REPORT OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

DATED OCTOBER 25, 1993

On motion of Councillor Eadie, the Report of the Committee on Finance and Administration, dated October 25, 1993, was considered clause by clause.

Moved by Councillor Eadie,
That the Consent Agenda Items, Clauses 1,2,3,4,5,6 and 7 be adopted.

Carried.

Her Worship the Mayor and Councillors:

Auditor's Report on the Board of Revision
File FA-2 (Vol. 30)

103 - 1. Council at its meeting held on September 22, 1993, ruled automatic referral of the following motion to your Committee on Finance and Administration:

"THAT the Auditor's Report on the Board of Revision be referred to the Committee on Finance and Administration."

On October 24, 1993, your Committee on Finance and Administration considered this matter and requested a further report for consideration at its meeting on November 22, 1993.

Your Committee on Finance and Administration therefore recommends that pursuant to Section 16.4 of the Procedure By-law No. 5400/90, a further 60-day extension of time be granted in which to report back to Council on this matter.

Adopted by consent.

By-law to Authorize the Borrowing of Monies during the year 1994, under Section 281(1) of The City of Winnipeg Act File FC-2 (Vol. 17)

104 - 2. The City is authorized under Section 281(1) of The City of Winnipeg Act to pass a by-law to provide for the borrowing for capital and current purposes from banks or from any other persons or corporations in such amounts as the Council may deem necessary, and to issue promissory notes in respect thereof.

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On December 16, 1992, Council adopted a policy whereby the annually approved short-term borrowing limit is established based on an analysis of cash flow projections and estimates requirements. The short-term borrowing limit for 1993 was $250 million.

An analysis of the City's cash flow projections for the balance of 1993 and 1994, indicates that a short-term borrowing limit of $250 million will meet the City's requirements for 1994.

Your Committee on Finance and Administration submits draft by-law, approved as to financial details by the City Treasurer and certified as to form by the Acting City Solicitor, and recommends:-

I. That Council authorize the City of Winnipeg to borrow monies for capital and current purposes during the year 1994, not exceeding in the aggregate the sum of $250 million at any one time, and to authorize the issue and delivery of promissory notes in respect thereof.

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

Adopted by consent.

By-law to Authorize the Borrowing of Monies in 1994 prior to the Adoption of the 1994 Estimates under Section 281(1) (d) of The City of Winnipeg Act
File FC-2 (Vol. 17)

105 - 3. Section 281 (1)(d) of The City of Winnipeg Act authorizes the City to pass a by-law authorizing the expenditure in any year prior to the adoption of the annual estimates for that year, of amounts not exceeding, in the aggregate, thirty percent of the estimate of expenditures adopted for the next previous year.

Budgeted expenditures adopted in 1993 for both current and capital purposes totaled $1,197,681,333.00. The attached by-law provides for spending in 1994 of amounts not exceeding 30% of $1,197,681,333.00 or $359,300,000.00 prior to the adoption of the 1994 annual estimates.

Your Committee on Finance and Administration submits draft by-law, approved as to financial details by the City Treasurer and certified as to form by the Acting City Solicitor, and recommends:-

I. That Council authorize the expenditure of up to $359,300,000.00 in 1994 prior to the adoption of the 1994 annual estimates.

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

Adopted by consent.

1993 Current Estimates - Proposed Staffing Reduction in the Animal Services Branch or Elimination of the Charleswood/Tuxedo Pound Operation Contract
Files EL-4 (Vol. 25) & FE(1993)

106 - 4. Council on March 22, 1993, adopted the 1993 Current Estimates of the Finance Department, Animal Services Branch, which included the elimination of the Charleswood/Tuxedo pound operation contract (Scotia Enterprises Ltd., O/A Kindness Kennels) or an equivalent staffing reduction in the City-operated Animal Services Branch.

On May 31, 1993, your Committee on Finance and Administration considered administrative report dated May 20, 1993 which recommended that the contract between the City of Winnipeg and Scotia Enterprises Ltd. be terminated.

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Committee also considered representation from Councillor Clement, Charleswood-Fort Garry Ward and Councillor Fraser, St. Charles Ward as well as from Mr. McIntyre, the owner/operator of the Charleswood/Tuxedo Pound in opposition to the proposed contract termination.

Committee referred the matter to the Ad Hoc Committee on Licensing and Animal Control for consideration and report back, and directed that the current complement of civic staff in the Animal Services Branch as well as the operation of the Charleswood/Tuxedo Pound be maintained on a month-to-month basis until the matter was resolved.

