Silva, Thomas and Her Worship Mayor Thompson. 10

Nay: Councillors Clement, Golden, O'Shaughnessy and Angus. 4

and the motion to refer was declared carried.

Proposed Amendment to License By-law No. 4007/85File EL-1 (Vol. 28)

832 - 3. Council, at its reconvened meeting on April 28, 1994, referred back Clause 1 of the Report of the Committee on Finance and Administration dated April 7, 1994, and considered the following motion with respect to a proposed amendment to the License By-law No. 4007/85 pertaining to the regulation and control of the trades of dating and escort services and massage parlour proprietors, namely:

Moved by Councillor Murray,
Seconded by Councillor Silva,

THAT the clause be amended to delete the words "City Centre - Fort Rouge Community" and replace it with the words "area covered by Zoning By-law No. 4800/88".

On April 7, 1994, the Committee on Finance and Administration recommended amendments to the License By-law to correctly describe those areas of the City previously designated as parts of the city in which the two trades may not be carried on due to fairly recent changes to the ward boundaries and the renaming of the area of communities.

Subsections 25(5) and 34(8) of the License By-law state that no person shall carry on the trade of a dating and escort service or massage parlour proprietor in any of the following communities within the City: Assiniboine Park - Fort Garry, East Kildonan - Transcona, Lord Selkirk - West Kildonan, St. Boniface - St. Vital, and St. James - Assiniboia.

At a Special Meeting of the City Centre Community Committee held on April 28, 1994, the following motion was made:

That the Commissioner of Planning and Community Services be requested to initiate any and all action necessary to move the residential precinct north of Ellice Avenue, west of Princess Street, as well as the precinct south of Broadway from By-law No. 4800/88 to By-law No. 6400/94, once same is adopted by City Council.

Report of the Committee on Finance and Administration dated May 30, 1994

The effect of the above motions would be to reduce the area in which the two trades may be carried on. The boundaries of the former City Centre-Fort Rouge Community Committee, in comparison to the area covered by By-law No. 4800/88, are outlined on Attachment "A" by way of a map indicating street boundaries.

On May 30, 1994, Councillor Silva, Daniel McIntyre Ward and Councillor Hyman, River Heights Ward, appeared in delegation before the Committee on Finance and Administration in support of amending the License By-law whereby the above two trades may not be carried on in any part of the City other than in the area covered by Zoning By-law No. 4800/88.

The Committee on Finance and Administration therefore submits draft by-law and recommends:

I. The provisions of The City of Winnipeg License By-law No. 4007/85 relating to the trades of "Massage Parlour Proprietor" and "Dating and Escort Services" be amended, so that no new licenses may be issued to carry on the said trades in any part of the City other than that part within the boundaries of the Zoning By-law No. 4800/88.

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.

A Copy of Attachment "A" is on file in the office of the City Clerk.

Adopted by consent.

Proposed Amendment to Amusement Tax By-law No. 3107/81 - Deadlines for Filing Applications for Exemption File FL-2.5 (Vol. 9)

833 - 4. Council, on September 22, 1993, enacted By-law No. 6238/93, a by-law of The City of Winnipeg to amend the Amusement Tax By-law No. 3107/81 and the City Organization By-Law No. 4444/86. The amendments contained in By-law No. 6238/93 changed the process for exemptions from amusement tax, including outlining deadlines for filing applications. Applications were to be filed at least 90 days before tickets were to be offered for sale. To assist in the smooth implementation of the new provisions, a transition clause expiring May 31, 1994, allowed applications filed later to be considered, provided time permitted the application to follow the approved process.

The Administration and the Winnipeg Arts Advisory Council are of the view that after the transition clause expires, the deadline requirement may be too stringent, and sometimes impossible, for some organizations which plan events in a shorter time frame to meet.

In view of the foregoing, the Administration and the Advisory Council are of the opinion Subsection 7(1) of the Amusement Tax By-law be amended by adding the words "or at such time as may be directed by the Chief License Inspector" as follows:

"7(1) Organizations operating amusements or places of amusement meeting the criteria set forth in Schedule "C" may apply for an exemption from amusement tax for that amusement or place of amusement by filing with the Chief License Inspector, at least 90 days before tickets are to be offered for sale, or at such time as may be directed by the Chief License Inspector, the
following: ..."

