REPORT OF THE

COMMITTEE ON PROTECTION, PARKS AND CULTURE

DATED NOVEMBER 29, 1993

On motion of Councillor Silva, the Report of the Committee on Protection, Parks and Culture, dated November 29, 1993, was considered clause by clause.

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

Carried.

Her Worship The Mayor and Councillors:

Change of Program Requirements for Phase XIII at King's Park
File PR-7.5 (Vol. 2)

258 - 1. The 1989 Capital Estimates adopted by Council approved $122,200.00 for Phase XIII of the development of King's Park. The program requirement for the King's Park Phase XIII Project included extensive planting and landscape structures of the Formal Garden, the first of six gardens comprising the Aboretum.

In 1991, the outfall weir used to control the water level in the lake was damaged by a failure on the adjacent riverbank.

In 1992, further failure of the riverbank caused additional damage to the weir structure and also caused damage to the asphalt pathway which runs along the riverbank.

In 1993, in conjunction with the summer's heavy rainfall and the high water levels in the Red River, additional bank failures occurred in and around the weir structure. These failures were presumably caused or at least greatly accelerated by the unprecedented rainfall and high river levels.

The damaged outfall piping from the weir to the river compromised the Parks and Recreation Department's ability to control the water levels and operate the waterfall in the lake at King's Park.

The options for repairing the damage to the weir were investigated and are described as follows:

1. Stabilization of the Riverbank:

   The riverbank characterization study undertaken by the Rivers and Streams Authority in 1991 for the Parks and Recreation Department identified that works in excess of $800,000.00 would be required to address the long term stability of this section of riverbank.

2. Short Term Repair to Weir:

   As the damage to the weir is a direct result of riverbank failure, any repairs to the damaged underground outfall pipe would only last until the next bank failure, which in this area happens on a regular basis.

3. Modify Weir and Construction of an Above-Ground Outfall:

   This method would utilize the existing weir for lake drainage and as a sump pit for intake water for the park irrigation system only. Lake water level control would be affected through an above-ground outflow channel and adjustable gate structure. This type of structure by design is better able to withstand future bank failures, is much more repairable should damage occur and has been recommended by the Rivers and Streams Authority Engineer.

During the period of investigation, further failure in the riverbank at this location caused a partial subsidence in the asphalt multi-use pathway that encircles King's Park. There is evidence that further movement will occur at this location and that this movement will cause irreparable damage to the pathway necessitating its closure. Relocating the pathway to avoid the immediate failure zone on the riverbank is the only feasible course of action in this instance.

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There is funding in the amount of $100,628.00 left unexpended in the 1989 Capital Estimates as a result of the Parks and Recreation Department putting a hold on further construction, pending investigation of the riverbank conditions at the weir location. The construction of the original Phase XIII project - planting and landscape structures of the Formal Garden - at King's Park is not as crucial as the modification to the outflow weir and relocation of the park's pathway, and can therefore be deferred.

The Parks and Recreation Department recommended to your Committee that the most prudent course of action at this point in time would be to defer construction of the Formal Garden at King's Park and to utilize the existing funding to modify the weir and construct an above-ground outfall which has been estimated at $53,000.00. The remaining funds would be utilized for pathway relocation thus avoiding the potential closure of the pathway system.

Your Committee on Protection, Parks and Culture therefore recommends:

I. That the program of requirements for the King's Park, Phase XIII Project, as approved in the 1989 Capital Estimates, be changed to include modification to the outflow weir on the lake and relocation of the park's pathway.

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

Adopted by consent.

Appointment of Council Representatives and alternates to the Winnipeg Arts Advisory Council
Files FG-3 (Vol. 29) & GC-7 (Vol. 23)

259 - 2. Council on November 3, 1993, referred to the Standing Committees on Protection, Parks and Culture and Finance and Administration, the matter of the appointment of representatives and alternates from each Standing Committee to the Winnipeg Arts Advisory Council.

The Committees on Protection, Parks and Culture and Finance and Administration nominated the following Councillors for appointment as their representatives on the Winnipeg Arts Advisory Council, namely:

Committee	Representative
Committee on Protection, Parks and Culture	Councillor Hyman Councillor Thomas (alternate)
Committee on Finance and Administration	Councillor Golden Councillor Reese (alternate)

Adopted by consent.

Use of Winnipeg Soccer Complex for Professional Soccer File PR-2 (Vol. 77)

260 - 3. On May 26, 1993, Council adopted a recommendation that the Board of the Winnipeg Soccer Complex be granted approval to schedule Winnipeg Fury league and playoff games at the Winnipeg Soccer Complex, for the 1993 season.

The Winnipeg Soccer Complex is a City owned facility operated under the auspices of a volunteer managing Board of Directors. This Board is governed in its actions by the conditions of a ten year lease and management agreement (expiring in March of 1997).