On October 25, 1993, your Committee on Finance and Administration again considered the matter which was forwarded by the Ad Hoc Committee on Licensing and Animal Control without recommendation.

Your Committee on Finance and Administration directed that the current complement of civic staff in the Animal Services Branch as well as the operation of the Charleswood/Tuxedo Pound be maintained until the matter is again considered in conjunction with the 1994 current budget deliberations.

This matter is submitted for the information of Council.

Adopted by consent.

Board of Revision - Office Space
File FB-1.7.1 (Vol. 1)

107 - 5. Under Section 649 - 651 (2) of The City of Winnipeg Act, The Board of Adjustment, a branch of the City Clerk's Department, with a staff complement of two positions, was established to consider variance and conditional use applications, with office facilities currently located at 300 Assiniboine Avenue.

The City Centre Community Committee office, with a staff complement recently reduced to two positions, is located at 300 Assiniboine Avenue.

The Board of Revision, another branch of the City Clerk's Department, is charged with hearing applications against the assessed value of real property and the assessed rental value and/or classification in the case of business assessment, under Part 8 of the Municipal Assessment Act. Currently, the Board has a staff complement totaling 6 permanent and temporary positions, with office facilities on a lease basis at 65 Garry Street. With the City Clerk's Department's reorganization, as approved by the Board of Commissioners at their meeting of June 10, 1993, the number of staff positions increased to 9, to provide for a "Secretary/Election Officer" position, and two clerical positions in the new "Election Support" branch resulting from the transfer of the Enumeration Branch from the Assessment Department.

Civic Buildings Department personnel have reviewed the current office space at 65 Garry Street with respect to the additional requirements and note that it may be possible to acquire a limited amount of additional space on-site. However, the space acquisition would compromise the use of lunchroom space. Some physical restructuring would be required necessitating a capital outlay. However, the current office layout, far from optimum, is congested and the congestion would be exacerbated by the new additions.

The City Centre Community Committee office, located one block away from the Board of Revision's office, provides for adequate office facilities and a large modern committee meeting room utilized for public meetings. The meeting chamber is amongst the best-equipped of the Community Offices, and parking facilities are available. Notably, the City Centre Community Committee office is underutilized in terms of spatial capacity. Civic Buildings Department have reviewed the City Centre Community Committee office in relation to the feasibility of housing the Board of Revision, in addition to its current branch inhabitants and have concurred positively.

Civic Buildings Department has conducted a review of operating requirements for the Board of Adjustment, City Centre Community Office, the Board of Revision and Election Support Branch and has concluded that all of these areas can be located within building structure at 300 Assiniboine Avenue with some minor structural changes. In the assessment of program requirements, City Clerk's Department has recommended that Board of Revision Panel Meetings and Board Meetings continue to be held at 65 Garry Street, with the Board of Revision members sharing workspace with the recommended new inhabitants from the Assessment Department, who have formally

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indicated a strong need and interest in occupying the Board of Revision's former office space.

In addition to providing an improved office space as relates to functionality, the amalgamation of branches would provide for long-term fiscal savings and better staff coverage for services to the public.

The Director of Civic Buildings Department has prepared a Program of Requirements for the various operating units along with a design layout. (Appendix "A"). Concurrence with the project plans and work specifications has been obtained from all affected parties. It is anticipated that the Computer Services Department will be instating the "backbone" at 300 Assiniboine Avenue to allow for ongoing computer networking.

Office furnishings can be provided from within and capital funds for the restructuring of the office space to accommodate new inhabitants can also be found by appropriating $50,000.00 from existing City Clerk's Department's 1993 Capital Program funds to allow for required structural changes and ancillary costs relating to the move.

Your Committee on Finance and Administration recommends:-

I. That $50,000.00 of the City Clerk's Department's 1993 Capital Program ("Special Projects" Account No. 03 118xxx 6493250701) be reallocated to provide for the relocation of the Board of Revision and Election Support Branch offices to the City Centre Community Committee offices at 300 Assiniboine Avenue.

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

Copy of Appendix "A" regarding the Program of Requirements for the various operating units along with a design layout are on file in the office of the City Clerk.

Adopted by consent.

Proposed Expropriation Settlement/ Acquisition/Sale of NorthWest Corner of River Avenue and Osborne Street and East side Henderson Highway at Whellams Lane
Files FI-2(32) (Vol.1) & FI-2(33) (Vol. 1)

108 - 6. Your Committee on Finance and Administration has considered Item No. 1 of Report No. 1A of the Technical Advisory Committee on City Properties dated October 8, 1993 (Files 7422 & BA18-6) with respect to the above-referenced expropriation settlement/acquisition/sale in the East Kildonan-Transcona and City Centre Communities.