The proposed change would allow more flexibility in accepting applications for exemption where it was already fewer than 90 days before tickets were to be offered for sale, but where time permitted the formal process outlined in the by-law to occur.

The Committee on Finance and Administration therefore submits draft by-law and recommends:

I. That Amusement Tax By-law No. 3107/81 be amended to provide continued flexibility with respect to the deadline for filing of applications for exemption from amusement tax while maintaining the formal process for applications as outlined in the said By-law.

Report of the Committee on Finance and Administration dated May 30, 1994

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 the "Procedure for Application for Exemption from Amusement Tax" as well as Schedule "C" to By-law No. 3107/81 are on file in the office of the City Clerk.

Adopted by consent.

Amendment to the City of Winnipeg License By-law No. 4007/85 - Massage Therapists
File EL-1.35 (Vol. 4)

834 - 5. Council at its meeting held March 24, 1993, adopted Clause 8 of Report "A" of the Committee on Finance and Administration dated March 1, 1993, with respect to amendments to the License By-Law No. 4007/85 relating to the licensing of massage therapists. Effective September 1, 1993, massage therapists are distinguished from the general license category of "massagists" by providing evidence that the applicant has successfully completed the requirements of a training program in massage therapy and has received accreditation from a registered educational facility named in the by-law. That clause recognized that additional schools over and above those initially identified likely existed and stated that "minor amendments to the by-law may be necessary in future to address such situations".

Four individuals have made application to The City of Winnipeg for licensing as "massage therapists". The applicants have provided documentation that they have completed a course of study in massage therapy from one of the following schools:

- Physical Therapy School of Dr. Paul Vogler, Professor in Berlin;
- Institute of Psycho-Structural Balancing, San Diego, California; and
- École De Formation Kiné-Concept Inc., Montreal, Quebec.

Documentation has also been provided which confirms that these schools are state-acknowledged or provincially recognized educational facilities.

The Committee on Finance and Administration therefore submits draft by-law and recommends:

I. That License By-Law No. 4007/85 with respect to massage therapists be amended by adding the following schools to the list of registered educational institutions recognized under the License By-law, namely the Physical Therapy School of Dr. Paul Vogler, Professor in Berlin; Institute of Psycho-Structural Balancing, San Diego, California; and École De Formation Kiné-Concept Inc., Montreal, Quebec.

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.

Renewal of General Insurance Policies - 1994
File FI-3 (Vol. 11)

835 - 6. Subsection (e) of Section 51(1) of The City of Winnipeg Act requires the City Treasurer to attend to the placing of such insurance as may be decided by Council.

In addition, Section 113 of The City of Winnipeg Act states "The Council may provide for comprehensive insurance to protect the City against loss through damage to the real or personal property, or both, of the City by reason of fire or any other cause; and may provide insurance against claims for loss or damage for which the City may become liable."

Report of the Committee on Finance and Administration dated May 30, 1994

Furthermore, the Council Order relative to General Insurance, dated May 2, 1979, states in part as follows: "The Consortium, through the Principal Broker, in consultation with the appropriate officers of the City, shall place or bind such insurance as may be required, subject to the approval of the Council, and in the event of disapproval of the Council, the Consortium shall be reimbursed through the Principal Broker the appropriate premium for `time-on-risk'."

The insurance policies contained in Appendix "A" are issued on an annual basis and the majority of them have an expiry date of December 31. Automobile insurance policies are written with an expiry date of March 1 to coincide with the Manitoba Public Insurance Corporation insurance year.

Appendix "B" refers to policies written on a "Continuing-Till-Cancelled" basis, while Appendix "C" deals with policies written on an "As-Required" basis.

In 1972, Council adopted the progressive, for that time, self-insured retention (S.I.R.) of $250,000.00 per occurrence. Since then, insurance policies, with limits of $250,000.00 per policy year, were purchased to buy back insurance for the S.I.R. Loss experience for the "buy-back" policies over at least the past five years has been examined and it is excellent. It was therefore determined that some of the policies were not a prudent buy, particularly as the maximum benefit to the City is $250,000.00 per policy year. A saving of approximately $130,000.00 will be realized in 1994 by not renewing some of the policies.

