Minute No. 646
Report – Executive Policy Committee – July 9, 2014

Item No. 5 West End BIZ International Village Project – Community Seating Node Agreement

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the City of Winnipeg enter into an License agreement with The SDLP SNOWCAT LIMITED (Sobeys/Safeway) required to implement the intent of leasing a portion of the north west corner of the Licensor's property to be used as a community seating node (as part of the West End Business Improvement Zone (BIZ) International Village Project), and that the Director of Planning, Property and Development be delegated the authority to negotiate and approve the terms and conditions of such agreement in accordance with this report and such other terms and considerations deemed necessary by the City Solicitor/Director of Legal Services to protect the interest of the City.

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

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DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 2014, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

Further on July 9, 2014, the Executive Policy Committee received from Gloria Cardwell-Hoeppner, Executive Director, West End BIZ, photographs (12) and a layout plan with respect to the West End BIZ International Village Project.

ADMINISTRATIVE REPORT

Title: **West End BIZ; International Village Project; Community Seating Node Agreement**

Critical Path: **Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	B. Thorgrimson	M. Ruta	D. Joshi

RECOMMENDATIONS

1. That the City of Winnipeg enter into an License agreement with The SDLP SNOWCAT LIMITED (Sobeys/Safeway) required to implement the intent of leasing a portion of the north west corner of the Licensor's property to be used as a community seating node (as part of the West End BIZ; International Village Project), and that the Director of Planning, Property and Development be delegated the authority to negotiate and approve the terms and conditions of such agreement in accordance with this report and such other terms and considerations deemed necessary by the City Solicitor/Director of Legal Services to protect the interest of the City.

2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

1. The West End Business Improvement Zone has compiled a comprehensive Streetscaping Enhancement Strategy Plan called “The International Village” (for Ellice and Sargent Avenue) within the BIZ Boundaries.
2. The City of Winnipeg Departments has reviewed the International Village Streetscaping Enhancement Strategy plan and has agreed to the BIZ’s concepts and designs within that plan for improving the BIZ Zone.
3. While most of the Streetscape improvements are to be done on the City of Winnipeg right of way, part of the plan calls for a portion of the Safeway parking Lot, located at 600 Sargent Ave (north west corner of the property at Sargent Ave and Maryland Street) to be developed into a community seating node to complete part of the “International Village Streetscaping Enhancement Plan”.

4. That SDLP SNOWCAT LIMITED (Sobeys/Safeway), their lawyers are instructing Sobeys/Safeway to enter into an agreement with the City of Winnipeg, so that the West End BIZ can use a corner of the land for the Community Seating Node, to complete their project.
5. Before West End BIZ can complete this phase of their project, the BIZ is asking the City to assist them, by entering into/signing the agreement on behalf of the West End BIZ so that a Community Seating Node (anticipated by the community) can be constructed to improve the street image, for the convenience and safety of the residents, Neighbourhood and West End BIZ.

IMPLICATIONS OF THE RECOMMENDATIONS

- The West End BIZ will be responsible for maintenance, repairs and upkeep of the Community Seating Node. This is in place through a separate Legal Funding agreement that the City of Winnipeg has with the West End BIZ, which states:
    - *6(2) The parties agree that the City shall have no responsibility for maintenance of the Work once it is completed. The Recipient, West End BIZ shall assume sole responsibility for maintenance of the Work when completed in accordance with the Agreement.*
- The City of Winnipeg Insures the BIZ Zones within the City of Winnipeg. Any issues of liability for this seating node are covered, from Risk Management Division, for the West End BIZ through a Certificate of Insurance, for the total of $5 million dollars.

HISTORY

The City of Winnipeg Charter provides for City Council to create a Business Improvement Zone (B.I.Z.) by by-law.

Business Improvement Zones are governed by a set of procedures and required processes, which are laid out within the Business Improvement Zone Procedures By-Law No. 8111/2002. This By-Law specifies the Objects of a BIZ Board (By-Law No 8111/2002; 5(1)(2)).

Those objects are:

5(2) The objects of a board are

(a) to beautify, improve and maintain real property of the City in the zone subject to the authorization by Council, and

(b) to promote improvements and economic development in the zone.

BIZ Zones are funded by a BIZ Levy (collected through the Business Tax), which are BIZ budgets passed by the BIZ membership and then presented to City Council for Approval. As well, BIZ Zones apply for other Grants, complementary funding and Sponsorships Dollars to deliver their programs and Capital Projects. The West End BIZ has been carrying out the "International Village Streetscaping Enhancement Strategy plan" in phases. The Safeway Community Seating Node would be phase 4 of the project.

FINANCIAL IMPACT

Financial Impact Statement Date: July 3, 2014

Project Name:

West End BIZ; International Village Project; Community Seating Node Agreement

COMMENTS:

The City shall have no responsibility for maintenance of the work once it is completed. The cost of liability insurance for the seating node is negligible. There are no financial implications associated with this report.

"Original Signed By"
Joseph Chammartin, CGA
Acting Manager of Finance

CONSULTATION

In preparing this report there was consultation with:
Legal Services
Public Works – Parks and Open Space
West End Business Improvement Zone

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Design
Prepared by:	Martin Pasieczka
Date:	June 29, 2014
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