COUNCIL OF THE CITY OF WINNIPEG
Wednesday February 26, 2003

The Council met at 9:38 a.m.

The Clerk advised the Speaker that a quorum was present.

The Speaker called the meeting to order.

The opening prayer was read by Councillor Eadie.

ROLL CALL

Clerk: Mr. Speaker Councillor O'Shaughnessy, His Worship Mayor Murray, Councillors Eadie, Angus, Clement, De Smedt, Gerbasi, Lubosch, Pagtakhan, Smith, Steek, Steeves, Thomas, Vandal, Wyatt and Lazarenko.

INTRODUCTION AND WELCOME OF GUESTS AND ANNOUNCEMENTS

Mr. Speaker: We have two Pages with us this morning. We have Samara Carroll of Joseph Wolinsky Collegiate who resides in the Charleswood-Tuxedo Ward. And we have Shoshana Coodin also of Joseph Wolinsky Collegiate who resides in the Old Kildonan Ward, has the greatest Councillor in Winnipeg representing her. And has just informed me the house two doors down has just been bought by Remy Shand, so she's got a great neighbour.

Councillor Smith maybe you can make the introduction for us.

Councillor Smith: I'd like to welcome the students from Daniel McIntyre Collegiate, they're here today.

Mr. Speaker: Welcome the students from Daniel McIntrye.

MINUTES

Councillor Lubosch moves the minutes of the meeting held on January 29, 2003, be taken as read and confirmed. All in favour? Contrary? Carried.

COMMUNICATIONS

Councillor Wyatt moves that the communications received too late to be placed on the regular agenda be received as information. All in favour? Contrary? Carried.

We have a special motion of condolence. Mr. Clerk.

Motion
Moved by Councillor Angus
Seconded by Councillor O'Shaughnessy

THAT Council place on record its profound sorrow at the death of Tom Lazarenko, brother of Councillor Harry Lazarenko, which occurred on February 21, 2003.

This Council extends to Councillor Lazarenko, his wife Judy, and their family, its deepest sympathy and condolences in their bereavement.

(Moment of Silence)

Next is delegations. Our first delegation this morning is Mr. Nick Ternette in support of EPC motion of which notice has been given to amend the Organizational By-law. Mr. Ternette, welcome.

DELEGATIONS

Mr. Nick Ternette: Good morning Mr. Speaker.

Mr. Speaker, Mayor Murray, Members of City Council. It is interesting to observe how long it takes for some city councillors to realize how undemocratic City Hall is these days. I'm here today to support the motion moved by Councillor O'Shaughnessy and seconded by Councillor De Smedt to amend By-law 7741/2000 that would kill the EPC Secretariat's control over the agendas of four standing committees. That is the EPC Secretariat, namely Ernie Gilroy, the man behind the throne will hopefully not be able to set agenda items in the future for all standing committees of City Council.

In order to understand how cabinet-style government has evolved resulting in this lack of democracy, you need to

understand the history of Unicity which some of you do and some of you don't.

When Unicity was created in 1971 under Ed Schreyer in order to amalgamate all the various cities into one big city. The original plan, and I mean the original plan was to create a unified centralized policy-making city council, that would elect a mayor from the councillors from its own members and establish what he called at that time, a modern legislative style government at city hall. That would be done with the proviso that municipal parties would run on specific platforms that citizens could vote for or against, and the result would then be a cabinet-style government just like at the Provincial and Federal levels. Unfortunately then Mayor Juba ensured that that process never occurred by demanding that the mayor be elected city-wide instead of by the majority of city councillors. This resulted in Ed Schreyer backing down and the destruction of any form of cabinet-style government for the next two decades.

Not so surprisingly, the first steps towards cabinet-style government since that time was under former Mayor Susan Thompson regime whereby she commissioned the George Cuff Report which initiated the most fundamental changes of City Hall since the creation of Unicity. That report not only eliminated the Board of Commissioners but gave extended powers to the Mayor such as his or her ability to appoint chairpersons to each of the standing committees, previously they were elected by Council as well as having a CAO appointed to run the City like a business.

With the support of the Progressive Conservative Government of Gary Filmon, those changes were implemented during the last years of Susan Thompson's rule. Which has allowed our present Mayor Murray to create a cabinet-style government whereby EPC meets secretly behind closed doors to sort out any difference of opinion, so when EPC meets publicly there's a general consensus on any significant item on the agenda that might come up for a vote. Not only that, but the EPC Secretariat is basically the administrative arm of EPC which if there is any significant disagreement of EPC does not put those items on the agenda until such time they are ironed out behind closed doors.

With the passage of Bill 39 by Gary Doer's NDP Government, cabinet-style government will increase not decrease at City Hall. All in the name of what I define as efficiency not democracy.

As one councillor has said, the EPC Secretariat has reached beyond setting the agenda of EPC to setting agendas for all other standing committees. So as Mayor Murray says, his justification is those things don't fall through the cracks, but in fact, previously the Clerk's of each of the standing committees who are civil servants and therefore independent set the agendas. Citizens like myself who have been active in city hall politics since 1971, could be informed to when items would be on the agendas so we could come and speak to them.

(9:58)

Today that function has been taken over by EPC Secretariat, and when you phone the Clerk's of the Standing Committees to find out what's on the agendas, more often than not they don't know until the last minute of making it impossible to register, to speak on any one issue because they are not in control of the agendas.

To make my point clear, I went through the Hansard record that has existed since 1995 the official record that documents each year how many people speak at City Council. And it was interesting to note that during Susan Thompson's reign beginning in 1992 especially, '95 over 100 delegations spoke that whole year at City Council. Well take a guess how many delegations spoke this last year up to December of this last year. Approximately 10, maybe 12 delegations. Significant decrease in what I call citizen participation in the political process because people got so fed up not knowing what was on the agenda and not being able to come and speak to City Council.

No one including myself objects to cabinet-style government whereby people are elected on a political platform and are held accountable through its process. This is what happens at the Provincial level and that's what happens at the Federal level. You have political parties, you have platforms, people elect them on those platforms and then you do set up a cabinet-style government to operate it, but they're accountable for those platforms. But a cabinet-style government based on the election of 15 individual councillors running on their own individual platforms, and sure as quite bluntly that there is an inner circle that is the EPC circle of seven, and those who are not part of that circle. In fact I know city councillors who don't even know what is going on in their own agendas that never happened 10 or 15 years ago. The result what I call the continual devaluation of democracy.

In the long run if councillors are sincere about bringing democracy back to City Hall, they ought to call first of all for the abolishment of the EPC Secretariat completely and to complete reform of the EPC system. Until such time as the political culture in Winnipeg gets to the point where municipal type political parties will be formed at the municipal level and will run on a platform and will be accountable and elected at that time. It is only then that cabinet-style government can function successfully and democratically. If we don't make those fundamental reforms now we continue to create cabinet-style government without accountability, democracy is the one that suffers at the end, and less and less citizens will be involved in the political process and that's not what City Council wants. Thank you.

Mr. Speaker: Thank you Mr. Ternette. Question Councillor Steek.

Councillor Steek: Mr. Ternette in Calgary and Edmonton the actual nomenclature of standing committees is identical to this city but there is one marked difference. In that all 15 councillors are paid the same amount and the Chairs of standing committees are elected by Council themselves. My premise is that if all councillors were paid equally and Chairs rotated on an annual basis, people would have the opportunity to vote their conscience on issues as opposed to the EPC platform and policy line. Do you think that would help restore democracy to City Hall?

Mr. Ternette: Yes, that's another element of what I would call reform of the EPC as is presently organized. Both of those points legitimately could be contained in the reform that would make Council more accountable and more equitable, absolutely.

Mr. Speaker: Thank you Mr. Ternette.

Next delegation this morning, Mr. Charles Chappell, and Mr. Mo Resnik in opposition to Item No. 1 of Report of EPC of February 25, 2003, regarding the hotel project at the Forks.

Mr. Charles Chappell: Thank you Mr. Speaker.

Mr. Speaker my name is Mr. Chappell and I will deal with the first part of this presentation. I have two issues I would like to address to Council.

The first is the substantive issue dealing with proximate parking, and the second is a process issue.

Dealing with the substantive issue, parking and free parking has always been a commitment made by the Forks administration and this is various Forks administration, to the merchants and occupants of the Johnson Terminal and the Forks Market.

It was also undertaken to have the parking at a given area, approximate area, not by the Ballpark but near their commercial establishments. So that's the issue of proximateness.

There was also an issue that no development would take place at the Forks without some consultation with the merchants. Again, that's been the situation since the inception of the Forks complex.

My clients, the merchants and the owners of the Johnson Terminal support the proposed hotel undertaking. That support however is based on certain understandings. And one of those understandings is that the Design Review Board on February 5, 2002, adopted under By-law 4800 a proposal from the Forks. That proposal provided amongst other things Mr. Speaker, the following wording, and I'm quoting from page 3 of that report of February 5, 2002.

The Forks/North Portage Partnership is proposing to develop a low profile, split level parkade integrated into the berms of the festival park rather than up against the CN Highline structure, by staggering the levels and splitting the building into two components, the design team is able to reduce the visual scale of the parkade.

Phase I will accommodate some 300 vehicles in a seven level split configuration which equates to the existing surface parking numbers on the site. That now exists and is almost completed Mr. Speaker.

Phase II will be identical to Phase 1 in many respects, but will be lower in profile accommodating approximately 215 vehicles in a five level split configuration. When viewing the attached drawings, note that the upper most level is public amenity space to be used as part of event programming thereby reducing the capacity to approximately 200 vehicles.

Mr. Speaker, the timing of those developments were that the first Phase was to be completed in 2002, and the second Phase in 2004.

My clients rely on the undertakings made by the Forks to the Design Review Committee and the adoption of that report. The hotel proposal comes again before Design Review Committee on January 27, 2003. At that time Clause D being the subject matter of the EPC meeting of yesterday was inserted in the approval.

Mr. Speaker, whether that particular wording is utilized or not is immaterial to my clients. What is material is we want the parking structure completed and functional. Timing is an issue, yes. It doesn't have to be immediate, but let us work together.

(9:56)

We want to ensure that that parking structure is completed and constructed and operational.

Mr. Speaker, the second issue I would like to address very directly and I have some difficulty in understanding exactly what has occurred but in any event I want to talk about process.

Mr. Speaker, we had the Design Review Board on February 5, 2002 meet in open session and review a plan, adopt it. On January 27, 2002, we have again the Design Review Board meeting in open session and adopting another report. Albeit an amended form. Yesterday we find out that Executive Policy Committee meets. Mr. Speaker, that committee meets in closed session perhaps to receive confidential information. That's acceptable. But that committee remains in closed session for the whole of the meeting.

We now have as I understand it Mr. Speaker coming Item No. 1 of your agenda on page 1016A, that some decision was made at Executive Policy Committee. Mr. Speaker I can assure you that decision was made in closed session, not in open session because I together with other people were present. Mr. Speaker, I don't think there's a need for that with respect. Yes you can receive your reports but there should be some transparency to our process.

I would like to read you a quote from Chief Justice Dewer dealing with municipal government.

The purpose of the In Camera Committee meeting was to suppress public knowledge, not to protect confidentiality or deal with a sensitive matter of public business. There was a predisposition to affect private rights while suppressing knowledge of the fact.

Mr. Speaker I don't allege that this is what Executive Policy Committee did yesterday but I do say this, there was no need for that decision to be made In Camera. That decision could have been made transparently and in the public. Yes, receive your report absolutely, but the decision ought to be made in public form. Thank you Mr. Speaker.

Mr. Speaker: Thank you. Mr. Resnik did you wish to add to that.

Mr. Mo Resnik: Mr. Speaker, before I came here to talk to the Council this morning I opened both of my shops at the Forks Market, along with 70 other small merchants in the Forks Market and the Johnson Terminal that opened the shops. What is my point? I've got a few. We are the people that open the Forks every morning Mr. Speaker. Not Jim August, not Bill Norrie not Mayor Murray not Councillor Vandal.

As such I am going to take a license to speak on behalf of the people who patronize the Forks for the last fourteen years as we went every morning and we opened the Forks. We developed a special relationship with those people that kept them coming back and that allows me to take a license to tell you that they need the parking, they need the proximity parking.

The Design Board or the Standing Committee on Planning made a very wise decision after hearing both sides of the arguments over two lengthy meetings, that is different from what transpired at EPC yesterday.

The wise decision of the Design Board Mr. Speaker allows the Councillors here to represent their constituencies, the people who sent you here, the people who voted for you to come here, weren't presented only because the Design Board put us own to stop and think about what's happening to the best interests of the public, if the hotel is to proceed without a commitment to Phase II parking structure giving the people the same walking distance they have prior to the hotel.

A lot has been said in the last couple of days about let's stop and look at the big picture. We're owed for that Mr. Speaker. The merchants are often stopping and looking at the big picture, but that should also mean that the hotel should stop until we have looked at the big picture and we have reviewed what's happening with the Museum of Humanities and old excuses that are used. Thank you.

Mr. Speaker: Would you permit a question? Councillor Steek.

Councillor Steek: Mr. Speaker through you to the delegation. Mr. Resnik thank you for your presentation.

When the Forks appeared before the Design Review Board in February of '02 committed to Phase I and Phase II, were you supportive of the hotel premised on the fact that there would be two phases as proposed at that time?

Mr. Resnik: That is correct. That is the only way we were supportive of the hotel because it's a new development, we like developments, developments are good, providing the parking was looked after and parking as promised then was the two phases. And if the Councillors today vote in favour of the motion they are relinquishing their ability to represent their constituencies because the decision would be dealt with in a different manner.

Mr. Speaker: Supplemental Councillor Steek.

Councillor Steek: We're now being told through Mr. August that there was not really an intention for the specifics of Phase II but rather the discussions about Phase II were merely conceptual. Was that information ever given to you or any merchants or landlords at the Forks that you're aware of?

Mr. Resnik: Absolutely not. In fact Mr. Speaker, there was no information given to the public representation were made to the people of Winnipeg and the people of Manitoba that there will be two phases via an open house with drawings and everything that represented the two

phases. That is the only presentation that we have encountered.

Mr. Speaker: Final supplemental Councillor Steek.

Councillor Steek: Thank you Mr. Speaker. Through you to the delegation. Mr. Resnik since this thing came to the floor that it's the Forks position that the parking structure is only conceptual, has there been any formal communication from Mr. August or the Forks Board through to you or the Merchants' Association discussing any potential alternatives for parking? Have you been in any kind of formal discourse?

Mr. Resnik: No discussion whatsoever between us and the Board about any alternative except that Mr. August appeared in front of the Merchants' Board in one meeting and I extended to him an open mind to consider alternatives.

(10:05)

We weren't told our alternatives or anything. We extended that to him.

Mr. Speaker: Councillor Smith.

Councillor Smith: Through you to the delegation. There's a parking problem right now at the Forks right?

Mr. Resnik: Yes there is Mr. Speaker.

Councillor Smith: Besides from the hotel, is there anything that can be done presently to deal with that parking situation at the Forks? Have you merchants presented ideas?

Mr. Resnik: We are constantly talking about that. We're very sympathetic to the Forks administration because this is a difficult issue and a difficult problem. The way to deal with it is not via the motion in front of Council today that is going to take the control out of the hands of you the representatives of the people.

Mr. Speaker: Thank you Mr. Resnik, thank you Mr. Chappell.

Final delegation listed this morning on the same subject is Mr. Doug Stephens also opposed to Item No. 1 of the same report.

Mr. Doug Stephens: Thank you Mr. Speaker, Your Worship, Councillors all.

I stand before you as a private citizen and probably by virtue of square footage as the largest tenant at the Forks, and as a result perhaps with the most to lose and/or win depending upon decisions made.

I understand the legalities of binding occupancy permits to the going forwards of a parkade may be an issue and may in fact be dealt with through legalese this morning.

The realities of the situation are parking you have heard is an issue. I listened intently as the Mayor spoke with the media yesterday after the closed session. I just wanted to make sure that we were all on the same page as we go forward.

You've heard from my compatriots as it relates to proximity parking. There were some issues brought up yesterday that I think shouldn't be part of the discussion. There was parity and equity as it relates to North Portage. I implore you not to sacrifice a further initiative because of trying to save one that perhaps was a mistake in the past.

I heard about various access points to the Forks being a possible solution. Unfortunately as a business individual in that particular location, I do not believe a pedestrian bridge from October to April or water taxis three months of the year without parking pads at the points of embarkation will enhance enough the businesses at the Forks to more than make up for what most people do to attend to the Forks which is by motorized vehicle.

I do believe there are a number of additional initiatives that could be undertaken. I too had a meeting with Mr. Jim August where we discussed potential alternate solutions to our situation. We talked about heated motorized shuttle services that would be continuously

employed. We talked about further parking structures. The reality of it is, is that as per the announcements that were made earlier this week, Mr. Speaker we are going to have further exacerbated parking situations at the Forks if the Museum of Humanities goes forward.

Proximity parking is the issue. Proximity parking will deal with the crush. Proximity parking attached to the hotel is the only real alternative to deal with the crush caused by the hotel.

I find it very interesting when I try to do my due diligence that it appears that one of the stakeholders was able to remove Phase II from that plan, and when I listened to the Mayor yesterday it was put back on the at least back into the hands from what I heard of the Board of the Forks/North Portage to try and come up with a solution. I'm at a loss as to why or where Phase II got lost in the process Mr. Speaker. I'd like to know if that stakeholder was able to remove that Phase II parking why that can't be reinitiated by a singular stakeholder but I'm told that it has to go back to the Forks/North Portage Board.

What was presented in February of 2002 was a win-win situation in its entirety. I thought there was good thought and process that went into that particular plan. Mr. August is absolutely correct, it was conceptually or a concept that was approved but that concept was valid. I would hate to think that this body as it makes a decision going forward whether through its own processes or through its partnership in the Forks/North Portage Board would ensure the viability of that particular site being it's the largest tourist destination in our province and I would hate to see that compromised in any way. Thank you very much.

Mr. Speaker: Councillor Steek.

Councillor Steek: Mr. Stephens you said I quote "parking proximity is the issue". Do you want to elaborate on that on your own personal experiences as a retailer and a merchant at the Forks as to why the proximity is critical?

Mr. Stephens: I can speak to that. As far back as having a restaurant one block from City Hall to our presentations to this body when we developed a site on Wellington Crescent. The reality of it is, parking was obviously an issue for City Council and community committee when we were developing 529 Wellington, they made it an issue. So much so that I could not develop a banquet facility not unlike what is going to be in the hotel. I could not do it by virtue of the variance that was approved because of parking situations.

As it is, I'm glad that City Council made that decision and I will in public commend you for making that decision because if in fact we were to have that banquet facility as well as the restaurant that is enjoying some success at this moment, we would certainly encroach upon the Synagogue's parking more than I would ever like to. So it was the right decision but it was based upon parking.

A good friend of mine has a restaurant that was built on the corner of Portage and Moray and in fact people were wondering why he tore down the food store that was there because he could have in fact renovated and leased it out, he needed it for parking. He's got a 175 seat restaurant. He has over 200 parking spots. Drive by there on a Friday or Saturday night and you'll see that parking is absolutely a necessity.

I've been at the Forks right from the get go, I was there when it was developed. I will in fact reaffirm the fact that I was enticed there by virtue of free accessible and lots of parking as part of the pitch, and stand by that. We've had issues with our own stores at the Forks where people won't walk. There is parking at the Forks if you want to go to P4, there is parking at the Forks if you want to park up against the baseball stadium. We have situations whereby 15 nights of the year because of the success of Sam and his Ballpark we have encroachment upon parking that is people that are actually coming to the Forks for a retail or a recreational dollar expenditure.

I think that the public in Winnipeg is not as amenable to using multiple methods of

transportation to gain access to a particular point otherwise I wouldn't have struggled for years and years and years at the Spaghetti Factory with 1000 parking spots within a two block radius including at the Public Safety Building and people just don't understand the availability and the accessibility.

(10:13)

We are not San Antonio, we are not San Diego, we are Winnipeg. I'm a big proponent of this city and this marketplace but we have to make sure we have the infrastructure so that we can get out there and promote because it's a beautiful city to live in.

Mr. Speaker: Thank you. Supplemental Councillor Steek.

Councillor Steek: This is something that's lost in translation. Are you saying that Phase II as proposed in February at the Design Review Board is critical from location for the success of you and other small merchants that are currently in the Johnson Terminal as well as the Forks Marketplace?

Mr. Stephens: Absolutely, I haven't in fact done a survey with my guest, but we have anecdotal evidence in all of our stores where people have not come to the Forks particularly on special occasion days because they just don't want to deal with the parking issues that exist. In reality in the wintertime or in the non I guess the inclement weather time which I perceive to be from the end of October until mid April, we have an issue where people want to have proximity parking period. And they will make decisions with their feet.