The following summary compares the 1994 initial premium costs with the final adjusted 1993 premium costs. The comparison reflects the premium savings for the policies that were not renewed, however, some of the remaining policies are subject to year-end adjustment based on revised property values and the number of insured events held during 1994. It is estimated that the 1994 final adjusted premium may be marginally higher than it was in 1993 because of a general tightening in the insurance market place.

	1994 initial premium	1993 adjusted premium
Appendix "A" Policies renewed or placed	$2,855,825.00	$3,026,711.00
Appendix "B" Policies written on a "Continuing-Till-Cancelled" basis	14,040.00	12,371.00
Appendix "C" Policies written "As Required"	10,278.00	32,541.00
Total Premium	$2,880,143.00	$3,071,623.00

An excellent day-to-day rapport exists between the City's officers and members of the General Insurance Consortium. The Consortium continues to work closely with City personnel advising of changing exposures and risks in light of trends in the industry and economic conditions. Coverages are examined in conjunction with the City's Insurance Reserve Fund which approximated $4.6 million as at December 31, 1993.

The Committee on Finance and Administration therefore recommends:

I. That formal approval be given to the City's General Insurance Consortium for insurance coverage placed as detailed in Appendices "A", "B" and "C".

II. That the actions of the City's officers of providing the coverage from expiry dates to present date, be approved, ratified and confirmed.

III. That the Proper Officers of the City be authorized to sign whatever insurance documents are necessary.

Copies of Appendices "A", "B" and "C" are on file in the office of the City Clerk.

Adopted by consent.

Report of the Committee on Finance and Administration dated May 30, 1994

Citizen Appointment to the Civic Charities Endorsement Bureau
File GL-5.2 (Vol. 12) (c/r GC-7 (Vol. 23)

836 - 7. Council, at its meeting on January 26, 1994, adopted Clause 1 of the Report of the Committee on Finance and Administration dated January 6, 1994, appointing Helen Jenner to the Civic Charities Endorsement Bureau for the balance of the three-year term expiring on December 31, 1994.

By-law No. 350/73, Item 6, Subitem ii, reads as follows: "A citizen member shall be disqualified to sit as a member of the Bureau if such citizen member is absent from three consecutive regular meetings without being authorized to do so by a resolution of the bureau entered in its minutes."

The Civic Charities Endorsement Bureau, at its meeting on April 20, 1994, requested the Committee to proceed to have a replacement named as a representative from the Riel Community.

On May 16, 1994, the Riel Community Committee advised that it has since learned that Helen Jenner has been out of the country since the end of December 1993 until early April 1994. In light of the above and given that Helen Jenner has indicated a willingness to sit as a member on the Civic Charities Endorsement Bureau, the Riel Community Committee recommended the re-appointment of Helen Jenner to the Bureau for the balance of the three-year term expiring on December 31, 1995.

The Committee on Finance and Administration has considered and concurs in the recommendation from the Riel Community Committee and therefore recommends the re-appointment of Helen Jenner to the Civic Charities Endorsement Bureau for the balance of the three-year term expiring on December 31, 1995.

Adopted by consent.

Amusement Tax Exemptions
File FL-2.5 (Vol. 9)

837 - 8. Council on September 22, 1993, adopted as amended by Executive Policy Committee, Clause 8 of the Report of the Committee on Finance and Administration dated September 3, 1993, to enact amendments to the Amusement Tax By-law in order to change the exemption process and eliminate the perceived abuse in the current amusement tax system.

Under the proposed amendments to the Amusement Tax By-law, applications for exemption require review by the Winnipeg Arts Advisory Council, subsequent consideration by the Committee on Finance and Administration, and implementation through a by-law of Council for recommended approvals.

The Winnipeg Arts Advisory Council at its meeting on May 16, 1994, considered and recommended that Rainbow Stage and the Winnipeg Fringe Festival be granted amusement tax exemptions for their respective events.

