CONSIDERATION OF REPORT OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

The Executive Policy Committee has had before it the Report of the Committee on Finance and Administration, dated July 14th, 1992, has concurred in the recommendations contained therein and submits same to Council for approval and adoption.

On motion of Councillor Selinger, the Report of the Committee on Finance and Administration, dated July 14th, 1992, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg.
July 14th, 1992.

His Worship the Mayor and Councillors:

Your Committee on Finance and Administration submits the following Report and recommends:

Amendment to the License By-law No.
4007/85 Outdoor Mobile Food Vendors - File No. EL-1

1330 - 1. Your Committee on Finance and Administration's Ad Hoc Committee on Licensing and Animal Control held a public hearing on March 2nd, 1992, to receive representations on the matter of license fee increases under the provisions of the City of Winnipeg License By-law 4007/85. The Manitoba Restaurant and Food Services Association made representation at the meeting raising concerns with respect to mobile food vendors in Winnipeg.

The Ad Hoc Committee on Licensing and Animal Control requested a report with respect to the issues raised by this Association which included the proliferation of mobile food vendors, parking issues, inadequate license fees and lack of effective enforcement.

In 1991, under the provisions of the City of Winnipeg License By-law 4007/85, 588 licenses were issued for hawkers with license fee revenue of $11,386.00. These hawkers include hawkers other than hot dog carts or mobile food vendors, for example, hawkers selling articles of clothing. However, hawkers selling food products make up the majority of the licenses issued in this category. Under the provisions of the by-law, hawkers are not permitted on private property and have restricted hours of operation.

Outdoor mobile food vendors who have arrangements with private property owners to operate on their property later in the evening have been licensed under the Transient Trader license category. In 1991, 28 mobile food vendors were licensed under the Transient Trader license category for license revenue of $9,200.00.

It appears to be a new trend for restaurant owners to include a mobile vending unit on their premises or patios, or to directly compete in the public right-of-way with other mobile food vendors. The restaurant itself would require licensing under the category "Food Handling Establishment". It is proposed that mobile vending units on licensed food handling establishment premises, operated by the licensee, be excluded from the outdoor mobile food vendor license category as this could be viewed as an extension of the restaurant business and that mobile vending units operated by restaurateurs on the public right-of-way or on other private property be licensed as outdoor mobile food vending units. If the restaurateur did both with the same mobile vending unit, only the outdoor mobile food vending unit license would be required.

Currently a person licensed as a "Flea Market Promoter" may rent areas to mobile food vendors and these mobile food vendors fall under the Flea Market Promoter's license and do not require separate licensing. Due to the fact that there is a potential health risk to the public, a further report is being prepared with respect to the flea market promoter license category and the issue of food sales. It is proposed that food sales associated with a licensed flea market continue to be covered by that license until a further review of this matter is concluded.

Report of the Committee on Finance and Administration, dated July 14th, 1992.

Currently, mobile food vendors have voiced their concerns over the requirement for more than one license for a single trade. Therefore, a separate license category is proposed for the outdoor mobile food vending unit with special restrictions while on the public right-of-way or private property.

The following types of outdoor food sales would be excluded from the outdoor mobile food vendor definition: Temporary food concessions associated with carnivals, fairs and special events, as this type of food sales will also be covered in a separate report and vegetable stalls, which would continue to be licensed in the license category "Vegetable Stalls".

Extracts from the License By-law relating to Hawkers and Transient Traders are attached marked Exhibit 3 which provide the definitions and special provisions relating to these trades. Please note that the majority of outdoor mobile food vendors fall into the hawker category and that several sections of the by-law relating to hawkers have been recently amended.

The Manitoba Restaurant and Food Services Association has identified several issues relating to this trade and these issues will be dealt with in turn.

Proliferation: The number of street vendors in Winnipeg has grown, as evidenced by the number of licensed hawkers. In 1990, 441 hawker licenses were issued and 588 were issued in 1991, an increase of 147 licenses or 33 1/3%. As noted above, the majority of this increase would relate to mobile food vendors or hot dog carts. The Association is concerned with loss of sales, perceived inequities in the costs of doing business, the reduced availability of parking for their customers, etc. It should be noted that the number of complaints from the public, other than from competitive interests, is almost nil. In short, the public in general appears to be in favour of the concept of mobile food vendors.