It is critical, I want to go on record as saying, I am in huge support of what Mr. Sparrow is going to be doing at the Forks, I'm a huge supporter for the development of the Forks. I'm a huge supporter of the fact that I think this Museum for the Humanities is going to be wonderful. Once that announcement was made you're back to having an issue with parking, and that's because we're landlocked. The railroad tracks doesn't give us the proximity for further access that perhaps we might want. I know that the Mayor has said, our new transit corridors are going to all sort of be there, our free shuttle service downtown all ends up there. We do need to have some form of infrastructure as it relates to parking and proximity parking is the real issue.

Because of where the hotel is, if you were to build a hotel in-between the national park and the pedestrian bridge and have a parkade out there, not a problem. The Mayor's on record as saying, he wants people to walk across that bridge and have the vista of the festival stage and the Forks, sobeit. I think the plan that was submitted in February of 2002 with that berm, with that landscaping gives us the opportunity to have that.

Mr. Speaker: Thank you. Councillor Wyatt.

Councillor Wyatt: Thank you Mr. Stephens for your presentation.

Someone I'm familiar with how important parking is to business, small business. What percentage would you say, I know you probably haven't surveyed your clients but what percentage of customers coming to the Forks use the parking there would you say just roughly?

Mr. Stephens: Councillor I would through Mr. Speaker to the Councillor, I don't think that I would be able to give you an honest answer to that. I would say that the majority of the people that attend to our restaurants at the Forks are coming through motorized traffic.

Councillor Wyatt: How many parking spots will the construction of the hotel remove and also take from, how many parking locations are we looking at losing here?

Mr. Stephens: My understanding is, is that the Phase I parking replaced the parking that had been taken away or will be taken away. The reason for Phase II is to deal with the increased crush that will occur by virtue of the numbers of people that will be attending to the hotel. You just don't have a hundred and some

odd room hotel, you have a restaurant, a patio, a banquet facility, and I think all those are nice amenities that we should have at the Forks. I think by putting that added crush on in that proximity is why we need that second phase parkade. I believe that if that parkade goes ahead, most of the people parking in that 200 car parkade will in fact be from the hotel.

Mr. Speaker: Thank you Mr. Stephens.

Now move along to the Report of the Executive Policy Committee of February 12, 2003. Mr. Mayor.

REPORT OF THE EXECUTIVE POLICY COMMITTEE DATED FEBRUARY 12, 2003

Mayor Murray: Thanks very much Mr. Speaker. I move the Report of Executive Policy Committee dated February 12, 2003, Items No. 1 and 2.

Mr. Speaker: One and two as consent and 3, all in favour? Contrary? Carried.

Report of February 25, 2003.

REPORT OF THE EXECUTIVE POLICY COMMITTEE DATED FEBRUARY 25, 2003

Mayor Murray: I'll move Item No. 1. Since this is subject to some discussion I will be happy to do some introductory remarks.

Item No. 1 - The Hotel Project at The Forks File DDB (Vol. 3)

Mayor Murray: Mr. Speaker we were advised at Executive Policy Committee by the Manager of Legal Services that the Design Board Review does not have jurisdiction to set parking, that is a zoning and land use matter. To trigger a parking review means that the project has to be in violation of the by-law. Right now it's four rooms in a hotel for one parking spot. That is technically satisfied under the zoning requirement. It was not required that you put a legal condition in the design review requiring the construction of a parkade that especially one that is up to another body in authority to construct is not legal and creates some problems. There's a recommendation that was drafted by Legal Services that asks that Clause 4 requiring the occupancy permit is deleted. That's to remove the City from a situation of liability and to correct what I think was an error in exercising authority outside of jurisdiction of the Design Board.

This is clearly outside the jurisdiction of Executive Policy Committee. We asked Legal Services who reviewed that and said, let's just go back to the Design Review Board and they could correct it or make other adjustments. We were told that under the City Charter and the former City of Winnipeg Act, that was not possible, that the only remedy was to bring it to City Council. That's the issue that's before us today.

The responsibility for building a parkade is the responsibility of the Forks/North Portage. What Council has done through the previous actions of the Design Board has approved the design for two phases. There's no more approval required. There is no zoning issues here or land use issues. There is no other regulation or rules required by City Council. There is no impediment in the way of building both the hotel and the parkade. The only impediment was to the hotel with the occupancy permit. As a matter of fact that City Council at this point and the City of Winnipeg as a government has no jurisdiction over the Forks for the construction of those issues, period. Zero. The Board can decide tomorrow to go and build the parkade and to build the hotel providing we provide that remedy today, and that is the Board's decision.

What I do find a little tiresome is this idea of interference because as you know the Forks is fully paid for and subsidized with tax dollars and public funds especially from the City who bought the CN lands and made an ongoing payment beyond the other governments of $600,000 a year to sustain the Forks.

There is a parking issue at the Forks. As a matter of fact if you want my blunt and honest assessment of it, I don't think this

parkade is sufficient to solve the problem. I don't think we're talking about a problem that if we built this parkade tomorrow it would resolve the issue. Nor is anyone pretending as has been suggested all of the other things that we're doing to enhance access is going to be a replacement in winter for the numbers of people that want to take their cars there. That's a reality of the site. Those issues are not before us today but they are very real challenges.

The problem is, the Forks had about a seven million dollar or eight million dollar reserve fund. There is no charge for the first parking lot it's four million dollars, there is less than four million dollars I understand left in the reserve fund. It's estimated that about four million dollars will be required for parking.

There is right now the shareholders and I, don't have the power Mr. Stephens to take anything off the table, as a matter of fact the two things that the shareholders have been trying to get is the following.

One is a parking transportation and access plan. Because the question that no one is asking is, what is the long term plan for the Forks?

(10:23)

Right now 2/3rds of the Forks is surface parking. There are 1,600 parking spots at the Forks. There will be slightly more now because the parkade is creating more parking than is being lost, and the zoning by-law is satisfied for the hotel but that does not solve the problem.

Legally we're covered. Practically, there remains a problem. The question is, how do you build more parking? How is the Forks right now as an operation as a contained unit is losing money? As a shareholder on behalf of you City Council has a position that it's reaffirmed several times that the Forks has to be self-sustaining. Right now Portage Place parking which just went up to $3.00 an hour in November before Christmas, the revenues from the parkade which I believe have traditionally been around $2 million are transferred to subsidize the maintenance and operating costs of the Forks.

We're increasing parking at one site and moving it to the other. It's not that there should be a level playing field in the sense that all parking should be free for others, but it is a struggle when the Globe Theatre is not paying for parking, but Prairie Theatre Exchange is, MTYP at the Forks has free parking, while if you go to Prairie Theatre Exchange it's paid for. Branigans customers at Portage Place pay for parking, Branigans customers at the Forks don't. So there's a subsidy going on that needs to be rationalized. There's an issue when you have a capital reserve fund if you're only building things that cost money and don't generate any revenue, you're not sustainable.

We've said, and the IMAX is losing money, and there's a higher vacancy rate now at Portage Place than we would like. So we're saying as the shareholders in the wider interest, yes we have to build additional parking, yes we have to continue things like we're doing with free transit that we provide on that site and all the other enhancements that they mentioned. But at the same time we have a fiduciary responsibility to make sure the Corporation can pay its bills going forward. That is challenged if you empty all of your reserve accounts and you spend it on non revenue generating assets.

What we've been asking for as shareholders are two things. One is a strategic asset plan and financial management plan for the Forks which they should be bringing forward and we would like to have a presentation to Council on, that says, this is our financial situation going forward and this is how we're going to pay our bills. Then you get into questions as do you have some areas of the Forks which is premium parking which is paid for so we can recover the cost of parking, does it all continue to be free.

Those are decisions that affect tenants, that affect customers, and affect land use and planning. Presumably we want to give the Forks Board and management a

chance to consult and work with tenants before any of those decisions that are made and they're at the table.

Number two, is the issue of a parking and access study. Hilderman, Cram Landscape Architects and DSL Engineering have been hired. They are doing a study of the whole site anticipating other developments and looking at where the most strategic places for parking that would have the greatest benefit to the tenants and the merchants at the Forks. That is well advanced, and quite frankly we as the City shareholder have been pushing harder for it and saying, don't spend all your money until you've got the plan, so we don't end up with what I refer to as a ready, aim, fire solution that we've done our planning before we spend our money.

I don't think that there's anyone who is suggesting that we don't need to solve the problem of parking. But how do you pay for it, and how do you make sure that it's strategically located? It's beyond my competence. Certainly it's beyond the shareholders competence, our job isn't to do that. Our job is to ensure that the planning is done and the work is done and that it satisfies I think the success of the Forks in the longer term.

If the Board decides tomorrow it wants to build and it's free to do that and they know they're free to do that that parkade, that's fine, they can go and do that right away and that might make some sense. There are some larger issues here we're trying to struggle with as shareholders beyond this immediate issue, they're somewhat challenging financially and somewhat challenging from a planning perspective.

Why is the City more possessed with this, or I maybe even others? For a very simple reason. Once the money is gone the Forks is tapped out, all of the costs accrue to the City. Waterfront Drive is mostly our costs, Provencher Bridge, the Docks that are now in the Capital Budget. The free transit service it's our costs. The transit corridor is our cost. We have been the government who stepped up with the subsidy ahead of the Province and the Federal Governments in the land deals that we have done. If the Corporation has additional costs required for the additional parking and additional responsibilities, they line up outside the door at City Hall, they don't march on Ottawa to get the money to pay for the Forks. What I'd like to see in our own interests, corporately as a city is that we have an agreement with the Federal and Provincial Governments on how we fund future developments at the Forks, future amenities like parking because automatically transit is our cost. There should be a plan for parking that everybody can buy into that solves the larger problem.

Is this a six month off proposal? No. We've been pushing and fighting about this since last summer. I'm told in 30 or 60 days quite frankly that will be ready, and I think we should have a full look at that and we should make some decisions as a City Council in the areas where we do have jurisdiction. We should let the Forks Board deliver on their commitment to parking and I think they're dealing with the tenants in good faith. I think there's been some cross wires here about jurisdiction. This is not our jurisdiction, this is the Forks Board jurisdiction. Our responsibility is to solve the larger problem and we should get onto do that.

Quite frankly in the last six months we've been in an election, dealing with the capital and current budget, I'll just sum up. Quite frankly it would be nice to be able to get through that, come up for breath and then clear our agenda so we can catch up with the backlog of business that we ought to be dealing with which this is one. Thank you.

Mr. Speaker: Thank you Mr. Mayor. Deputy Mayor Thomas.

Deputy Mayor Thomas: Thank you. First I wanted to say that I have great sympathy for what the Downtown Design Board attempted to do. We've been advised that even though their heart was in the right place that they unfortunately overstepped their jurisdiction.

I think that we need to meet as a group. I think that we heard from the committee what the problems are. We've heard from

the Forks users and tenants what the problems are, and I think that we need to have information and a brainstorming session around this and come out with some sort of solutions and get to talk to the overseers of the Forks as to how we might meet those needs. I think the issue is beyond whether or not a parkade is built. I think there's a whole parking strategy that needs to be done. There's a whole use strategy that needs to be done. There needs to be a long term analysis on preserving this jewel in our downtown and making sure that we have best use and we really don't want the site turned into a huge parking lot. But we really do need to accommodate people who want to come to the Forks and we need to have a wider discussion on this. That's why I'm hoping that you'll look at the motion brought forward by Executive Policy Committee today and respectfully change the clauses that was put forward by the Downtown Design Board, and find another way to go at this issue. What we're doing today solves a legal matter but it doesn't solve the problem. Thanks.

Mr. Speaker: Thank you. Councillor Lazarenko.

Councillor Lazarenko: Thank you Mr. Speaker. I will move that this clause dated February 25, 2003 be laid over to the next meeting of Council for further consideration and provide us with more information.

(10:30)

Mr. Speaker: Mr. Mayor did you wish to speak.

Mayor Murray: This is a legal remedy to a problem of liability and us not following our own rules. I don't understand what you would need beyond legal advice. There is liability building because we have to let the Forks/North Portage Board get on with their decision about the parkade which I think is to try and solve the problem and we have to let Mr. Sparrow who satisfied the zoning by-laws and is legally in compliance and has actually met twice the standard requirement be able to get on with his project as well. If we lay this over we're jeopardizing that and undermining the whole intent of the motion which is to create a remedy to a legal problem and a procedural problem that's been created.

It's strongly advised and I think legal counsel for the City would strongly advise that we don't do that.

Mr. Speaker: Thank you. Question on the motion of layover. All in favour? Contrary? Motion is defeated.

Recorded vote has been called for, all in favour of the motion to layover please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

Councillors De Smedt, Smith, Steek, Wyatt, Lazarenko.

Nays

His Worship Mayor Murray, Councillors Eadie, Clement, Gerbasi, Lubosch, Pagtakhan, Steeves, Thomas, Vandal, Mr. Speaker Councillor O'Shaughnessy.

City Clerk: The vote Mr. Speaker, Yeas 5, Nays 10.

Mr. Speaker: The motion is defeated. Councillor Lazarenko did you wish to speak to the clause?

Councillor Lazarenko: Thank you Mr. Speaker. I was not going to speak to day in fact I was not even going to be here today at all for the meeting but I felt it's too important not to be present.

Mr. Speaker the reason I had moved that this be laid over, there's a reason. Mayor Murray had said that the City has no say in this. Zippo, that is incorrect. What we have dealt with in the early '80s Mr. Speaker and I have the agreement right here in front of me, I've been going through it a number of times, the number of times we raised the issue about building a new complex, an arena in the downtown area, which the Forks was a question that was raised.

We had a problem with the parking, parking in that area a long time ago.

When the East Yard Task Force report to the Winnipeg Core Area Initiative Policy Committee in December of 1986 it made it very clear of the problems that we may encounter. It made it very clear also back in the 1970s the time when the CNR along with the Province and ourselves when we took the East Yards Study that had taken place. The Canadian National Railways at that time with the Forks Renewal Corporation that was implemented, there was a reason why the City went with this program. We were looking at the possibility having something that would be unique at the Forks and one was. What is in place now. It also talked about having residential component at the Forks. Had talked about the hotel. We had a request made by a company from Calgary two years ago, three years back that had said they wanted to build a hotel. We had said no. Now we're having a hotel built there the merchants at the Forks who are objecting to this, the Executive Policy Committee met I understand behind closed doors. The Mayor stands up and says, you know we have nothing to say. Well what's this before us in the first place. If we don't have any say in it, why is it here at Council. Clause D now is being recommended by the Executive Policy Committee in the report of February 25, to not concur with Item D.

There hasn't been any information Mr. Speaker and I'm just disappointed that Council members wouldn't have just decided to lay this over and give an opportunity not only to ourselves but the merchants who have been there since day one at the Forks. Now sure the hotel is a good complex, it is going to be a beautiful hotel. But the one question we've always been asking is the problem we'll have with parking.

If the parking is not going to be resolved, what are you going to do later on when the hotel is built. Who are we going to clip in the butt to say look, you cannot stay here because you've got too many people coming in here. What is it going to do with our taxi service on the rivers? What is it going to do with the people that want to within the City of Winnipeg want to go to the Forks and they can't find a place to park? Are we going to be telling them to use transit? We can't depend strictly on the people that are coming out of town. The hotel will be accommodating people that will be travelling, people that will stay there and generate revenue, also to generate the activities what the Forks was meant to be.

On the agreement the tri level agreement that was presented at that time we had dealt with right from the '70s addressed the issue about parking. We had said it was a dangerous component firstly, and then to have the residents to live there also to have people who would be visiting including the tourists. I can foresee now that there will be a problem, challenges will be coming in from the merchants of the Forks. They will have legit complaints. They have not been consulted to a point the way they should. Holding meetings behind closed doors with the Executive Policy Committee does not solve this problem, to come in with a report to say that Council will make this final decision here at the spur of the moment the last moment the information that we have here, we don't have all the information.

I have a copy of the Task Force going back from the '70s yet Mr. Speaker, and we've dealt with the issue over and over again. We had to make amendments because CN said no, the time when we purchased the land from CN which I was employed at the time. Concerns were raised, CN didn't like what was happening were not going to sign the agreement until we had turned over some about five or six million dollars towards the Forks Renewal Corporation.

Now former Mayor Bill Norrie was very supportive of this, but at that time when he was the Mayor back in the early '80s he was cautious. He said be careful because you don't build an empire that you'll not be able to resolve later on.

The way the February 25 report of EPC is before us I will not be supporting. Basically Mr. Speaker, I don't have

sufficient information here to satisfy my vote that is going to be there forever. I will not be voting on an issue that is going to be a hindrance and a detriment to the merchants of the Forks who have built the Forks at the capacity it's at now for the people that visit there.

The Forks Renewal Corporation Mr. Speaker is gone right around the whole world. I attended a conference a few years ago where the Forks Renewal Corporation was recognized by planners in others parts of the world. Let us not have something put into place. Look nothing is going to happen, if the hotel is proposed to be built there with the parking the way EPC is recommending give the opportunity for ourselves to ask some questions, but especially to those who have been opposed, and you've heard some of the delegations speak and they had said, I am not opposed to the hotel. I'm not opposed at all to what is being built, but give us the opportunity. They're opposed as to what is going to happen with the parking. The merchants they've been there, they've invested their livelihoods at the Forks, let us not be one to take that livelihood away from them. If there's no parking people will not be going. We've got a problem there now Mr. Speaker. Whenever I go there I have to park way out in the field so far away, and if it's cold winters especially older people cannot, and you cannot depend on transit because transit cannot provide the transportation that is needed.

(10:40)

We just don't have the capability right now. It's not until all the phases are put into place as what was suggested what was voted on accepted by Council and the Forks and the CNR to say look, this is what has to go into place.

How many people really know what's in that agreement? I know because I was here at that time. It was started in 1970s, Mike you were here along with me. The only two that are left here from the '70s yet. Discussion was being held, CN what they wanted to build at that time right by the Union Station on Broadway and Main. Would have taken in the land at the Forks, they wanted to put in a $500 million two phase development with a huge hotel, with the shopping strip and entertainment, culture centres and that's on record with the City, what CN wanted to do. The first phase was $250 million followed later on about three years another $250 million. At that time Mayor Steve Juba, late Steve Juba was opposed to it, he had some kind of a personal vendetta against CNR and it died, it just went to the community committees. Mike remember we were dealing with that at the community committee, it was a great proposal. I was even told at that time you may not be able to vote on this because you're employed with CN, you'll have a conflict of interest. But I didn't care. If I had been asked to abstain from voting there were enough that had said that the 50 member council had said it was a good idea.

When it got lost in the shuffle with the leadership of Mayor Juba then he had proceeded, the Administration were able to manoeuvre it in such a way that confused members of Council and CN had said, thank you very much we're not prepared to deal and do business with the City of Winnipeg not when we're willing to spend a half a billion dollars. The generation of taxes that was coming into the City was huge. I forget the number but it was huge. That was lost. I'm just talking from the past what had happened to us before. Don't let this happen now. Give them the opportunity.

Mr. Mayor you're saying that we have to deal with this now. Why? Why couldn't it wait for some time and have everyone to satisfy those who are there, to satisfy those who want to build and to satisfy those who may want to move into the Forks with their business. This is sending a message that it's not stable. This is not stable at all.

When you've got concerns and they're not being addressed, no one will invest money at the Forks to say that I want to invest my business in there because of what happens in case Council decides to manoeuvre it in a different direction, what happens to those who are there now and will be losing their business because of parking. No parking, no people, that

simple. This is what the transportation people tell you. If there are no people you don't have a business. If you don't have accommodation to supply and to give that satisfaction to the people that want to frequent anything such as the Forks. Look we've got the Forks it's great. We've got something that we have been proud of. Anytime I talk to anybody they say, the Forks I've been there, it's great. Think in advance. Use common sense. Listen to the people that are telling you something. Don't rush this through because this is what happened at the time with a half a billion dollar proposal where the Mayor at that time was adamant not to have this proceeded with. Steve Juba was my idol and I had a lot of respect and I still do even though he's gone. But let's not go in that same direction.

Mr. Speaker: Thank you. Any other speakers? None. Councillors Wyatt and Steek.

Councillor Wyatt: Mr. Speaker I rise here today to speak on this not because we don't want to see the Forks progress and develop and to grow and to continue to succeed as where they've succeeded before, but because I'm genuinely concerned. I don't believe when you see 70 some merchants come before us at City Hall at the standing committee also here at Council that they do so in an ingenious way that they are extremely concerned.

It's easy for us to sit back and say that this problem will resolve itself in years to come with more rapid transit and with another parkade down the road. To a merchant that doesn't make a difference. To a merchant they open the doors everyday and they have to determine whether or not they're going to be able to meet their cash flows, their cash flow projections will be there, whether they'll be able to make their payroll. Whether they will be able to have enough money in the bank to pay their suppliers and so on. I think we have to be as a council sensitive to the very nature of the merchants at the Forks who have built the Forks in the last 14 years, and made it possible, and made it the success that it is today.