The Committee on Finance and Administration concurs in the recommendation of the Winnipeg Arts Advisory Council, and therefore submits draft by-law and recommends:

I. That subsection 7(6) of Amusement By-law No. 3107/81 be amended by adding the following at the end of the list of exemptions contained therein:

"Rainbow Stage (1993) Inc. for Brigadoon to be held July 5 to 24, 1994, and Damn Yankees to be held August 9 to 28, 1994, both at Kildonan Park;

Winnipeg Fringe Festival to be held July 16 to 24, 1994, in various downtown locations, primarily in the Exchange District, for all performances by non-profit organizations and/or local performers."

Report of the Committee on Finance and Administration dated May 30, 1994

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.

Appointment of Special Constable - Civic Buildings DepartmentFile GF-2.3 (Vol. 5)

838 - 9. The Committee on Finance and Administration has been advised by the Law Department that the Director, Civic Buildings Department, has requested that Kelly Ann Udell who is employed by the Civic Buildings Department and will be required to perform by-law enforcement duties, be sworn in as a Special Constable.

The Committee on Finance and Administration recommends that the Acting City Solicitor be authorized to make the necessary application to the Attorney-General's Department to have the above-named employee from the Civic Buildings Department sworn in as a Special Constable.

The Committee also recommends that the Proper Officers of the City be authorized to execute the required Forms of Indemnity of whatsoever kind or nature arising out of the acts and conduct of anything done, said or written by the said Special Constable when she functions as a Special Constable under the said appointment.

Adopted by consent.

Age and Opportunity Centre Inc. - 1994 Special GrantFile FG-1.1(A) (Vol. 8)

839 - 10. The Committee on Finance and Administration has considered an application received from the Age and Opportunity Centre Inc. for a grant from the City for the year 1994 in the amount of $102,000.00 to provide and coordinate a range of services for seniors throughout the City of Winnipeg.

The Committee on Finance and Administration has concurred in the recommendation of its Ad Hoc Committee on Grants that a grant in the amount of $87,000.00 be approved, payable to the Age and Opportunity Centre Inc. for the year 1994, chargeable to the "Education, Health, Social Services and Social Development" category of the 1994 Special Grants Account.

Adopted by consent.

Leave and License Agreement - Sidewalk Cafe - Settebello Caffé - 786 Corydon Avenue File ED(32) (Vol. 1)

840 - 11. The Committee on Finance and Administration has considered Item No. 1 of Report No. 1A of the Technical Advisory Committee on City Properties dated May 13, 1994, (File 39/135) with respect to the above referenced leave and license agreement at 786 Corydon Avenue in the City Centre Community.

On April 5, 1994, the Committee on Planning and Community Services approved an application on behalf of Settebello Caffé to permit the establishment of an encroaching sidewalk cafe into Arbuthnot Street, south of Corydon Avenue, as shown on Misc. Plan No. CC 9164.

The Committee of Planning and Community Services then referred the matter to the Land Surveys and Real Estate Department to negotiate terms and conditions of agreement. Briefly, the negotiated terms and conditions of the proposed Leave and License provide for the following:

Report of the Committee on Finance and Administration dated May 30, 1994

Cafe area	Land shown dotted as "Leave and License Area" on Misc Plan No. CC 9164
Term	From May 15th or the date spring clean-up is completed, whichever is the later, to September 30th during each year
Hours	11:00 a.m. to 11:00 p.m. Sunday to Thursday 11:00 a.m. to 12:00 a.m. Friday and Saturday
Rental	$356.00 payable in advance of each season, plus an initial administrative fee of $250.00
Insurance	Public liability insurance of at least $500,000.00 naming the City as additional insured and containing a cross-liability clause
Cancellation	Upon 10 days notice by either party; immediate upon default

On March 8, 1994, the City Centre Community Committee approved the establishment of the subject encroachment.

The Committee on Finance and Administration therefore recommends:

I. That a Leave and License to Settebello Caffé be approved to permit the establishment of a sidewalk cafe in accordance with the terms and conditions outlined therein, and in a form satisfactory to the Acting City Solicitor.

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.

Copy of Misc. Plan No. CC 9164 is on file in the office of the City Clerk.

Adopted by consent.

