REPORT OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

DATED APRIL 5, 1993

On motion of Councillor Eadie, the Report of the Committee on Finance and Administration, dated April 5, 1993, was considered clause by clause.

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

Carried.

Her Worship the Mayor and Councillors:

Appointment of Special Constables – Fire Department File No. GF-2.3 Volume 4

561 - 1. Your Committee on Finance and Administration has been advised that the Law Department has received a request from the Director of the Fire Prevention Branch of the Fire Department that it apply to the Attorney-General's Department to have the following employees of the Fire Prevention Branch sworn in as Special Constables:

WILLIAM GEORGE BURTON
HENRY HURLEY SYDNEY RANDALL
DONALD ALISTER MACAULAY
WILLIAM LESLIE ROBINSON
NORMAN MURRAY MYMKO
WILLIAM MCGREGOR BYERS
GERALD ARTHUR MACLEAN
LINDSAY WAYNE ADAMS
PAUL NORBERT FILLION
RON JACOB FEHR
WAYNE WELLINGTON WILSON
JOHN MAXWELL STEEL
KENNETH HARVEY MCIVOR
ROGER LOUIS ISIDORE JOSEPH CHAMBERLAND
WILLIAM TONEY ELLIE
BARRIE JAMES LOUGH
ALVIN MORRIS CHRISTIE
FRANK DONALD CIELEN
GEORGE ZAYETS
HARRISON FREDERICK JONES
JAMES BATY

The above employees are employed with the City's Fire Prevention Branch and will be required to use common offence notices in the enforcement of the Fire Prevention By-law.

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

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

Adopted by consent.

Report of the Committee on Finance and Administration, dated April 5, 1993

Summary of Leases and Sales of City Property; Leases of Privately-owned Land - July 1, 1992 to December 31, 1992 File FI-2.5 Volume 10

562 - 2. Council, on July 18, 1979, adopted Clause 1 of the Report of the (then) Committee on Finance, dated June 26, 1979, which sets out the policy for the sale, acquisition, rental, leasing and management of properties for the City, which policy requires the Committee on Finance and Administration to report all acquisitions, leases and sales of property to Council for information purposes.

Your Committee on Finance and Administration therefore submits for the information of Council, the attached summary of leases and sales of property approved by the Committee during the period July 1, 1992 to December 31, 1992.

Adopted by consent.

Delegation of Authority to Committee on Finance and Administration Regarding Leasing of Private Properties File GC-11 Volume 6

563 - 3. On February 24, 1993, Council granted your Committee on Finance and Administration an extension of time of 90 days in which to report back on the following motion referred to it by Council on May 27, 1992;-

Moved by Councillor Reese,
Seconded by Councillor Thomas,

" WHEREAS there are no guidelines for the delegated authority of the Committee on Finance and Administration as it relates to leasing arrangements for private properties;

THEREFORE BE IT RESOLVED that the July 18, 1979 authority delegated to the Committee on Finance and Administration as it relates to leasing of private properties by the City for City purposes be amended by providing for guidelines and ***further*** *guidelines for the $1 million ceiling, or for less than $1 million."*

The resolution suggests restricting the delegated authority of the Committee on Finance and Administration beyond the 10 year / $1 million ceiling which would, in your Committee's opinion. unnecessarily encumber the decision making process. The ability to act quickly when favourable market opportunities exist is normally an important component of lease negotiations.

By today's standard the 10 year / $1 million dollar ceiling is representative of City occupancy by a small Department for a period long enough to fully depreciate most tenant improvements. To require full deliberation by Council of a lease more restrictive than the existing parameters would relegate Council to the review of what should be a fairly routine matter.

Your Committee on Finance and Administration therefore recommends:

I. That the existing delegated authority granted by Council on May 27, 1992 as it relates to leasing of private properties to the Committee on Finance and Administration, be confirmed as follows:

(a) If a lease is for more than 10 years; or,

(b) If its net cost to the City, excluding operating costs and tenant improvements, is greater than $1,000,000.00 over the lease term,

the lease shall be subject to review by Council.

Adopted by consent.

Report of the Committee on Finance and Administration, dated April 5, 1993

**Request for an Extension of Time –
Amusement Tax Exemption Review
File FL-2.5 Volume 7**

564 - 4. Council, at its meeting held on May 27, 1992, referred the following motion to your Committee, namely:-

Moved by Councillor Reese,
Seconded by Councillor Mendelson,

"WHEREAS in view of the concerns expressed towards the tax exemption obtained by the owners of the Walker Theatre to put on Phantom of the Opera;

THEREFORE BE IT RESOLVED that By-law No. 3107/81 be reviewed by the Committee on Finance and Administration;

BE IT FURTHER RESOLVED that the Committee on Finance and Administration consider abolishing the amusement tax exemption and replace it with a system of grants."