The decision to go ahead with this without adequate parking I believe is fundamentally wrong. Parking is crucial to any business. That is why McDonald's before they buy a place they want parking. They need it, they demand it, they require it. Their drive-thru's push 50% of their business, they know how important the automobile is to their business. Unfortunately this is the reality we live with today.

The Forks understands that too, and the merchants at the Forks understand that and I know as someone who likes to go to the Forks as well how overtaxed the existing parking is, never mind what the new building will do to the parking at the facility.

If you go down there at Christmastime or in the evenings or on the weekends you have a challenge just to find a parking spot. The Forks in reality okay when it's not the tourist season are competing with all the other shopping malls in this city. They're competing with St. Vital, Kildonan Place, Garden City, they're competing with Polo Park, all of which by the way Mr. Speaker have free parking and plenty of it.

The Forks, their arms should not be tied, the merchants hands should not be tied behind their back, and that is exactly what I think we're doing today by rushing forward with this decision.

I admire the work done by the Forks Board when it comes to their vision to try to drive growth and development in the Forks, that's great. I'm somewhat concerned about the ultimate downgrading of the Forks when it comes to greenspace. I at one time and I know the Mayor at one time years ago shared that vision the idea of a greenspace, the greening of the Forks. That the Forks could almost be like our Stanley Park, our St. James Park as you have in London, or the Stanley Park in Vancouver. You wouldn't see a hotel going up in the middle of Stanley Park, you wouldn't see a hotel going up in the middle of St. James Park in London Mr. Speaker.

I realize that there are obviously pressures here to bear that are pushing the Forks in other directions which I personally feel is unfortunate because I still hold to that maybe antiquated vision but still a vision nonetheless of a green oasis in the middle of our city.

Mr. Speaker, I rise today to say that I'll be voting against this. I feel that we are rushing ahead, that we are going to cripple the merchants, and undermine the success of the Forks. The hotel though may be a good idea, has its place and its time, it should be sent back, it should be reconsidered Mr. Speaker, maybe even looked at a different location on the site to ensure that parking is near the merchants, existing merchants who have so fundamentally built the Forks. I encourage all Council members to think seriously about this today.

It's easy Mr. Speaker for us to vote here and not have to worry about it and to go home. The merchants who open their shops everyday do have to worry about this, they have to worry about the success of their business, they have to worry about the years that they spent building it up. I appeal to all councillors here, all councillors even if you don't have a business background or haven't been in business that's fine, but surely to goodness you can understand how important parking is to a business. The Forks has made that an important part of their success.

(10:47)

It was said earlier today, we don't charge parking at the Forks, and the spectre has been raised about charging parking at the Forks. I would suggest that you would hear from the public pretty quickly if you decided to turn around and charge for parking at the Forks much like it was talked about charging parking in our regional parks. That would not be tolerated because people have taken ownership of the Forks, it's part of them, it's part of this City and the reality is, that people move around in vehicles in this city. Let us not try to dream that this is not part of the reality, this is the reality. Let us not destroy the businesses that are there Mr. Speaker.

I plea with Council to not support this, to defeat this and to bring this to encourage the Forks Board to bring back a more reasonable proposal that would address the parking concerns. Thank you.

(Councillor Lazarenko in the Chair)

Mr. Deputy Speaker: Councillor Steek.

Councillor Steek: Thank you Mr. Speaker. I want to speak first of all to the legal issue that we heard. Like many members of this Council I attended EPC yesterday. I heard that the planning committee was outside of its jurisdiction, that it couldn't reverse its decision. That EPC could bring an amendment and ultimately it would be the wisdom of Council to reverse the decision that came out of PP&D.

We were told that there was the imminent chance of legal action. I would suggest to you that's simply not the case and I'm going to tell you why.

The issue that we have in front of us regarding this amendment is because there has been a total lack of communication in many instances here. And Councillor De Smedt documented that very well yesterday at EPC and I dare say he's going to take you through the chronology again. Everybody has their own version of what constitutes that communication and I'll be giving you mine.

First of all, the issue that faces us here today can easily be addressed by voting for or against this motion. Clearly I'm going to be voting against it, and I don't believe for a minute it's going to trigger a legal issue for this city, but if you vote against it, it will do one thing. It's going to kick this Council into gear to get something done in conjunction with the Forks Board and Forks management. I've been hearing about seminars, I like the idea of a seminar, but I would like to see the seminar open to all the Forks merchants to come down here. They're

the ones with the huge invested interest that they're down here.

Let's go back for just a moment here. You heard from the Forks merchants, it was raised by Councillor Wyatt about having faith in them. Why would the Forks merchants be taking time out of busy days when they're small shop owners and small shop keepers to come forward on this as an issue? Because it's an issue of paramount concern.

We have heard about the all encompassing business plan and the sustainability of the Forks. Great. Are these people not integral to that? There wouldn't be a Forks without the success of these merchants, the blood sweat and tears that have gone in to it. Mortgages on homes.

We're in an interesting dilemma here, you have somebody like Doug Stephens come forward who's recognized North American wide for his expertise as a restaurateur and entrepreneur telling you that proximity parking is the issue, that you're going to have profound impact on the existing merchants both in the Johnson Terminal and in the Forks Market, and yet there's a rush to get the hotel up without a commitment for proximity parking. Flies in the face of all logic.

Furthermore, one of the reasons that we're at this juncture is because of the fact of the lack of communication. We asked Mr. Resnik, have you heard from the Forks Board, have you had formal meetings, have you been given alternative proposals, the answer was no. These people came here because they're hugely frustrated. Now it's fine to say as the Mayor has, that the Forks can go ahead and do the parkade. The Mayor is our shareholder, he's our communications with this Board and with Mr. August, and we respect that.

However, I think that when you have a plan come forward to the Property Committee talking that Phase I is there and Phase II is only conceptual now, yet the public hearing stated point blank it was going forward, the web site said it's going forward. How do you have faith as a merchant in a process like that? So what do you do? You exercise your democratic rights and you come down here and you speak.

Now I listened very very closely to the Mayor yesterday in EPC. I heard again today, "that relative to the parking and access, we are ready to see a completed document." He said yesterday in EPC, make sure you contact the principals, so I did. A principal asked not to be referenced on this floor so I'm not going to do it.

In June or July the Forks did hire both the Hilderman Group and Paul McNeil's Group. Hilderman's because they were very familiar with the downtown access situation around the Forks and Paul McNeil of course because of the downtown parking study that had been done. They made a draft submission to the Board, to Mr. August in September. There has been no further communication from the Board to them from that date. There was no formal presentation made to the Board, there was to the Mayor and there was to Mr. August. There's been no form of communication through to the members of the Merchants' Association. The Mayor asked me to phone, so I did phone. I find it difficult to believe that something is imminent on the horizon. And maybe I'm wrong and he can refute that in his closing. But you can understand that when you speak with one of the principals and they tell you that, that you start questioning what's really going on here.

How serious is this as an issue? What did we hear? We heard about a business plan and sustainability. We've got all these small merchants coming down here who have had profound impact on the success of the Forks. Why are we building a hotel? Because the Forks has become an attraction. The merchants have said point blank, we support a hotel. We know we embrace a hotel because we believe it's for the betterment of the Forks and ultimately for us as merchants. However, and you heard it without equivocation from Mr. Stephens and who else to speak to it, the issue is proximity parking and that has not been addressed.

The question is, when will it be addressed? For all the double speak that we've been getting, there is absolutely nothing definitive that gives us a timeframe. If somebody came out of this meeting and this motion is turned down, I'll bet you you'll have a definitive answer in 30 days, and life will move on as it should. Nobody is asking that the hotel not proceed, that is the last consideration here.

I believe that if this Council doesn't support this motion today that we're going to see action from the Forks Management Group, from the Board, I believe we'll see meetings with the merchants.

(10:55)

I believe we'll see a resolution as quickly as is reasonably possible. These people have been stiff armed, they have not been given the pertinent information, they have not been given alternatives or they wouldn't be here today.

You heard the questions that these people were asking in delegation. And they said repetitively, we have not been consulted on this. So someplace along the line I think that Council if they don't support this motion will trigger the initiative that will get this thing moving.

Mr. Speaker, there's no need for any kind of lengthy extension, the thing speaks for itself. Don't support this motion and I will bet you within 60 days you'll have this issue resolved. Thank you.

Mr. Deputy Speaker: Councillor Vandal.

Councillor Vandal: Thank you Mr. Speaker. I listened closely to the delegations that were here this morning and I'm one of the first to admit that there is an issue relative to parking that must be addressed at the Forks a.s.a.p.

I was Chairperson of the Downtown Design Board when the first parking proposal came forward which was approved unanimously. I was Chairperson of the Downtown Design Board when the hotel came forward and I put my concerns on the table early on perhaps a bit too early on in the process. We laid the meeting over. We called the proponents back for the second meeting, and the motion that was adopted Part D is being rescinded here this morning.

The question is, is the Downtown Design Board the authority to address the issues of parking at the Forks? Absolutely not. We received legal counsel yesterday which advised that the authority of Downtown Design Board and you can read the by-law as well as anybody else can has to do with street level, pedestrian level aesthetics. We are not even supposed to, we don't have the right to make changes legislatively to the rooflines of a building, street level aesthetics.

Our system, our democratic system is based on the rule of law. If we are not willing as a Council to respect the advice that our legal counsel gives us In Camera albeit, then I think we're treading on very very thin ice.

That does not mean there is not an issue at the Forks. I think it is time for everybody to take a deep breath, to step back, to assess the success, the merit of the existing seven storey, seven level parking structure, to assess what's going to happen with the new museum, there was a story in the Free Press about yesterday. There's a hotel that is going to be constructed. There's a pedestrian bridge that is soon to be completed. Would it not be prudent to step back. The Forks have hired a consultant to do some studies on transportation and parking, come back in a full council seminar and make the next decision on where the parking structure should go at that point. Can you imagine the conversation between the developers, Mr. Sparrow, the banks and the financers on the actual financing of the hotel that everybody agrees should be constructed at the Forks, could you imagine that conversation when the financers read the clause that there shall be no occupancy permit issued until the second parking structure is completed and opened. Is that the message we want to give to the business community, to the proprietors of the hotel that have come forward and put

forward a proposal that everybody supports?

I think now more than ever is the time to take a deep breath, step back, let the Forks do their work, do the traffic studies, do the assessments, let them come forward with a recommendation, consult as a council because I believe it's been literally at least a couple of years since we've got the big picture at the Forks and where everything is going, and then make the next step.

The Forks is mandated and governed by a board of directors that is representative of the three levels of government. Minister Pagtakhan, Minister Jean Friesen and the City of Winnipeg through Mayor Glen Murray have representation on the Board, ultimately that is where the buck stops. It doesn't stop with one individual at this City Council that can block and stop everything. It's a collective decision of three levels of government, that is what we have to do, we have to take a deep breath, step back, do our work, get accurate information, make an intelligent decision and move forward. Thank you.

Mr. Deputy Speaker: Thank you. Councillor O'Shaughnessy.

Councillor O'Shaughnessy: Thank you Mr. Speaker. I want to speak on two separate parts. The process then the issue.

I attended the Executive Policy Committee's In Camera meeting yesterday and the opinions of the City's legal staff that the condition on the approval was beyond the jurisdiction of the Committee. Reluctantly I agree with them. There was another legal opinion that says, that Council has the right to take back, to review, to overstep any powers it has delegated to or through any of its standing committees.

I disagree with the Law Department that that's retroactive, that they can do review decisions already taken. But then again I'm not a lawyer so I guess it is properly before us, they've said so, EPC has agreed. I think it's the most dangerous precedent around here in years. No one can count on any decision made by a standing committee, a board or commission who has been delegated authority by this Council. That final word isn't final anymore because any one councillor can bring it up as a motion at Council and say, that we review and redo and undo the decision where a supposed final authority has been made.

Claims have been delegated the Chief Financial Officer wouldn't that be lovely that every single claim that gets turned down some councillor can now move on the floor of council that that be reversed, that nothing becomes final anymore around here. It is so dangerous because there's no in-depth review.

Back to the direct topic. I can't argue with the lawyer that that condition isn't proper. But it's frustration that made it necessary. The Forks is owned I guess by three levels of government who appoint a board through the two ministers and the Mayor leaving this Council out of it completely. Go and ask your constituents, who owns the Forks? The City of Winnipeg. Who has control over the development and use of the Forks? Well you bozos, the Council of the City of Winnipeg. Do we? No. Where do we get our input for the betterment of our city?

(11:05)

Can't tell the Board what to do. At committee we laid the matter over for a month at the Design Board. Maybe giving a hint to the Forks Board that they should talk to their merchants. They should talk to the people who pay them the rent, that they bring some harmony. That they find a way to take care of this added demand for proximity parking. After you've taken away all the stalls that the hotel is on then you don't add the other ones. And maybe you live up to your commitment, you came before the Design Board last February to build a two phase parking structure. Maybe you live up to your comment on your own web site that Phase II was to be opened by July 2003. Maybe you tell the Design Board that you have a second parking study underway,

or at least tell your merchants that you have a second study underway.

This whole thing is a mess. All the Design Board wanted in its decision was to see the Forks work better for the citizens of Winnipeg and for the people who have already made an investment in there. The 70 plus merchants who are rightfully panicking maybe too strong a word, that their businesses are going down the tubes so that one more business can come.

We have a business coming that's not paying for parking. I think it's a great business for the area.

When the new hotel was built on Main Street, Hampton Inn, did they not have to buy their own land? Did they not have to provide parking? These people are paying by lease, they're getting gratis parking out of the deal which limits their floor plate, which limits how much money they have to pay in rent. Are they in a prime location for a hotel of that size? They must think so they're going ahead with it.

To ask that there be some parking. They're getting by the way existing parking dedicated just for their specific use. None of the other tenants have that.

Maybe the clause that's before us is legally correct. Maybe we should vote for the clause that's before us. But could EPC not give us some kind of rider that they were directing the Forks to solve the parking problems, it will probably be two years until this hotel opens, within two years or whatever, some specific protected proximity parking be provided. We wear it, but we don't get to select it. I don't think Council's been put in a very enviable position at all.

Do we want to be the ones to make sure this hotel doesn't happen? No. But do we want the entire commercial aspect of the Forks to crumble because oh, we really didn't have authority? Do you think we're going to be able to cast this cloak off that easily? No. We're going to wear it.

If we do pass this clause I would ask all Members of Council to push to get together to do something with this Forks Corporation Board to make sure that very close, very well protected parking be provided for the hotel and the existing merchants of the area. Remember they came through with their plan last February before coming forward with the hotel that would have solved all the problems and now they've backed off on one half of that project. Does this stand for the hotel? We're approving a four storey hotel, can they build half? If they build two storeys in accordance with what we approved, is that okay? Seems to be okay that they could only go with half their parking lot.

I just ask for your thoughts and for a very considered decision on this matter. Thank you.

Mr. Deputy Speaker: Councillor Angus.

Councillor Angus: Thank you very much Mr. Speaker. Once again I rise and find myself in a bit of a situation where everybody is right. Yes, I'm in favour of the hotel at the Forks. Yes, I think there should be some parking down at the Forks. Where that parking should go is to be determined by somebody, somehow, sooner is better than later. That's a bit of the backdrop.

The issue and it has been very cleverly brought to the attention of this Council by a committee that has overstepped its bounds and put a condition on the design approval that is not consistent with the mandate that they have as a committee. It's analogous to Rivers and Streams saying, yes you can have this particular permit for Bunn's Creek but by the way you've got to build Chief Peguis Trail. Might be a good idea Councillor O'Shaughnessy is mouthing to me, and I respect that, it might be a good idea I don't deny that. It may be considered in some people's mind a little ridiculous.

We establish committees to look at the rules, to look at the things that they can do within their purview. What I understand the Law Department advised us yesterday was that they have exceeded that particular mandate. There's nothing wrong with the concept,

there's nothing wrong with the principle, nothing wrong with the desire to bring this particular issue to the front and centre of Council's agenda. It's a very important issue. Obviously it's an important issue by the representation that's been made by the merchants of the Forks, by the interest that's been shown by Councillors, and so I applaud the initiative if you like and it's unfortunate that it had to be reduced to that type of a tactic in order to get this particular problem into the front row of discussion at this particular meeting.

The issue is simple councillors. Does an ad hoc committee assessed by Council have the opportunity or the right to sort of impose a condition that is beyond their mandate? I think this is a very precedent setting decision that is about to be made here. If this Council decides that that is fair game then watch out because every committee that is out there will be going to all ends of the world to bring in conditions that will cause this Council to do gyrations and back flips and have more bureaucracy and work than you'd ever thought possible to do just to respond to things that are not within the responsibility of a particular committee.

I'm supporting the Executive Policy Committee amendment. I think it's the right thing to do at this particular instance and this particular discussion. I am encouraging as many of you heard yesterday the Mayor who has agreed to get Council together with the merchants and the Forks Board sit down and say, let's address this problem, let's find out what good solutions are and he assures me that they working on that and I believe him. I would like to see this done as quickly as possible. This hotel will be what, a year, a year and a half in the development, and the construction before it's opening, and long before that we have to have a resolve to this issue of parking at the Forks. Thank you.

Mr. Deputy Speaker: Thank you. The final speaker I have on the list is Councillor De Smedt.

Councillor De Smedt: Thank you very much Mr. Deputy Speaker.

(11:13)

Let there be no mistake that I think there is relative excitement in the City and probably here around this Council table about a future development at the Forks with a hotel.

The issue is not about our support for a development plan that has come to us. And yes while it might be about a legal technicality about not an ad hoc committee but a committee of this Council with responsibilities as a design review board making a decision that appears to be in the spirit of legal context out of our jurisdiction. As I go through a few points this morning I would like you to recall the intention of what the Design Review Board was trying to achieve. I think Councillor O'Shaughnessy alluded to some of that.

It's not just as simple as coming in here and saying that, gee, we have a legal opinion that you've overstepped your bounds so we'll kill that without realizing what the intention was of the design review on your behalf.

Let's just talk in a little broader context for a moment. Yes it's three levels of government that are participating in the development of the Forks, with one level of government as the Mayor has so well pointed out being a prime funder of many of the activities that are down there in terms of transportation plan, pedestrian bridges, waterways, transit etc. You know it's the level of government that is closest to the people that have so vitally committed to this particular project. So while the primary shareholder who represents us through the Mayor's Office is vitally interested and have opinions, it is our constituents who are the shareholders, and they're the ones who have spoken very eloquently over the years of what's important to them at the Forks.

You might recall this Council takes its jurisdiction seriously about it's a pre-eminent position as a shareholder. We had a very logical proposal to create housing several years ago at the Forks. While that is a zoning issue nevertheless

a previous board had championed that, a newer board did not, and they came to this Council to kill that project. That's in fact what happened. You mean to say then we don't have sort of jurisdiction, our ambit does not prevail and go beyond just the pure technicalities of what happens in the Design Review Board By-law? I've read it very closely and I think you can make interpretations on that indeed context of a building going on a site in a pedestrian access way and pedestrian level, zoning considerations have to take pre-eminence we are concerned about its impact and relationship to other things that have evolved on that site. It's for that reason we killed maybe intemperately the housing because we didn't want to create another destination downtown.

You know when the Design Review Board considers other buildings, when you considered Portage Place when it first was built, parking was part of it. We considered the Crocus Building, the Big 4 Building, parking was a significant issue in the Exchange District. We're going to consider probably at some future time hopefully the Union Bank Tower, parking will be an issue. Yes it's a pedestrian level zoning but I'm saying, that is not the only thing that prevails that pertains to this committee's review. Our mandate on your behalf might as well go to another committee if you don't want me to make some reasonable judgements on this committee, on your behalf and on behalf of your constituents is to look at the context of everything that is presented to us. What seriously was presented to us was out of order from what had been previously approved.

The Mayor has mentioned and this is not an attack on Mayor Murray, that the Board is anxiously developing a transportation access plan and a strategic plan.

I'm very intrigued by this notion at this point in time, that only should be a refinement of what's already in place. In 2001, the Forks Board through their executive had public hearings about the future development of the Forks. They heard loud and clear as we did as our constituents stated to us, you just can't have no parking in proximity to a new hotel and get rid of everything and nobody can get to the Children's Museum, nobody can get into the Johnson Terminal unless you walk across 500 yards from the north end of the gravel parking strip when it's full on a Saturday.

Councillor O'Shaughnessy, Councillor Lazarenko is absolutely right, the people of this city have embraced the Forks as theirs. We're only trying to respond to them in an intelligent way.

In fact, the context of parking in scale of that parking, the scale of the building is indeed important.

Again I don't want to be throwing arrows all over the place, it's rather interesting after the public hearing at the Forks would have heard in 2001 where parking was important, they were going to have a boutique hotel, however you want to construct that in your mind, a small hotel, fashionable hotel. They heard that, they came back to our committee, design review on February 5, 2002 and said, we have heard, we have a strategic plan, we have a master plan. We have a transportation access plan. Here is what we're proposing. Parkade, Phase I, Phase 2, developing this time and we will proceed with that, it meets the interest of the public, not the merchants, the merchants are only reflective of what the public need to get to their sites.

