REPORT OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

DATED MAY 2, 1994

On motion of Councillor Eadie, the Report of the Committee on Finance and Administration, dated May 2, 1994, was considered clause by clause.

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

Carried.

Her Worship the Mayor and Councillors:

Appointments of Special Constables - Transit Department
File GF-2.3 (Vol. 4)

732 - 1. Your Committee on Finance and Administration has been advised by the Law Department that the Superintendent of Transportation, Transit Department, has requested that the following employees who are employed by the Transit Department and will be required to perform by-law enforcement duties, be sworn in as Special Constables, namely:-

Blaine William Bassett
Athanasse Calas
Henry Dennis Claeys
Charles Alfred Criggie
Istvan Csizmadia
Alain Daniel Deforel
Kevin Scott Dokken
Dervan Emile Drysdale
Wilhelm Friesen
Lawrence Douglas Goertzen
Christopher Neville Golden
Daniel Kenneth Howe
Manfred Theodor Janssen
Wilfred Bruce Kochen
George McLeod Blackwood Lawson
Rudolph John Mann
Bruce Wayne Miller
Gary Bruce Morton
David Leroy Parr
Robert Allen Peters
Barry Douglas Reynolds
Thomas Michael Sanderson
Brian Felix Sellner
Jeannie Barbara Sutton
Blair Robert Troughton
Reginald Thomas Wickett
David Henry Wieler
Edward Francis Yorski
Jacob Brandt Zacharias

Your Committee on Finance and Administration recommends that the Acting City Solicitor be authorized to make the necessary applications to the Attorney-General's Department to have the above-named employees from the Transit Department sworn in as Special Constables.

Your 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 Constables when they function as Special Constables under the said appointments.

Adopted by consent.

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

733 - 2. 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.

Report of the Committee on Finance and Administration dated May 2, 1994

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 April 19, 1994, considered and recommended that the Folk Arts Council of Winnipeg, India School of Dance, the Jazz Winnipeg Festival, and the Winnipeg International Children's Festival be granted amusement tax exemptions for their respective events.

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

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

"Folk Arts Council of Winnipeg for Folklorama to be held July 30 to August 13, 1994, at various locations throughout Winnipeg;

India School of Dance, Music and Theatre Inc. for Recital XIV on May 29, 1994, at the Gas Station Theatre;

Manitoba All Star High School Big Band Concert partaking in the Jazz Winnipeg Festival to be held on June 21, 1994, at the Winnipeg Art Gallery; and,

Winnipeg International Children's Festival for the following performances at The Forks:
Rumillajta to be held May 31 and June 2 to June 5, 1994;
Coad Canada to be held May 31 to June 5, 1994;
Limpopo to be held May 31 to June 5, 1994;
Al Simmons to be held May 31 and June 1, 1994;
Agnes Limbos to be held May 31 to June 5, 1994;
Jake Chenier & the Easy T's to be held May 31 to June 2, and June 4 to June 5, 1994;
Canadian Content to be held June 2 to June 4, 1994;
Penner & Pals to be held on June 2, 1994;
Bob King & Len Udow to be held June 3 and June 5, 1994;
Wednesday Night Hoot to be held on June 1, 1994;
Octopus #1 and #2 to be held June 2 and June 3, 1994;
Saturday Night Special to be held on June 4, 1994; and,
the Grand Finale to be held on June 5, 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.

Proposed Sale of Northeast and Northwest Corners of Taylor Avenue and Waverley Street to Ackman Consolidated Inc
File FI-2.4.2(32) (Vol. 1)

734 - 3. Council, on May 26, 1993, approved the sale of the properties identified as Part Lot 123, Lots 124/5, Plan 6949 and Part Lots 97 and 98, Plan 6949, located on the northeast and north west corners of Taylor Avenue and Waverley Street and shown on Misc. Plan Nos. CC 7004/2B and APFG 7004/3, respectively.

The Sale Agreement provided for, among others, the following provisions:

1. The Purchaser shall not be entitled to a Transfer of Land unless and until the Purchaser shall have first commenced construction of the housing development with piling and foundation completed; and shall have paid all monies to the City in connection with this transaction, and shall have entered into rezoning and servicing agreements with the City as required.

Report of the Committee on Finance and Administration dated May 2, 1994

2. Purchase Price shall be payable as follows:
   a) Deposition of $43,500.00 (paid)
   b) Balance of $391,500.00 on or before date of possession and adjustment
   c) Date of closing shall be the date of possession and adjustment
   d) Date of possession and adjustments shall be 30 days from approval of rezoning of the lands.
   e) If the Purchaser fails to pay the balance of the purchase price interest and adjustments on the date of possession and adjustments, the City may, at its option, cancel the sale and retail the deposit as liquidated damages
   f) To pay interest on the balance of the purchase monies outstanding as of the date of closing calculated at an annual rate equal to one (1) percentage point over the prime lending rate in force by the City's chartered bank at the date of acceptance of the offer, with interest computed from the closing date.

3. The Purchaser agrees to pay to the City $15,000.00 cash for each housing unit over 15 units built on Parcel 1; and $15,000.00 for each housing unit over 14 units built on Parcel 2.