Council on July 31st, 1991, adopted By-law No. 5743/91 which amended the License By-law to control the placement of hawker vehicles or mobile units, partially in response to lobbying from the Manitoba Restaurant and Food Services Association. Distance restrictions were put in place to ensure street vendors were at least 5 metres from a crosswalk or intersection, 3 metres from the main entrance of any building, and 20 metres from the main entrance to any building containing a food service establishment. Also, mobile food vendors are not allowed on any section of sidewalk or boulevard located adjacent to a bus stop. Due to the fact that the by-law amendment was adopted late in the season, limited experience is available with respect to enforcement of these new provisions. It is hoped that these distance restrictions will provide increased control in this area. Once the effect of the recent amendments is known, the City will be in a better position to assess whether or not further by-law amendments are required in this area. Some housekeeping amendments with respect to distance restrictions are being proposed at this time.

Some complaints have been received by the City with respect to hot dog carts being left unattended on public sidewalks and your Committee is proposing that this practice be prohibited. Also, complaints have been received that vendors bring barrels and tubs and other paraphernalia and spread out their vending operation on the public right-of-way. It is also proposed that the additional apparatus be easily moved for safety reasons.

The Parks and Recreation Department has indicated that mobile street vendors should be prohibited from operating in close proximity to the entrance gates of public parks to ensure that the entrance areas are not obstructed and to protect the aesthetic character of the park gates. These parks would include Assiniboine Park, Kildonan Park, St. Vital Park, etc. as defined in the Parks and Recreation By-law 3219/82. Similar restrictions should also apply to other hawkers selling other than food items. Distance restrictions of 20 metres are therefore proposed.

As is the current practice with Transient Traders, outdoor mobile food vendors on private property will be required to have written approval from the property owner to be on the premises, such approval to be available for inspection and operators will be subject to current zoning regulations.

Report of the Committee on Finance and Administration, dated July 14th, 1992.

The issue of tendering specified zones in high traffic areas such as Broadway was dealt with by your Committee on June 2nd, 1992. The Committee reviewed a report dated May 12th, 1992 and concurred in its recommendation that specific vending areas, whether serviced or not, not be established on public rights-of-way at this time.

Parking: The recently adopted distance restrictions may provide some relief to the parking congestion created during the peak season. The existing requirement in the License By-law that no hawker shall permit any vehicle to remain standing in any street unless making a sale has become unworkable due to the fact that securing a location requires set up prior to the peak lunch period. It is therefore proposed that this section be deleted due to the difficulties in enforcement. Mobile food vendors with vehicles licensed under the Highway Traffic Act are subject to all City parking by-laws and regulation could occur through the respective parking by-laws rather than the License By-law.

Inadequate fees: One of the Association's main complaints with respect to hawkers is that the Association feels the current license fees are inadequate. At the time the by-law amendments were adopted by Council last year, Council had also adopted a recommendation that hawker license fees should include the cost of enforcement after regular hours.

Your Committee has been advised that insufficient cost experience with the new by-law amendments is available at this time as they were adopted late in last year's season. Also, budget cuts have reduced evening enforcement causing enforcement costs to remain relatively stable. While hawker fees have increased by 8% to 17% from 1991 to 1992 and transient trader fees have increased even more significantly, the budget for the License Branch has actually decreased by .2%. Nevertheless, it is acknowledged that inspection and enforcement costs are higher for this trade category than others, albeit on a seasonal basis, and a fee increase is being proposed to acknowledge this fact and the fact that outdoor mobile food vendors will not require more than one license to operate on both public and private property. The fee categories have been designed to tie into classifications in health by-laws in order to reflect health inspection costs in the fee schedule.

The License By-law currently allows proration of fees in most cases for part year operations. Proration does not apply to several trades due to the transient, seasonal or temporary nature of the trade. Fees for the following license categories are not proratable: Card and sand reader, carnival rides, flea market promoter, hypnotist, itinerant salesman, palmist, psychic reader, souvenir book seller, souvenir seller, and transient trader. It is proposed that a new category be added of outdoor mobile food vendor to this list as the majority of the licensees will operate on a seasonal basis only. Currently, the majority of hawkers take out licenses when the season opens, approximately April. The licenses are valid until December, however, in September or October, many licensees apply for refunds. Making this category not proratable avoids the time-consuming administrative task of refunds in the fall and reduces administrative costs. Of course, this has the effect of increasing the fees, as vendors currently pay on the most part only half the current fee for the season.

