COUNCIL OF THE CITY OF WINNIPEG
Wednesday June 25, 2003

The Council met at 9:35 a.m.

The Clerk advised the Speaker that a quorum was present.

The Speaker called the meeting to order.

The opening prayer was read by Councillor Steeves.

ROLL CALL

Clerk: Mr. Speaker Councillor O'Shaughnessy, His Worship Mayor Murray, Councillors Eadie, Angus, Clement, De Smedt, Gerbasi, Lubosch, Pagtakhan, Smith, Steeves, Thomas, Vandal, Wyatt and Lazarenko.

INTRODUCTION AND WELCOME OF GUESTS AND ANNOUNCEMENTS

Mr. Speaker: We have four Pages with us this morning.

We have Nicholas Plett, home schooled, resides in the Transcona Ward. Welcome back.

We have Samara Carroll from Joseph Wolinsky Collegiate, who resides in the Charleswood - Tuxedo Ward.

We have Madeleine Pundyk of St. Mary's Academy who resides in the River Heights Ward.

And Shoshana Coodin from Joseph Wolinsky Collegiate as well, who resides in the Old Kildonan Ward.

Welcome.

MINUTES

Adoption of Minutes. Councillor Wyatt moves the Minutes of the meeting held on May 28 be taken as read and confirmed. All in favour? Contrary? Carried.

COMMUNICATIONS

Councillor Smith moves the communications received too late to be placed on the regular agenda be received as information. All in favour? Contrary? Carried.

Delegations. I believe our delegation has had discussions and no longer feels it necessary to appear before us this morning.

We will move directly to the Report of the Executive Policy Committee dated June 4, 2003. Mayor Murray.

REPORT OF THE EXECUTIVE POLICY COMMITTEE DATED JUNE 4, 2003

Mayor Murray: I'd like to move the consent agenda Items 1 through 4.

Mr. Speaker: All in favour? Contrary? Carried.

Report of June 18, 2003.

REPORT OF THE EXECUTIVE POLICY COMMITTEE DATED JUNE 18, 2003

Mayor Murray: I'd like to move Items 1 and 5 as the consent agenda.

Mr. Speaker: Items 3. Items 1, 2, 4 and 5, all in favour? Contrary? Carried.

Councillor Vandal.

Councillor Vandal: I'll move that Item 4 CanWest Stadium, various tenant requests. I'd like to move that it be stood down.

Mr. Speaker: Items 1, 2 and 5. All in favour? Contrary? Carried.

Item No. 3 - Request for Expenditure from East Kildonan - Transcona Land Dedication Reserve Fund - Bunn's Creek Environmental Stewardship Association File EP-2

Mr. Speaker: Councillor Clement recorded in opposition. Have to vote on the clause. All in favour? Contrary? Carried.

Clause 4.

Item No. 4 - CanWest Stadium - Various Tenant Requests
File FR-4.1

Mr. Speaker: Mr. Mayor did you wish to introduce the clause or have someone else?

Mayor Murray: I will leave it to Councillor Angus to explain it. It's just a procedural challenge we have and gathering some information before we bring this forward.

Councillor Angus: I'm going to request that this be referred back to Executive Policy Committee. It will delay an implementation on this a month. Mr. Katz was here. There were some misunderstandings. And there is some concern that the transit people may want to have some sort of a station in that area. We want to clarify that before Council deliberates on it. I will move that it be referred back.

Mr. Speaker: Motion to refer. All in favour? Contrary? Carried.

Is there not a report of today's date? Mayor Murray moves that the rules be suspended to consider the Report of Executive Policy Committee dated June 25, 2003. All in favour? Contrary? Carried.

REPORT OF THE EXECUTIVE POLICY COMMITTEE
DATED JUNE 25, 2003

Mayor Murray: I would move the Report of Executive Committee dated June 25, 2003, which is just one item Mr. Speaker.

Mr. Speaker: Any discussion? All in favour? Contrary? Carried.

Motions, none. By-laws.

EXECUTIVE POLICY COMMITTEE CONSIDERATION OF BY-LAWS

Mayor Murray: I'll move that the following by-laws be read a first time, by-laws numbered 112/2003 and 116/2003.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 112/2003 and 116/2003.

Mayor Murray: I'll move that by-laws numbered 112/2003 and 116/2003, be read a second time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 112/2003 and 116/2003.

Mayor Murray: I'll move that the rule be suspended and by-laws numbered 112/2003 and 116/2003, be read a third time, and that same be passed and ordered to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Questions. Seeing none.