Your Committee on Finance and Administration, at its meeting held on February 1, 1993, considered a report dated January 20, 1993, from the Commissioner of Finance and Administration, relating to an Amusement Tax By-law review and referred this report to its Ad Hoc Committee on Licensing and Animal Control. On March 12, 1993, the Ad Hoc Committee on Licensing and Animal Control laid over consideration of this matter to a meeting to be held at the call of the Chair.

Council, on February 24, 1993 granted your Committee a 30 day extension in which to report on the above matter. The Ad Hoc Committee has not submitted its recommendations to your Committee in this connection.

Your Committee on Finance and Administration therefore requests Council grant it an extension of time of 60 days in which to consider this matter and report to Council.

Adopted by consent.

**Leave and License Agreements –
North-East Corner of York Avenue and Main Street
File FI-2.2(32) Volume 1**

565 - 5. Your Committee on Finance and Administration has considered Item 2 of Report No. 1A of the Technical Advisory Committee on City Properties dated March 19, 1993 (File 7509) with respect to the above-referenced property, said property being located in the City Centre Community.

Pursuant to the terms of the "East Yards" agreement between the City and the Canadian National Railway Company, the City agreed to close the public lane adjoining CNR property at the North-east corner of York and Main and transfer same to the CNR in exchange for certain portions of CNR land required for the widening of York Avenue and Main Street. The lands acquired by the City are shown as "Subject Right-of-Way Lands" on Misc. Plan No. CC 7801/10.

The lands are currently being used by Imperial Parking Limited as part of its commercial parking lot. In addition, Hook Outdoor Advertising has a four-sided pillar advertising structure thereon. These lands were used for these purposes prior to possession by the City.

Until the City proceeds with the widening of Main Street and York Avenue, it is necessary to grant leave and license agreements to the users of the property until such time as the streets were physically improved.

Report of the Committee on Finance and Administration, dated April 5, 1993

Terms and conditions of the agreements are summarized as follows:

Imperial Parking Limited

1. Land: Shown dotted on Misc. Plan No. CC 7801/10.
2. Rental: $277.00 per month/$3,324.00/annum.
3. Term: Month-to-month basis.
4. Cancellation: 30 days notice by either party.
5. Purpose: Parking in conjunction with adjoining commercial parking lot.
6. Public liability insurance adding City as Additional Named Insured, containing a cross-liability clause and for minimum limits of $250,000.00.

Hook Outdoor Advertising

1. Land: Shown hatched on Misc. Plan No. CC 7801/10.
2. Rental: $750.00 per annum.
3. Term: Month-to-month basis.
4. Cancellation: 30 days notice by either party.
5. Purpose: Maintenance of a 4' x 4' column signboard.
6. Public liability insurance adding City as Additional Named Insured, containing a cross-liability clause and for minimum limits of $250,000.00.

The rentals proposed are equivalent to that paid to the CNR, and are coincident to or greater than the rates received by the City on similar leases.

Your Committee on Finance and Administration recommends:-

I. That leave and license be granted to Imperial Parking Limited and Hook Outdoor Advertising to use the subject right-of-way lands in accordance with the terms and conditions outlined above;

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

Adopted by consent.

Lease of City Land to Seven Oaks School Division No. 10 - North of Leila Avenue, West of Allan Blye Drive File FI-2.2(34) Volume 1

566 - 6. Your Committee on Finance and Administration has considered Item 3 of Report No. 1A of the Technical Advisory Committee on City Properties (File 7357) dated March 19, 1993, with respect to the above referenced lands located in the Lord Selkirk - West Kildonan Community.

The subject land is shown as "Subject Property" on Misc. Plan No. LSWK 8095/1.

Council on January 23, 1991, approved an exchange of lands with the Seven Oaks School Division No. 10 whereby the City acquired Parcel C, Plan 28252 for open space purposes in exchange for the School Division acquiring Parcel A, Plan 28252.

Lot 3, Plan 23200 was acquired by the City under development agreement with the School Division for the future extension of Birtle Street. In the event that Lot 3 is not opened as street by December 31, 1999, the School Division has the option to re-acquire the lot.