The Association is concerned that restaurants also pay license fees as "Food Handling Establishments" as well as paying both business tax and Business Improvement Zone levies while mobile food vendors do not. All mobile food vendors operating from mobile units or carts must operate from a commissary under Health by-laws. The commissary would require licensing as a food handling establishment (the same license required by a restaurant), and the commissary premises would also be subject to business tax as a commercial premise. Mobile food vendors can, of course, group together and share the commissary, thereby reducing their costs.

Currently some mobile food vendors who operate on private property have to pay substantial rental payments to secure locations as well as the other costs noted above. Mobile food vendors argue that their operating costs are also high as their units are subject to Autopac charges, liability insurance, and inspection costs from the Department of Labour. Their operating costs include labour, product, transportation and advertising costs, propane and gas costs, waste management expenses, utility costs of the commissary, rental of propane racks, capital costs of the cart, besides the other costs noted above.

Report of the Committee on Finance and Administration, dated July 14th, 1992.

The requirement for comprehensive general liability insurance is being proposed due to the potential risk to the public and to the City with respect to liability claims, particularly with respect to mobile vending units which are equipped with propane tanks or other heating fuels, gases, or apparatus. Mobile food vendors who also operate in other provinces in Canada indicate that most other jurisdictions require such coverage and many vendors may already have such coverage.

The Manitoba Restaurant and Food Services Association would like the license fee for hawkers to be raised to an appropriate amount equal to occupancy percentage costs charged restaurants and hotels. Due to the fact that the License By-law is a regulatory by-law, the License Branch does not recommend license fees based on assessment of premises, annual rental values or occupancy percentage costs. It should be noted that restaurants (with one kitchen area) currently pay an annual license fee of $100.00 for a Food Handling Establishment license in comparison to the current Hawker (vehicle or mobile unit) license fee of $110.00 under the provisions of this by-law or the proposed outdoor mobile food vending unit license fee of up to $150.00.

Lack of effective enforcement: The Association stated concerns about health standards. All mobile food vendors are subject to Health by-laws and Health approval must be received before a license is issued.

The Association also was concerned about the litter left behind by mobile food vendors. Licensees are subject to the requirements of the Anti-Litter By-law 1075/75 which state that every proprietor of any place where hot dogs, soft drinks, ice cream cones, etc. are sold shall keep his premises and all public or private lands within a distance of 100 yards from his premises free of all discarded papers, etc. All such litter found within the 100 yard distance shall be presumed to have been used for the sale of goods sold in that place. The control of litter, therefore, is more appropriately regulated under the Anti-Litter By-law. This report proposes that the License By-law include a marginal note referencing the relevant provisions of this By-law in the special provisions relating to mobile food vending units.

The Association also wanted the City to confiscate unregistered carts. The City currently does have the power to seize and sell goods where any trade is carried on without a license to enforce payment of the license fee.

Currently, hot dog carts, etc. are being managed by employees of the licensee and in order to facilitate enforcement and prosecution, it is proposed that the licensee ensure that the special provisions of the by-law be met. Due to the fact that the employees change on a regular basis, it is not proposed that each employee obtain an individual license, but rather that each vending unit is licensed by the owner/operator.

Hours of Operation: Hours of operation are currently restricted for hawkers who conduct their business on public streets and sidewalks but those operators who are licensed as a transient trader and operate on private premises with the permission of the property owner can take advantage of unrestricted hours of operation. With the new trade category specifically designated for mobile food vendors, it is proposed that the current practice be reflected by having the operating rules for mobile food units include restricted hours of operation while upon public property, whereas hours of operation on private property would be unrestricted. The option would be to extend the hours of the trade generally (on either public or private property), however, this is not proposed in order to maintain control on public streets, primarily in residential areas.

A housekeeping amendment is also being proposed with respect to the requirement for the display of information on the mobile vending units. Complaints have been received from vendors that the requirement for the display of name and address on two sides of the carts is not necessary.

Report of the Committee on Finance and Administration, dated July 14th, 1992.

