CONSIDERATION OF REPORT OF THE COMMITTEE ON WORKS AND OPERATIONS

The Executive Policy Committee has had before it the Report of the Committee on Works and Operations, dated September 29th, 1992, has concurred in the recommendations contained therein, except as noted below, and submits same to Council for approval and adoption.

On motion of Councillor Duguid, the Report of the Committee on Works and Operations, dated September 29th, 1992, was considered clause by clause.

North Committee Room,
Council Building, Winnipeg.
September 29th, 1992.

His Worship the Mayor and Councillors:

Your Committee on Works and Operations submits the following Report and recommends:

Opening/Widening - North-east Corner of Sargent Avenue and Wall Street - City Centre-Fort Rouge Community.
File DAO 31/92

1509 - 1. Council, at its meeting on September 23rd, 1992, adopted Clause 5 of the Report of the Committee on Finance and Administration dated September 8th, 1992, and thereby authorized that the transfer of jurisdiction from the Parks and Recreation Department to the Streets and Transportation Department for the property identified as "Proposed Street Opening" at the north-east corner of Sargent Avenue and Wall Street on Misc. Plan No. CCFR 8534 be approved.

In conjunction therewith, your Committee on Works and Operations has approved the proposal that, as part of the works associated with the resurfacing of Sargent Avenue from Arlington Street to St. James Street, certain corners be widened to accommodate turning vehicles, along with providing adequate sidewalk width.

Your Committee on Works and Operations therefore recommends:-

1. That the City Solicitor be instructed to prepare the necessary street opening by-law in accordance with Misc. Plan No. CCFR 8534 for submission to Council to effect the street opening/widening at the north-east corner of Sargent Avenue and Wall Street; the cost of the by-law, estimated to be $200.00, be charged to Account Number 03-118117-5192040711.

2. That the Proper Officers of the City do all things necessary to implement the foregoing.

Copy of Misc. Plan No. CCFR 8534 regarding this proposal is on file in the office of the City Clerk.

Moved by Councillor Duguid,
Adoption of the clause.

Carried.

Street Opening/Widening - South-east corner Wellington Avenue at St. James Street - City Centre-Fort Rouge Community.
File DAO 32/92

1510 - 2. Council, at its meeting on September 23rd, 1992, adopted Clause 8 of the Report of the Committee on Finance and Administration dated September 8th, 1992, and thereby authorized the partial acquisition of property at

Report of the Committee on Works and Operations, dated September 29th, 1992.

the south-east corner of Wellington Avenue and St. James Street.

The purpose of the acquisition is to provide radius modifications to accommodate WB-15 semi-trailer trucks.

In conjunction therewith, your Committee on Works and Operations has approved the proposal and recommends:-

1. That the City Solicitor be instructed to prepare the necessary street opening by-law in accordance with Misc. Plan No. CCFR 8495 for submission to Council to effect the street opening/widening at the south-east corner of Wellington Avenue at St. James Street, and that the costs of the by-law, estimated to be $200.00, be charged to Account No. 03-118117-5187100705.

2. That the Proper Officers of the City do all things necessary to implement the foregoing.

Copy of Misc. Plan No. CCFR 8495 regarding this proposal is on file in the office of the City Clerk.

Moved by Councillor Duguid,
Adoption of the clause.

Carried.

Partial Closing of Emily Street, North of McDermot Avenue, and Related Street Opening and Closing on Bannatyne Avenue - City Centre-Fort Rouge Community.

File DAOC 2/91

1511 - 3. The proposal for the partial closing of Emily Street, north of McDermot Avenue, and related street opening and closing on Bannatyne Avenue, was initiated on behalf of the University of Manitoba by FRT/GBR Architects, for the development of the University Downtown Centre at the school's Bannatyne Campus. The architects advised that after the demolition of two buildings (the Pincock Building and the Health Services Building) located on the east side of Emily Street, the lands which are owned by the Health Sciences Centre will be acquired by the University. These lands, together with the lands comprising the streets proposed to be closed and which the University wishes to acquire from the City, are to be developed as the location of the new University Downtown Centre.

The proposal was circulated to various applicable City departments and public utilities for information and comments in the usual manner.

Although there were no objections to the proposed closing/opening, the following comments were received in reply.

