Agenda - Executive Policy Committee – September 23, 2015

Report – Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – September 21, 2015

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Item No. 1 Proposed License Agreement for West Broadway Business Improvement Zone (BIZ) Community Seating Nodes with Great West Life

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2015, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That the proposed license agreement be approved in accordance with the terms and conditions as contained in Schedule "A" incorporating such other terms and conditions deemed necessary by the City Solicitor in order to fulfill the intent of Council.

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

Report – Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – September 21, 2015

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2015, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **Proposed License Agreement for West Broadway Business Improvement Zone (BIZ) Community Seating Nodes with Great West Life**

Critical Path: **Standing Policy Committee on Downtown Development, Heritage and Riverbank Management, EPC and City Council**

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
B. Erickson	M. Pittet	M. Ruta	M. Jack COO

RECOMMENDATIONS

1. That the proposed license agreement be approved in accordance with the terms and conditions as contained in Schedule “A” incorporating such other terms and conditions deemed necessary by the City Solicitor in order to fulfill the intent of Council.

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

The proposed license agreement is for a 30 year term and requires Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

- The Department has determined that there are no general, policy, regulatory, environmental, human resource or financial implications to entering into a License Agreement as set in the attached Schedule "A" (Terms and Conditions).

- The proposed license would be for a thirty (30) year term wherein the West Broadway BIZ would 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 Broadway 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 Broadway BIZ shall assume sole responsibility for maintenance of the Work when completed in accordance with the Agreement.*

- The Business Improvement Zones are covered under the City's core liability insurance policies for bodily injury or damage to third parties through Risk Management Division. Claims arising out of poor maintenance of the Community seating Node may result in increased premium cost to the City's liability insurance policies.

HISTORY

The City of Winnipeg Charter provides for City Council to create the West Broadway BIZ. The West Broadway BIZ has compiled a comprehensive Streetscaping Enhancement Strategy Plan called "The Community Seating Nodes" within the West Broadway BIZ boundaries. The City of Winnipeg has reviewed the West Broadway BIZ Community Seating Nodes Streetscaping Enhancement Strategy plan and has agreed to the concepts and designs within that plan.

The community seating nodes to be located on the Great West Life lands as outlined on the attached Schedules "B" to "D", to complete part of the "West Broadway Streetscaping Project".

Before the West Broadway BIZ can complete this phase of the project, the BIZ is asking the City to assist them by entering into a license agreement on behalf of the West Broadway BIZ so that Community Seating Nodes can be constructed to improve the street image, for the convenience and safety of the residents.

FINANCIAL IMPACT

Financial Impact Statement Date: June 5, 2015

Project Name:

Proposed License Agreement for West Broadway Business Improvement Zone (BIZ) Community Seating Nodes with Great West Life

COMMENTS:

There are no financial implications associated with the proposed license agreement.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

Legal Services
Corporate Finance - Insurance Branch

SUBMITTED BY

Department: Planning, Property and Development
Division Municipal Accommodations
Prepared by: Sandi Caputo, CPM® CLO
Date: June 8, 2015
File No. MAD 2015-126