Standing Policy Committee on Fiscal Issues.

Motions, none. By-laws. Questions, none.

Move ahead to the Standing Policy Committee on Property and Development and the Report of June 3, 2003.

REPORT OF THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT
DATED JUNE 3, 2003

Councillor Vandal: I'll move Items 1 through 10 as consent.

Mr. Speaker: All in favour? Contrary? Carried.

Report of June 5, 2003.

REPORT OF THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT DATED JUNE 5, 2003

Councillor Vandal: I'll move Items 1 through 3 as consent items.

Mr. Speaker: All in favour? Contrary? Carried.

Motions, none. By-laws.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT CONSIDERATION OF BY-LAWS

Councillor Vandal: I'll move that the following by-laws be read a first time, by-laws numbered 105/2003, 106/2003, 107/2003, 108/2003, 109/2003, 110/2003, 111/2003, 113/2003, 114/2003, 115/2003 and 117/2003.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 105/2003, 106/2003, 107/2003, 108/2003, 109/2003, 110/2003, 111/2003, 113/2003, 114/2003, 115/2003 and 117/2003.

Councillor Vandal: I'll move that by-laws numbered 105/2003 to 111/2003, both inclusive, and 113/2003 to 115/2003, both inclusive, and 117/2003, be read a second time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 105/2003 to 111/2003, both inclusive, and 113/2003 to 115/2003, both inclusive, and 117/2003.

Councillor Vandal: I'll move that the rule be suspended and by-laws numbered 105/2003 to 111/2003, both inclusive, and 113/2003 to 115/2003, both inclusive, and 117/2003, be read a third time, and that same be passed and ordered to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Questions? Councillor Steek.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT QUESTION PERIOD

Councillor Steek: Thank you Mr. Speaker. Through you to the Chair. Within the last 48 hours both of the major print medias have run stories about the Aboriginal policy that will be coming forward in due course. Clearly one of the key proponents of it is Councillor Vandal and we applaud that initiative. There is consistent reference in both media reports to an Aboriginal Reserve. I'm wondering if the Chair would like to take a moment in view of the fact that we have a light agenda here this morning to tell us what he sees as the perceived benefits of an Aboriginal Reserve.

Councillor Vandal: Thank you Mr. Speaker. Through you to Council. Treaty land entitlements are something that are enshrined in a legal process with the Federal Government. Rather than getting into a discussion on the floor of this Council this morning, what I will do is circulate a discussion paper to all councillors on the legalistic procedures, the benefits and the drawbacks of a treaty land entitlement. I will do that later today or tomorrow as soon as that information is clear and available.

Mr. Speaker: Supplemental Councillor Steek.

Councillor Steek: In view of the fact that this has come forward I'll still press albeit not firmly, as to whether or not the Chair would like to speak as to what he perceives as the major benefits of an Aboriginal Reserve policy.

Councillor Vandal: Before we get into a detailed discussion on the benefits and the opportunities and the risks of a treaty land entitlement, I would rather circulate the detailed information to all of Council so we can all start from the same page as to what the legalistic requirements are for treaty land entitlements, the roles of the municipal government, the roles of the Federal Government and the role of the Provincial Government. I think once we have that base information in our offices,

we can read the report and then we can get together for a council seminar on the opportunities of treaty land entitlements. I noticed that Mayor Murray would like to add further information.

Mayor Murray: Councillor Steek I appreciate you raising the issue and thank you, because I think it's an important issue.

Treaty land entitlements are the exercising of the treaty rights of First Nations as governments in Canada from agreements they have with the Government of Canada, the settlement of legal treaties. Land that they never received as compensated for in cash usually. That money is usually used to buy land.

So that's not discretionary. We as a government we expect our by-laws to be respected and our authority to be respected as a government by all other governments, that cuts both ways.

We anticipate at the initiation of First Nations over the next six and twelve months some of those First Nations as they have in other Canadian cities will exercise some of those rights to establish what is technically called an urban reserve. In effect what it is, the best model of it that I'm aware of and I'd invite councillors to look into this, in Saskatoon there's an office building in downtown Saskatoon built by the Saskatoon First Nations. There's an agreement that's signed by the First Nation and the City that's on the principle of equality. Same property rights, same responsibilities. They pay the equivalent of property taxes based on the assessment of the property and they pay full municipal services.