District No. 1 Operations

Easements will be required to protect a 1,370 millimetre sewer and a 200 millimetre watermain which will remain within the old rights-of- way. The agreement between the University and the City will also have to cover repair methods and absolve the City from any damages arising from watermain leaks, etc., as the services will be under the proposed building. The District cannot supply a location plan for the easement at this time as both services will be relocated within the existing right-of-way during construction. The applicant's consulting engineer will be supplying plans at a future date.

All costs associated with the closing and opening must be the responsibility of the applicant including complete restoration of the McDermot and Emily intersection and construction of the cul-de-sac on Bannatyne. The applicant will have to provide construction drawings sealed by a Municipal Engineer for approval prior to any work taking place and provide for engineering supervision during construction.

Report of the Committee on Works and Operations, dated September 29th, 1992.

Acceptable record drawings must be provided to the District upon completion of all work.

It is proposed that the University and the City enter into a servicing agreement to cover all details of the work prior to any construction taking place.

Manitoba Telephone System

Should any M.T.S. facilities have to be relocated/removed as a result of this undertaking, costs involved would be the responsibility of the City of Winnipeg as per M.T.S./City Agreement. Winnipeg Hydro Winnipeg Hydro has an underground plant (ductline, manholes and high voltage cables) which must be relocated to maintain service to existing customers. Negotiations with regard to costs and alternative methods of providing service is ongoing with the University and the consulting engineering firm.

Centra Gas

Closing Emily Street would necessitate an easement agreement for a 4-inch diameter service line in Emily Street with all costs to be borne by the applicant.

At its meeting held on November 26th, 1991, the City Centre- Fort Rouge Community Committee considered the proposal and concurred in the recommendation of the Subdivision Branch, Planning Department, that the proposed closing/opening be approved. On January 6th, 1992, the Committee on Planning and Community Services approved the subject closing/opening as shown on said Misc. Plan No. CCFR 8180/1.

FTR/GBR Architects, recognizing that terms and conditions which would apply to the acquisition by the University of the lands comprising the streets proposed to be closed have not been negotiated between the City and the University, nonetheless, has requested that the referenced proposal be referred to the Committee on Works and Operations and Council for their respective considerations. It is intended that a separate report relative to said terms, applicable to the conveyance of the street lands to the University will be submitted to the Committee on Finance and Administration upon finalization of negotiations with the University of Manitoba for the Committee's consideration.

Your Committee on Works and Operations has concurred in the proposal and recommends:-

1. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the partial closing/opening of Emily Street, north of McDermot Avenue, and related street opening and closing on Bannatyne Avenue in the manner shown on Misc. Plan No. CCFR 8180/1; the cost of the by-law, estimated at $200.00, to be borne by the applicant herein.

2. That upon first reading of the by-law being subsequently given, the City Clerk be authorized to post the necessary notices in accordance with The City of Winnipeg Act.

3. That the Proper Officers of the City do all things necessary to implement the foregoing.

Copy of Misc. Plan No. CCFR 8180/1 regarding this proposal is on file in the office of the City Clerk.

Moved by Councillor Duguid,
Adoption of the clause.

Carried.

Report of the Committee on Works and Operations, dated September 29th, 1992.

Island Lakes Subdivision - Private Docks in
the Stormwater Retention Basins.
Files WS-5.2 and DASZ 37/78

1512 - 4. At their respective meetings on May 11th, 1992 and May 12th, 1992, the Committee on Protection, Parks and Culture and the Committee on Works and Operations requested that a joint report be prepared by the Parks and Recreation and Waterworks, Waste and Disposal Departments on the proposal in which private property owners would purchase City-owned land in the stormwater retention basins for the purpose of installing private docks.

The historical background in this regard is as follows:

April 20th, 1991 — The Island Lakes Residents' Group wrote to the Waterworks, Waste and Disposal Department requesting that the City approve of private docks and install public docks in the Island Lakes Subdivision.

April 30th, 1991 — The St. Boniface-St. Vital Community Committee requested a report on how private docks can be legitimized and how public docks can be provided in the Island Lakes area.

October 25th, 1991 — The Waterworks, Waste and Disposal and the Parks and Recreation Departments submitted a joint report to the Commissioner of Works and Operations. The St. Boniface-St. Vital Community Committee subsequently received this report on November 6th, 1991.

April 30th, 1992 — Councillor Reese held a public information meeting with Island Lakes residents and administrative representatives from the Waterworks, Waste and Disposal Department and the Parks and Recreation Department to discuss docks in Island Lakes. The residents proposed that they be allowed to purchase City-owned land in the basins for the purpose of installing docks.