I'm not here in support necessarily of just the merchants except they are indeed vitally important with their investment. But it's what the public wants. They said, here's the plan, and we're going to mitigate the visual aspects of it, it is a pedestrian level. It's going to be landscaped, it's going to be bermed. Both berms will overlook the stage for concerts. The hotel will overlook and the imprint of the hotel was there. No design at this time, but clearly the hotel location had been matched to the site. The merchants were aware of it, the public was aware of it. We bought into that and that was the design review and that's the point that I am making. We have a responsibility to continue to uphold it on the process of logic of the information we had at that time.

Where did we go astray? And this is why it's a sad day here today. Why we're sitting here instead of laying this matter over, instead of the Executive Policy Committee saying, darn it that committee overstepped its jurisdiction, we're going to hammer it down and kill this at this Council meeting and then we'll see the plan. That's what's wrong and that's why it's a sad day. Let me tell you why it is.

I must thank the Free Press from time to time, but inadvertently a nice little article appeared in about June of 2002. Innocuously on page 3 or 4, and there it was, the boutique hotel and a diagram of the site. Phase I parkade.

(11:22)

Phase II parkade disappeared. It had gone. Why? We started to ask some questions at our Design Review Committee. Was very difficult to find out except that there had been a change for some reason at the Board or amongst the shareholders about why we would have to have two parkades there. Maybe even any parkade.

The Committee rightfully in July of 2002 asked the Clerk through a motion that we would have representatives of the Forks through the CEO come and make a presentation at our final committee meetings of Property and Development design review in September of 2002. To put it on the agenda. That item did not appear on the agenda. We were told it's inappropriate for our board to consider that. The Secretariat, the EPC Secretariat or some other body said, don't put that on the agenda. We met on that Tuesday, we put another motion in that we would like on our Thursday meeting for the CEO to appear and just let's go over the issues on parking and the parkade. We were told on Thursday morning that he was out of town and I guess perhaps regretfully so he was.

What I'm saying is that, we knew nine months ago that there was a problem. We could have focussed attention to it and got the participants down in the community and the merchants to be involved and get some leadership to be expressed and to decide where we would be going on this issue. Of course what we heard in January of this year on design review is that, we really never approved Phase II it was just a conceptual plan which is not true according to the record.

Yes we may have overstepped our bound slightly but it was the context of what we were talking about. The context was to get reconsideration of what was happening. That was the way we were going to do it.

I'm asking you today to not support the Executive Policy Committee's recommendation, to support what the Design Review Board did in the context of what is trying to be achieved here which will put the layover and some consultation to occur. Thank you.

(Councillor O'Shaughnessy in the Chair)

Mr. Speaker: Thank you. Councillor Steeves.

Councillor Steeves: Thank you Mr. Speaker. I will be brief. I've listened to all the comments. I want to thank my Council colleagues for what I think is a very high level debate and certainly very enlightening for me not a member of the Downtown Design Review Board as I'm not a member of the Property and Development Committee and have not been.

The one issue that I did want to highlight that I think is very important is the issue that was made and then to some extent contradicted in the form of Councillor O'Shaughnessy's comments Mr. Speaker and then Councillor Angus' comments.

Councillor Angus stated and I think quite rightly that the issue here is one in fact of process. The issue of a committee going outside of the ambit of that committee. I understand Councillor De Smedt's comments that in some circumstances that may or may not be appropriate. I think Councillor Angus raises a good point in that we want to very very certain that committees do deal within their ambit

otherwise it does open the door to a very difficult situation.

I did want to acknowledge the comments of Councillor O'Shaughnessy Mr. Speaker, who I think did raise an important counter point. In that if it is seen that a committees decision at any level is not going to be a final decision, that too could open a door to a great deal of abuse and perhaps a lack of certainty on behalf of a lot of people who are making presentation to certain committees and that is an excellent point to raise. I do want to acknowledge that.

The only proviso I would put on that though and the reason I have a bit more sympathy for Councillor Angus' position is in those circumstances it would seem to me that the condition precedent that would have to exist prior to somebody saying, well no decision is final, is that there would have to be a determination made that that committee did in fact act outside of its ambit that would be my impression, I stand to be corrected I suppose. In the circumstances where it is clear to all the committee is acting within its jurisdiction pursuant to the by-law, pursuant to the regulations I think they are beyond reproach.

The only hurdle that somebody would have to get over in order to give themselves certainty is only to make darn sure that what they're asking for is within the purview of that committee. Which apparently and based on what we heard yesterday and today was not the case. I guess that gives me some comfort for the point very very validly raised by yourself Mr. Speaker.

I do have I guess some discomfort, I would like to voice for the record with respect to the process and the way the Forks Board did approach the issue with respect to the tenants.

Without having been a part of that I do have some concern that maybe that process wasn't followed through completely. There may have been some shortcomings.

I am however I guess in totality more comfortable with the idea of these types of decisions coming forward with the full support of the Forks Board, within the full ambit. That not being the case here Mr. Speaker, my intention is to support the EPC position as outlined yesterday. Thank you.

Mr. Speaker: Thank you. No further speakers. Mr. Mayor.

Mayor Murray: Thanks. We're obviously having sort of a two tracked debate here. One is I think hopefully Council will do the right thing legally. If we don't follow our own rules then who is.

The design review is not zoning. Mr. Sparrow has twice as much parking as the zoning by-law requires. It is just gratuitous and unfair to vote and support a position taken by committee that did not have jurisdiction. That when he meets the litmus test that we rewrite the rules after. That's a very negative precedent. Hopefully that's not something that we would start doing.

People are laughing, but being very blunt about it. Mr. Sparrow comes along, he's told four hotel rooms one parking spot. Hampton Inn right in the area, Mr. Kostus built it, four hotel rooms, one parking spot. Mr. Stephens raises a very good point which is the issue of the banquet hall and some of the addition and there's impacts there.

Legally I hope we'll do the right thing. I agree with what Councillor Vandal said, I think the idea of holding up an occupancy permit illegally or to quote our legal counsel "I think we'd be dead in the water if that clause 4 was upheld". That's just the right and legal thing to do. Quite frankly it has absolutely nothing to do with the parkade. It doesn't affect that decision one way or the other and I completely disagree with Councillor Steek, I don't have time to refute every point. I think it does complicate and create a problem and do the exact opposite of what he said.

I do want to say one thing on behalf of Executive Policy Committee, is that this

has been a problem that we didn't discover when some merchants were upset. I don't remember one member of Council who's now complaining about it raising this issue a year ago. And Councillor Steek you're quite right, May 2 last year Mr. Hilderman and DS Lee were engaged by the Forks/North Portage under the pressure of a shareholder, the Mayor. Because I shop at Mr. Resnik's store and I shop at Fenton's and I'm a regular at the Forks, and I heard this concern.

What did I do? I went to the shareholders and said, since this is the jurisdiction not of City Council but of the Forks/North Portage, and they started the wheels working and Mr. August because quite frankly took over a situation where this issue had been neglected started a parking and access study realizing that even if a museum isn't built there we have a problem.

(11:30)

I advocated for that and I fought with other people quite frankly to get that study underway.

I then noticed we had only eight million dollars left in our reserve account and that was where the money came from for the first parkade which I also supported. But there's no more money after that. There's just enough money to build a second parkade and then it's tapped out. And as a shareholder you have given me a rule that you passed unanimously that the Forks/North Portage must be sustainable. When the IMAX is losing money, when parking rates are going up in Portage Place, when the merchants at Portage Place are also struggling which we have to be concerned about, and that's the cash cow that supports all the free parking at the Forks, all the free parking at the Forks, we ought to be concerned and we ought to have a strategic management plan which I've also been pushing. We are more possessed in grip with the reality of that because we are closest to the people and we do that. I have talked to Mr. Resnik, I don't go into his shop and not talk to him, we've chatted about this. But it's not the Mayor's job as a shareholder to do that. It's Mr. August's job and Mr. Norrie's job and the staff. We haven't even talked to them and they're the people who were driving this. Maybe ought to have a chance to talk to them.

I guess because Mr. August was not available for a meeting in the middle of the election is a mute point because some of the councillors who are complaining about it have cancelled appointments with me and can't walk up two flights of stairs to chat with me when most of you did.

If this was really a burning issue for you my door has been open and I'll gladly take you through a level of detail because this does need advocates. But it has had an advocate for over a year. I haven't been alone around the Council floor in doing this.

The question is, as you're trying to make political hay here, or you're trying to solve the problem because we have two things. We have a problem that's more complicated than simply building a parkade here and there. The peak hour ratios between when the Forks requires parking and a lot more than 1,600 is huge. You can generate as much as 20,000 cars down there during a major event. Surely you can't build parking for 20,000 vehicles.

There are other times in the mid week and the weekday in the winter when the place is empty and you can bring a circus to town and set it up there on the parking lot. Two-thirds of it is surface parking. You've got to find a solution that works because you can't accommodate enough parking on that narrow site for peak parking, and you certainly just can't have the status quo.

No one is opposed to this parking lot, but you've got to make your investments strategically. Some of us are gripped with the reality of that and let the Board and the management there chance to do their job.

If we're really serious about this and this isn't to get headlines one day in the paper, then I'm hoping that some of those

councillors who haven't yet come and sat in my office can sit down and understand what Mr. August is doing and take the time to talk to him because he just works a couple of blocks from here, he's a pretty open guy, or take some time to talk to me about this because the larger issue is extremely serious and I think may end up costing us some money and we better figure out how we're going to pay for it.

Mr. Speaker: I'm going to be asking for a recorded vote. All in favour of the EPC clause please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

His Worship Mayor Murray, Councillors Eadie, Angus, Clement, Gerbasi, Lubosch, Pagtakhan, Smith, Steeves, Thomas, Vandal.

Nays

Councillors De Smedt, Steek, Wyatt, Lazarenko, Mr. Speaker Councillor O'Shaughnessy.

City Clerk: The vote Mr. Speaker, Yeas 11, Nays 5.

Mr. Speaker: The clause is carried. You have before you a report dated February 26, 2003 from the Executive Policy Committee a paper copy. Mayor Murray moves that the rules be suspended in order to consider the Report of the Executive Policy Committee of February 26, 2003. All in favour? Contrary? Carried.

REPORT OF THE EXECUTIVE POLICY COMMITTEE DATED FEBRUARY 26, 2003

Item No. 1 - Proposed Sale of 999, 1029 and 1033 Henry Avenue to International Paper Industries Ltd. Or Nominee File FI-2.4 (34) (Vol. 9)

Mayor Murray: I'm sorry Mr. Speaker, this is a rather unfortunate situation because of a deadline for a property transaction. This just came up to our attention yesterday. I'd like to turn it over to Councillor Vandal to introduce it.

Councillor Vandal: This is an issue that came to our attention in the last several days. It's very time sensitive. It has to do with properties in Councillor Pagtakhan's ward.

999, 1029 and 1033 Henry Avenue formerly used by the Water and Waste and Public Works Department.

There is an old incinerator facility located at 1033 Henry Avenue that has been shut down since 1979.

Our department is in receipt of an offer in January by International Paper Industries to purchase the subject properties including a portion of the Higgins Avenue right-of-way which will be going to community committee next month or at the next community committee for the purchase price of $1. International Paper Industries has a contract with the City of Winnipeg to provide residential recycling services for a 14 year term. The company is committed to the City to have its recycling facility opened by September of this year.

The Company of course will require the aforementioned properties as the site from which it will provide recycling services pursuant to its contract. That is where we'll be able to collect other types of plastic and paper from our citizens and send them to this facility to be recycled.

The City will be required to pay for certain costs approximately $137,000 for removal of asbestos, pigeon droppings and for another environmental site, other environmental site, assessment costs.

One of the reasons our department is suggesting the sale for the site is a matter of simple cost avoidance. Should the City not consummate the sale the City will ultimately incur a cost of over a million dollars for the demolition of this structure and incur the ongoing costs for maintenance, security and risk in the meantime.

In summary, the proposed sale of these lands will facilitate a new business in our community, a recycling business which we were all in support of. It will provide a productive use for this property. It will expand our tax base, it will create jobs. It will result in the immediate remediation of a land that may have environmental problems. It will enable the City to minimize its risks and get rid of a derelict property. Thank you.

Mr. Speaker: Amendment moved by Councillor Angus, seconded by myself. Did you wish to introduce your amendment?

Councillor Angus: Yes Mr. Speaker I would.

First of all, I have to apologize to Council that this is seemingly so rushed, but it is rushed. The offer to purchase was dated January 16, 2003, it came in from the company. The Report as the Department has indicated there's a million dollars worth of environmental cleanup. They're crummy old buildings and everything else. And if we're slammed for anything, we're slammed for not being able to react quickly enough.

In this particular instance we can lay it over if we wanted to and we may in fact be able to do stronger negotiations. But the more likely scenario is that the company that is making this proposal is under such pressure to deliver to meet the City of Winnipeg's specifications for recycling that they are more likely to go to another particular piece of property and we will be stuck with this piece of property for a long time into the future.

(11:37)

The amendment seconded by Mr. Speaker, Councillor O'Shaughnessy simply includes the recommendations on the offer to purchase. It clarifies and specifically includes them in the motion that we're approving that these amendments that the department is suggesting be considered in the offer to purchase.

With those amendments I think it's a good opportunity to move quickly and efficiently to allow a new business to locate in Winnipeg, to bring a property that is sitting there dormant and will continue to sit there dormant for a long time because there doesn't seem to be a whole list of buyers wanting it, to allow them to start paying taxes and redevelop an older area of the City.

I would encourage us to move along on this particular business opportunity and make the best of a good package. Thank you.

Mr. Speaker: Councillor Lazarenko.

Councillor Lazarenko: Thank you Mr. Speaker.

Disappointing again. A walk-on item that is to be dealt with by leave and license and the Chief Administrative Officer be delegated the authority to approve a leave and license agreement in favour of International Paper Industries will now be subject to the results of a public hearing before the Lord Selkirk - West Kildonan Community Committee. Why is this going through the backdoor again. Mr. Speaker I don't believe this. And to say it's going to cost one million dollars for the demolition. How do we know? There were no proposal calls to that matter. All of a sudden this has to go because some company is coming in and silently, secretly once again this is coming in through the backdoor. Mr. Speaker I'm just disappointed, very disappointed that this would be done in this fashion, no input from the community committee of which the recommendation that was suppose to be coming in from the Director of Planning and Property and Development. Why wouldn't the Community Committee of Lord Selkirk - West Kildonan have no input none whatsoever? All of a sudden it's got to be dealt with because is this company going to take a walk? Were any proposals called? Don't we have any other recycling groups that may be interested? You nod your head John. We don't know this. Nothing. This is the first time I hear of this.

I just cannot believe that why don't we just wait at least let this go through proper procedure, let it come to the Community Committee of Lord Selkirk - West Kildonan and then the Community Committee will then make a recommendation it will go through the process and then it comes back here. Why do you thunder it on here like a bolt of lightening to say this is what we must do because if not all hell is going to break loose because that former plant on Henry Avenue is not going to survive, the chimney is going to collapse or something.

This is wrong Mr. Mayor. Please I'm asking you don't do this. Give us the opportunity. That's what I mean, once again you see the satisfaction that comes in. We as the Council members from that community committee were not made aware of this, never came to our agenda at all. It should have. I would like to have you there John as the Chair of Public Works to see what kind of response you'd get when the people will be coming in to ask some of these questions.

Mr. Speaker, I can't support this, I didn't even think this would be walking onto the floor of Council in this fashion.

This is an important ticket item that is before us. We're talking about a major change, and we're talking about recycling, we're asking people to participate businesses, you have one now, but why do it in this fashion. Let it take its course through the process of what we usually do.

Mr. Speaker: Thank you. Just a technical matter. The amendment by Councillor Angus seconded by myself, there's a typographical error in the second last line. It says by the 16 amendments, that is truly 19 amendments. Three and then another 16.

Councillor Lazarenko would you take the Chair as I would wish to speak to this item.

(Councillor Lazarenko in the Chair)

Mr. Deputy Speaker: Councillor O'Shaughnessy.

Councillor O'Shaughnessy: Thank you Mr. Speaker. I'm going to speak briefly but there is a question that I would like Councillor Vandal to answer in summing up.

This has come forward very very quickly, and I have been informed that these are the people who have won the City's recycling contract effective November of this year. I've also had it brought to my attention that these people have an option on another piece of land that expires I'm told, March 13 for $2.8 million.

Simple question. Are they having two facilities or is us giving them this for a dollar negating them purchasing from a private landlord I'm told in the Inkster Industrial Park, Pacific, somewhere anyway with the innercity, something for $2.8 million. I understand their renovations here would cost in the neighbourhood of a million dollars came out of nowhere, no one else has been offered this property, maybe somebody else would like it, maybe for more than a dollar plus some of the remedial work.

I'm really again as all of us are between a rock and a hard place on this one. Do we want to screw it up? Well they won the contract and they have to have a place in Winnipeg I hope under the contract not out in the rural municipality of East Armpit to perform this work.

If we say yes, are we putting it to a taxpayer in Winnipeg who has a fair deal for $2.8 million with these people? Has that already fallen apart and I just don't know or do they need two facilities? Will they need both? There's no time to get these answers.

What I intend to do is vote in favour of the clause knowing that the street closing which its subject to still has to go to community committee, still has to come back to Council, still needs three readings. Believe me if the Community Committee recommends no street closing, it will not be subject to anything about parking stalls or anything else, it will simply be that we don't think it's in the best interests of the City of Winnipeg to close that street. And hopefully that can't

be challenged unless it is in the best interest to close that street which would be fine.

I urge you to support the recommendation before us because not only the Community Committee but all of this Council will get a second kick at it, and we will be asking questions at that hearing to find out if this is the only available piece of land or the best available piece of land for these people without doing it to another landowner in this city. Thank you.

Mr. Deputy Speaker: Thank you. Councillor Lubosch.

Councillor Lubosch: Thank you Mr. Speaker. Although I can appreciate the consternation that some members have with this issue coming so suddenly to our council meeting, I can appreciate from knowing a little bit behind the scenes that this company, International Paper Company Ltd., has been looking for a site for some time.

This company is a leading edge recycling company, and I think is going to be very good for our city. They have locations in other major cities in Canada and they're growing annually.

They've made a very strong commitment to Winnipeg. I know from scuttlebutt that I've heard out in the business community that they have been approached by realtors to locate outside of Winnipeg and have steadfastly insisted that they locate in Winnipeg because that's who they're doing business with and that's who they're providing a service for.

(11:46)

I can appreciate that the Community Committee may have concerns about the future closure at Higgins Avenue, but let's face it folks, it's not like we're closing Hargrave Street or Main Street. This street doesn't even exist save a map and a future plan that hasn't been more than a planner's contemplation since it was first incepted.

I urge Council to support this clause. I urge Council to get on with other business that is pressing. This is a good news story and not one that deserves to be distracting us today. Thank you.

(Councillor O'Shaughnessy in the Chair)

Mr. Speaker: Thank you Councillor Lubosch. Councillor Vandal.

Councillor Vandal: Relative to Councillor Lazarenko's concerns the street closing will definitely be going to community committee. That is where the three members Councillors Pagtakhan, O'Shaughnessy and yourself will be able to judge the advantages and disadvantages of closing the street. I sure hope the street closing is not used as a lever for some more land negotiations.

Relative to Councillor O'Shaughnessy, I have no confirmation whatsoever about a $2.8 million offer at all. I heard that from your office this morning. Is it true? Who knows. If they're smart it probably is, there's probably more than one offer. I know the advice the Administration have given us that this is a good deal to get read of a derelict property, it's cost avoidance. We're going to have to pay a million bucks to get rid of these incinerators at one point in the City's history, and we're told that these people are going to do it and they're going to buy the land for a dollar, we're going to create jobs, we're going to collect taxes, and we're going to encourage recycling. I think this is really a slam dunk and I'd encourage Council to adopt this. Thank you.

Mr. Speaker: Thank you. I apologize to Council, I had not noticed that Councillor Angus wished to sum up on the amendment.

Councillor Angus: I agree with Councillor Lubosch Mr. Speaker. This is an opportunity, the Committee on Works and Operations and my committee has sort of been informed in terms of the recycling initiative.

Mr. Speaker: I'm sorry Councillor Angus you must restrict your comments to the

subject matter of the amendment only not to the clause.

Councillor Angus: Absolutely Mr. Speaker, I'm more than pleased to do that. You will notice as you have seconded this motion that there are 19 amendments that certainly reflect on the reasons for this particular organization being here and I would encourage them to support your proposed amendment Mr. Speaker. Because the recycling initiative is an opportunity for a new business in an area where we don't have business and the Community Committee has control of this ultimately. If they do not want it to go ahead we can flush the whole thing down the drain. Thank you.