The School Division has constructed upon its lands the Leila North Junior High School and has requested a lease of the subject land for development of a soccer field in conjunction therewith.

Report of the Committee on Finance and Administration, dated April 5, 1993

Details of the subject land are as follows:

Location: North of Leila Avenue, West of Allan Blye Drive
Legal Description: Parcel C, Plan 28252 and Lot 3, Plan 23200
Size: 90.848 m x 110.734 m = 10,059.962 m²
(298.06 feet x 363.3 feet = 2.48 acres)
Zoning: Parcel C - "PR" Parks and Recreation
Lot 3 - "AR-5" Agricultural
Roll Nos.: 05-48525, 55108
Assessment: Land - $35,800.00 (Total)

The Parks and Recreation Department has no objections to a lease with similar conditions as contained in the agreement with the School Division for the parkland adjoining Maples Collegiate.
The District has no objections to the inclusion of Lot 3, Plan 23200 in the lease. The terms and conditions of lease which have been agreed to by the School Division, subject to its Board approval once final signatures are required, are outlined in Schedule "A" attached. Essentially the lease provides for a term of 10 years at a rental of $1.00 per annum plus an amount equivalent to taxes.

Pursuant to Order of Council of September 9, 1987, this lease requires approval of two-thirds majority of Council.

Your Committee on Finance and Administration recommends:-

I. That the lease be approved as outlined in Schedule "A" with the inclusion of an additional clause 11 (d) to read, "In the event the City requires a portion of the leased area, namely Lot 3, Plan 23200 for the construction of a street right-of-way, this lease may be cancelled in whole or in part, at no cost to the City".

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.

Request to Lease City Land
Adjoining 1327 Border Street
File FI-2.2(31) Volume 1

567 - 7. Your Committee on Finance and Administration has considered Item 4 of Report No. 1A of the Technical Advisory Committee on City Properties dated March 19, 1993 (File 32/5546) with respect to the above land located in the Assiniboia Community.

A request has been received from Sunridge Management Inc. regarding the leasing of the City land shown as "Subject City Property" on Misc. Plan No. SJA 8003 for the purpose of constructing a parking lot with approximately 20-30 stalls; said premises being located at 1327 Border Street.

Details of the subject property are as follows:

Location: East side of Border Street, North of Dublin Avenue
Legal Description: Part Lots 61/62, Block B, Plan 2930 and former Powell Street closed by By-law 9931
Size: Irregular - 775 m²± (8,342.3 square feet)
Roll No.: 07 100830
Assessment: Not individually assessed
Zoning: M-2 Industrial

The subject property is located adjacent to Omand's Creek and in most cases, the Parks and Recreation Department would not support leasing riverbank or creek property for development of a parking lot as such land use would be considered contrary to the objectives of "Plan Winnipeg" Policy 80 (i.e., the development of natural water course parkway systems). However, with regard to this particular request, the Parks and Recreation Department has no objection to a lease of the property as it is located adjacent to a particular section of Omand's Creek that has a significant number of intervening road allowances, rail lines and industrial land uses which virtually preclude any possibility of developing an adequate linear parkway system within the immediate future (15-20 years).

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In addition to the usual terms and conditions of lease, the Parks and Recreation Department recommends that the lessee be responsible for maintenance of the parking lot surface and any landscaped areas (standard clause) and that the lessee submit design plans and specifications of the proposed parking lot for approval of the Rivers and Streams Authority and the General Manager of Parks and Recreation.

The Waterworks, Waste and Disposal Department has no objections to a lease subject to certain conditions which have been included in the terms and conditions of lease.

The Rivers and Streams Authority Engineer advises that since the subject property is within the jurisdiction area of Rivers and Streams, an application to the Authority will be required for any proposed works. In general, there would be no objection to the construction of a parking lot pending address of its mandate, i.e., bank stability and hydraulics.

The Engineer further advises from site inspection that the bank is approximately 15 feet high. Low scrub growth dominates the bank and there is evidence of surface slope distress which may be attributed to bank creep/movement. The proposed parking lot must be constructed so as not to impact on bank stability. This can be achieved by maintaining a safe offset from the top of the creek bank, not incorporating any surcharge fill in lot design and providing for proper lot drainage.The former St. James-Assiniboia Community Committee had, and the new Assiniboia Community has no objections to the lease.

Terms and conditions of lease agreed to by the applicant are detailed on Schedule "A" attached.