On February 18, 1976, Council approved a report from the Land Surveys and Real Estate Department that recommended expropriation of a corner cut at the North West corner of River Avenue and Osborne Street from Canada Safeway, in order to accommodate the replacement of the Osborne Street Bridge. Expropriation By-Law 1269/76 was adopted and has not been settled to date.

On February 25, 1993, the Board of Commissioners considered a report from the Streets and Transportation Department and instructed the Director of the Land Surveys and Real Estate Department to negotiate the acquisition of additional property requirements at the North West corner of River Avenue and Osborne Street in order to facilitate the upgrading and relocation of a pedestrian crosswalk. This acquisition is part of the 1993 Miscellaneous Intersection Improvement Program.

On March 12, 1991, the Land Surveys and Real Estate Department received a request from Canada Safeway to purchase or lease land behind their store at 1441 - 1455 Henderson Highway in order to meet requirements under the Development process.

On September 26, 1991, the Streets and Transportation Department advised that it had a requirement for a 3.5m widening along the East side of Henderson Highway. Although it is not required in the near future, it was suggested that the sale or lease of the rearage be tied together with this requirement.

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Canada Safeway, after several discussions and meetings, are agreeable to the terms and conditions outlined in Schedule "A".

The Streets and Transportation Department have stated that the rearage lands along Henderson Highway are surplus to its needs. Canada Safeway have agreed to use the land only for the purposes of landscaping and are prepared to enter into an Agreement stipulating this and have it placed against their title as a caveat in perpetuity.

The Waterworks, Waste and Disposal Department have agreed to allow the lands to be declared surplus provided that a term be put in the Agreement whereby it is allowed to approve landscaping details in this parcel. Also to protect the City's interests, an Easement Agreement will be entered into allowing the City full access to maintain, replace or repair a feedermain located in the property.

On November 9, 1993, the East Kildonan-Transcona Community Committee will be considering a letter from the Land Surveys and Real Estate Department requesting that the rearage lands on Henderson Highway be declared surplus.

Canada Safeway has agreed to enter into a Leave and License Agreement for the 3.5m widening along Henderson Highway until such time as either party cancels the Agreement with 60 days notice. The City will be required at the time it is physically widened to move or replace any encroachments within the 3.5m widening.

On the River Avenue and Osborne Street site an overhead sign will require regularization as a result of the widening. Canada Safeway has requested that the City allow the encroachment to remain for as long as it exists at no cost to Canada Safeway. Several parking bumpers will require moving, which cost will form part of the construction contract.

The Land Surveys and Real Estate Department is of the opinion that it is in the best interest of the City to settle in accordance with the terms and conditions. The market value of all four parcels is considered to be reasonable and the terms and conditions are consistent with other City acquisitions of this nature. Inasmuch as the land to be conveyed to Canada Safeway is without direct access to a public right-of-way, it will be necessary for the applicant to consolidate title to this land with its adjacent property in accordance with the City's standard terms on this matter.

At its special meeting held on March 22, 1993, Council, in considering revenue sources for 1993 Current Estimates, directed that in the "Sale of City of Winnipeg Lands, which were acquired by a variety of means, including tax sales, which are determined to be surplus to the City's needs [the net sale proceeds therefrom will be credited to the revenue requirement of] $5,000,000.00". The City's costs of acquisition are to be offset against the sale price of the surplus land and the net sale proceeds will be credited to the revenue requirement.

Your Committee on Finance and Administration recommends:-

I. That the Acting City Solicitor settle the outstanding expropriation on the NorthWest Corner of River Avenue and Osborne Street at an amount of $1,520.00 plus statutory interest.

II. That the acquisition of the widening at the NorthWest corner of River Avenue and Osborne Street be approved in the amount of $7,000.00 and in accordance with the terms and conditions as outlined in Schedule "A".

III. That acquisition of the widening along the East side of Henderson Highway South of Chief Peguis Trail be approved in the amount of $87,800.00 and in accordance with the terms and conditions as outlined in Schedule "A".

IV. That the area shown as "proposed closing" on Misc. Plan No. EKT 8394/2 be declared surplus subject to Community Committee approval.

V. That the sale of the rearage lands shown as "proposed closing" on Misc. Plan No. EKT 8394/2 be approved in the amount of $269,050.00 and in accordance with the terms and conditions as outlined in Schedule "A" and subject to Canada Safeway agreeing to consolidate these lands in title with its adjacent property, in accordance with the City's standard term.