May 11th and 12th, 1992 — At their respective meetings, the Committee on Protection, Parks and Culture and Committee on Works and Operations were advised by Councillor Reese about the retention basin land purchase proposal that arose from the public meeting.

July 28th, 1992 — At their special meeting, the Committee on Works and Operations considered a status update report from the Waterworks, Waste and Disposal Department on the investigation into the retention basin land purchase proposal. Committee requested that the final report be prepared for their September 29th, 1992 meeting.

The administrative report dealt with on November 6th, 1991, by the St. Boniface-St. Vital Community Committee recommended "that private docks not be legitimized and public docks not be installed". The City will not be installing public docks because of concerns for public safety, drowning prevention and liability of such incidents. "As well, the costs of constructing public docks is considered to be too excessive, relative to all other proposed projects of higher priority which are currently included in the Parks and Recreation Department's Five-Year Capital budget plan."

There has been considerable urging by Island Lakes residents to have private docks approved. At the April 30th, 1992 public information meeting, it was proposed by the Island Lakes residents owning lots abutting the stormwater retention basins (SRB's) that they be allowed to purchase City-owned land in the SRB's for the purpose of installing docks. That would give the owners total control and responsibility over maintenance and use of the first few metres of the water area, subject to the restrictions imposed by existing Zoning Agreements.

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If Council supports the concept of allowing private docks on stormwater retention basins, three alternatives have been identified as policy which could be applied on a City-wide basis to the approximate 56 SRB's in the City relative to small docks at the water's edge on or in water to an approximate depth of 300 millimetres (one foot).

Alternative 1: Land Purchase (Not Recommended)

Approximately three metres (ten feet) of City-owned land extending from the shore line into each SRB could be transferred to the abutting property owner. That would require a new plan of survey of each SRB plus an Easement Agreement from each owner allowing the City to maintain water over that there metres. The survey of each SRB is estimated to cost in excess of $10,000.00 and Land Titles registration costs for a Transfer and Easement Caveat is $60.00 per lot. That would cost in excess of $500,000.00 to cover all SRB's in the City plus administration costs.

The Assessment Department advises that there would be an insignificant increase in the land assessment on each private lot to reflect the increase in land area taking into consideration the land would be submerged. However, whatever increase in market value might result from the transfers over time would be reflected in the assessed value.

This alternative would necessitate participation by all the private property owners adjacent to an SRB. It would be impractical to survey and sell three-metre strips abutting only some of the lake shore properties. Such an arrangement would be equally impractical in terms of distinguishing and maintaining those parts of the shoreline remaining in City ownership.

Alternative 2: Licencing of Encroachment (Not Recommended)

The Encroachment By-law could be amended to treat private docks encroaching into SRB's in a similar manner to signs, etc., encroaching over public streets. Each private property owner proposing a dock could be required to apply for an encroachment licence, pay an application fee ($50.00 for signs, etc.) and upon approval pay an annual licence fee ($40.00 for signs, etc.) for a dock of three square metres (32 square feet) or less. Under the Encroachment By-law, licence fees contribute to the cost of the City inspecting overhanging signs, etc., and administering the control system.

There are an uncounted number of private docks already existing around SRB's. Some are within private land covered by water in the case of the earliest SRB's and others encroach over City-owned land in the case of later SRB's. In the latter cases the water line coincides with the private/City property line. A recent study by an engineering consultant has recommended reverting to the original system in new SRB's.

The Law Department advises there have been no known accidents arising out of the existence of these private docks. Obviously the existence of SRB's creates some degree of risk although they are carefully designed to minimize risk. Small private docks situated in a few centimetres of water may theoretically increase the degree of risk to a small extent but it would appear unreasonable to prohibit small private docks on that basis. It would appear that in reality, these small private docks located in a few centimetres of water pose no real danger beyond that inherent in the water alone.

The Planning Department, which administers the street Encroachment By-law, sees no justification for extending the encroachment inspection system to these private docks. A building permit is not required for placement of a dock, and experience would indicate there is no need to develop design standards for docks and inspect to ensure compliance.

If the encroachment licencing system were extended to small private docks there could be problems in enforcement; i.e., to persuade those who have had docks at no cost for many years to make applications and pay application and annual fees which would go entirely to pay the costs of issuing paper permission for docks not exceeding the prescribed maximum size.