There is a formula that is worked out that we follow, it's about a 21 step program that we go through to establish those. It involves a vote of council. If you're asking if it's a good thing or a bad thing and whether or not we should do it, it is really the exercise of their legal rights.

Has it been a good thing? We've been working, we've had staff working with the people in Saskatoon. It is a good thing in that you see significant investment by First Nations people and the exercise and the investment of their money in our community. It brings into the City with increasing urbanization of Aboriginal people real money and real resources that come into establish businesses and buildings and investments. I think what we want to make sure is that we have a fair process fair to everybody that it's a level playing field, and that those investments are welcome, and that we respect the treaty and that we all see all Winnipeggers see real benefit from new investment in our community.

I expect that that will be coming forward between now and the end of the year. It's not at our initiation, it's not our choice when it comes forward, it comes forward at the request of that.

Councillor Vandal as you pointed out, Councillor Steek has been working on a strategy so that we can look at this, it's coming to a council seminar and to Council and to a public hearing process. Here are the components of where we go to build a future of the Aboriginal community and a real partnership.

I think that's very positive. I think the investment is very critical. I think when you look at people like Christian Sinclair, Tribal Council Investment Group, Chief John Thunder, they're seeing a new generation of young entrepreneurs in the Aboriginal community that are using these tools that they've won historically in these settlements to really see real investments and create jobs for their people. That's an extraordinarily positive step forward. But we're going to have to work together very carefully as a Council and really get a very good understanding of the law and our responsibilities and our rights in these agreements.

Mr. Speaker: Final supplemental Councillor Steek.

Councillor Steek: On a totally different subject. Edmonton for example has a policy wherein if there is an offer made on a piece of property there is a policy five days in. Yes, no or we'll negotiate.

Does the Chair of Property and Development, in view of the importance of transactions with the business community, support a formal policy whereby the Administration would respond in a definitive period of time on their intentions regarding a land purchase?

Councillor Vandal: Absolutely I do.

Mr. Speaker: Moving onto the Standing Policy Committee on Protection and Community Services, dated June 9, 2003.

REPORT OF THE STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES DATED JUNE 9, 2003

Councillor Gerbasi: I'll move the Standing Policy Committee on Protection and Community Services Report, dated June 9, 2003, Items 1 to 10 as consent.

Mr. Speaker: Councillor Eadie.

Point of Order

Councillor Eadie: On a point of order Mr. Speaker. I just ask to be recorded in opposition to each Items 1 to 8.

Mr. Speaker: All in favour? Councillor Clement.

Councillor Clement: Ditto.

Mr. Speaker: All in favour of the consent Items 1 through 10? Contrary? Carried with the noted oppositions.

Motions. We have Motion No. 3 which is automatic referral. By-laws, none. Questions. Councillor Smith.

STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES QUESTION PERIOD

Councillor Smith: Through you to the Chair. I would like to know why your office has contacted the Police Service and as a result no enforcement of the traffic by-law that deals with the parking in crosswalks on River Avenue from Osborne to Donald and Osborne south of the confusion corner to Jubilee. There have been no tickets issued there. It's a safety hazard for senior citizens, and I'd like to know why there's no tickets being handed out in those two areas. Those are the only two areas in the City where there's no tickets being issued if a car is parked in the crosswalk.

Councillor Gerbasi: I'm quite baffled Mr. Speaker because I don't know, I've been accused of something that I am completely unaware of, so perhaps Councillor Smith could come and talk to me at some point and show me what evidence he has that I've done something like that because I'm completely unaware of any communication from my office. I'm quite taken aback.

Mr. Speaker: Councillor Smith that question was not in the capacity of a Chair but as a ward councillor. Questions should be restricted to the person acting in the capacity as Chair of a standing committee rather than personal. You asked it as a ward councillor.

Supplemental.

Councillor Smith: Councillor Gerbasi could you in effect contact the Police Service and make sure they're going to be enforcing that no cars are parked in the intersections?

Councillor Gerbasi: Mr. Speaker, I, and no other councillor tells the police not to enforce the by-laws of our city. At a certain point this is turning into a point of personal privilege here. I would never in the first place contact the police to tell them not to enforce our by-laws as I'm being accused of very unfairly here. And I would appreciate some order in this chamber and some privilege and respect.

Mr. Speaker: Councillor Gerbasi, I told you Councillor Smith that the question was that of a ward councillor rather than a Chair and was not appropriate at this time. Please restrict questions of councillors to the role that they're performing here that questions are to be placed under.