VI. That the Committee on Planning and Community Services be requested to approve the granting of a license, at no cost to the owner, to allow the encroachment of the overhead sign identified on Misc. Plan No. CC 8768/1 as long as the sign exists, subject to the approval of the terms and conditions of the proposed settlement by Council.

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VII. That the Committee on Works and Operations be requested to approve the proposed street opening/closing and to instruct the City Solicitor to prepare the necessary street opening/closing By-law in accordance with Misc. Plan No. CC 8768 and EKT 8394/2 for submission to Council; the cost of the By-Law, estimated to be $200.00 be recovered from the net sale proceeds.

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

Copy of Schedule "A" and Misc. Plans EKT 8394/2, CC8768, 2700-11 and CC8768 are on file in the office of the City Clerk.

Adopted by consent.

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

109 - 7. Council on May 26, 1993, approved the sale of property located on the Northwest and Northeast corner of Waverley Street and Taylor Avenue, subject to the City's standard terms and conditions, one of which is as follows:

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

Your Committee on Finance and Administration has been advised that this condition of sale is one of the standard terms approved of by Council on July 18, 1979. The intent of this clause is to preclude a "flip" or short term speculative profit on City lands. If, after completing all that is necessary to construct the foundation, the developer sells the project, then all profits would accrue to him. The prospective purchaser would still be bound by other conditions which usually provide for completion of the project within three years.

This requirement to complete the foundation prior to receiving title makes it difficult to obtain mortgage financing on a project. Institutional lenders require an interest registered on the title prior to disbursing funds. In some instances arrangements can be made for the City to deliver the title to the Institutional lender who advances the money and holds title until registration.

The purchaser, Ackman Consolidated Inc. has objected to this condition of sale and requested the waiving of the requirement to construct a foundation prior to transfer of title to the property.

The Land Surveys and Real Estate Department considers the requirement to construct the foundation prior to providing transfer, while cumbersome, guarantees development rather than speculation on City lands. The City should accrue any speculative profit from the sale of its lands and encourage the immediate development of the land. Nevertheless, the proceeds from this sale go a long way towards satisfying the 1993 five million dollar budget requirement.

For the information of Council, this property was the subject to a rezoning application under File No. DAZ 213/93. A public hearing was held by the City Centre Community Committee on September 28, 1993 and the application was considered by the Committee on Planning and Community Services on October 26, 1993, as outlined in Clause 5 of the Report of the Committee on Planning and Community Services dated October 26, 1993. The Purchaser requested your Committee on Finance and Administration for compensation for the requirement in the Servicing Agreement to construct a waterline in Waverley Street from Taylor Avenue to Mathers Bay. Your Committee on Finance and Administration concurred in the recommendation of the City Centre Community Committee that the subject watermain be deleted from the proposed servicing agreement and therefore there is no requirement to compensate the Purchaser.

Report of the Committee on Finance and Administration dated October 25, 1993

Your Committee on Finance and Administration recommends:-

I. That the requirement to construct a foundation prior to the receipt of a Transfer of Land for the property located at the Northwest and Northeast corners of Taylor Avenue and Waverley Street be waived.

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

Adopted by consent.

COMMITTEE ON FINANCE AND ADMINISTRATION

MOTIONS

Moved by Councillor Golden,
Seconded by Councillor Eadie,

110 - WHEREAS Council has enacted amendments to the Amusement Tax By-law to change the exemption process in order to eliminate the perceived abuse in the current amusement tax system;

AND WHEREAS under the proposed amendments, applications for exemptions will require review by the Winnipeg Arts Advisory Council, consideration by the Committee on Finance and Administration, and implementation through a by-law of Council;

AND WHEREAS several applications for amusement tax exemptions have been received which require consideration in order that the organizations may offer tickets for sale;

AND WHEREAS these applications for amusement tax exemption have been reviewed by the Winnipeg Arts Advisory Council in light of the newly developed criteria and are being recommended for approval;

BE IT RESOLVED that The City of Winnipeg Amusement Tax By-law No. 3107/81 be amended by inserting the following at the end of Subsection 7(6) thereof, to approve the following exemptions:

"Monthly music concerts held by the Wednesday Morning Musicale as part of its regular 1993/94 season effective immediately to March 23, 1994 at the Winnipeg Art Gallery and at the All Saints Church;

Football games in the 1994 Season of the Canadian Football League held by the Winnipeg Football Club at the Winnipeg Stadium with the proviso that the exemption does not apply where pre-game, half-time, or post-game entertainment results in an increase in the admission price;