Summary: The season for outdoor mobile food vendors has already begun. The recently adopted and proposed by-law amendments should place stricter controls on these outdoor mobile food vendors thereby addressing some of the Association's concerns. Mobile food vendors will likely express concern about the constantly changing by-laws affecting their trade as well as increasing fees, but hopefully will be relieved that the number of licenses required may be reduced.

Your Committee on Finance and Administration at its July 14th, 1992 meeting approved an additional appropriation in the amount of $1,200.00 for the License Branch to purchase license plates and/or renewal stickers for outdoor mobile food vendor vehicles, mobile units, hand carts and push carts to replace existing Hawker plates.

Your Committee on Finance and Administration recommends:-

1. That the City of Winnipeg License By-law be amended to include a definition and trade category specifically for outdoor mobile food vendors with vehicles, mobile cooking or food storage units, push carts, hand carts, or other similar devices, currently licensed under two license categories, "Hawker" and "Transient Trader", to eliminate confusion and to better describe the trade and that the By-law continue to require a separate license for each mobile food vendor vehicle, mobile unit, push cart, or hand cart;

2. That a 5-year license fee schedule for outdoor mobile food vending units be approved as outlined in Exhibit 1 and that these license fees be not proratable to reflect the seasonal nature of the trade. (Note: For the average hot dog cart or chip wagon, fees would increase from $110.00 (proratable) to $150.00 (not proratable) per annum in 1993. License fees for the sale of ice cream products from a bicycle-type unit would basically remain the same as the fees would no longer be proratable, from $110.00 (proratable) to $55.00 (not proratable);

3. That outdoor mobile food vending units operating with combustible gases, heating fuels, and/or heating apparatus be required to have a comprehensive general liability insurance policy of $500,000.00. That those outdoor mobile food vendors operating without combustible gases, heating fuels, and/or hearing apparatus be required to have a similar policy, but in the reduced amount of $250,000.00;

4. That hawker vehicles and mobile units and outdoor mobile food vending units be restricted from remaining standing within 20 metres of either side of an entrance gate to a public park, whether the entrance is vehicular or pedestrian;

5. That the special provision prohibiting hawker vehicles to remain standing in any street except while making a sale be deleted due to difficulties in enforcing this provision, and that such regulation and control for hawker vehicles and mobile food vending units be enforced through parking and traffic requirements imposed under other City by-laws and legislation;

6. That the License By-law include a marginal note in the special provisions relating to the outdoor mobile food vending unit license category referencing the relevant provisions of the Anti-Litter By- law;

Report of the Committee on Finance and Administration, dated July 14th, 1992.

7. That the existing requirement that hawkers display their name and address on each side of the mobile unit be amended to require the name and address to be displayed on one side of the unit only. The requirement that the hawker's name and address be displayed on both sides of a vehicle should be retained. These requirements should also be extended to the mobile food vending unit license category.

8. That hawker mobile units and mobile food vending units be prohibited from remaining standing on public sidewalks and boulevards unattended;

9. That additional apparatus that is auxiliary to the hawker mobile unit or vehicle, such as tubs or barrels filled with ice and soft drinks, be equipped with wheels in such a manner as to be readily moveable by one person; and that these regulations apply to the new trade category of outdoor mobile food vending units as well as hawkers.

10. That the by-law require that all licensed hawkers and every person licensed to operate an outdoor mobile food vending unit shall "ensure" that the special provisions of the by-law are met, to facilitate enforcement when licensees hire employees, agents, or managers to operate their trade on their behalf.

11. That the provisions relating to existing distance restrictions be revised as outlined in Exhibit 2.

12. That the existing special provisions in the by-law for Hawkers and Transient Traders be included in the new trade category "outdoor mobile food vending unit" with the exceptions noted above, thereby permitting mobile food units to operate on private property with the owner's permission during unrestricted hours, with restricted hours of operation continuing to apply to units on public property.