Councillor Steeves you had a question.

Councillor Steeves: Through you to the Chair. We've been getting a few things sort of backed up on the public use facility study. I wonder if I might just ask the Chair to give us an update on the public use facility study and what the timeline might be and when we might expect it back.

Councillor Gerbasi: I will endeavour to get back to all of council with a little bit more information. I don't just want to go off the top of my head. As you know it's going to be a fairly lengthy process. It is underway and I will get you some information very shortly to all of council.

Mr. Speaker: Councillor Wyatt.

Councillor Wyatt: Through you to the Chair. At our last standing committee meeting a motion was passed regarding the need for the Administration to come forward with recommendations on specifics for district four district model policing. I just want a clarification that we will be when we consider the four district model that we will be at the same time considering recommendations on what the implications of a four district model would be as in the physical presence within the City of service centres and police stations, and that would be all considered and voted on together at the same time at the next standing committee meeting.

Councillor Gerbasi: That's certainly the intention Councillor Wyatt. There was the original report with the four division model that was laid over while we carried out the public hearing processes that have been going on throughout the City. There will be a supplementary report that will be coming to our committee which will outline the results of the public discussions and discussions with councillors and will outline how the concerns you're speaking of will be addressed. We will be dealing with all of those matters at the standing committee meeting. Maybe as a special meeting or it may be at the regular meeting depending on how quickly the report is ready. It's being written right now. That's the intention is exactly as you're stating.

Mr. Speaker: Supplemental Councillor Wyatt.

Councillor Wyatt: Just so I understand clearly, thank you for your answer Madam Chair.

The supplemental report which you're referring to or the addendum or whatever the supplemental report to the four district model report that was tabled back in April, that supplemental report would be considered by the standing committee and go forward from thereon to council and be considered by the entire body. In other words it would be an addendum or a supplemental report that addresses their business plan?

Councillor Gerbasi: I think I'll just be repeating myself. I think I answered the question the first time. There will be a supplemental report will come to committee. It will state how the police intend to address the concerns raised by citizens and by councillors. It will all be there and we'll all have a chance to deal with it there and then it will come forward to council. I hope that answers your question.

Mr. Speaker: Moving onto the Standing Policy Committee on Public Works….I'm sorry Councillor Steek.

Councillor Steek: Through you to the Chair. Has the Chair had any contact with community groups or organizations that have expressed concern about the cost and the difficulties of enforcing a zero tolerance program relative to domestic violence?

Councillor Gerbasi: He's only asking me if I've had contact from specific community groups, with them. No I have not had any contact with anybody raising that concern.

Mr. Speaker: Supplemental Councillor Steek.

Councillor Steek: Have you had anything directed to you from any associations or unions?

Councillor Gerbasi: No I have not Mr. Speaker.

Mr. Speaker: That's it. Standing Policy Committee on Public Works, Report of May 13, 2003. Councillor Angus.

REPORT OF THE STANDING POLICY COMMITTEE ON PUBLIC WORKS DATED MAY 13, 2003

Councillor Angus: Item No. 1 has been laid over, so I'll move Item No. 2.

Mr. Speaker: As consent. All in favour? Contrary? Carried.

Report of June 10, 2003.

REPORT OF THE STANDING POLICY COMMITTEE ON PUBLIC WORKS DATED JUNE 10, 2003

Councillor Angus: Items 1 to 5, I'll move as consent.

Mr. Speaker: All in favour? Contrary? Carried.

We have two motions. Motion No. 1 by Councillor Smith would be automatic referral.

Motion No. 1
Moved by Councillor Smith
Seconded by Councillor Lazarenko

WHEREAS the Parks and Open Space Division of the Public Works Department has been working with the Winnipeg Police Service for solutions to the cruising/vehicle congregating/street racing problems on Portage Avenue, in Kildonan Park and various other locations;

THEREFORE BE IT RESOLVED that the Administration be directed to:

1. consider enhanced traffic management and/or enforcement in problem areas;

    a. investigate the possibilities for the development of a motor sport park in Winnipeg including costs, capital and operating funding, projected revenues, location, size and other considerations;

    b. identify any other potential solutions;

and report back within 90 days to the Standing Policy Committee on Public Works and that the Standing Policy Committee on Public Works consult with the Standing Policy Committee on Protection and Community Services and the Standing Policy Committee on Property and Development.