Mr. Speaker: All in favour of the clause? Recorded vote.

All in favour of the amendment, please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

His Worship Mayor Murray, Councillors Eadie, Angus, Clement, De Smedt, Gerbasi, Lubosch, Pagtakhan, Smith, Steek, Steeves, Thomas, Vandal, Mr. Speaker Councillor O'Shaughnessy.

Nays

Councillors Wyatt, Lazarenko.

City Clerk: The vote Mr. Speaker, Yeas 14, Nays 2.

Mr. Speaker: The vote on the clause as amended, those in favour please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

His Worship Mayor Murray, Councillors Eadie, Angus, Clement, De Smedt, Gerbasi, Lubosch, Pagtakhan, Smith, Steek, Steeves, Thomas, Vandal, Mr. Speaker Councillor O'Shaughnessy.

Nays

Councillors Wyatt, Lazarenko.

City Clerk: The vote Mr. Speaker, Yeas 14, Nays 2.

Mr. Speaker: The clause as amended is carried.

Motions of which notice has been given. There is one I'm informed by the Clerk that although notice has been given under the Procedure By-law it is still subject to automatic referral, even though it's my motion so I will call automatic referral on the motion.

If somebody wants to challenge the Clerk, have a debate. The Clerk has informed me and I am making the ruling that it's subject to automatic referral.

Councillor Angus: I have two motions. One is that we move suspension of the rules to deal with this matter right now, and the second one is, that once we've done that and we can come back after lunch and deal with it, and we call it 12 o'clock.

Mr. Speaker: Councillor Angus has moved that the rules be suspended and the motion moved by myself and Councillor De Smedt with regard to procedure be debated at this time. All in favour? Contrary? Carried.

Motion is carried. We'll call it 12 o'clock and reconvene at 1:30 p.m. First item will be debate of the notice of motion, motion.

Council recessed at 11:50 a.m.

After recess

Council reconvened at 1:40 p.m.

(Councillor Lazarenko in the Chair)

Mr. Deputy Speaker: Mr. Clerk do we have a quorum?

City Clerk: Yes Mr. Speaker we have quorum.

Mr. Deputy Speaker: What's next on the agenda? Mike where are you?

Council will reconvene. We're dealing with a motion Councillor O'Shaughnessy. Councillor O'Shaughnessy you want to speak to it?

Motion
Moved by Councillor O'Shaughnessy,
Seconded by Councillor De Smedt,

WHEREAS By-law No. 7741/2000, amending the Organizational By-law No. 7100/97, was passed by this Council to create an EPC Secretariat;

AND WHEREAS this body was created to assist the mayor and the Executive Policy Committee in carrying out their duties;

AND WHEREAS standing committees are entitled to interact independently with the public and the administration on matters within their jurisdiction;

AND WHEREAS members of City Council who are not members of EPC and standing committees other than EPC have no access to the resources within the EPC Secretariat;

THEREFORE BE IT RESOLVED that By-law 7100/97, as amended by By-law 7741/2000, be further amended by deleting the words "and the Standing Committees" in Section 16.0.

Councillor O'Shaughnessy: I'd love to introduce my motion.

Mr. Speaker the events of this morning where our Standing Committee on Property and Development was told that we couldn't meet with representatives of the Forks which this committee had done for years previously highlights I think the control of agendas that has been taken away to some extent from the Chairs of the Committees. Councillor Vandal had wanted this meeting and we were told we couldn't have it.

The purpose of my motion which Councillor De Smedt has been so kind as to second is to have clarified and hopefully improved the system by which Council agendas are set. When I was in the Chair this morning just before we broke for lunch I had asked that the matter be referred because I think we could come up with a better solution through negotiation and conversation before the Executive Committee then by just flat out passing or defeating the exact wording that's before us today. I still would prefer that route but it seems to be Council's will that this thing be debated to the bloody end right here this afternoon in which case I strongly urge Councillors to support it. Although I still believe there could be a better way through negotiation then through the heavy hammer, better heavy hammer than nothing at all.

Mr. Deputy Speaker: Thank you. Councillor Lubosch.

Councillor Lubosch: Thank you Mr. Speaker. I guess having been around here since Secretariat Committee and the responsibility of Secretariat was created as a part of the restructuring of civic governance and the Cuff Report, I know that there was a reason for us creating the system that we currently operate under. Having said that, the system that we're currently operating under has to undergo some of the changes both political and administrative that our city government is undergoing.

I agree with the spirit and intent of the motion to reform government as our needs are changing, both the needs of Executive Policy Committee and the needs of Council as a whole, also the needs of our administration in order to manage our agendas in a way that is fair and equitable, and gives every member of Council the opportunity to have the information they need in order to make a good decision on behalf of the constituents who elected them.

I think Mr. Speaker that this motion is so important in fact that to have a long bloody debate about it here is not serving its intent and purpose the way perhaps a proper investigation and review of the motion and implications and the intent of the motion might be. We ended up with a

Secretariat Committee and a Secretariat process at the end of what was a long and intensive consultation at the time. A forensic audit of our procedures and ultimately I think a useful exercise for this city and try and make a decision based on a motion that is typed out on one piece of paper without the benefit of the proper research I think does it poor justice.

I'm going to request that because of the importance of this and because there are a number of different agenda that need to be clarified and discussed, that we refer this matter to Executive Policy Committee and to the proper authorities and appropriate bodies of knowledge within our government and perhaps even outside our government to help us clarify what it is that we're actually trying to achieve here before we end up tilting at windmills and making a decision based on a lack of clarity and lack of information.

I'm moving a referral…

Mr. Deputy Speaker: I'm sorry Councillor you can't do that, you've spoken already. Continue your speech maybe somebody else will do it.

Councillor Lubosch: I was introducing my referral.

Well in that case I don't see any harm in speaking to it and I welcome others to speak to it but I hope at the end of this discussion we are going to refer it rather than make a do or die decision based on something that I think has some merit here. I don't want this to end up becoming a battle of wills because ultimately I don't think it's going to serve the intent and purpose and that's to improve governance at City Hall. I welcome the discussion but I don't think this should be the final debate on this issue because I think it's important enough that we do some research on it, bring it back and make a sound decision that's going to benefit us, benefit us all. Thank you.

Mr. Deputy Speaker: Councillor Angus.

Councillor Angus: Thank you Mr. Speaker. Not having had the benefit of the seconder and other people speaking that may be in fact supporting this particular motion, it seems to me that the intent of the mover as least what I heard him say, is not necessarily going to be achieved by this particular proposed amendment.

It seems to me that the better way to deal with this as the head of Secretariat that deals with procedures is to sit down and have that type of discussion with the Councillors in the Secretariat Office and have a seminar of councillors and they invite and say, here is the problem here are some of the option solutions that we can have a discussion on.

(1:48)

I think that's what Councillor Lubosch is suggesting. By referring it, it doesn't do anything. By referring what we have to do is send back and say, we don't agree with this because it's a specific thing that says, and take out the words, "and the Standing Committee".

If you want to review the procedures, you want to know how you can get more participation, you want to get involved then you've got to stand up in public and it amazes me the number of people that will stand up and say, let's refer this and have a good donnybrook in discussion somewhere in the hinterland, let's stand up and talk about what is real, what is going on here and let's sort it out right here, right now ourselves. It seems to me that this is not the way to go.

I can remember when the Board of Commissioners controlled things. I can remember that as a Chair of a standing committee and a member of a standing committee and a member of Executive Policy Committee that we were perpetually and continually fighting with the Administration. We were saying, what brainless idiot brought this particular proposal forward. We have changed all of that councillors, we are now setting the agenda and we have to defend it. If we want to pay for garbage scheme then we say, John Angus says I want to pay for garbage scheme and it's trotted out here with all of the information and you stand up and you say, you don't want it, and we

have a debate and we decide. But we are no longer picking on our administration for bringing those stupid ideas forward.

Now what you're talking about here is inclusion. As Chairman I do my best to keep my committee informed on things that are happening. Not all chairman act the same way I do, they all run their committees a little differently. But if I have an issue that is flowing, that is coming, that is sensitive that people should be aware of on my committee, I let them know as best I can what's happening. If something is being held up in the Administration in the CAO's Office and that particular group, that's fine too, I let them know that it's being held up up there.

Are we trying to improve things at City Hall? Yes. Are things working better than they've ever worked in my political career at City Hall? Yes. Do we need this particular clause these words removed? No we don't, not at this particular time. I'm urging you to vote this particular motion down, ask the Secretariat Committee to take a look at what they see as the problem and what solutions various councillors and various community committees might have to offer to that secretariat for a process that is inclusive and not as divisive as this particular one line that says, and the Standing Committees be removed from Section 16 of the Procedure By-law. That's my thoughts on it Councillor.

Mr. Deputy Speaker: Councillor O'Shaughnessy.

Councillor O'Shaughnessy: Speaking to the motion as a member of Council not as introducing, not as wrapping it up, but as taking my allotted time to speak….

Point of Order

Councillor Eadie: Point of order Mr. Speaker. Councillor O'Shaughnessy is the mover of the motion, and he spoke in opening debate, he gets one chance to close debate, he doesn't get a chance….

Councillor O'Shaughnessy: I was told previously I ask for your ruling that as a member of Council I have a right to speak on any motion whether I'm the mover or not.

Point of Order

Councillor Eadie: Mr. Chairman on a point of order, mover of a motion gets a chance to open debate which Councillor O'Shaughnessy did and he used the time that he used to speak to it. He will get a chance to close debate again but he doesn't get another chance to speak.

Mr. Deputy Speaker: I thought Councillor O'Shaughnessy was closing debate.

Councillor O'Shaughnessy: I'm asking for your ruling Mr. Speaker. Under the Procedure By-law perhaps in consultation with the Clerk as a member of Council whether the mover of the motion or not allowed to speak to it. I've seen it happen before on this Council.

Mr. Deputy Speaker: Councillor O'Shaughnessy I've been advised that it will be the will of Council if you can speak. Is this the will of Council to allow Councillor O'Shaughnessy to speak? No. Councillor O'Shaughnessy you'll wait your turn.

Point of Order

Councillor Angus: On a point of order. I wish to bring to your attention that the proper procedure is, Councillor O'Shaughnessy has asked for a ruling by the Chair. The Chair makes a ruling. If somebody wants to challenge that ruling we do challenge that ruling. You rule that he can speak or not speak.

Mr. Deputy Speaker: I said he'll have to wait his turn. That's what I said, you didn't listen.

Who is to speak next because if not Councillor O'Shaughnessy will be speaking? Councillor Wyatt.

Councillor Wyatt: Thank you Mr. Speaker. I rise today in support of this motion before us. I agree with Councillor Angus that Council is an ongoing experiment, that how we govern

ourselves is constantly changing and we're trying to make things for the better. I agree with Councillor Angus as well that I think a lot of the changes made today have been positive such as the fact that in the past councils could often hide behind Administration when things went sour, now Council's accountable for the decisions and that's the way it should be, the political representation should be accountable.

Where I have strong difficulty with the present system Mr. Speaker in the short time that I've been here, is the fact that I feel that we're not using the entire council effectively. I feel that a lot of the business that could be done can be done within our standing committees. A lot of the standing committees the business arising out of the standing committees I feel are somewhat being controlled if we can put it that way by the EPC Secretariat and the ability to peruse, control, see what comes towards the agenda.

Let me just read to you what we're exactly changing here Mr. Speaker. The EPC Secretariat, By-law No. 7100/97, there shall be a group of professional staff known as the Executive Policy Committee Secretariat led by the Manager of the Executive Policy Committee which shall provide fiscal policy and strategic analysis, research, communication and support in such areas as the Mayor and Executive Policy Committee determine are required to assist Executive Policy Committee, and the Office of the Mayor which duties shall include issues management and scheduling, and coordination of agendas of Executive Policy Committee and the Standing Committees to be performed in close cooperation with the Chief Administrative Officer and Secretariat. On the face of it, this sounds perfectly fine. Had this been brought forward and I was on Council I'm sure I would have supported it.

Clearly what has occurred since then Mr. Speaker is the intent of this I believe was there was a positive intent but the actual outcome of what was supported has not been the intent, the original movers intent.

I believe we have a situation now where in my mind the Committee Chairs are not powerful enough. I would like to see Committee Chairs have with their committees working together, have full control of the agendas of their committee. Also as far as I'm concerned the fact that we have centralized all of the research and strategic analysis and communication support within the Secretariat without directly reporting to standing committees, is again another way to undermine the work of standing committees.

I believe Mr. Speaker that this is a positive move this resolution.

(1:55)

I agree with Councillor Angus that this is not everything. That clearly we're not addressing everything here, that there is more things that we have to work on that we have to resolve, that as again Council is an ongoing experiment on how we create ourselves, how we operate, how we run. But at the end of the day Mr. Speaker, this is a positive step in the right direction because it's saying, that yes, the Mayor and Executive Policy Committee are responsible for bringing forward the budget and yes, the Mayor and the Executive Policy Committee have a lot of control of what they can bring forward through their own standing committee called EPC. But we're saying that the standing committees other than EPC should have a right to operate free of any sort of interference from other higher authorities within our municipal structure.

I really believe that if we want to encourage Mr. Speaker a system which involves all councillors to have an input and to have a say on how decisions are made and to have access to those who would be able to provide the assistance to make good decisions, research and analysis, then we have to strengthen the standing committee structure of this council. We've done a lot to strengthen the hand of the Mayor and the Executive Policy Committee and I support a lot of those moves because of the very fact today we have the Mayor running the City and not the Chief Commissioner which was the case before.

As far as I'm concerned well maybe it wasn't the case before, I will take that back because Mr. Norrie had a lot of say so did Susan Thompson. I stand by the fact Mr. Speaker that I believe our standing committees could be a lot more influential, this is the right step. I believe that yes, the Mayor does have the authority today to appoint the members of the standing committees. But I would suggest to you Mr. Speaker that the Chairs of the standing committees that the Mayor has the power to appoint have two hats, and yes they have a hat of loyalty to His Worship who appointed them, but they also have a hat of stand up and to fight and to defend the other members on their standing committee when decisions come forward.

I believe that that side of it maybe now has been weakened. We have to strengthen that. We have to encourage that. We have to ensure that when we have a standing committee meeting we work together. That is not the situation now which I feel is the case where there's a sense sometimes that the Chair of the Standing Committee is not part of the standing committee but an agent of EPC and the Mayor and we have to get together and do our own thing at the standing committee. I could say this is not the case but this is the case and this is the sense. I don't like it. I don't think it should be like that. I think that we should be able to sit down as a standing committee and work together.

Yes there will be times when the standing committees will in the future if we give them the authority and power to do their own thing will come at heads at EPC. But that's democracy Mr. Speaker. That's the way it should be. If it comes to EPC and is overturned at EPC because the standing committee was doing their own thing and coming up with different ideas and it wasn't sitting right with the Executive Policy Committee then that's fine. But at the end of the day Mr. Speaker we have to empower all of Council and the decisions of Council and how we participate in Council.

As it stands right now there's a growing sense and I don't think I'm making anything up by saying this, there's a growing sense on this Council that we are not all full participants in the process. I think this motion which is very short in its point does a lot to address that. I would have even added to it even though it's not in here that the EPC strike the word even though it's not in here of community committees. Because I know I personally had difficulty with community committee agendas where I know that behind the scenes there had been pressure put to prevent things from going to community committee that pressure shouldn't have been put on our staff to do it. It has happened and I've experienced it first hand Mr. Speaker. This is what's going on. It's natural when you have given this authority not to want to use that authority. This is part of the game.

Mr. Speaker, I support this motion and I encourage all councillors to support it because as I said this is an ongoing experiment, let's improve Council, let's make it better. Let's not just say, okay everything is fine and let's deal with this later. Let's deal with this now. If for example we feel we haven't improved it enough then somebody move a motion that we strike a committee to look at the entire procedures of Council for a full review once again. Maybe we need that. George Cuff was about five or six years ago now. Maybe it's time to do that again. Thank you.

(Councillor Eadie in the Chair)

Mr. Acting Deputy Speaker: Councillor Lazarenko.

Councillor Lazarenko: Thank you Mr. Speaker. Speaking to the motion that is before us, I hope it's not targeted to individual people that are providing the services that we have enjoyed. The research that they have been doing, the many hours that they put in working even weekends because of some of the concerns that we had, an issue that had come before us, didn't have the ability or the staff to deal with issues and I'm referring especially to Mr. Ernie Gilroy.

I said to Mr. Gilroy back in the early '80s some of us did in Council, Ernie's a

dedicated person. He's doing a job. The staff that he has working for him I know that they follow him.

The one thing that has to be addressed, and I guess it has been to a degree. When the Winnipeg Act came into law back in 1971, had included the appointments being made, the Mayor did not make the appointments. Council made the appointments for standing committee Chairs even the Deputy Mayor. All the Mayor did, he Chaired Executive Policy Committee meetings. From thereon the Act changed again where it allowed the Mayor then to appoint a Deputy Mayor. Later on the Mayor appointed Chairs of the Standing Committees. Then down from the 50 member Council, to 29 member Council down to the 15 member Council. As it is now, the Mayor has the responsibility through the Executive Policy Committee which have a role to play, and the Act makes it very clear, the role they play they must prepare the budget for us, we don't do it, we use to before, we don't do it anymore. If any changes have to come about to such a magnitude that has to be done through changes at the Manitoba Legislative Assembly that will make those changes.

What is before us, do you think that I want to participate in dealing with a budget day after day, day after day, or any research being a member of the Public Works Committee and I think I know my job on there now, I've been an apprentice on there for the last 20 years. I have been able to get information that I called anyone of the Administrators, I get that info if the Chair doesn't get it for me. I expect the Chair to carry on his responsibility as the Chair of the standing committee in-between meetings of the standing committee. His role or her role is to provide communication to us with consultation with management. Managers manage. We don't micro manage. With the role that they play they can proceed now to provide information to the standing committees, a lot of times I have respected the request that came in and the response that we received from that body of people.

Now for some to say to think that this in itself is a role being spearheaded by the Mayor, this was the authority that the Mayor has. We can't change it, the Mayor appoints eight people immediately. So has that role that he can make a decision or any recommendation you know full well that 80% of the time Council will follow that lead that the Mayor sets. If any member of his Executive decide to flunder or go against, will find themselves being on the outside looking in.

Now it's a fact that it was that way before and it will continue to be that way. Some members of Council who were in the inside are now in the inside know. I think I was the shortest Chair of a standing committee in the City's history when Mayor Norrie appointed me as a Chair of Public Works, and I lasted three weeks. Who else in here would be able to last that long?

My role in that division was not suited for me, even now it is not. I would not be able to because there are protocols that you must follow. There's times you must keep your mouth shut. There's times when you don't say anything, if EPC has made a decision and therefore, then they will proceed to discuss this. You can't move a motion if you wanted to without consultation with the other members of EPC and especially with the Mayor.

(2:05)

Because you burn his bridges too many times you'll find out that your bridge gets burnt for the last time. This is a fact, it's a fact of politics. Sure there's times that I don't agree with Mayor Murray, a lot of times I've not agreed with him. That's his job, people elected him for that. I know most of the time I'm right but you still don't listen to me.

The question that's here before us now is do we proceed to run the City of Winnipeg. Council has the final decision to run Council the way we should. Managers manage, we set policies. We set guidelines. We put in by-laws with a request. If any time there's a concern, let me tell you if I had a concern of the EPC

Secretariat I would have been at that EPC meeting each and every time complaining and wanting answers and asking Mr. Gilroy how come I can't get an answer. But Ernie Gilroy knows full well the times that I talked to him I did get the answers. I'm not saying anything because Ernie Gilroy is sitting in the Gallery, but I'm just giving you the facts. I've talked to Ernie a lot of times when the staff will be there on a Friday, Saturday, do you think I want to be here Friday night and Saturday and Sunday? No way, I've got enough work as it is besides that. People like that are dedicated they have a job to do. Any report Mr. Speaker that they issue that gets to be a document that stays in Council, stays with the minutes and stays on record forever. There's a responsibility that each one of them have.

I know the Mayor and EPC they depend and Councillor Angus the Chair of the Committee I'm on and I've asked him questions, he has responded and if not I move that as a motion. What's to stop anyone of us to present a motion to Council to specific items that you may not like. Do it from the floor of Council, then it goes onto the other committee, goes to EPC, you can appear as a delegation and say look, the Executive Committee of the Secretariat of EPC did not carry out what we had asked for. It's hard to determine to say which is right and which is wrong, to say, we have people that are doing it, what is it we want. Put that out on the agenda. What is it we want? I'm satisfied with the Committee on Public Works. Like I said I've been there a long time now. Sure there's some rough hurdles we have to go through but we keep going through it, but we still land up on the same page as we have to satisfy the needs of the general public on the services that we provide and make sure that the people are providing the services.