13. That the amendments proposed above become effective January 1st, 1993.

14. That the City Solicitor be instructed to prepare the necessary amending by-law for submission to Council.

15. That the Proper Officers of the City do all things necessary to effect the foregoing.

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

Partial Acquisition of Property located on the Northwest corner of Wellington Avenue at King Edward Street. File FI-2(26)

1331 - 2. Your Committee on Finance and Administration has considered the attached Item 1 of Report No. 1A of the Technical Advisory Committee on City Properties, dated June 30th, 1992, (File 7404) relative to lands located on the Northwest corner of Wellington Avenue at King Edward Street and shown as "Proposed Street Opening" on the attached Misc. Plan No. SJA 8506 in the St. James-Assiniboia Community, are required to permit future radius modifications to accommodate turning WB-15 semi-trailer trucks.

On January 23rd, 1992, the Board of Commissioners authorized the Director of Land Surveys and Real Estate to negotiate for acquisition of the required property.

Negotiations with Manitoba Hydro have resulted in a proposed settlement in accordance with the terms and conditions outlined on the attached Schedule "A", subject to a document review by Manitoba Hydro's Law Department.

The Land Surveys and Real Estate Department considers the price, terms and conditions as negotiated to be reasonable and in the City's best interests.

Report of the Committee on Finance and Administration, dated July 14th, 1992.

The estimated cost of acquisition for this property was not identified in the 1992 Capital Estimates. As a result, the proposed terms and conditions will require the final approval of Council. The Streets and Transportation Department advises that adequate funding for the proposed acquisition is available in Account No. 03-118117-5187100705.

Your Committee on Finance and Administration recommends:-

1. That acquisition at a price of $700.00 and in accordance with the terms and conditions as set out in Schedule "A" be approved;

2. The Committee on Works and Operations approve this proposal and instruct the City Solicitor to prepare the necessary street opening By-law in accordance with Misc. Plan No. SJA 8506 for submission to Council and that the costs of the By-law, estimated to be $200.00, be charged to Account No. 03-118117-5187100705.

3. That the Proper Officers of the City do all things necessary to finalize the acquisition including execution of any documents related thereto.

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

(Note: See Minute No. 1339 for attachment.)

Temporary Use of City Lands North of
Wilkes Avenue, West of CPR Right-of-WayFile FI-2.2(21)

1332 - 3. Your Committee on Finance and Administration has considered the attached Item 2 of Report No. 1A of the Technical Advisory Committee on City Properties, dated June 30th, 1992 (Files 32/4416, 32/4417 and 7635), relative to the temporary use of City lands North of Wilkes Avenue, West of CPR Right-of-Way in the Assiniboine Park-Fort Garry Community.

The Million Dollar Hole-In-One Competition, a charity fund raiser, has requested permission to use City-owned lands located East of the Kingswood Golf Dome, as shown shaded on Misc. Plan No. APFG 8210/6 attached. This golfing related event will be held from August 21st to 30th, 1992 and all net proceeds will be donated to the Jets Goals for Kids Fund.

The Streets and Transportation Department and the District No. 6 Operations have no objections to the request.

The Assiniboine Park-Fort Garry Community Committee, at its meeting held June 15th, 1992, approved use of said lands for the purpose requested.

As the subject lands include legally but not physically opened street rights-of-way, Council approval is required.

Terms and conditions of the proposed lease are outlined in attached Schedule "A". Essentially, the lease provides for a rental of $1.00 with the Lessee providing appropriate liability insurance.

Your Committee on Finance and Administration recommends:-

1. That the temporary lease of City lands to the Million Dollar Hole-In-One Competition in accordance with the terms and conditions outlined in Schedule "A" attached, be approved;

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

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

Report of the Committee on Finance and Administration, dated July 14th, 1992.

Contract between the City and State Street Bank and Trust Company - File GU-3

1333 - 4. Your Committee on Finance and Administration has been advised that the Employee Benefits Board Investment Committee has recommended to the Employee Benefits Board and the Police Pension Board, that contract to invest in U.S. Equity Index Fund be given favourable consideration, which recommendation was approved by both Boards under its respective By-law Nos. 5300/89 and 2148/78.

The Investment Committee for the Boards, has recommended that additional exposure into foreign equities be established. The U.S. Index Equity Account, with State Street Bank and Trust Company was chosen, as it is a company which has an extremely good track record and provides the least management cost for management of the portfolio to provide custodial services.