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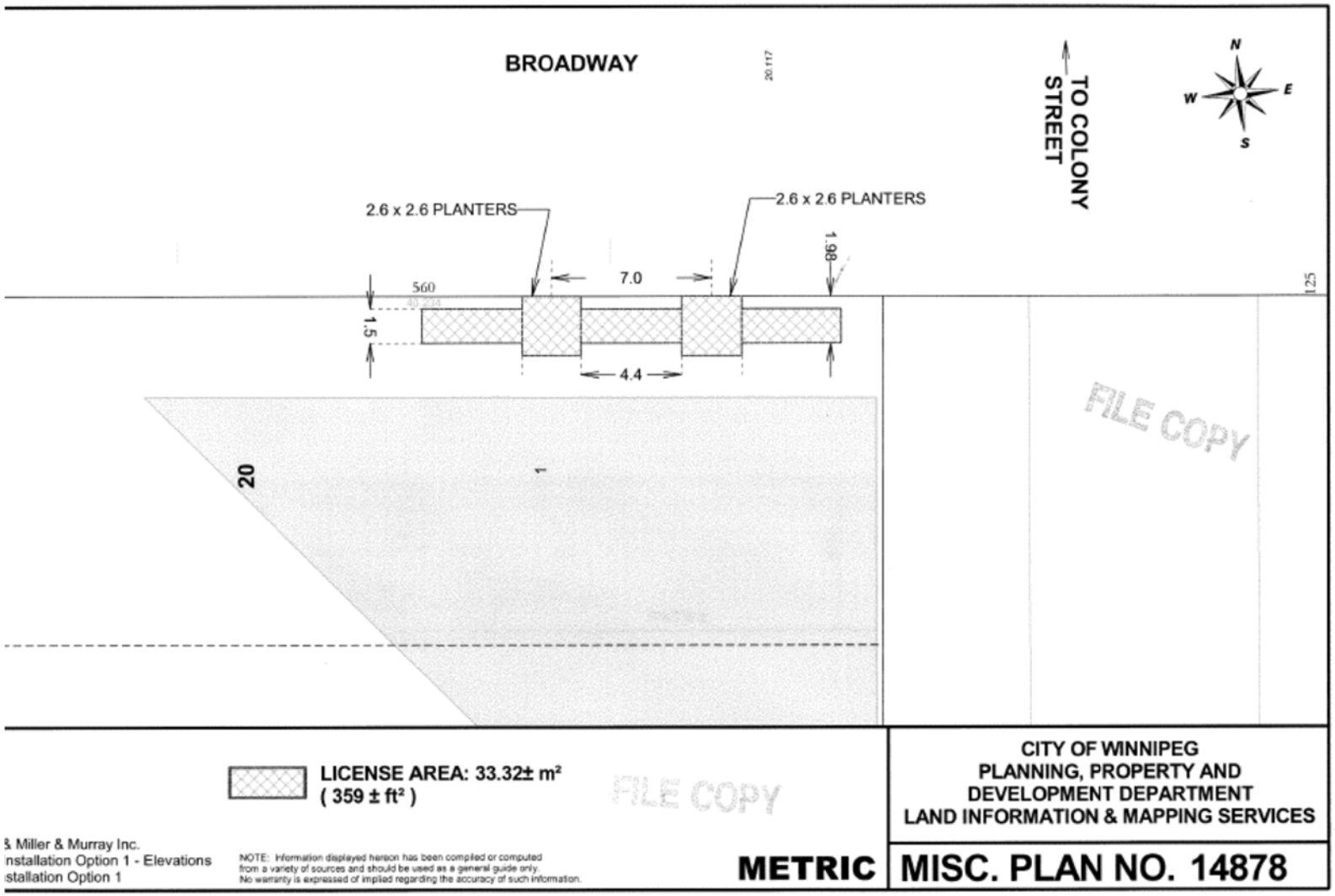
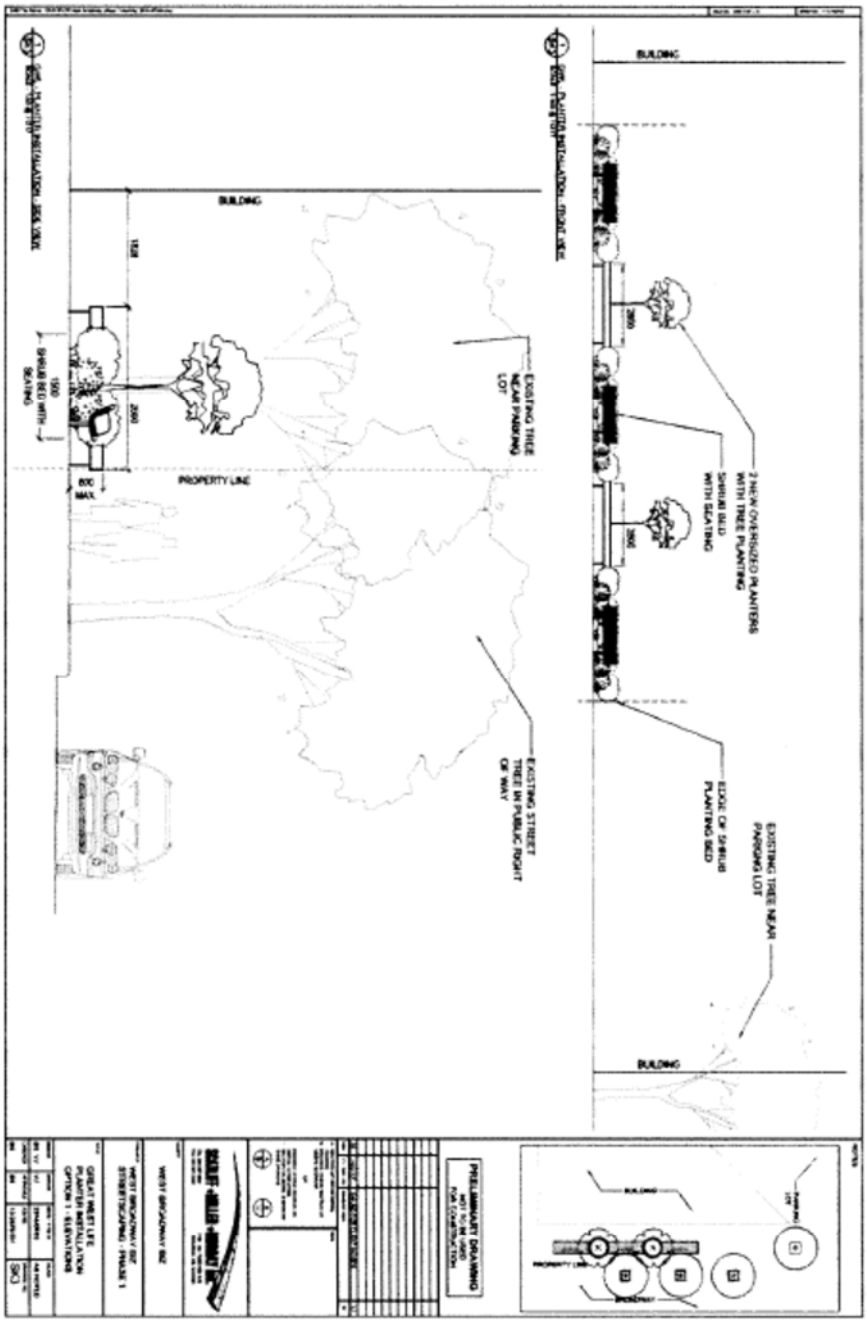
SCHEDULE "A"
PROPOSED TERMS AND CONDITIONS
WEST BROADWAY BIZ COMMUNITY SEATING NOTDES WITH GREAT WEST LIFE