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Alternative 3: Maintain Existing Situation (Recommended)

The last alternative is to pass the resolution recommended hereunder and formalize the existing situation of acquiescence in the encroachment of small private docks into public SRB's throughout the City. The Law Department advises whatever liability risk there may be to the City is about the same under status quo acquiescence or an encroachment licencing system.

Under existing Zoning Agreements, docks are structures and technically prohibited at or within 12.8 metres (42 feet) extending up into the private property from the water's edge. The Law Department advises that an amending agreement with each owner affected by a Zoning Agreement would be extremely cumbersome and costly but could be adequately avoided by Council passing a resolution declaring that docks within stated limits as to size are not intended by the Zoning Agreements to be within the meaning of the term "structures".

If anyone put in a structure exceeding that permitted by the recommended resolution, it would be an illegal encroachment which could be dealt with effectively with or without an encroachment licencing system.

A separate administrative report dated September 10th, 1992, with respect to maintenance aspects of Stormwater Retention Basins was received as information and is on file in the office of the City Clerk.

For the information of Council, the Committee on Protection, Parks and Culture, at its meeting on September 28th, 1992, supported the concept that private docks be allowed on stormwater retention basins, and recommended that any existing private docks, including those which are over three square metres in size, be permitted.

Your Committee on Works and Operations recommends:-

1. That Council support the concept of allowing private docks on stormwater retention basins.

2. That the interpretation of the term "structure" contained within zoning by-laws, town planning schemes, zoning agreements and subdivision agreements, shall not include a private dock under three square metres in size on private lots abutting stormwater retention basins.

3. That the Proper Officers of the City do all things necessary to implement the foregoing.

Your Executive Policy Committee recommends that the above clause be amended by adding the following paragraph at the end thereof, namely:-

"Your Committee further recommends that a pilot project be conducted in the Island Lakes Area Subdivision."

Moved by Councillor Duguid,
Adoption of the clause.

In amendment,

Moved by Mayor Norrie,
That the recommendation of the Executive Policy Committee be adopted.

Carried.

The motion for the adoption of the clause, as amended, was put and declared carried.

Report of the Committee on Works and Operations, dated September 29th, 1992.

Proposal for Free Metered Parking and
"Easy Streets" Token Program
File ST-2

1513 - 5. Council, at its meeting on September 23rd, 1992, granted your Committee on Works and Operations a 21-day extension of time in which to report on the following motion referred to it by Council, namely: "

Moved by Councillor Kaufmann,
Seconded by Councillor Selinger,

That parking at meters be free of charge in downtown Winnipeg on Saturdays, Sundays and holidays." On January 23rd, 1991, Council adopted a report from the Executive Policy Committee regarding "Free Saturday Parking, Parking Meter Rates and the Easy Street Downtown Parking Validation Program" which included the recommendations that:

- a grant of $50,000.00 be given in each of the years 1991 and 1992 to the Downtown Business Improvement Zone (BIZ) to enable the BIZ to launch the "Easy Streets" parking validation program, and

- the Director of Transit and the Director of Streets and Transportation investigate the use, acceptance and costs of the "Easy Streets" tokens in transit buses and parking meters.

In conjunction therewith, Council authorized that free two- hour Saturday parking at meters be discontinued.

On October 16th, 1991, Council adopted the following recommendations of the Executive Policy Committee:

a) the City of Winnipeg enter into a twelve-month agreement with the Downtown Business Improvement Zone (BIZ) to permit the use of "Easy Streets" tokens in parking meters and as the equivalent of one fare on transit buses;

b) the Parking Meter By-law No. 820/74 be amended to permit the use of these tokens in parking meters; and

c) Council approve an amendment to the transit fare schedule to permit the use of these tokens as the equivalent of one transit fare.

On October 17th, 1991, the Downtown Business Improvement Zone (BIZ) launched the "Easy Streets" parking validation program. Participating businesses distribute a token to a customer making a purchase of $20.00 or more. Each token, a blue-coloured aluminum coin of the same size but not the same weight as a Canadian one dollar coin is worth a $1.00 reduction in the cost of parking at participating downtown parking lots or a $1.00 reduction in the fare with participating taxi-cab companies, the equivalent of one fare on a transit bus, and one dollar's worth of time in a parking meter. Participating businesses buy the tokens for $1.00 each. The City redeems each token at participating downtown banks for 90 cents. Of the remaining 10 cents, 4 cents covers bank handling charges, and 6 cents is returned to the BIZ to cover further investment in "Easy Streets" marketing.