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One of the terms of that agreement is that any use of the facility for activities other than amateur soccer must be expressly authorized by the City of Winnipeg. In both 1992 and 1993 the Complex Board requested, and was granted permission for the use of the facility for professional soccer (the Winnipeg Fury). The Winnipeg Fury utilized the Complex as its home field during the 1992 and 1993 seasons.

The use of the Complex by the Fury has proven to be beneficial, both to the City and to the Winnipeg Soccer Complex Board. The revenues generated during the past two years have helped to maintain the financial viability of the facility. This was managed with no negative impact upon either the field conditions or the use of the facility by amateur teams.

The Complex has experienced no net costs (and in fact has generated a small profit) related to the Fury's use of the site. Additional costs related to professional use have been more than offset by the revenues generated by that use.

The Complex Board is concerned that the Fury have not yet settled their full account for the team's 1993 use of the facilities.

It is estimated that these additional rental fees would place the Board in the position of generating a greater net profit in its 1993 season; a profit which would allow modest site improvements. A failure to collect these rental fees should not, however, result in any appreciable operating loss for the facility.

While the Complex Board is still optimistic that the outstanding rental fees (approximately $4,000.00) will be received, it has accepted the possibility that this may not be possible in 1993. Should this be the case, the Board has stated that the Fury will not be allowed facility access in the 1994 season unless a viable plan for payment in full is presented by the Fury and accepted by the Board.

The approval for professional play at the Complex to the end of the current lease/management agreement simply would allow the Complex Board the flexibility to formulate an acceptable long term plan for the Fury's use of the facility. This plan would have the threefold objectives of maintaining the Complex's positive profile, assisting in the continuation of professional soccer in Winnipeg, and improving the long term financial viability of the Complex.

In acknowledgment of both the Complex Board's responsible attitude toward the current situation and its proven competence in the operation of the facility, the Parks and Recreation Department can find no reason to rescind the approval for professional play at the Winnipeg Soccer Complex. Further, the Department can find no cause to restrict approval of professional play to less than the full term of the Complex Board's lease and management agreement.

Your Committee on Protection, Parks and Culture recommends:

I. That the Board of the Winnipeg Soccer Complex be granted approval to schedule Winnipeg Fury league and playoff games at the Winnipeg Soccer Complex for the remainder of the term of that Board's lease and management agreement.

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

Adopted by consent.

Agreement between the City of Winnipeg and YM-YWCA of Winnipeg
File FG-1.1(Y) (Vol. 6)

261 - 4. Your Committee on Protection, Parks and Culture has been advised that for the past twenty-five years there has been an Agreement between the St. James-Assiniboia YMCA and the City with respect to the provision of public swimming hours at the YMCA pool. As well, for a substantial portion of that time the City has provided a grant to assist in the operation of the pool.

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To date the proposed Agreement to cover the years 1990-1995 has remained unexecuted (unsigned). A communication dated September 25, 1990 from the General Manager of Parks and Recreation to the Law Department requested the processing of the Agreement be placed "on hold" until the completion of the review of the 1991 Current Estimates. To date the Parks and Recreation Department has not removed the hold so the Law Department has not finalized the Agreement.

The grants approved by Council and disbursed to the YM/YWCA for 1990, 1991 and 1992 were $23,000, $21,700 and $22,269 respectively.

In the preparation of the 1993 Current Estimates the Parks and Recreation Department included $22,269 for the St. James YM-YWCA grant. On February 26, 1993 at an informal meeting on Current Estimates, the Parks and Recreation Department Administration advised the Committee on Protection, Parks and Culture of the proposed closing of the St. James YM-YWCA and included an update of the unsigned Agreement, which also identified that there could be a requirement by the City to pay a pro-rated portion of the grant.

Subsequently, the Current Estimates adopted by Council on March 22, 1993 made no provision for a grant to the St. James YM-YWCA, in full or in part.

The St. James YM-YWCA did close the operation of the swimming pool on June 30, 1993 and relocated their administration to retail office space on Portage Avenue.

On July 13, 1993 the Assiniboia Community Committee considered a communication from the Branch Manager, St. James-Assiniboia Family Branch, YM-YWCA, regarding the Agreement between the City of Winnipeg and YM-YWCA of Winnipeg, stating that no changes had been made to the Agreement adopted by Council on September 27, 1989 and that the City of Winnipeg was expected to honour its obligation to live-up to the terms and conditions including the annual grant to the YM-YWCA of Winnipeg.

Community Committee recommended to the Committee on Protection, Parks and Culture that the St. James-Assiniboia YMCA be advised as to what options might be available to honour the Agreement and that the Administration be requested to identify what funds might be available in this connection; and further that the said Agreement be honoured on a pro-rated basis for the period January 1, 1993 to June 30, 1993.