Lessee:	City Of Winnipeg on behalf of West Broadway Biz
Lessor:	Great West Life
Location:	560 Broadway
Purpose:	Community Seating Nodes
Term:	30 Years
Commencement Date:	Upon completion of work – Approx. Sept 30, 2015
Lessee's Responsibilities:	- Installing the Seating Area; - Ongoing operation, maintenance, repair or replacement of the Seating Area - Insurance – commercial general liability insurance covering claims for injury death or damage to property as a result of any negligent acts or omissions of not less than $2,000,000 per occurrence. Name GWL, its directors, officers, employees and agents as additional insured.
Termination:	GWL or West Broadway BIZ may terminate this agreement at any time providing thirty (30) days' notice, in writing, to the other party. On termination of this Agreement the BIZ shall immediately remove the Seating Area in its entirety and restore the GWL Land to its original state to the satisfaction of GWL.

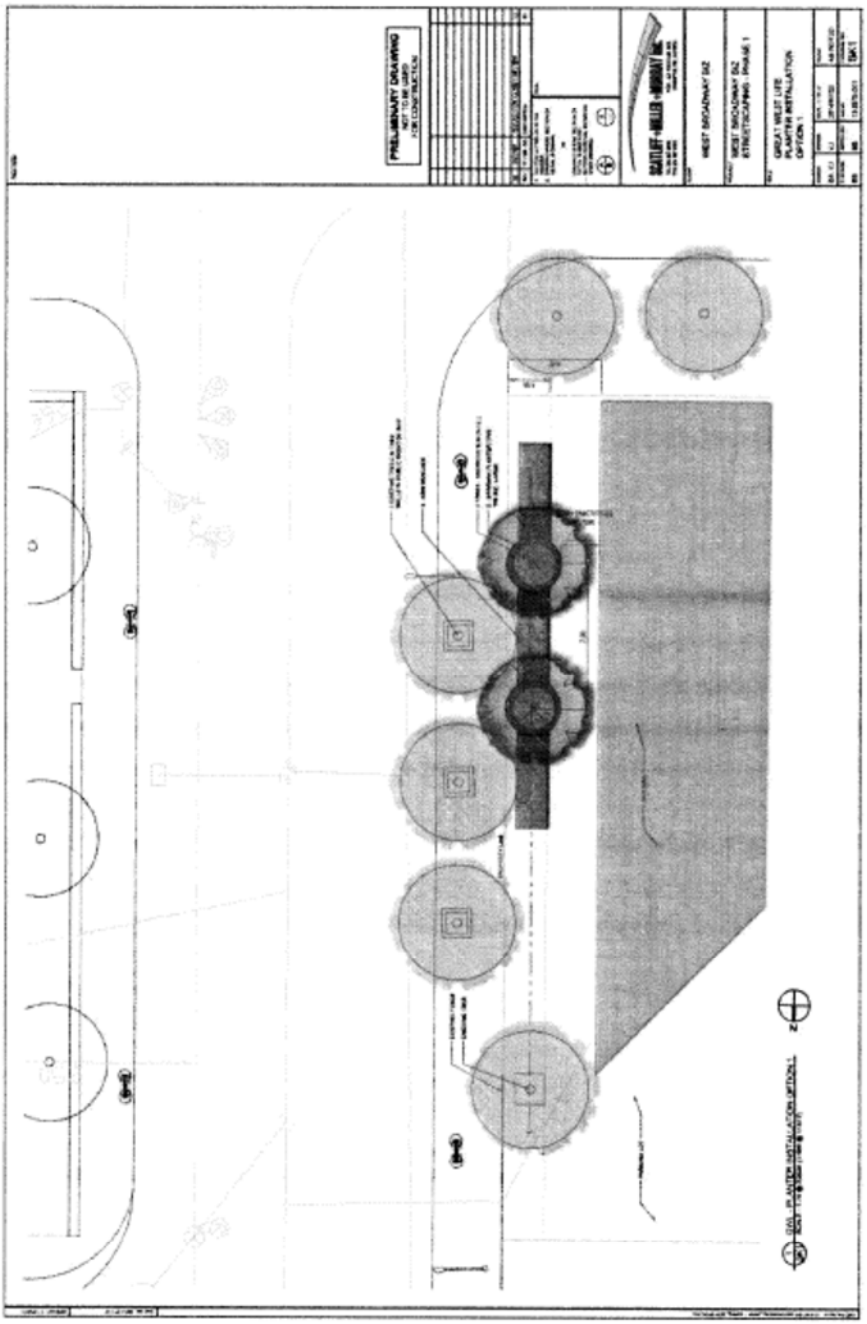
SCHEDULE 'B'


BROADWAY
20.117
TO COLONY STREET
N
W
E
S
2.6 x 2.6 PLANTERS
2.6 x 2.6 PLANTERS
1.98
7.0
560
1.5
4.4
125
20
1
FILE COPY
FILE COPY
LICENSE AREA: 33.32± m²
(359 ± ft²)
CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
& Miller & Murray Inc.
nstallation Option 1 - Elevations
stallation Option 1
NOTE: Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed of implied regarding the accuracy of such information.
METRIC
MISC. PLAN NO. 14878

SCHEDULE 'C'


BUILDING
PROPERTY LINE
EXISTING TREE NEAR PARKING LOT
EXISTING STREET TREE IN PUBLIC RIGHT OF WAY
2 HIGH OVERHEAD PLANTERS WITH TREE PLANTING
SHRUB BED WITH SEATING
EDGE OF SHRUB PLANTING BED
EXISTING TREE NEAR PARKING LOT
PRELIMINARY DRAWING

SCHEDULE 'D'


PRELIMINARY DRAWING
NOT FOR CONSTRUCTION
WEST BROADWAY B2
WEST BROADWAY B2
STREETSCAPING - PHASE 1
GREAT WEST LIFE
PLANTER INSTALLATION
OPTION 1
SK1