A total of 15,928 tokens have been collected from parking meters and transit fareboxes from the start of "Easy Streets" on October 17th, 1991 to July 31st, 1992 as follows:

Regular transit buses	78.6%
Handi-Transit vehicles	0.1%
Parking Meters	21.3%

The level of daily usage has been relatively stable over the nine months. Average daily usage is as follows:

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Transit:			Average weekday	=	56 per day
	average Saturday	=	31 per day		
	average Sunday/Holiday	=	8 per day		
Meters:	Average day (Monday to Saturday)	=	15 per day		

The estimated loss in parking meter and transit revenue due to the use of tokens is as follows:

	Transit	Meters	Total
October 17th, 1991 to July 31st, 1992	$2,245.00	$339.00	$2,284.00

The projected loss in revenue for a full twelve-month period is as follows:

	Transit	Meters	Total
January 1st, 1991 to December 31st, 1992	$3,240.00	$530.00	$3,370.00

Your Committee on Works and Operations, at its meeting on July 14th, 1992, had laid over consideration of the Council motion with respect to the proposal for free metered parking downtown, pending the completion and evaluation of the "Easy Streets" (BIZ) program. Over the first nine months of the "Easy Streets" program, the impact of the tokens on parking meter and transit operations has been minimal due to the low rate of usage. The blue token has not created any operational difficulties in the City's transit farebox, parking meter, and coin-handling equipment.

The Streets and Transportation Department has proposed that the program be extended for another twelve-month period to allow the Easy Streets program to further mature and hopefully to achieve greater success; the intent being that a further review toward the end of this twelve-month period would permit the City to make a determination as to whether the "Easy Streets" tokens should continue to be accepted for the value of one transit fare, or whether this relationship should be adjusted to reflect increasing transit fares.

Your Committee on Works and Operations is desirous of seeking the input of the Downtown Business Improvement Zone in this matter, and therefore recommends that it be granted a further 60-day extension of time in which to report on the Council motion.

Moved by Councillor Duguid,
Adoption of the clause.

The motion for the adoption of the clause was put.

Councillor Reese called for the yeas and nays, which were as follows:-

Yea: Councillors Brown, Clement, Demare, Douglas, Duguid, Gilroy, Lorenc, Mitchelson, Murray, Prystanski, Selinger, Thomas, Timmers, Young, Mayor Norrie and Councillor Eadie. 16

Nay: Councillors Boychuk, Diamant, Fleisher, Golden, Hyman, Kaufmann, Lazarenko, Mendelson and Reese. 9

and the motion for the adoption of the clause was declared carried.

COMMITTEE ON WORKS AND OPERATIONS

CONSIDERATION OF BY-LAWS

1514 - On motion of Councillor Duguid, By-law No. 6036/92, a By-law of The City of Winnipeg to close part of the public lane west of Keewatin Street between Pacific and Alexander Avenues, was read a second and third time, and was passed and ordered to be signed and sealed. File No. DAOC 3/90.

On motion of Councillor Duguid, By-law No. 6042/92, a By-law of The City of Winnipeg to widen the southeast corner of Henderson Highway at Munroe Avenue, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File No. DAO 30/92.

On motion of Councillor Duguid, the rule was suspended and the following by-laws were each 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. 6044/92, a By-law of the City of Winnipeg to widen the northwest corner of Ellice Avenue at Maryland Street. File DAO 13/92.

By-law No. 6046/92, a By-law of the City of Winnipeg to authorize the undertaking of certain local improvements during the year 1992. File SL(1992).

On motion of Councillor Duguid, the rule was suspended and By-law No. 6047/92, a By-law of the City of Winnipeg to close part of a public walkway east of Daffodil Street between Bluebell Avenue and Cherryhill Road, as read a first time. File No. DAC 37/87.

Councillor Duguid moved that this constitute the first reading of By-law No. 6047/92, which motion was carried.

COMMITTEE ON WORKS AND OPERATIONS

QUESTION PERIOD

1515 - Councillor Timmers questioned the disposition of a request from the Exchange District BIZ regarding the proposed use of $6,000.00 of their funds to cover the costs of street closures for events that they held over the summer.

Councillor Duguid noted that the Committee on Works and Operations had turned down the request, but that he did not share the opinion of the Committee.