I sometimes have a bigger concern of some of the outside people those who were working out on the field that provide the services to our citizens of their actions and their attitude that complaints that I get of the professional people that we hire. Sure we've had the spin doctors, Susan Thompson the former mayor had a point and we were complaining, Mayor Murray you were a councillor then you were the one that was the most vocal. We don't need these spin doctors. Now it's changed, it has increased, you have more than Susan Thompson ever had. But is it satisfactory to you because you're the head of the Executive Policy Committee, you're the Mayor of the City of Winnipeg, you're the head of Council. You have to answer to us and to the public that we serve. If that's satisfactory to you because in case it's not you're the one who's going to be holding the bag and looking mighty foolish to say that I wanted this it cost a few hundred thousand dollars.

The issue that is before us I would say that this in itself should be dealt with by the Secretariat Committee of Council. If some dissatisfaction, get the Administration involved, get the Chief Administrative Officer and to find out how the protocols can be changed on the role of each person that's on the Secretariat Committee for Executive Policy. This in itself can be put into as part of the policy, the changes are structural and also the procedures what we've got in place to say, what direction we want to go. I don't think that any member of Council has been deprived of getting information from that particular body of people and if they have been I'd like to hear them come forth and say so because that's incorrect. The Secretariat Committee works for the Executive Policy Committee, the Executive Policy Committee responds to us as Council. I don't think anyone at least I haven't but if anyone who has been deprived of the information to say no I can't give you the information I'm sorry, no because I respond only to the Mayor. I don't think that happens, and if it does that should be corrected.

But to have a structure that's in place now and has been in place for a number of years to get that changed midstream I don't think is very correct what we have to look at like I said, let's use a common sense approach to this to make sure to see what is it, maybe have a seminar. Have a seminar and ask each member of Council what's your problem? Do you really have a problem with the way the structure is made of Council and the

people that work for us, the way it's structured. Do you have a problem. If you have a problem we'll try and get it corrected. We will correct it. Council is the one the 16 of us right here can make those changes anytime we want. It's not to say this thing is put on stone.

The elections that take place each and every four years there's a mandate that is given to the Mayor, there's a mandate that is given to each one of us and also the Act makes it very clear the jobs we have to do the committees we get ourselves into and the responsibility of the role of each Chair of a standing committee. I would not like to see the Chair will bend because the Mayor wants that committee Chair to bend. Some cases it may happen.

Mr. Acting Deputy Speaker: Deputy Mayor Thomas.

Deputy Mayor Thomas: Thank you Mr. Speaker. I'd like to remind councillors of something that happened about four and a half years ago. We had a priority setting session and that priority setting session I think many people have said that it was a good session, that we came up with some fantastic priorities, proceeded well along the road to achieving the goals that were set within those priorities, but I'd like to remind councillors of something else that councillors said at that time. As well as setting priorities councillors expressed frustration at not being able to have sufficient heads up when sensitive issues showed up on a standing committee's agenda. There are four people on a standing committee and if you don't have sufficient heads up and something sensitive is coming along other councillors expressed frustration and said that they wanted to be included in the loop. I heard someone say that we have to empower all of Council. This doesn't empower Council, this actually takes away power from people who are not on Executive Policy Committee. Look at what you're trying to do here. It's baffling to call something lack of power when actually what you're doing is cutting yourself off at your knees, you empower through knowledge. If members are made aware of upcoming issues, if members are able to have an In Camera session where they can ask the sensitive questions and get the answer to those issues before they show up on a standing committee agenda, that makes it better for all of us, then we don't have debates over nothing because nobody knows the facts and we end up getting that research done by EPC Secretariat.

(2:15)

Every member of Council has utilized the EPC Secretariat to get knowledge of issues beforehand some people up to seven times have accessed the EPC Secretariat to get issues and knowledge brought before them. You're cutting yourself off from that, why would you want to do that?

This clause is just baffling in its step backwards. It will end up making those members of Council who are outside Executive Policy Committee less informed. It will mean that you don't have heads up when things are coming before standing committee agenda. It means that four people can highjack the rest of Council and then when something shows up on the Council floor, you end up doing what you were doing over and over and over again which is sending things back because we didn't have the debate beforehand. That happened too many times when something was put on the Council floor this is silly, we need this information, we need that information, we need that information, we don't have it, back it goes. Then the standing committee ended up being publicly humiliated and the rest of Council didn't get to say what they wanted to know about the sensitive issues before it hit the Council floor. Do you want to do this to yourself? Do you want to humiliate yourself in that manner? I'm on EPC so I'll still get the access to the information, and if you guys don't want it, that's your choice.

(Councillor Lazarenko in the Chair)

Mr. Deputy Speaker: Thank you Councillor. Councillor Steeves.

Councillor Steeves: Thanks Mr. Speaker. Councillor Thomas opened up

her commentary by starting off with the comment four and a half years ago and that's not a bad seque in my comments on this issue.

Her, Councillor Lazarenko and Councillor Lubosch all made comments with respect to the challenges in this area based on history that they had sort of amassed over the last 10, 12 years. The obvious difficulty being is that many of us, or some of us at least have not been around that long where we haven't had a chance to go through a lot of those changes and see a lot of the issues that brought about those changes, and a lot of the history that frankly exists. There was some reference made to seminars being held where councillors could talk about certain things and how the system was and was not working.

The point I want to make is that although one of the most recent councillors made some comments that he is ready to make up his mind on this issue, is globally I may or may not be interested in making some changes in this area but I don't think it's fair to make the assumption that all of us around the Council table have the benefit of all the history that went into some of the situations that currently exist.

I do remember some circumstances in the past at least as an outsider watching City Council where it seemed to me that the system was not working and that changes were then made at that stage and the system did appear to be working a little bit better.

What I'm not aware of, I'm not aware of all of the thought process that went into it. I'm certain that the thought process that went into making those changes whether it was pursuant to the then City of Winnipeg Act or whatever the changes happened to be that the changes were with respect I say, better thought out than simply bringing it to Council floor in this fashion. I don't say that as a criticism because if I'm reading this issue correctly my sense of the person Councillor O'Shaughnessy, my sense from him and the comments that he made this morning is that he is perfectly willing to look at this issue in a larger context and do that review at the appropriate time. When Councillor Angus made his comments about perhaps not moving forward with this motion but not forgetting about the issue, I think I agree with that to a large extent. And we've heard comments that this is a step forward, comments that this is a step backwards, I simply don't feel that I have the requisite background to make that decision because again, we're simply not here for the history of a lot of these issues.

My position will be to not support this going forward today. I am very very interested always in the way we do business at City Council of course we all have priorities, we all have things that are important to us, I know I certainly do. Sometimes through nobody's fault sometimes the system does make it somewhat challenging to move things that are important to you to move those things forward. I think that all that any of us would ask of any systems that we're given a fair chance to move the things forward that are important to us. While I won't be supporting this motion, I trust that we will continue to work together to ensure that we have a workable system for the issues that are important. Thanks.

Mr. Deputy Speaker: Councillor Smith.

Councillor Smith: Yes Mr. Speaker. I support this motion. I support it because I think that one of the things that I really detest about the EPC Secretariat is the scheduling. You understand that when there's a big public issue and the public are discussing something and it's really the concern of the people of Winnipeg, well you don't want it coming before the committee then. Give it some time to cool off.

What I'm saying is, it's the timing of when we're getting things that I'm concerned with. I support this motion because I think when a report is ready it should be presented to us and we should be dealing with it at the time. We shouldn't wait until the appropriate time when the manager of the Secretariat feels it's appropriate to get the least public reaction and put it forward at this point.

For democracy I want reports presented when they're ready, not waiting around on desks. Not waiting around for the opportune time. Therefore I support this motion.

Mr. Deputy Speaker: Councillor De Smedt you're next.

Councillor De Smedt: Thank you. Let me make it clear that this is not an attack on the EPC Secretariat or on EPC. Clearly this is a matter of trying to get a little bit more transparency into government, and to put back into perspective what the balance ought to be amongst all members of Council. It's about a balance of responsibility. I say that rather than a balance of power. Some people could use that analogy of a balance of power, I don't want to say that. But it's about a balance of responsibility that we all have to move legislation ahead.

If I may make a point from Councillor Thomas' observation that this is not about issues coming along getting us by surprise, this is about issues that haven't come along that should have come along. These are about matters that committees may have asked for reports. May have been a knowledge base that we expected a report that hadn't been processed and administered that hasn't come forward.

Yes Councillor Lazarenko I could go rushing off to the EPC Secretariat or I could go to the Mayor's Office and saying I'm frustrated I want to get things done, or I could rush to the EPC committee meeting and jump and yell but really we shouldn't have to do that.

Now when we made this policy change in 2000 and Councillor Wyatt read off the words, they were very noble and they are working to every degree with that one exception. There were some of us at the time that had some concerns about the over arching authority that EPC was reaching out for through the Secretariat by including the scheduling of agendas of standing committees.

That's what this is about. I think Councillor Lazarenko you've gone off frankly on the wrong foot. It's not about being annoyed about the EPC Secretariat or the staff that they have to give us information and their support that they do provide. It's really about trying to have a proper sense of responsibility that when we are all on committees together that if there are commissioned reports, and if there are issues moving forward they ought not to be highjacked through a process of administrative review called the EPC Secretariat.

(2:22)

Now I know the real world exists that there could be some sensitive issues, that perhaps ought not to see the light of day at the moment, it could be embarrassing to the City. If it is embarrassing to the City there isn't a person in this council that wouldn't stand back and say, of course we will hold off. We're not going to go out there in the Press and claim our right as a matter of right. We are trying to work as a team. We've said this before and we keep challenging each other saying, if we're going to have an exclusionary process of government to work with all 16 members of Council together there has to be a better way than having a filtration system that precludes reports from seeing the light of day when they ought to.

We have experienced today in the discussion that we had this morning. Standing Committee on P&D on a Design Review Board issue wanted to have attention brought to a matter that they had ruled on in February of last year. We could have gone a long way to sorting out the issues had that come forward.

There was one on Save The Seine Woods, and the P&D Committee had requested a report to come back to us last May to amplify what really we're getting into and the sharing of expenses. I argued against supporting what had come to Council because I think the City was paying much to much more for that particular property which was responsibility frankly of the Province and now we're on the hook for that extra million dollars in my view.

The fact of the matter is, P&D Committee had asked for that report to come back to us and it was highjacked away from us. The notation was that this was not the remit of Property and Development anymore, this was an economic matter a financial matter and it's the obligation of EPC to take over that report and it came forward that way. Frankly I was annoyed about that and we could have all stood in the front page of the Free Press claiming umbrage that we're being bypassed but that wouldn't be useful. But that's the kind of thing that happens and there have been several other reports in the Committee that we've been asking for that had taken time in the course of the past three years and there's probably one or two still out there now and I'm sure on other committees there are reports that are outstanding as well.

Now we have to work as a team. We don't have it when it's all controlled through one process. The Manager of the Secretariat is doing his job. The words in the existing by-law are quite accurate. To support, to do analysis, research, communication in support areas such as the Mayor and EPC determined are required to assist EPC. But when they finish writing this by-law they included the standing committees as the authoritative control for moving agendas and managing issues. That was not the original intent but it got included. I think we didn't have a seminar in 2000 to discuss the fineness points of this. That was fine, I was on EPC at that time and I was willing to let it work.

We are allowed to change from time to time. We've had this policy for two years, it would not be earth shattering to make this very minor amendment to allow standing committees to have the agenda flow as it ought to and that was the original intent I think of what our charter calls for.

While this may seem like a very short motion, frankly I suggest to you it's well thought out. It allows all of us to continue to be participative in a balanced way of our responsibilities to the whole city. It is not about being afraid that some items are going to be falling upon us in a hurry.

I know people can be vexatious and want to play games with agenda reports. I'm not talking about the Administration, I'm talking about if you have a vexatious councillor. If you try and get too cute at your committee and get a vote of three or two to one, it would appear vexatious to the rest of Council.

I'd like to start off in a point of view that we are optimistic about each other as human beings and trying to work our responsibilities of Council, we're not here to try and do some personal agendas. I have to tell you watching what we've been doing in the last several years and watching the last several months, I don't think it is useful for democracy to have the process that's in place today. It would do nothing to hurt our process by approving this particular motion. In fact it would do everything to make this government more inclusive of all the members.

Councillor Lazarenko I have to say to you as Deputy Chair, it is not about trying to fight for information, it's about due process and responsibility. While I do welcome the remarks of some of the members of EPC that have stood up and spoken so far obviously it's to their advantage to keep things as they are. For me to take this and refer it to the Secretariat which I'm sure the Chair of the Secretariat being the Speaker would do everything in his power to try and bring something forward, it will be very difficult through that process to make a significant change.

This is one that is worth deliberating here to ask you to use what I would say is some common sense to make a very small change that has a very large impact on how we do business and how every councillor would become more involved. It does not what I would have to suggest to Councillor Thomas take away the power of individual councillors, it reintroduces to them more areas of opportunity to be influential, to be cooperative and to work in the spirit of harmony that we're really suppose to do here.

I would urge you to really think twice. This is a very sensible change, and let's try it. We've tried the other one for a couple of years. There are a lot of occasions where it doesn't work. I think this would be worthwhile on taking it through for a couple of years and see how it will work out.

I support this, not in a vexatious way but certainly it would go a long way to restoring what I would think is a proper democracy around and balance a responsibility around this table. Thank you.

Mr. Deputy Speaker: Thank you Councillor. No further speakers. Councillor O'Shaughnessy will close debate.

Who wants to speak? Mayor Murray.

Mayor Murray: Just very quickly. The basis of coordination and the way the system is developed right now is a little complex. The Director as Councillor Smith sign off on a report it goes to the CAO. In the old days the Board of Commissioners managed the agenda for all standing committees.

The reason the by-law works the way it is, is the CAO has to manage a workload. There are dozens of requests that come from every committee. Councillors pass motions.

(2:30)

The way it works right now is someone has to manage the flow of what's important and priorities and there are things that are time sensitive. There are property matters that have deadlines or other things that can wait.

Basically it's the traffic management that we're doing. No one has the authority to hold up beyond the timeframes of 60, 90 and 120 days any request that comes from Council. If you put a motion here as there are some today they have to come back to Council within 120 days.

Right now the system is one where the Mayor because I have that responsibility has a limited amount of authority working with the CAO to try and manage the flow through of reports and agendas. That's what we're talking about here. I think this is misunderstood. Even if this passed today it wouldn't empower councillors to do anything else.

I think the point that Councillor De Smedt raises which is how do you involve councillors more fully in the process and going to a seminar, and going to more planning sessions, makes a lot of sense. In the spirit of what he's suggesting I think that's the direction we've been trying to move to, and especially when we go to long term budgets. The Administration right now is developing a surface based budget as well as a process. As a matter of fact over the lunch hour I was just being briefed on it which I think allows us to flow through.

My problem with this is, you can't just pick one part of it apart. I guess what I would ask Councillor O'Shaughnessy since no one has come to speak to me about this idea or about approaching the Organizational By-law, and since it does effect the EPC Secretariat, it does affect the Mayor's Office and it does effect the entire flow to administration, if someone wants to come up and work on ways to improve the flow of information, I'm fine with that. I think the people who are probably most concerned about this passing are directors and managers because right now what it basically means is any motion that comes from any committee is you end up with five different bosses.

The only one that's come up as being problematic was the one that Councillor O'Shaughnessy raised which was Forks/North Portage reporting to Planning, Property and Development. Actually they don't, they can't. When I was Chairing that Standing Committee under the previous administration they were invited and they were told that they report to Executive Policy Committee.

It has absolutely nothing to do with the by-law because Forks/North Portage falls under the jurisdiction of EPC, and there's only so much time in a week, I think

we've heard that people want a seminar. Those kinds of issues are raised.

It's pretty hard to manage the process with all the legal requirements when you have one report that has to go to Public Works and has to go to Planning, Property and Development to try and coordinate those schedules without any kind of traffic control mechanism.

There is the report information system which everyone knows. You get a notification on your computer about what reports are coming out. The CAO holds a meeting. You can go to the CAO and say look, can you flag that, I want a copy of it, I'd like that.

I never had a single member of Council come to me, Councillor Pagtakhan came to me the other day about some stuff which is not facilitative of that.

I just got a quick report from the EPC staff. There has been one, two, three, four, five projects where EPC staff have helped Councillor Angus, one for Councillor Clement. From Calgary to the coordinated meetings for Kapyong Barracks. They've been supporting Councillor De Smedt now on six files, Councillor Gerbasi on two. Councillor Lazarenko's trip, sister city involvement was coordinated through that. Two for Councillor Lubosch, three for Councillor O'Shaughnessy. I get the work reports. Yes they arranged a whole number of meetings of the Assessment Task Force. Carolyn went over and briefed the Minister on that and did a number of things based on….One staff was working on Leila Avenue and funding. I think that sometimes people don't even realize the work that gets generated.

Councillor Steeves is getting support right now in the Environmental Committee, on the twinning of (inaudible) in Winnipeg. Go through the entire list of things. That staff I don't think anyone has ever been turned away who's ever come to the Mayor's Office or the EPC Secretariat to get assistance or support or research. It's a very limited amount of resources.

The system right now that we have works on an executive branch and the Mayor's Office and EPC. There's a level of authority that I have which is limited because nothing happens without nine votes and there's responsibilities and there's got to be some commensurate level of authority that goes with the responsibility. Anyone can run for Mayor. The problem is you have to run city-wide and get support of the entire community. That's a certain level of responsibility when we brought forward the Act.

I don't think this is helpful. I don't think it achieves the objective that it wants to achieve. I've said to the councillors involved, if they'd like to look at these things, I think we can. We're trying to get back to more working sessions. We've had more in the last two months than ever, and I think we're getting to even more of those things. It doesn't help the process.

I want to say to Councillor O'Shaughnessy though as the Speaker, I'm quite happy as the Mayor to sit down with him and would like to do that in the near future because he and I had lunch the other day and chatted about some of these things, to sit down and say, how do we facilitate these things in more meaningful ways.

The other thing that's changed Councillor Smith is when I was here before and you were here before me, we use to come down here, we had a locker in the basement, no office, no desk, no staff. We now have staff, $85,000 ward communication allowance, we get CIGP grants. You have all kinds of resources that you don't have too. There has been an augmentation if I can call it that of the resources of these people partly for the checks and balances.

I think just out of fairness to the Administration because this does affect the way they do work, and I believe that Councillor De Smedt has a sincere point to make here and I don't take this as vexatious, but I think the process is not one of passing this motion. If this is the issue we're going into a forward budget planning. We're looking at service based

budgeting. We're looking at there's an entire management governance proposal coming forward from the Administration on how we manage those things.

All I would ask is that you be patient for a couple of months, allow that to come forward. If you don't like what's coming forward as far as agenda management going into the future, let's have that as part of a larger discussion. I don't think there's anything wrong with the intent of this motion. But I would ask that you not vote for it today and allow us to do planning and I think quite frankly a council workshop on process would make more sense and get a larger consensus on the larger issues rather than picking one part out of it as well intentioned as I think it is. Thank you.

Mr. Deputy Speaker: Thank you. Councillor O'Shaughnessy.

Councillor O'Shaughnessy: Thank you Mr. Speaker.

I guess the Mayor said two of the most appropriate words right at the end of his speech. Agenda management. One way agenda management sounds very nice, hopefully it's not helter skelter. The whole idea of agenda management smacks the big brother as well.

Who manages the agenda? It should be the Clerk of the Committee putting together all the requests there are, reviewed by the Standing Committee Chair who decides what's practical to go forward. It should also be anything that at least three members of the Committee say will be on that agenda. I mean if three members out of four on a standing committee or all four but at least three say we're going to discuss whatever at our next meeting, damn it, it should be on the agenda but that isn't the case now. Not automatically the case.

Once again these powers are being given to something called think about it, the EPC Secretariat. Not Council Secretariat, the EPC Secretariat. The projects the Mayor talked about where EPC Secretariat has helped out, were for either EPC members or for me when I did the assessment task force the Minister was briefed.

(2:38)

I wasn't told number one, and number two that was a committee I was Chairing for EPC not for Property and Development.

Councillor Steeves, Environment Committee, is not for the Standing Committee you stand on, it's a committee of Council under EPC.

The sister city visit from Councillor Lazarenko that was helped out by the EPC Secretariat, that's a duty of EPC not of our standing committees.

As far as I know, as a member of Property and Development, if I go to the EPC Secretariat and say, I want research done on all land sold in Winnipeg between 1902 and 2003 of five acres or less with industrial zoning, I could be told where I could get off. Well go to EPC and get them to forward and ask them, we'd love to do it for you councillor, will be the answer.

All the motion says, I don't have the by-law in front of me, eliminate the words "and the Standing Committees". Meaning that the approval of agendas for standing committees would not go through the EPC Secretariat, that's all this motion says, doesn't say anything about any of these other issues, all it says, is that approval of standing committee agendas would no longer go through the EPC Secretariat. If coordination is needed and it has been in the past, that's done at EPC because the standing committee makes a recommendation, it goes up to EPC. If EPC says oh, we're expecting something from Public Works on the same matter they lay it over and wait, and that's where the coordination takes place. For it to take place in an area that isn't elected, for an area that isn't open to any kind of public or political scrutiny, to me is less than optimum.