Your Committee on Protection, Parks and Culture has considered this matter and recommends:

I. That an additional appropriation in the amount of $11,134.50 be approved in the 1993 Current Estimates of the Parks and Recreation Department and be provided by the City to the YM-YWCA of Winnipeg to honour the existing St. James-Assiniboia YM-YWCA Agreement, on a pro-rated basis for the period January 1, 1993 to June 30, 1993.

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

Adopted by consent.

Administrative Support Services for the Winnipeg Arts Advisory Council
File FG-3 (Vol. 29)

Note: This clause has been referred back by Executive Policy Committee to the Committee on Protection, Parks and Culture.

262 - 5. On June 19, 1991, Council adopted the recommendation of your Committee on Protection, Parks and Culture that the budget for administrative expenditures for the Winnipeg Arts Advisory Council not exceed 3.5% of the global arts allocation.

On July 13, 1992, your Committee on Protection, Parks and Culture appointed Ms. B. Stewart as Administrator for the Winnipeg Arts Advisory Council for the period August 1, 1992 to December 31, 1992, and on December 16, 1992, Council extended the contract to December 31, 1993, at an annual rate of $31,500.00.

Report of the Committee on Protection, Parks and Culture dated November 29, 1993

At its meeting on November 29, 1993, the Winnipeg Arts Advisory Council recommended to your Committee on Protection, Parks and Culture that the Administrator's contract be renewed for the period January 1, 1994 to December 31, 1994 and be increased to an annual rate of $36,000.00 for
the following reasons:

1. The Administrator is responsible for the following increased responsibilities as a result of applications for the exemption of Amusement Tax that are now considered by the Winnipeg Arts Advisory Council:

    a) The receipt and processing, liaising with the City License Branch, of applications for exemption from Amusement Tax.

    b) The organization and documentation of meetings of the Winnipeg Arts Advisory Council Committee on Amusement Tax Exemptions to review applications.

    c) Notification of decisions on recommendations for exemptions to the Committee on Finance and Administration, and applicants.

    d) To act as a liaison and facilitate communication between the Arts Advisory Council and the community, and the Licensing Branch, Committee on Finance and Administration and City Administration on issues of mutual concern regarding exemptions from Amusement Tax.

    e) To oversee the orientation of new members of the Winnipeg Arts Advisory Council Committee on Amusement Tax Exemptions, and to facilitate the flow of information between that Committee and the Winnipeg Arts Advisory Council as a whole.

2. The Administrator's salary does not reflect the current demands of the job, as the funding climate has changed considerably. In the past year, time needed for meetings, phone calls, mailings and other correspondence has increased accordingly.

3. In arriving at the recommended salary level, the Winnipeg Arts Advisory Council also took into account what similar full-time work would pay in other organizations, such as Manitoba Arts Council, Winnipeg Foundation, etc.

4. Finally, consideration was given to the fact that the salary includes no benefits.

Your Committee on Protection, Parks and Culture concurs in the recommendation of the Winnipeg Arts Advisory Council that Ms. Stewart be appointed as the Administrator to the Winnipeg Arts Advisory Council for the period January 1 to December 31, 1994. However, your Committee has requested the Board of Commissioners to review the mandate and increased responsibilities of this position in order to determine the appropriate 1994 increase to the position; any increase so determined to be retroactive to January 1, 1994.

Your Committee on Protection, Parks and Culture therefore recommends:

I. That the existing contractual agreement between the City of Winnipeg and Ms. Billie Stewart be extended for a further one year period from January 1, 1994 to December 31, 1994, for a total yearly salary of $31,500.00 (subject to further review in 1994) and be amended to incorporate the increased responsibilities as outlined in the clause.

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

REFERRED BACK BY EXECUTIVE POLICY COMMITTEE TO THE COMMITTEE ON PROTECTION, PARKS AND CULTURE

COMMITTEE ON PROTECTION, PARKS AND CULTURE

MOTIONS

Moved by Councillor Silva,
Seconded by Councillor Duguid,

263 - THAT the existing contractual agreement between The City of Winnipeg and Ms Billie Stewart be extended on a month by month basis, effective January 1, 1994, at an annual salary rate of $31,500, subject to a review of the responsibilities of the position by The Board of Commissioners.

Carried.

COMMITTEE ON PROTECTION, PARKS AND CULTURE

QUESTION PERIOD

264 - Councillor Murray asked why the current Police recruit class had a deadline for appeal for non-selected personnel that was after the classes had commenced.

Councillor Silva agreed to take the matter under advisement.

Councillor Murray questioned why the Police Department gave applicants 7 days to appeal first-round rejections, but did not give grounds for rejection to the individuals in question.

Councillor Silva agreed to take the matter under advisement.