Your Committee on Finance and Administration recommends:

1. That the contract with State Street Bank and Trust Company, in accordance with terms and conditions set out in the attached draft agreement be approved;

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

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

By-law to Charge Cost of Constructing Concrete Crossings/Approaches to Private Properties - 520 Burrows Avenue File SC-1

1334 - 5. Section 503(9) of The City of Winnipeg Act provides that the cost of all work done by The City of Winnipeg in the construction, reconstruction or alteration of a private crossing or roadway or other approach to private property, shall, if the City so requires, be paid by the owner of the land fronting thereon, and that upon the application of the owner of the land fronting on the improvement, the City may charge the cost of the Improvement against the said land fronting thereof over a term of not more than twenty years with interest as in the case of an ordinary local improvement and that in such case, the charge shall be added to the taxes on the property and be collected in the same manner as the ordinary municipal rates of the City; and that in computing the cost of the Improvement to be charged against the said land, the City may include in the cost the items of expenses set forth in clauses (a) to (g), both inclusive, of Section 357 of The City of Winnipeg Act.

On June 26th, 1990 your Committee on Finance and Administration concurred in a request by the owners of the individual lands fronting the improvement to give consideration to the cost of the improvement, financing the improvement over a term of ten (10) years, and referred the matter to the administration for appropriate action. The improvement referred to in Schedule "A" to the By-law attached hereto, has been made pursuant to the City of Winnipeg Act.

Your Committee submits for favourable consideration draft by-law and recommends:-

Report of the Committee on Finance and Administration, dated July 14th, 1992.

1. That the by-law to charge all costs associated with the construction of concrete crossings and approaches to the private property serving 520 Burrows Avenue, be approved;

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

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

Amendment to the Policy on Purchasing Procedures/Disposal of Surplus Supplies Guidelines relating to Food Services Contracts File FB-4

1335 - 6. Your Committee on Finance and Administration has been advised that pursuant to the directive from the Commissioner of Finance and Administration, the Purchasing Department has undertaken a review, in consultation with the Civic Properties, Parks and Recreation, Hydro and Transit Departments, of the City's food services contracts, with a view to establishing standards for tendering out these contracts and proposes adoption of regulations for the bidding and evaluation for award of food services contracts, to be governed under the City's Policy on Purchasing Procedures and the Disposal of Surplus Supplies.

Your Committee on Finance and Administration recommends that the following regulations for the bidding and evaluation for award of the City's food services contracts, to be governed under the City's Policy on Purchasing Procedures and the Disposal of Surplus Supplies, be approved:

1. That the City's food services facilities be grouped according to the following characteristics:

   CATEGORY A
   Facilities serving predominantly public clients; where revenue to the City is an expectation of the contracts; (i.e. all Parks and Recreation Department facilities)

   CATEGORY B
   Facilities serving predominantly civic staff; where meeting the needs of staff is the primary motive for providing food services. (i.e. Civic Administration Building; Public Safety Building; Centennial Library, Transit bases at 421 Osborne Street, 461 Century Street, and 1520 Main Street; facilities at 1500 Plessis Road, 2799 Roblin Boulevard, 705 Broadway, and 1315 Notre Dame Avenue).

2. That, for a facility in either category, the department having jurisdiction may specify that the payment offered by Bidders be on the basis of either:

   a. fixed lump sum payments;

   or

   b. a percentage of gross sales (with a minimum base payment fixed at not less than 50% of the payment received by the City in the final year of the preceding contract).

3. That, for CATEGORY A facilities,

   a. the menu prices be set by the successful bidder, subject to the City having the right to disallow prices out of line with prevailing prices in the vicinity of the facility.
   b. bidders be required to submit competitive bids comprising the following:

Report of the Committee on Finance and Administration, dated July 14th, 1992.

i. payment offered (either lump sum or percentage of gross sales as specified by the City); and

ii. statement of qualifications and list of references.

c. bids be evaluated for award to a responsible bidder based on the following criteria:

i. compliance with stipulations of the Tender Package;

ii. amount of payment offered to the City; and

iii. qualifications and references.

4. That, for CATEGORY B contracts,

a. bidders be required to submit competitive bids comprising the following:

i. proposed prices for a standard list of menu items issued by the City;

ii. sample menu selection based on a four-week cycle;

iii. staffing plan;

iv. statement of qualifications and list of references; and

v. payment offered (either lump sum or percentage of gross sales as specified by the City).

b. bids be evaluated for award to a responsible bidder based on the following criteria:

i. compliance with stipulations of the Tender Package;
ii. menu prices;
iii. quality and originality of menu;
iv. staffing plan;
v. qualifications and references; and
vi. amount of payment offered to the City.