Councillor Smith: I would like to move suspension of the rules so that we can deal with this now. It's important because otherwise I would have to be going before three different committees. Delay and delay. This in effect deals with it.

Mr. Speaker: So your purpose for suspending the rules would be not the item be debated but that it go out to all three committees at once for its study.

Councillor Angus: I'd like to vote against suspending the rules at this particular time.

I appreciate Councillor Smith's concern and I certainly don't want to get into his space on this. But somebody has to take the lead on this. And Public Works when they get a serious motion before a committee which would be in the first week in July, will take this into consideration and ask the Department to consult with the other departments. When the report comes back within the 90 days Mr. Speaker it can be referred automatically from our standing committee to the other standing committees for serious consideration so it can be back at Council in time.

If we send it off and have all three different departments working at it hodgepodge, I don't think we'll have a coordinated effort.

I would say don't suspend the rules, we automatically refer this.

(10:03)

Mr. Speaker: Motion is to suspend the rules to deal with Motion No. 1 now. All in favour? Contrary? Carried.

It's ruled automatic referral.

Motion No. 2 moved by Councillor Lazarenko, seconded by Councillor Wyatt, is automatic referral.

Councillor Lazarenko.

Motion No. 2
Moved by Councillor Lazarenko
Seconded by Councillor Wyatt

WHEREAS under the Boulevard Maintenance By-law No. 5895/92, the City of Winnipeg holds property owners and occupants responsible for the care and maintenance of certain adjacent boulevards across the City and, if property owners and occupants fail in their responsibility, the City may maintain and care for the boulevard and apply the cost to the property tax;

AND WHEREAS City inspectors issue notices to the owners and occupants of private property under the Noxious Weed Act and, if the owner or occupant does not cut or take other remedial action within a period of time, the City has the authority to enter, cut or take remedial action and to apply the cost to the property tax;

AND WHEREAS as an owner of property itself, whether obtained through purchase or tax sale, serving operational or parks purposes, the City is responsible for the care and maintenance of its properties and for many boulevards;

AND WHEREAS the City has neglected the care and maintenance of many properties and boulevards under its responsibility, to the detriment of neighbourhoods;

THEREFORE BE IT RESOLVED that City Council immediately ensure that all City-owned lots, grounds and parks and all boulevards for which the City is responsible are cut, cared for and maintained to acceptable standards;

AND BE IT FURTHER RESOLVED that City Council immediately ensure the enforcement of the Boulevard Maintenance By-law and the Noxious Weed Act in order to clean up overgrown properties and boulevards for which others are responsible.

Councillor Lazarenko: Don't get too much in a hurry. Mr. Speaker, I'll move suspension of the rules to deal with this motion right now. It's a crucial issue that's before us right now.

The complaints that are coming in from various people, people that are visiting the City of Winnipeg, the grass has not been cut on some boulevards. We're in violation of our own by-law, our own boulevards have not been cut that we own as through demolition, and I'd like to have this dealt with immediately so that the Administration can proceed and to enforce the Maintenance By-law No. 58/95.

Mr. Speaker: Councillor Angus.

Councillor Angus: Mr. Speaker I will again and with all due respect to my colleague on Public Works suggest that this should be automatically referred to the Committee. It has rained eight of the last 11 days which makes it very difficult to sort of get out and do the weed action, but I will undertake as the Chair to ask the Administration to have a report ready for our July the 8th committee meeting so that we can try and result this very important issue. But I don't see any reason at this particular time Mr. Speaker to suspend the rules to deal with this. I see it as important but not an emergency.

Mr. Speaker: Thank you. Motion of Councillor Lazarenko to suspend the rules to deal with Motion No. 2 now. All in favour? Contrary? Automatic referral. Motion is lost.

Questions? None.

Alternate Service Delivery, Councillor Angus.

REPORT OF THE ALTERNATE SERVICE DELIVERY COMMITTEE DATED JUNE 12, 2003

Councillor Angus: I'll move the Report of June 12, 2003, Item No. 1 as consent.

Mr. Speaker: All in favour? Contrary? Carried.

Councillor Steek moves that Council do now adjourn. Roll Call.

ROLL CALL

Clerk: Mr. Speaker Councillor O'Shaughnessy, His Worship Mayor Murray, Councillors Eadie, Angus, Clement, De Smedt, Gerbasi, Lubosch, Pagtakhan, Smith, Steek, Steeves, Thomas, Vandal, Wyatt, Lazarenko.

COUNCIL ADJOURNED AT 10:05 A.M.

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