I have wanted to have the discussion such as the Mayor suggested. Was not the will of this Council to do that. You wanted out, yes or no. Well unfortunately

now it reaches a point where every single member of this council who's not a member of EPC must vote for the motion or it's done. There's seven members of EPC, eight votes kill it. It's pretty simple. We've heard from the speeches it looks like it's going down, but what is going down with it because of the way it's being done everything and there is no change. If that's your will, that's fine.

As Councillor Angus said just before lunch, no I don't want it laid over, I want to kill it now. If the majority say it should be killed then it should, and the majority on this Council is always right. We'll vote, I bow to your decision.

Mr. Deputy Speaker: Thank you. The vote is before you now, a recorded vote has been called for. All in favour please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

Councillors De Smedt, Smith, Steek, Wyatt, O'Shaughnessy.

Nays

His Worship Mayor Murray, Councillors Eadie, Angus, Clement, Gerbasi, Lubosch, Pagtakhan, Steeves, Thomas, Vandal, Lazarenko.

City Clerk: The vote Mr. Speaker, Yeas 5, Nays 11.

Mr. Deputy Speaker: The motion is lost.

By-laws.

(Councillor O'Shaughnessy in the Chair)

Mr. Speaker: Sorry motions are next. Motion No. 1. Moved by Councillor Gerbasi is out of order under Rule 38.2 of our Procedure By-law.

Councillor Gerbasi: I'd like to request that Council debate this motion now and suspend the rules to debate this motion.

Motion No. 1
Moved by Councillor Gerbasi
Seconded Councillor Smith

WHEREAS unilateral, pre-emptive military action without a legally valid United Nations Security Council resolution would violate the United Nations Charter;

AND WHEREAS the United Nations Security Council is bound to act in accordance with the purposes and principles of the UN Charter to maintain international peace;

AND WHEREAS Canada has played a leading role in supporting the United Nations, and has played an international role through the United Nations as Peacekeepers;

AND WHEREAS a further war in Iraq would result in extensive death, injury and suffering to the Iraqi people;

AND WHEREAS many cities in North America have passed or considered resolutions expressing opposition to the use of military force to compel a regime change in Iraq, including Vancouver (BC), Montreal (QB), Victoria (BC), Toronto (ON), Ottawa (ON), Washington (DC), Seattle (WA), Oakland (CA), Chicago (ILL) and others;

THEREFORE BE IT RESOLVED THAT the Council of the City of Winnipeg:

1. Re-affirm our support for the peaceful resolution of disputes in accordance with the UN Charter;
2. Oppose any Canadian Government support for unilateral, pre-emptive military action against Iraq not sanctioned by the UN Security Council;
3. Urge the Canadian Government to work with the United Nations for compliance by Iraq with UN Security Council resolutions concerning the disarmament of Iraq of weapons of mass destruction;

4. Urge the Canadian Government to actively support UN diplomatic efforts that support and encourage democracy and respect for human rights in Iraq;

AND BE IT FURTHER RESOLVED THAT this resolution be sent to the Prime Minister of Canada, The Leader of the Opposition, the Minister of Foreign Affairs, the Minister of Defence, and local area Members of Parliament.

Mr. Speaker: Moved by Councillor Gerbasi that the rules be suspended to deal with Motion No. 1 involving a war on Iraq at this time. All in favour of suspending the rules please rise. Recorded vote has been asked for.

A RECORDED VOTE was taken the result being as follows:

Yeas

Councillors Gerbasi, Lubosch, Pagtakhan, Smith, Thomas, Vandal, Lazarenko.

Nays

His Worship Mayor Murray, Councillors Eadie, Angus, Clement, De Smedt, Steek, Steeves, Wyatt, Mr. Speaker Councillor O'Shaughnessy.

City Clerk: The vote Mr. Speaker, Yeas 7, Nays 9.

Mr. Speaker: The motion is declared out of order.

Motion No. 2, moved by Councillor Steek, seconded by Councillor De Smedt. I believe this is already city policy but it would call for automatic referral in any case.

Motion No. 2
Moved by Councillor Steek
Seconded by Councillor De Smedt

WHEREAS the current City of Winnipeg tax bill includes Municipal taxation, school division taxation and the special Provincial education levy;

AND WHEREAS the combined education taxes and Provincial education levy are greater than the Municipal portion of the tax bill in some school divisions;

AND WHEREAS the City of Winnipeg collects all of the above noted forms of taxation but retains only the Municipal portion;

AND WHEREAS The City of Winnipeg Charter requires that the tax bill be in a form approved by the Provincial Minister;

THEREFORE BE IT RESOLVED that the Civic Administration prepare two tax bills, namely the Municipal portion and the Provincial portions, in order to clarify for taxpayers how their taxes are distributed and obtain appropriate approval from the Provincial Minister.

Motion No. 3 moved by Councillor Lazarenko, seconded by Councillor Wyatt is automatic referral.

Motion No. 4 has been dealt with.

Moving onto By-laws.

EXECUTIVE POLICY COMMITTEE CONSIDERATION OF BY-LAWS

Mayor Murray: I'll move that the following by-laws be read a first time, by-laws numbered 13/2003, 14/2003, 15/2003, 16/2003, 17/2003, 18/2003, 19/2003, 20/2003, 21/2003, 22/2003 and 23/2003.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 13/2003, 14/2003, 15/2003, 16/2003, 17/2003, 18/2003, 19/2003, 20/2003, 21/2003, 22/2003 and 23/2003.

Mayor Murray: I'll move that by-laws numbered 13/2003 to 23/2003, both inclusive, be read a second time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 13/2003 to 23/2003, both inclusive.

Mayor Murray: I'll move that the rule be suspended and by-laws numbered 13/2003 to 23/2003, both inclusive, be read a third time, and that same be passed and ordered to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Question Period. None. Report of Fiscal Issues Councillor Clement.

**REPORT OF THE FISCAL ISSUES COMMITTEE
DATED FEBRUARY 11, 2003**

Councillor Clement: I'm pleased to move the Report of Fiscal Issues dated February 11, 2003 and I'll move Item No. 1 as consent agenda.

Mr. Speaker: All in favour? Contrary? Carried.

By-laws.

**STANDING COMMITTEE ON FISCAL ISSUES
CONSIDERATION OF BY-LAWS**

Councillor Clement: I'll move that By-law No. 44/2003, be read a first time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-law No. 44/2003.

Councillor Clement: I'll move that By-law No. 44/2003 be read a second time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-law No. 44/2003.

Councillor Clement: I'll move that the rule be suspended and By-law No. 44/2003 be read a third time and that same be passed and ordered to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Questions of Fiscal Issues? None.

Standing Policy Committee on Property and Development. Councillor Vandal.

**REPORT OF THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT
DATED FEBRUARY 4, 2003**

Councillor Vandal: I will move Items 1 through 4 as consent items of the Report dated February 4, 2003.

Mr. Speaker: All in favour? Contrary? Carried.

**REPORT OF THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT
DATED FEBRUARY 6, 2003**

Councillor Vandal: I will move Item Nos. 1 through 3 as consent items of the Report dated February 6, 2003.

Mr. Speaker: All in favour? Contrary? Carried.

Motions, none. By-laws.

**STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT
CONSIDERATION OF BY-LAWS**

Councillor Vandal: I'll move that the following by-laws be read a first time, by-laws numbered 25/2003, 26/2003, 27/2003, 28/2003, 29/2003, 33/2003, 34/2003, 35/2003, and 37/2003.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 25/2003, 26/2003, 27/2003, 28/2003, 29/2003, 33/2003, 34/2003, 35/2003, and 37/2003.

Councillor Vandal: I'll move that by-laws numbered 25/2003 to 29/2003, both inclusive, 33/2003 to 35/2003, both inclusive, and 37/2003 be read a second time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 25/2003 to 29/2003, both inclusive, 33/2003 to 35/2003, both inclusive, and 37/2003.

Councillor Vandal: I'll move that the rule be suspended and by-laws numbered 25/2003 to 29/2003, both inclusive, 33/2003 to 35/2003, both inclusive, and 37/2003, be read a third time, and that same be passed and ordered to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Addendum by-laws.

Councillor Vandal: I'll move that the rule be suspended and the following by-laws be read a first time, by-laws numbered 38/2003, 39/2003, 40/2003, 41/2003 and 42/2003.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 38/2003, 39/2003, 40/2003, 41/2003 and 42/2003.

Additional by-laws for all three readings.

Councillor Vandal: I'll move that the rule be suspended and By-law No. 43/2003 be read a first time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-law No. 43/2003.

Councillor Vandal: I'll move that By-law No. 43/2003 be read a second time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-law No. 43/2003.

Councillor Vandal: I'll move that the rule be suspended and By-law No. 43/2003 be read a third time, and that same be passed and ordered to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Questions, none.

Protection and Community Services, Report of February 10, 2003. Councillor Gerbasi.

REPORT OF THE STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES DATED FEBRUARY 10, 2003

Councillor Gerbasi: Thank you Mr. Speaker. I would move Items No. 1 to 2, and Items 6 to 8 for consent.

Mr. Speaker: All in favour? Contrary? Carried.

Councillor Gerbasi: Item Nos. 3, 4 and 5. I guess I'm introducing Item 3 at this time. How much time do I have to introduce it?

Mr. Speaker: 10 minutes.

Item No. 3 - Community Incentive Grant - Grosvenor School Parent Council
File PR-2.6 (32) (Vol. 11)

Councillor Gerbasi: I'll start with Item No. 3 but the three items are similar related but I did want to make a few comments.

These three items were not passed by the majority of members of EPC so they were pulled off the consent items. I would like to make a couple of comments about them.

I supported these at community committee and on up to this point and I do intend to support them here today because the schools that receive the grants are expecting to get these grants and I don't think it's fair to pull the rug out from under those people and the Councillor that has made these commitments at this point in time.

I do want to put on the record that I have some concerns about these types of

grants and plan on continuing the same approach to granting I have at community committee in the past in terms of my vote at community committee. I'd like to explain a little bit about that.

First of all, we had a discussion recently at our community committee because there's a concern, I don't have a problem with waiving the criteria to an extent with community incentive grants, we've all done it, I've done it and I do believe in the principle of councillor discretion. But there is a limit and I'm concerned about the precedent. I have something like 10 schools in Fort Rouge and East Fort Garry area. I've already got a lot of requests that are coming in. If all of the schools think they can come and get $10,000 and $20,000 from us for operating their programs and fixing their intercoms and all sorts of things that currently are far outside of the criteria, if that's the message we're sending out to the public and the expectations that are being raised by certain choices made by certain councillors, I'm concerned about that. I don't think any of us want to have to look in the eyes of these little children and say no. Well how come the guy next to you can say yes and you say no.

I think at a certain point Council has to sort of say this has gone too far and I think many councillors have already said that which is why these things keep coming up Council meeting after Council meeting. Councillors are saying I'm not comfortable with the use of these funds for these kinds of things that are clearly in the school divisions budget. Clearly don't fit the criteria and it's becoming a pattern and it's raising the expectations in our community of schools. I sympathize with the schools, and I support schools trying to be within the criteria as much as I can. Sometimes we all go outside of them though.

I'm certainly not going to change my commitment to the councillor that I would support this point. I'm not going to pull the rug out from under anybody. But I'm putting my community committee members on notice that in the future I'm going to consider carefully things that come forward that raise the expectations so far in the public that we simply can't meet the demand.

That's my position and I don't know if anybody else. I will close later on. Thank you.

Mr. Speaker: Deputy Mayor Thomas.

Deputy Mayor Thomas: I wanted to make clear why at Executive Policy Committee I voted against Item Nos. 3, 4 and 5.

(2:55)

I'm speaking once now to all of them because they're all the same issue as far as I'm concerned.

I made it clear the last time that if community incentive grants came forward that didn't meet the criteria, that I wouldn't support them. Until we look at our criteria and change the criteria I'm feeling very uncomfortable about supporting this kind of use of our community incentive grants.

They are not recreation related in any way. They are within the existing budget of another taxing authority. I just don't think it's appropriate for us to be doing this.

I have over 30 schools in my ward. I have $93,000 to spend. That allows me to do about four play structures a year. It allows me to assist schools and schools have been assisted for things that are within the community incentive grant program, whether it has been putting a running track at a high school or adding an addition to a school gym or putting in a play structure in the school yard, things that were within the community incentive program criteria.

I feel that there is not enough money to meet the needs of the recreational program that we have in this community, and I do not believe this money should be spent on something that is that far outside the purview of the criteria for the grant.

I feel even if the criteria for the grant was expanded, I don't think this would meet the need of the new expanded criteria. I

cannot see it meeting the need of the new expanded criteria.

Therefore I can't in due conscience support Items 3, 4 and 5 and I will not. Thank you.

Mr. Speaker: Thank you. Councillor Steek.

Councillor Steek: Mr. Speaker I hadn't anticipated having to speak on this. The last time around we were talking the land dedication reserve account. We're talking community incentive grants here and as the Chair has rightfully pointed, this is a situation where time and time again we support things that aren't necessarily on criteria, strictest manner but nevertheless address the spirit of community incentive grants.

With all due respect to my esteemed colleague from Elmwood, I find it difficult to understand how anyone could state that a commitment of $8,300 for band instruments does not constitute a use for recreational purposes.

However, having stated that, the key consideration to me is this Mr. Speaker. Once again in her closing remarks the Councillor for Elmwood has said that regardless of expanded criteria she doesn't think this would meet the criteria or she could support it.

I guess what is so important and we hear this regularly relative to community incentive grants. The makeup of this city ward by ward Mr. Speaker is marketedly different. The needs in Councillor Smith's ward or an inner city ward like Councillor Pagtakhan's are marketedly different from River Heights-Fort Garry.

Over the years that we have allocated funding to the schools for recreational programming, for band instruments, for football equipment, I have yet to receive a complaint from anyone in the community. Not because of my largess or generosity, because there's a recognition that those are programs that are needed within our community.

Now interestingly enough, over the years that we have done it, we have never had to turn down anyone requesting playground equipment or assistance, has not happened. Surely common sense would dictate that one would use the money in those wards where they are going to be realizing the greatest degree of benefit. With all due respect, I have no intention of telling anyone else how to spend it in their wards because frankly I don't know the specific needs of those wards. But I will make it very clear that whether I have the support of the Chair of Protection or not, if I have to battle everyone of these things through City Council, I will do my utmost because I happen to know the needs of my constituents.

Let me give you but a small example. Councillor Gerbasi was generous enough to indicate she's going to support $8,300 in band instruments in River Heights. Only made her first community incentive grant to River Heights three or four years back they had a band program that was addressed by 75 students. As Councillor Gerbasi knows from the presentation that was made at our community incentive grant from the leader in that particular school, over 400 students now participate.

This is a city that spends $200,000 on a downtown street party. May not be my priority but it's spent. This is a city that had no problem in finding a million dollars at the snap of its fingers to complete a project that was going ahead regardless. So we all have different priorities. I recognize that.

I make no apologies for the way we use these funds in River Heights and Fort Garry. We have realized extraordinary benefit from them Mr. Speaker. I have no intention of having a councillor from another ward who has 'x' number of schools tell me I can't assist the students in River Heights and Fort Garry.

What anybody around here wants to do with those community incentive grants is their business. If you decide to tell the schools that because of other

commitments you can't realize their request, sobeit, and they'll respect that.

We nevertheless like many of the issues that come forward in this Council have balanced our priorities. We have never turned down a request for playground equipment, as a matter of fact if you take a look at the ones that are coming through and we have two community incentive grants left, we supported a private school and we have over a number of years right in this ward, and we'll continue to do so. Those are taxpayers. They have the same right to access those dollars, and the children in our community use those facilities. That's the criteria. The benefit of the community as a whole.

I'm disappointed that I have to stand up and speak to this Mr. Speaker and frankly I will be very disappointed if this clause doesn't pass. I respect the position of EPC, I don't agree with it that they vote against my community incentive grants and with rare exception my land dedication reserve request. That's part and parcel of politics. I can handle that.

I want to reiterate to the two speakers who have stood up here and said, it doesn't meet criteria, and they don't want to be facing these issues with schools in their wards. I respect that.

(3:05)

My intention is Mr. Speaker to use these funds in the best manner possible for the greatest benefit of this community. I can tell you without equivocation it's embraced in this community. Thank you.

Mr. Speaker: Councillor Angus.

Councillor Angus: Thank you Mr. Speaker.

Councillor Steek said what an individual member does with his money is his business. I certainly respect that when it's within the policy. I think that's absolutely right and that's why we established the policies and say, these are what this money should go for and have some guidelines.

I understand that periodically the policy has to be waived for good cause. That's acceptable and reasonable as well when they come here. Mr. Speaker when it starts to happen repeatedly, repeatedly, and when it's happening for an intercom system in a school which is clearly maintenance in my mind, and clearly within the purview of the school budget, not city property taxpayers dollars. When in fact Mr. Speaker they are supporting a science, math, technological integration program which is clearly programming in a school, this is a long stretch from musical instruments to help kids in bands. Mr. Speaker, clearly when they do as they do in the application number three support a climbing apparatus, that is reasonable. But when we start to attack the 2004 budget before we've even passed the 2003 budget that is absolutely wrong. Why are we doing it in 2004? Because this guy has spent all of his money…then why isn't this charged this year Mr. Speaker? Answer that question.

Point of Personal Privilege

Councillor Steek: Point of personal privilege Mr. Speaker. I haven't spent my community incentive grant money in its entirety this year. I am assuming Councillor Angus is speaking to Carpathia School. $6,000 for playground structure over two years.

Mr. Speaker: Excuse me. Do you take back that he spent all his money?

Councillor Angus: Mr. Speaker I will take back the fact that he has spent all of his money. But I will not take back that he is asking us to commit money in 2004 as it says in the report and when it clearly doesn't make the policy.

Spend the money this year and if you want to sort of give it to them again next year, if this particular money is included in budgets, then perhaps you can do that.

Mr. Speaker I intend to vote against all three of these things. And this particular policy is getting wildly out of control. When we support intercom systems in schools. I recognize the needs of

different people in different areas, but when we support programming in the schools for a math program, that's a far cry from helping children. Committing money in 2004 when we haven't even approved the 2003 budget is way beyond the limits as far as I'm concerned. Thank you.

Mr. Speaker: Thank you. Mayor Murray.

Mayor Murray: This has come up a number of times to the point where it's annoying. I guess I want to say something to Councillor Steek.

Every councillor here has autonomy over that spending within policy. I've made it a habit as Mayor of not interfering in councillors' ward communication allowance because each of them have different needs, their CGIP grants or their land dedication grants because there's constraints.

I, as Mayor have a budget in the Mayor's Office to try and represent 630,00 people equivalent a little less on a per capita basis but I have access to certain monies and Council has generally respected the Mayor has a job to do and generally there's been a separation of executive branches and responsibilities. I'm very protective of that.

I'm going to say to Councillor Steek today against my better judgement about the nature of the expenditure, I will support them. Every single time I've done that. Every single time I've offered an olive branch to Councillor Steek because he is so flagrantly outside the intent of the policy, I said until this new policy comes in place. What have I seen? I've said everytime to councillors who serve on standing committees who can do what the Mayor can't do, I don't serve on the Secretariat Committee, I'm not part of the police here.

Please change the policy. You remember councillors when the folks from the school system came down here about musical instruments, culture, arts education which I think is important. We have money in the budget this year for our city to start to get into funding community initiatives like that within arts. I've said to councillors, you can't just break the rules all the time. I agree with Councillor Angus, every once and a while you have to waive policy because not every application that every councillor brings forward fits perfectly and you don't want to be so obstinate and consistency to the point of stupidity. But when you're doing things that are basically the infrastructure responsibilities of the school system who collect 53% of our taxes, then you're creating problems because dare I say in City Centre and River Heights since I live in that community committee there's a lot of community centres that need new play equipment. We've had recent rulings about the toxicity of some of the wood and creosote products that have to be replaced.

I had the same challenge. Before when I was a city councillor we were not by the rules allowed to give money to schools for play equipment which didn't make a lot of sense in my mind because in some neighbourhoods the only play equipment was in school yards because there's no parks and no community centres. That's particularly profound in Councillor Pagtakhan's Ward in Point Douglas. We have an 80 block area of the City where we don't have a recreation facility which I think Councillor Pagtakhan and I are going to work together to try and rectify in this term of Council, I know that's a big concern of his.

So what did I do? I and the standing committee because I happened to serve on that standing committee briefly change the policy, had a rationale for it, and said that play structures in school yards should be eligible for funding, and we changed the rules.