Proposed Sale of Parcel H, Plan 25980, Lot 10, Plan 9340 and Parcel C, Plan 15874 on the south side of Parkin Avenue, east side of Laxdal Road - Assiniboia Community
File FI-2.4(31) (Vol. 1)

841 - 12. The Committee on Finance and Administration has considered Item No. 2 of the Report No. 1A of the Technical Advisory Committee on City Properties dated May 13, 1994, (Files 32/5957 & 32/5886) with respect to the above referenced sale of land on the south side of Parkin Avenue, east side of Laxdal Road, in the Assiniboia Community, as shown on Misc. Plan No. ASBA 8194/3.

Parcel H and Lot 10 were acquired in tax sale and Parcel C was created by a lane closing. Lot H formed part of the Varsity View Community Club site, whereas Lot 10 and Parcel C were retained by the City for future access to the rear lands when they are developed.

The former Assiniboine Park-Fort Garry Community Committee considered a prior offer to purchase from Dr. D. Styliaris on September 23, 1991, and had no objection to a sale providing the property was used as part of a residential subdivision only.

On October 1, 1991, the Committee on Finance and Administration granted Dr. D. Styliaris, the owner of Lot 14, Plan 3979, shown dotted on the said Misc. Plan, permission to include Parcel H in his proposed rezoning. However, only the northerly 115 feet were rezoned under DASZ 9/92.

Since that time there has been ongoing negotiation with Dr. D. Styliaris (Solarch Design Ltd.) in order to facilitate the development of the rearage lands bounded by Parkin and Grant Avenues, Elmhurst and Laxdal Roads, and Dr. Styliaris has now agreed as follows:

- The City-owned lands, shown as Parcel H, Plan 25980, and comprising 2.4 acres, to be exchanged with Solarch Design Ltd. for lands of equal value in the proposed subdivision. The value of Parcel H is calculated at $48,000.00 which is equal to the rate paid by Solarch Design Ltd. in the acquisition of its adjacent holding.

Report of the Committee on Finance and Administration dated May 30, 1994

- The City-owned Lot 10, Plan 9430 and Parcel C, Plan 15874, are to be included in the subdivision as right-of-way, the cost of which ($29,000.00) is to be apportioned to all of the benefiting rearage lands in the total subdivision by way of development agreement.

- Transfer of the subject City land will be made subject to a trust condition that the Transfer be registered only in series with the proposed subdivision and failing the registration of the subdivision by a date deemed reasonable by the City, the Transfer must be returned to the City on demand.

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

The Committee on Finance and Administration therefore recommends:

I. That the Offer to Purchase for the subject property be accepted in accordance with the foregoing.

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.

Copy of Misc. Plan No. ASBA 8194/3 is on file in the office of the City Clerk.

Adopted by consent.

COMMITTEE ON FINANCE AND ADMINISTRATION

CONSIDERATION OF BY-LAWS

842 - On motion of Councillor Eadie, 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. 6403/94, a by-law of The City of Winnipeg to amend By-law No. 4007/85 being The City of Winnipeg License By-law. File EL-1 (Vol. 28)

By-law No. 6426/94, a by-law of The City of Winnipeg to amend By-law No. 5300/89 being a by-law to merge the pension plans and pension funds established and maintained by the City under By-law No. 219 of the former Metropolitan Corporation of Greater Winnipeg, and By-law Nos. 1125/75 and 2819/80 thereby establishing "The Civic Employees' Pension Plan. File GU-3.9 (Vol. 15)

By-law No. 6427/94, a by-law of The City of Winnipeg to enter into an Agreement with Joseph Gabriele to redeem certain property from Tax Sale by instalments in accordance with Section 255 of The City of Winnipeg Act. File FL-2.4 (Vol. 11)

By-law No. 6429/94, a by-law of The City of Winnipeg to amend the Amusement Tax By-law No. 3107/81. File FL-2.5 (Vol. 9)

By-law No. 6430/94, a by-law of The City of Winnipeg to amend By-law No. 4007/85, being The City of Winnipeg License By-law. File EL-1.35 (Vol. 4)

By-law No. 6431/94, a by-law of The City of Winnipeg to amend the Amusement Tax By-law No. 3107/81. File FL-2.5 (Vol. 9).