Essentially the lease provides for a market return to land value at $2,500.00 annually plus taxes and a five year term.

Your Committee on Finance and Administration recommends:-

I. That the lease, in accordance with the terms and conditions outlined in Schedule "A", be approved.

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

Adopted by consent.

Partial Acquisition - Rearage Lands
Oakdale Drive at Eldridge Avenue
File FI-2(31) Volume 1

568 - 8. Your Committee on Finance and Administration has considered Item 5 of Report No. 1A of the Technical Advisory Committee on City Properties dated March 19, 1993 (File 4446) with respect to the above land located in the Assiniboia Community.

The land shown as "Land to be Acquired by the City" on attached Misc. Plan No. ASBA 8702/2 is proposed to be acquired by the City for consolidation with adjoining City lands to create two single family residential building lots as shown on Misc. Plan No. ASBA 8702/3.

Particulars of the subject property are as follows:

Location:	Rearage portion of 675 Oakdale Drive.
Legal Description:	Part Lot 64, Plan 20296 Shown as "Land to be Acquired by the City"on Misc. Plan ASBA 8702/2.
Certificate of Title:	32285
Registered Owner:	Beatrice Merlin McIntosh
Realty Roll No.:	Charleswood 21216
Assessment:	Not apportioned
Zoning:	"R 1-6" - Residential
Total Site Area:	± 1948.71 m² (20,976 sq. ft.)
Portion Being Acquired:	± 1154.4 m² (12,426 sq. ft.)
Description of Property:	Vacant residential rearage lands which are part of a larger improved residential site.

The Land Surveys and Real Estate Department has reviewed this matter and supports the proposed acquisition because it will, when combined with adjacent City land allow for the development of two residential lots. The future infill development of the residential lots will be complimentary to the neighbourhood.

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The net value to the City of developing and selling the two lots on Eldridge Avenue is estimated to be $34,000.00 in addition to the recovery of $24,000.00 from existing local improvements and $8,000.00 for the Charleswood transportation levy.

A future side benefit of the proposed subdivision as shown on Misc. Plan No. ASBA 8702/3 is a potential exchange of Parcel "B" for the required future street widening of Eldridge Avenue on Lot 65, Plan 20,296.

Funding, for the proposed acquisition is available in the Land Operating Reserve Account.

Your Committee on Finance and Administration recommends:

I. That the acquisition of the subject property for $14,000.00 with funding for the purchase price and related acquisition costs to be charged to the Land Operating Reserve Account be approved.

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

Adopted by consent.

Sale and Lease of City-Owned Lands
North of Pacific Avenue between
McPhillips and Weston Streets
Files FI-2.4(34) Volume 1 and
FI-2.2(34) Volume 1

569 - 9. Your Committee on Finance and Administration has considered Item 6 of Report 1A of the Technical Advisory Committee on City Properties dated March 19, 1993 (File 6226/H) with respect to the above land located in the Lord Selkirk - West Kildonan Community.

Council on May 8, 1991 approved the acquisition of 46.8 acres of land from Burlington Northern (Manitoba) Ltd. on the north and south sides of Pacific Avenue between McPhillips and Weston Streets for the relocation of the Ross Avenue Central Yards. The City secured possession of these lands on September 3, 1991.

In designing the Central Yards facility the consultant for the City advised that Parcel B, located north of Pacific Avenue, at the rear of the property owned by Cowin Steel Company Ltd. at 1137 Pacific Avenue due to its location and configuration would be difficult to incorporate into the development plans of the new facility. Cowin Steel Company Ltd., the adjoining owners, up until the time of the City's acquisition of the total site occupied a portion of the former Burlington Northern Lands at the rear of its property for storage purposes and utilized a portion at its west boundary for access purposes, without any formal agreements with the former owner. The Company has indicated an interest in acquiring lands at the rear of their property extending to the public lane and a portion on the west side of their property so that access could be maintained to the rear of its property. The lands are shown on Misc. Plan No. CCFR 8602/1 as "Surplus City land to be sold to Cowin Steel" and comprise an area of 1296.2 m² (13,952 sq. ft.).

In addition to the lands that were deemed surplus and available for sale it was determined by the Operations and Waterworks, Waste and Disposal Departments that additional lands could be made available for lease to Cowin Steel. Those lands are shown on Misc. Plan No. CCFR 8602/1 as "City land to be leased to Cowin Steel Company Ltd." and comprise an area of 236.9 m² (2,550 sq. ft.). The lands to be leased represent a 3 metre wide strip of the subject rearage lands which the Waterworks, Waste and Disposal Department has requested to remain in City ownership rather than being available for sale primarily to ensure that the City has greater control to access the existing 900 mm feeder main which is located along the north boundary of the subject property.