We didn't just keep breaking the rules even though it was three steps out. I want to say to Councillor Steek. I agree with you Garth. I think that maybe the City and the school board should sit down and look at some of the educational opportunities and arts and education, some things you bring forward are very positive. No one's arguing on the merits of them.

If we want to seriously do that, let's not use the money that we've set aside to improve our community facilities, our community centres, our parks, our recreation facilities, and the community groups that provide recreation, let's sit down with the school board and have an agreement, so at least when we put some money into that, they're obliged to put some money into that as well, there's a reasonable formula. I've made that invitation over and over again.

I sort of feel that you know, Councillor De Smedt raised the issue of vexatiousness and frustration, and to me what is that. That means that when someone says to you, look it's reasonable and I said to Councillor De Smedt earlier today and I'm sincere about that. Let's try and improve the process with standing committees. I said to Councillor De Smedt, you know, book some time with me I'll book some time with you, we'll sit down and let's do some brainstorming. I'd like to work with people in that kind of fashion. This interests me. I think we're trying to manage it better, I couldn't agree with the solution that Councillor De Smedt had but it doesn't mean that we can't do better there.

I'll say to Councillor Steek, look, I agree with you, how do we work together and I've said to the Community Committee to City Centre, you've got some particular challenges. As one of your constituents in your community committee, I'm aware of the decline of our recreation facilities. I want to see our land dedication and CIGP money go into what it's intended to do which is community and public facilities that are run. So let's do that.

The policy is under review. I've said, once that new policy comes in let's pay a lot of attention to it, because once there's a new policy I'm not colouring outside the lines unless it's some reasonable moderate modification in that way.

I didn't mean to invite a debate. But you know from my perspective we talked about the power of standing committees Mr. Speaker and the roles they play. If there's a sincere concern and I believe there is, there is nothing stopping the Standing Committee on Protection and Community Services as Councillor Gerbasi, from taking this issue bull by the horns and doing it.

(3:12)

There's no agenda management issue here. It would be nice if we could focus on those priorities and solve those problems. We're going into a three year budget cycle soon in the operating budget. I'm hoping that rather than simply having a debate about what CIGP money should be, we should have a discussion which would be a uniting not a vexatious or negative force about what kinds of partnerships can we do to introduce funding for some of the things that some councillors are bringing forward. But we shouldn't be when we have facilities in the condition they are in and where we're doing a major facility study because we know we have a multi multi million dollar challenge in our pools, our recreation facilities, spending the money that is given to community committees, it's not anyone's personal money, it's not like any politician has the right to unilaterally decide outside of policy how it's spent. When it's given with the intent to fix those facilities but to give councillors the ability to determine priorities with local need rather than the Administration, it should be used judiciously and I don't think it is. I'm not prepared to deprive 14 other councillors of the autonomy that they have because of this.

I'm saying again, the more that this gets outside the lines the more difficult it is to support it. I sort of feel like that commitment was being taken advantage of. It was offered in good faith because I do believe as Mayor part of my job is to protect the autonomy of individual councillors and their ability whether I agree with them or not.

We should be making some reasonable attempts to try and colour inside the lines or change the policy if they're too restrictive. I think that policy is coming forward in the next month.

I would say to Councillor Steek, I don't disagree with the objectives you're trying to achieve, I think they're worthy and they're noble, but you're putting everyone in an extremely difficult position when you bring forward good worthy ideas that are outside the intent of the funding envelope that's given because you force us to compromise principles that we shouldn't have to compromise or to take as I said, lollypops from kids because who wants to rob kids in a school, who wants to take away from 12 year olds, sports equipment or musical equipment or if there's a safety issue without intercom system. We should be putting pressure on the school trustees who get more than half of our tax dollars to be actually working with us to fix those problems rather than just simply being the point of least resistance to people who want money for them. That's my concern.

I'm going to make this plea one more time on the record. I'm hoping that Councillor Steek will come and sit down, I'll buy him coffee, anyone else who's interested in this with Councillor Gerbasi and let's start to deal with the issue in a way that everyone can support it, because it isn't the worthiness of it, it's just the coherence and fairness of a policy, the policy to constrain the authority of every councillor because we should have certain autonomy and that autonomy is held in check by reasonable policy framework. If someone wants to act outside that policy framework it behoves them to change the policy framework so that everyone is playing by the same rules and we made a clear decision about spending priorities collectively that councillors then go off and implement within a fair minded way in their own ward.

Sincerely, this is not to be confrontational, it's an offer of assistance and an offer to work with you Councillor Steek, but please don't put me in this position again because you know I'm uncomfortable colouring outside the lines of policy. I respect the position you're taking, give me a chance to work with you to resolve it.

(Councillor Lazarenko in the Chair)

Mr. Deputy Speaker: We've got Items 3, 4 and 5, 4 and 5 to deal with yet. Councillor Steeves to Item 3 followed by Councillor Smith.

Councillor Steeves: All the comments have been made. I was going to make some comments on the criteria. I just wanted to note in fairness to Councillor Steek on at least one of the community incentive grants. It looks like it almost entirely meets the criteria.

Having said everything that's been said, I do appreciate all the concerns and I do support them. I will be supporting Councillor Steek through this round. I'm hoping that we can get to a point where as has been stated, this doesn't become a continual problem.

I have to hold up my hand as one of the people who has gone outside the realm from time to time, I know that's an important consideration.

The only question that I would ask and I hope that it's dealt with it by the Chair upon conclusion at some point or even in question period of your own volition. Where are we in that process? Because we have been approached by folks in the community who are sort of wondering when the criteria is going to be dealt with.

Mr. Deputy Speaker: Councillor De Smedt.

Councillor De Smedt: Very quickly. I'm in accord with Councillor Steeves in certainly one item. I will be supporting Item No. 4 if we have to vote on a block here, $8,000 for performing arts is clearly a benefit to the children in that community and we can stretch that.

I'm in the view that we always should be making exceptions on an exceptional basis. I would like to hear if you would sort of suspend the rules if the Chair of the Committee would allow Councillor Steek to explain to me why we should approve the science/math, integration project, that seems to be really the ambit of the school division.

Separately on Item 3, well I'm speaking to all three Mr. Mayor, I thought it would be easier to do that.

Item No. 5, I just mentioned that science, math integration, I'd like to hear a little more about that. That clearly seems to be the ambit of public education. I regret to tell my colleague Councillor Steek that I don't support Item No. 3, an intercom system is a maintenance item and clearly if School Division No. 1 can afford to increase their salaries right after the election they can afford $3,000 for an intercom system. If they can't, something is wrong.

Mr. Deputy Speaker: Councillor Smith.

Councillor Smith: Mr. Speaker, when I got elected to Council four and half years ago, and was on the Protection and Community Services Committee, after about the third meeting or so I saw we were waiving criteria waiving criteria and I said, what the hell are we doing. So we had the Department review the thing and come back with us.

Let me tell you this. I have gradually come around to the idea of allowing the councillor for his ward to go ahead and make some decisions for his ward. For example, my ward has loads of things other than playground equipment. I have too many demands on this. It is important when I looked over the years and I've looked over how the community incentive grants have been going to the school board for playground structures, I became very concerned because you know they were giving something like two thousand dollars, three thousand dollars and we were giving twenty thousand dollars, twenty-five thousand dollars for a structure. I felt that the school division should be putting more from their pot into playground structures. I moved a motion at my standing committee over a year ago. That we in effect ask the Department to prepare a report, that we could go to the school board and tell the school board members now who are not necessarily, well they're not teachers, they are citizens and we should explain to them through a brief how important play is for the development of a child. As an ex teacher I know the value of play.

It passed at committee a year ago, no problem. But nothing was done. So it came back to us this year with a new committee. The new committee I couldn't get it passed.

If we really want to go ahead and cut down on what we're paying for things that the school board should be paying for, we should tell the school board very clearly. We should tell them exactly the value of play.

I just can't imagine how many times we as a council every individual councillor has passed motion after motion giving considerable amount of money for playground structures.

(3:20)

Now we should contribute to the playground structures on school grounds. We should. But we shouldn't be paying the lion share. I really find it objectionable the school division does not tell the Province, does not fight for funds for playground structures. It's their responsibility. The fact that we have some kids in the community using the playground structures in some cases means we should contribute. But we shouldn't be paying the lion share when its basic use is the for the school kids.

Mr. Deputy Speaker: No further speakers. Councillor Gerbasi will be closing debate.

Councillor Gerbasi: Thank you Mr. Speaker.

For the information of Council there is a report in the system that should be coming to our committee as soon as its ready, I'm not sure exactly when on reviewing the CIG criteria. But I don't know that the criteria is necessarily the issue we're talking about today. There's a range of criteria and we will certainly look at changing that. I can't imagine it would be broad enough to completely address the issue we're talking about today no matter how much a particular item, three for example, the maintenance issue. If it's going to be that broad I don't think we would even if we changed it establish criteria quite that broad.

Having said that, I'm more than willing as the Mayor suggested, sit down with Councillor Steek and look at some other ideas of how perhaps we can work on some of these issues. I would be more than willing to do that.

I think the problem is that ultimately it's up to this Council to agree or disagree with something. There's discretion about where the money goes within a policy framework. We waive it some of the time but some people have reached their limit of being prepared to do that. They feel this is just too far out of that range.

I just wanted to briefly refer to Councillor Smith raises an issue of a report about the value of play. The Committee felt that wasn't a priority for the Department to do that kind of research since they don't really have that expertise in that and voted against that. That's a political lobbying of the school division which I think Councillors are more than welcome to do. I think they should do that. But I don't think that's really something that we can address here today.

Basically in closing, as I said, I plan on supporting this this time because I've already supported it and I certainly wouldn't want to…the expectations have been raised in the community. That's my primary concern. I'm glad there was some discussion. I think this discussion has been useful, that we've actually discussed these issues because it's something that doesn't sit well with many of us to say no to some of these things or to have to make a decision about something within another councillors' ward. That's not something we're comfortable with. Unfortunately when something strays this far from the range there is some concern.

I'm concerned about that there is so many demands on our communities and that the expectations out there are just going to be enormous if schools think they can run their operations, do their maintenance and come to us for all those requests. That was my primary concern.

I will be supporting this today, but I wanted to let my community committee members know that. We've had a discussion there and the Mayor raised the issue, go back and talk to your community committee and try to reign them in or something and get them to agree of approach and I did have that discussion. The fact of the matter is, peoples views are rather fixed on this issue and people have a certain will to do things a certain way which they've expressed clearly and they're putting forward. We've had that discussion and I don't think it was all that fruitful.

I'm happy to discuss things further if there's something new on this issue. Thank you.

Mr. Deputy Speaker: Thank you. We'll be voting on this now. Is anyone calling for a recorded vote? Recorded vote. All in favour of Item No. 3 please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

His Worship Mayor Murray, Councillors Gerbasi, Lubosch, Pagtakhan, Smith, Steek, Steeves, Vandal, Wyatt, O'Shaughnessy, Mr. Deputy Speaker, Councillor Lazarenko.

Nays

Councillors Eadie, Angus, Clement, De Smedt, Thomas.

City Clerk: The vote Mr. Speaker, Yeas 11, Nays 5.

Mr. Deputy Speaker: It's carried.

Item No. 4.

Item No. 4 - Community Incentive Grant - Ecole River Heights School Parent Council
File PR-2.6 (32) (Vol. 11)

Councillor Gerbasi: I don't have any further comments, I don't know if anyone else wishes to continue. If we just want to vote on these I think we've had the debate. I don't know, unless somebody feels differently.

Mr. Deputy Speaker: Anyone wants to speak to this?

The question has been called. All in favour? Contrary? Recorded vote. All in favour of Item No. 4, please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

His Worship Mayor Murray, Councillors Angus, De Smedt, Gerbasi, Lubosch, Pagtakhan, Smith, Steek, Steeves, Vandal, Wyatt, O'Shaughnessy, Mr. Deputy Speaker Councillor Lazarenko.

Nays

Councillors Eadie, Clement, Thomas.

City Clerk: The vote Mr. Speaker, Yeas 13, Nays 3.

Mr. Deputy Speaker: Item No. 4 is carried.

Item No. 5.

Item No. 5 - Community Incentive Grant - Grant Park High School File PR-2.6 (32) (Vol. 11)

Mr. Deputy Speaker: Councillor Gerbasi you want to introduce the clause.

Councillor Gerbasi: If there's further debate it's fine with me.

Mr. Deputy Speaker: Councillor Steek.

Councillor Steek: You're asking me to speak to Item No. 5?

Mr. Deputy Speaker: There was a comment made by one of the councillors, could you explain this.

Councillor Steek: The amount in this particular case is $20,000 of $100,000 project. Much has been raised within the community and in discussing it with the members of the school board and the parent council the feeling was that this was simply a key priority for the best and the brightest in the community. As someone who's always supported education that's the reason that it's here.

Mr. Deputy Speaker: No further questions. All in favour? Contrary? Recorded vote. All in favour of Item No. 5 please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

His Worship Mayor Murray, Councillors De Smedt, Gerbasi, Lubosch, Pagtakhan, Smith, Steek, Steeves, Vandal, Wyatt, O'Shaughnessy, Mr. Deputy Speaker Councillor Lazarenko.

Nays

Councillors Eadie, Angus, Clement, Thomas.

(3:30)

City Clerk: The vote Mr. Speaker, Yeas 12, Nays 4.

Mr. Deputy Speaker: The clause is carried.

Motions, none. By-laws, none. Question period. Councillor Wyatt.

STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES QUESTION PERIOD

Councillor Wyatt: Thank you Mr. Speaker. Through you, I just want to get a clarification from the Chair.

A couple of dates have now come forward, March and then April when it comes to the release of the report Councillor on the four district model coming forward, and I'd just like to get a better idea of when that would be expected. Thank you.

Councillor Gerbasi: Thank you Mr. Speaker. What's holding this up really is we're waiting for the council seminar to be scheduled because it was felt that it

would be a good idea to have the full council seminar occur before the Committee reviews the report and makes any decisions on that.

There's also for your information discussion of the process. The Police are looking at how they want to do public consultation and all that as well. So all of those things can be discussed first at the council seminar which seems the more appropriate step.

I guess with budgets, and we've had a number of council seminars on that. It's looking more like it will be after the month of March, more like April or so. That is in the hands of the people who schedule the council seminars which would be Mr. Gilroy.

Mr. Deputy Speaker: Your second question Councillor.

Councillor Wyatt: I understand then that the council seminar probably won't be, if I understand the answer correctly the council seminar won't be until April and then about the same time thereafter there would be the release of the report.

Supplementary question Mr. Speaker. Would the council seminar be open at that point to the public and members of the media for that information?

Councillor Gerbasi: Normally the concept of a council seminar is a closed door session for councillors first to roll up their sleeves and discuss an issue freely without the media and so on present.

Once there's a report that's ready to be released there would certainly be available to the media and the public as well.

The idea is to have the council seminar first and then as soon as possible following that it's open to everybody. The idea is to have councillors who ultimately are making the decision have the first look at it, that's certainly the principle I thought behind council seminars.

(Councillor O'Shaughnessy in the Chair)

Mr. Speaker: Final supplemental Councillor Wyatt.

Councillor Wyatt: Actually Mr. Speaker if I could just ask a procedural question of yourself. Can I ask an issue on a different issue at this point in time?

Mr. Speaker: That is practice, yes. But without preamble.

Councillor Wyatt: One of the issues that the Committee dealt with was asking administration to report back to us regarding the animal by-law and all the issues relating there. Could you give us an idea of where that's at?

Councillor Gerbasi: Thank you Mr. Speaker. I believe that was the meeting before last that we addressed that issue. We had some delegations. Mr. Dack's been asked to write that report. I haven't heard anything back yet. I will enquire, and as soon as I hear something I will endeavour to get back to the entire committee. Thank you.

Mr. Speaker: Thank you. Councillor Lazarenko.

Councillor Lazarenko: Thank you Mr. Speaker. I want to thank Councillor Wyatt for jumping on that question because that's exactly the question I was going to ask.

Just a preamble of what Councillor Wyatt was asking. When that motion was presented to the floor of Council when we broke the contract with the University of Manitoba supplying dogs for animal research. At that time the motion that was presented was to take a look at the by-law that we have in place now and make amendments to the by-law and to report back. Could you tell me what is happening, who is to report back and to whom?

Councillor Gerbasi: Thank you. The Animal Services SOA, Tim Dack I'm sure would be authoring the report. That SOA is under the supervision in some sense although it's somewhat arms length of the Community Services Department. It will report back to the Standing Policy

Committee, and they have been asked to consider amendments to the by-law in terms of fines, increasing the fine for not having licensing is one of the things they're looking at. They're also looking at other measures to increase licensing as well as that.

All of that is on something that we're waiting to hear back. As I said to Councillor Wyatt, I'll check into the status of that and I will let all members of Council know. Thank you.

Mr. Speaker: Supplemental Councillor Lazarenko.

Councillor Lazarenko: Thank you Mr. Speaker. To the Chair. Would you be kind enough to do some research because according to today's newspaper article where Mr. Dack was quoted as saying, "that maybe we might have to reopen that contract that we had with the University of Manitoba and start sending the dogs back for animal research". That's very touchy to some people. See that article in the paper first Councillor Gerbasi, and could you report to all members of Council on that comment that was made, also giving us the highlight and sort of an indication when it will be coming to Council for consideration to make those amendments that we can make this new by-law work?

Councillor Gerbasi: Thank you Mr. Speaker. I did read the article fairly quickly early this morning, and I do not recall Mr. Dack saying that he's actually considering renewing that contract.

I think the issue of the article was focusing on the fact that we still have the problem with a low level of licensing compared to other cities and that we want to increase the licensing. They're off writing a report to try to find some possible suggestions which we politically will have to decide whether or not we want to amend our by-law.

I will certainly provide you with a status update on what Mr. Dack is looking at, and when he expects that to be ready.

Mr. Speaker: No further questions. Public Works, Councillor Angus.

**REPORT OF THE STANDING POLICY COMMITTEE ON PUBLIC WORKS
DATED FEBRUARY 11, 2003**

Councillor Angus: Thank you Mr. Speaker. I'm pleased to move the Report of Public Works dated February 11, 2003 and Item Nos. 1 to 3 as consent items.

Mr. Speaker: All in favour? Contrary? Carried.

Councillor Smith has requested that Item No. 2 be stood down. We'll redo the question on Item Nos. 1 and 3, all in favour? Contrary? Carried. Item No. 2.

**Item No. 2 - Supply and Delivery of Transit Bus Tires - Tender 881-2002
File T (Vol. 4)**

Councillor Angus: Mr. Speaker I think the best thing to do is to just give a very brief summary.

This is a tender that allows us to rent tires. At the end of the period of time the amount of money that is left in the tread we buy back from the supplier because a new contract tender is coming out, and I'll answer whatever questions come out.

Councillor Smith: I have a few questions to do with this clause.

For example, it says under key issues. No award was made for the previous tender. All bidders voluntarily withdrew their bids so a second tender could be issued in a timely manner. When advised the Administration will be recommending that all bids be determined to be non responsive. Why did the Administration decide that all bids were non responsive, and why were they so willing to go ahead and all bid again? This is a fairly unusual situation is it not?

Councillor Angus: Well first of all I don't have a clue.

(3:35)

I'm sorry I didn't get into the neither did the Committee get into the minutia why the Department felt it was necessary. The key here is, that all of the bidders agreed to the reissuing of the tender. They all said fine we understand the circumstances, we will allow you to withdraw the tender and then resubmit it. Obviously with more accurate or specific information that the tenderers could comply with or not.

There was something wrong with the first one but we didn't bother to ask them that. We simply looked at the guts of this particular tender and said fine.

Mr. Speaker: All in favour of Item No. 2? Contrary? Carried.

Motions, none. By-laws.

STANDING POLICY COMMITTEE ON PUBLIC WORKS CONSIDERATION OF BY-LAWS

Councillor Angus: I'll move that By-law No. 31/2003, be read a first time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-law No. 31/2003.

Addendum by-laws.

Councillor Angus: I'll move that the following by-laws be read a first time, by-laws numbered 24/2003, 30/2003 and 32/2003.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 24/2003, 30/2003 and 32/2003.

Councillor Angus: I'll move that the following by-laws be read a second time, by-laws numbered 24/2003, 30/2003 and 32/2003.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 24/2003, 30/2003 and 32/2003.

Councillor Angus: I'll move that the rule be suspended and by-laws numbered 24/2003, 30/2003 and 32/2003, be read a third time, and that same be passed and ordered to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Questions, none. Adjournment moved by Councillor Eadie. Roll Call.

ROLL CALL

Clerk: Mr. Speaker, Councillor O'Shaughnessy, His Worship Mayor Murray, Councillors Eadie, Angus, Clement, De Smedt, Gerbasi, Pagtakhan, Smith, Steek, Steeves, Thomas, Vandal, Wyatt, Lazarenko, Lubosch.

COUNCIL ADJOURNED AT 3:40 P.M.

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