For each Category B contract tendered, the above criteria shall be appropriately weighted to reflect their relative importance at each facility. The department having jurisdiction shall be responsible for assigning the weights and for complying with the following standards:

i. meeting the needs of staff is the primary motive for providing food services at Category B facilities; and

ii. weights to be set commensurate with the level of gross sales generated at the facility (e.g. facilities generating high gross sales should have a higher weighting assigned to the "amount of payment offered" criteria, while facilities generating marginal to modest gross sales should have a low weighting assigned to that factor).

5. That the term of Contract be for three years with a two year renewal option.

6. That menu prices remain fixed for one year following contract award. Applications by the Contractor for price adjustments may be made annually (unless the department having jurisdiction deems that there are extenuating circumstances to consider an interim application). An application for an increase in prices shall be considered only if the Contractor is able to demonstrate an increase in his costs; the amount of increase shall not exceed the change reflected in the Consumer Price Index for "Food Purchased from Restaurants".

Report of the Committee on Finance and Administration, dated July 14th, 1992.

7. That, in accordance with the regulation on Performance Security for the Supply of Goods and Services adopted by the Board of Commissioners on March 24, 1988, the need for the amount of performance security be determined by the department having jurisdiction.

8. That, where health and economic considerations permit, environmental concerns be addressed in the tender package and environmentally responsible practices (a suggested list of which is appended and identified as Attachment I) be required to be incorporated into the operations of the facility.

9. That, where services are not available by reason of default by a successful bidder or delay in the award of a contract, temporary contracts for the provision of food services be entered into accordance with the Purchasing policy.

10. That the authority having jurisdiction to award food services contracts be as set out in the Purchasing policy, and that the option to renew the contract be exercised by the authority making the original contract award.

11. That the Proper Officers of the City do all things necessary to effect the foregoing.

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

Actuarial Valuation Report for the Winnipeg Police Pension Plan as at December 31st, 1991. File GU-3.10

1336 - 7. Your Committee on Finance and Administration submits for approval by Council the Actuarial Valuation Report for the Winnipeg Pension Plan as at December 31st, 1991, as prepared by The Alexander Consulting Group Limited, which report was forwarded to all Members of Council under separate cover.

For the information of Council, the principal results of the valuation are summarized below:-

	Regular Account	Supplementary Account	Total
Actuarial Value of Assets	$200,886,000	$14,720,000	$215,606,000
Actuarial Liabilities	200,886,000	7,986,000	208,872,000
Funding Excess	nil	$ 6,734,000	$ 6,734,000
Normal Cost as a % of covered payroll			
City	8.18%	1.00%	9.18%
Employees	6.56%	1.00%	7.56%
Total	14.74%	2.00%	16.74%

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

Report of the Committee on Finance and Administration, dated July 14th, 1992.

Actuarial Valuation Report for the Civic Employees Pension Plan as at December 31st, 1991. File GU-3.9.

1337 - 8. Your Committee on Finance and Administration submits for approval by Council the Actuarial Valuation report for the Civic Employees Pension Plan as at December 31st, 1991, as prepared by the Alexander Consulting Group Limited, which report was forwarded to all members of Council under separate cover.

For the information of Council, a summary of the principal results of the valuation are summarized below:-

	Regular Account	Supplementary Account	Total
Actuarial Value of Assets	$1,082,801,000	$58,463,000	$1,141,264,000
Actuarial Liabilities	984,467,000	53,130,000	1,037,597,000
Funding Excess	$ 98,334,000	5,333,000	103,667,000
Normal Cost as a % of covered payroll			
City	9.1%	1.0%	10.1%
Employees	5.7%	1.0%	6.7%
Total	14.8%	2.0%	16.8%

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

Proposed Amendment to License By-law No. 4007/85 Delegation of Authority to Vary fencing Requirements for Auto Salvage Yards, Scrap Metal Yards, and Waste Material Yards from Council to Community Committees.
Files EL-1 & GC-11

1338 - 9. The License By-law presently provides that City Council may, in its absolute discretion, vary the special fencing requirements relating to auto salvage yards, scrap metal yards and waste material yards. It is felt that this function would be more appropriately performed by the Community Committees.