On November 17, 1993, upon request by the Purchaser, Council waived the requirement that the Purchaser first construct a foundation of the building(s) for Transfer of Land to issue. This was to facilitate availability of mortgage financing for the project.

On January 26, 1994, Council passed By-law No. 6306/94 pertaining to the rezoning of the lands. The balance of the purchase price, interest and adjustments, therefore, became due and payable on February 25, 1994, however, has not been paid by the Purchaser.

The Purchaser has recently advised that although the Company is unable to close the land purchase at this time due to lack of financing without significant pre-sales, the Company is still willing to not only continue its efforts to market the West Parcel (having just implemented a price reduction) but also to design and market a new product line for the East side. Therefore, in order to carry on with the project, the Purchaser requests an amendment to the terms and conditions of the sale, as follows:

- Allow the Purchaser to close on Parcel 1 (easterly parcel) applying the pro-rata share of the deposit ($22,500.00).

- Extend the date of closing on Parcel 2 (easterly parcel) for one year, i.e. to February 24, 1995, with no interest payable.

- Allow the Purchaser to increase the density (subject to rezoning) without charging the agreed sum of $15,000.00 for each housing unit over 15 units built on Parcel 1; and the same amount for each housing unit over 14 units built on Parcel 2 (in order to attempt to meet a perceived demand for lower priced units).

It is considered that Council's approval of May 26, 1993, where the Parcels were separately identified and respective purchase prices and deposits, itemized, provides sufficient justification to permit closing on either of the parcels as requested by the Purchaser. Interest, however, is still payable in accordance with the approval, that is from February 25, 1994, until all amounts pertaining to Parcel 1 are paid.

With respect to the request to extend the date of closing on Parcel 2 the Administration recommends that an extension of time of one year (until February 24, 1995) for the Purchaser to pay the balance of the purchase price, interest and adjustments, be granted, with no interest during the first six (6) months (i.e. until August 25, 1994), and thereafter, interest charged in accordance with the Agreement.

The Land Surveys and Real Estate Department, insofar as the request for increase in density (without additional payment to the City) is concerned, would not recommend that same be granted.

Your Committee on Finance and Administration therefore recommends:

I. That approval be given to Ackman Consolidated Inc. to close on Parcel 1 (being the westerly parcel) as described above, independent of Parcel 2 (easterly parcel), the deposit in the pro-rated sum of $22,500.00 to be applied to the purchase price, with interest payable in accordance with the Agreement.

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II. That Ackman Consolidated Inc. be granted an extension of time of one (1) year to February 24, 1995, to pay the balance of the purchase price, interest and adjustments on Parcel 2 with no interest on the purchase price until August 24, 1994, and thereafter, interest payable in accordance with the Sale Agreement.

III. That the request to increase the density (number of units) on either parcels without additional charges, not be granted.

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

Copy of Misc. Plan Nos. CC 7004/2B and APFG 7004/3 are on file in the office of the City Clerk.

Adopted by consent.

Encroachment of Overhead Pedestrian Walkway Over East/West Land North of Portage Avenue, East of Albert Street
File ED(32) (Vol. 1)

735 - 4. Your Committee on Finance and Administration has considered a request on behalf of the owners of the TD Centre Parkade and 213 Notre Dame Avenue for permission to construct and maintain an overhead pedestrian walkway over the east/west public lane north of Portage Avenue, east of Albert Street (File 39/135) in the City Centre Community, as shown on Misc. Plan No. CC 9022.

At its meeting held October 26, 1993, the Committee on Planning and Community Services authorized approval of the overhead pedestrian walkway and referred the matter to the Director of Land Surveys and Real Estate for assessment and recommendations relative to rental and terms of agreement.

On February 28, 1994, your Committee on Finance and Administration directed the Land Surveys and Real Estate Department to negotiate a rental rate of $1,050.00 per annum. Negotiations have resulted in the following terms and conditions of the proposed Leave and License Agreement; namely:

Term:	40 year term, automatic 10 year renewal unless termination notice given at least 12 months prior to the expiration of the term
Rental:	$1,050.00 per annum for 10 years with rental reviews every ten years thereafter based on a 10% return to 50% of the market value of the land but in no case less than the current rent
Area:	approximately 19.5 m² (210 sq.ft.) - airspace
Insurance:	Comprehensive General Liability Policy including but not limited to the following provisions: i) The City of Winnipeg to be named as Additional Named Insured; ii) The Policy to contain a Cross Liability Clause; iii) Minimum limits of $1,000,000.00 all-inclusive.
Administration Fee:	$250.00

Your Committee on Finance and Administration therefore recommends:

I. That a Leave and License Agreement for the overhead pedestrian walkway outlined therein be approved.

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 9022 is on file in the office of the City Clerk.

Adopted by consent.

COMMITTEE ON FINANCE AND ADMINISTRATION

CONSIDERATION OF BY-LAWS

736 - On motion of Councillor Eadie, the rule was suspended and the following By-laws were read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:

By-law No. 6414/94, a By-law of the City of Winnipeg to amend the Amusement Tax By-law No. 3107/8. File FL-2.5 (Vol. 9)

By-law No. 6416/94, a By-law of the City of Winnipeg to enter into an Agreement with Debby Vlahos 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)