Negotiations with Cowin Steel Company Ltd. have provided proposed terms and conditions of an Offer to Purchase attached as Schedule "A" and terms and conditions of a lease agreement attached as Schedule "B".

Details of the subject property are as follows:

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Location:	North of Pacific Avenue between McPhillips and Weston Streets
Realty Roll No.:	604605 Wpg. Wd. III
Legal Description:	Part Parcels A and B, Plan 27411
Site Size:	Total Area - 18.94 ha (46.8 acres); Area to be Sold - 1296.2 m² (13,952 sq. ft.); Area to be Leased - 236.9 m² (2,550 sq. ft.)
Zoned:	M-2 - Industrial
Certificate of Title No.:	1222977
Assessment (Total):	Land - $1,226,000.00 Building - $23,000.00

The Lord Selkirk West Kildonan Community Committee on January 19, 1993 concurred in a recommendation from the Director of Operations that the subject lands as shown on Misc. Plan No. CCFR 8602/1 be declared surplus to facilitate the proposed sale and lease.

The proposed sales price of $16,200.00 equates to $1.16 per square foot which is marginally more than the overall rate paid for the acquisition of this site ($1.08/sq. ft.) in 1991.

The proposed rental is $1.00 per annum plus an amount equivalent to all taxes payable. This amount reflects the restricted use of the property. As a condition of purchase of the contiguous surplus City lands, the Company is to install, at its cost, a chain link fence (a value to the City of $3,000.00 to $3,500.00).

The costs to prepare a plan to transfer the subject lands to be sold to Cowin Steel are to be charged to Account No. 01-118111-110199 WL008. The Operations Department has requested that the proceeds from the sale of the subject property be credited back to the Central Yards Account No. 01-6392050701-118117.

Your Committee on Finance and Administration recommends:

I. That the sale and lease of lands to Cowin Steel Co. Ltd., in accordance with the terms and conditions outlined in Schedule "A" and Schedule "B" be approved; and

II. That the net sale proceeds be credited to the Central Yards Account No. 01-6392050701-118117.

III. That the Proper Officers of the City be authorized to do all things necessary to effect the foregoing including the signing of any documents related thereto.

Adopted by consent.

Personal Computer Employee Home Purchase Program File GP-1

570 - 10. Council at its meeting held February 24, 1993, referred the following motion to your Committee, namely:-

Moved by Councillor Angus,
Seconded by Councillor Silva,

"WHEREAS the world is undergoing a technological change, and computerization is being utilized effectively in the home and business;

AND WHEREAS it is in the City's best interest that the staff become more computer literate;

AND WHEREAS it is common practice for corporations to provide for an employee "computer-purchase plan" to facilitate ownership and encourage the development of a working knowledge of computer applications;

AND WHEREAS the Federal Government and many Provincially-funded organizations and Crown Corporations presently provide various related plans for its employees;

AND WHEREAS an employee purchase program may stimulate and provide increased business activity for local distributors;

Report of the Committee on Finance and Administration, dated April 5, 1993

THEREFORE BE IT RESOLVED that the City of Winnipeg develop and instate a "Personal Computer Employee Home Purchase Program" at no cost to the City of Winnipeg."

Your Committee on Finance and Administration at its meeting held on April 5, 1993, further considered a report dated December 23, 1992, from the Commissioner of Finance and Administration and concurred in the recommendation contained therein, namely, that the City not institute a program whereby civic employees could purchase computers for personal home use.

Your Committee on Finance and Administration therefore recommends that a Personal Computer Employee Home Purchase Program be not proceeded with and that the matter be filed.

Adopted by consent.

COMMITTEE ON FINANCE AND ADMINISTRATION

CONSIDERATION OF BY-LAWS

571 - On motion of Councillor Eadie, the rule was suspended and By-law No. 6163/93, a By-law of the City of Winnipeg to authorize the borrowing of money for the purposes of the City by the issue and sale of debentures of the City in the aggregate principal amount of One Hundred and Twenty-five Million Dollars ($125,000,000.00) in lawful money of Canada, 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 FC-2.

Councillor Murray asked to be recorded as having voted against all three readings of By-law No. 6163/93 in accordance with Rule 50.7 of the Procedure By-law.