Under the provisions of the License By-law No. 4007/85, auto salvage yards, scrap metal yards and waste material yards are licensed, regulating and controlling the physical appearance of the yards to ensure that the operation of these trades will not be injurious to the interests of occupants or occupants of property in the vicinity. In 1991, 23 licenses were issued in these three trade categories for revenue of $5,167.00. The special provisions in the By-law mainly relate to fencing restrictions, ensuring that fences fronting on public streets are not less than eight feet in height and are of a solid and closed type of construction.

Under the provisions of the current by-law, Council, in its absolute discretion, may vary the special fencing provisions as follows:

(a) Where in its opinion the adjoining properties and the character of the district will not be adversely affected, permit a mesh or other open type of fence in whole or in part; and

(b) permit a specified portion of the fence not fronting on a public street to be less than eight feet in height to facilitate the handling of used metals over the fence.

Report of the Committee on Finance and Administration, dated July 14th, 1992.

It is proposed that delegation of the power to vary the fencing restrictions be made to the respective Community Committees to relieve Council of this task. It is also proposed that the power to vary the fencing restrictions be broadened in scope to permit the Community Committee to vary the height of a fence which fronts on a public street.

A situation has arisen where a fence abuts on land that has been designated as a public street, but which is not being used as a public street. The existing by-law provisions do not permit a fence of less than eight feet in height in situations such as this despite the fact that there may be no adverse affect on the character of the district.

Compliance with the License By-law in these instances requires the license applicant to incur expenses to upgrade the fencing, and currently no committee or body has the authority to vary these provisions. It is further proposed that the Community Committees also have the authority to vary the fencing requirements in situations like this by amending the by-law to give Community Committees, in their absolute discretion, the power to permit a fence height of less than 8 feet for all or any portion of a fence. The proposal is to have the By-law amended retroactively so that the situation referred to need not go back for reconsideration by the Community Committee in order for the license to be issued.

Existing land use controls should be examined with a view to eventually eliminating the requirement for this control to be included in the License By-law, with regulation occurring through zoning by-laws. At present, the zoning by-laws would not provide the same level of control as presently exists in the License By-law.

Your Committee on Finance and Administration submits draft by-law and recommends:

1. That the License By-law No. 4007/85 be amended to change the body of authority from Council to the respective Community Committee to vary the special fencing provisions relating to auto salvage yards, scrap metal yards, and waste material yards, and that this authority be broadened in scope to permit the Community Committee to vary the height of a fence which fronts on a public street; and

2. That existing land use controls related to auto salvage yards, scrap metal yards, and waste material yards be examined with a view to eventually eliminating the special fencing requirements from the License By-law, and replacing these controls through the development of adequate zoning restrictions.

3. That the Proper Officers of the City do all things necessary to implement the above recommendations including the execution of any documents related thereto.

Moved by Councillor Selinger,
Adoption of the clause.

arried.

1339 - Attachment referred to in Clause 2 of the Report of the Committee on Finance and Administration, dated July 14th, 1992.

(SEE PAGES 1987 – 1991 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

COMMITTEE ON FINANCE AND ADMINISTRATION

CONSIDERATION OF BY-LAWS

1340 - On motion of Councillor Selinger, By-law No. 5961/92, a By-law of The City of Winnipeg being an initial borrowing by-law of The City of Winnipeg to authorize the borrowing of money by the issue and sale of debentures of the City in the principal amount of Thirty-two Million, Six Hundred and Eighty-eight Thousand, Eleven Dollars and Twenty-four Cents ($32,688,011.24), for the purpose of repaying in full the principal of the Debentures issued and sold pursuant to By-law No. 4247/86, was read a second and third time and was passed and ordered to be signed and sealed. File No. FC-2.

On motion of Councillor Selinger, 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. 6004/92, a By-law of The City of Winnipeg to charge the cost of constructing concrete crossings and approaches to private properties. File No. SC-1.

By-law No. 6005/92, a By-law of The City of Winnipeg to amend By-law No. 4007/85, being The City of Winnipeg License By-law. File Nos. EL-1 and GC-11.