A musical comedy production entitled "Chutzpah a' go-go" held by The Winnipeg Jewish Theatre Inc. from December 9 to 19, 1993 at the Warehouse Theatre;

The "Scholarship Winners' Recital" and the "Diedre Irons - Piano" recital to be held by The Women's Musical Club of Winnipeg on January 2, 1994 and February 13, 1994 respectively at The Muriel Richardson Auditorium in The Winnipeg Art Gallery;

Concerts held by the Manitoba Chamber Orchestra Inc. as part of its regular 1993/94 season effective immediately to April 27, 1994 at the Westminster Church and the Pantages Playhouse Theatre;

Theatre plays held by Le Cercle Moliere, Inc. as part of its regular 1993/94 season effective immediately to March 31, 1994 at the Centre Culturel Franco-Manitobain;

Theatre performances held by the Manitoba Theatre for Young People Inc. as part of its regular 1993/94 season effective immediately to April 24, 1994 at the Gas Station Theatre and the Walker Theatre;

Committee on Finance and Administration - Motions (continued)

A concert entitled "F.A.M.E. '93" (Filipino Artists in Music and Entertainment) to be held by the National Council of Canadian Filipino Associations on November 27, 1993 at the Pantages Playhouse Theatre;

Plays entitled "Egad, the Woman in White" and "Our Town" to be held by the Phoenix/Kildonan Productions Theatre Company Inc. on December 1 to 3, 1993 and March 16 to 18, 1994 respectively at the Chief Peguis J. H. Theatre;

Performances entitled "Balance", "Choreographic Workshop", and "Mixed Repertoire" to be held by the Dance Collective Inc. on December 2 to 5, 1993, February 10 to 13, 1994 and April 28 to May 1, 1994 respectively at the Centre Culturel Franco-Manitobain, Venue VIII Mother Tuckers, and the Gas Station Theatre respectively;

A musical entitled "Grease" to be held by Joseph Wolinsky Collegiate on December 8 to 11, 1993 at the Tec Voc Theatre;

The opera "The Pearl Fishers" to be held by the Manitoba Opera from April 16 to 22, 1994 at the Manitoba Centennial Centre; and

The "Provincial High School Hockey Championships" to be held by the Manitoba High Schools Athletic Association on March 11 to 13, 1994 at the Winnipeg Arena."

In amendment,

Moved by Councillor Golden,
Seconded by Councillor Eadie,

THAT the motion be amended by referring the last event listed, namely "The Provincial High School Hockey Championships" back to the Committee on Finance and Administration for further consideration.

Carried.

The motion, as amended, was put and declared carried.

COMMITTEE ON FINANCE AND ADMINISTRATION

CONSIDERATION OF BY-LAWS

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

By-law No. 6240/93, a By-law of the City of Winnipeg to authorize the expenditure of monies in 1994 before the adoption of the 1994 Annual Estimates. File FC-2 (Vol. 17).

By-law No. 6241/93, a By-law of the City of Winnipeg to authorize the borrowing during the year 1993 of monies not exceeding in the aggregate the sum of Two Hundred and Fifty Million Dollars ($250,000,000.00) at any one time for capital and current purposes, and to authorize the issue and delivery of promissory notes in respect thereof.

File FC-2 (Vol. 17).

On motion of Councillor Eadie, the rule was suspended and By-law No. 6271/93, a By-law of the City of Winnipeg to amend the License By-law No. 4007/85 and provide for the licensing of rooming houses, was read a first, second and third time, the rule being suspended for the third reading of the by-law and was passed and ordered to be signed and sealed. File EL-1 (Vol. 27)

On motion of Councillor Eadie, the rule was suspended and By-law No. 6272/93, a By-law of the City of Winnipeg to amend the Amusement Tax By-law No. 3107/8, was read a first time.

File EL-1 (Vol. 27)

Committee on Finance and Administration - Consideration of By-laws (continued)

Councillor Eadie moved that this constitute the first reading of By-law 6272/93, which motion was carried.

Councillor Eadie moved that By-law 6272/93 be read a second time.

In amendment,

Moved by Councillor Eadie,
Seconded by Councillor Golden,

THAT By-law No. 6272/93 be amended by deleting "The Provincial High School Hockey Championships" from the list of exemptions.

Carried.

Councillor Eadie moved that this constitute the second reading of By-law 6272/93, as amended, which motion was carried.

On motion of Councillor Eadie, the rule was suspended and By-law 6272/93, as amended, was read a third time.

Councillor Eadie moved that this constitute the third reading of By-law 6272/93, as amended, and that same be passed and ordered to be signed and sealed, which motion was carried.