**Agenda – Executive Policy Committee – March 14, 2018**

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2018**

**Item No. 4 License Amendment for current Facilities Attachment License Agreement between the City of Winnipeg and Shaw Cablesystems Limited**

STANDING COMMITTEE RECOMMENDATION:

On March 2, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That the proposed terms and conditions attached as Schedules "A" and "B" to amend the original Facilities License Agreement between the City of Winnipeg and Shaw Cablesystems Limited, dated January 17, 2013, be approved.

2. That the City enter into, execute and deliver a License Amending Agreement with Shaw Cablesystems Limited and such other agreements as determined necessary by the City Solicitor / Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

3. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the License Amending Agreement and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

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

**Agenda – Executive Policy Committee – March 14, 2018**

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2018**

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On March 2, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

# ADMINISTRATIVE REPORT

**Title:** License Amendment for current Facilities Attachment License Agreement between the City of Winnipeg ("City") and Shaw Cablesystems Limited ("Shaw")

**Critical Path:** Standing Policy Committee on Property and Development, Heritage and Downtown Development, Executive Policy Committee, Council

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| B. Erickson | J. Kiernan | M. Ruta | D. McNeil |

## EXECUTIVE SUMMARY

1. Request for approval to amend the original Facilities Attachment License Agreement dated January 17th, 2013 (commencing November 14, 2012 and terminating November 13, 2022) between the City of Winnipeg and Shaw Cablesystems Limited (the "Agreement"), as initially approved by Council on November 14, 2012, to permit free WiFi access universally in associated civic facilities. The public will receive free WiFi in certain City facilities (as opposed to solely Shaw customers as under the agreed terms and conditions).

## RECOMMENDATIONS

1. That the proposed terms and conditions attached as Schedules "A" and "B" to amend the original Facilities License Agreement between the City of Winnipeg and Shaw Cablesystems Limited, dated January 17, 2013, be approved.

2. That the City enter into, execute and deliver a License Amending Agreement with Shaw Cablesystems Limited and such other agreements as determined necessary by the City Solicitor / Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

3. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the License Amending Agreement and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

4. 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 Standing Policy Committee on Property and Development, Heritage and Downtown Development advised on January 12, 2016 that the Winnipeg Public Service is to report back to the Committee on the implementation of free WiFi services to the public in City of Winnipeg Facilities.

As the Agreement was approved by the Standing Policy Committee on Property and Development, Heritage and Downtown Development, Executive Policy Committee and Council, the same approval is required in order to amend the Agreement.

## IMPLICATIONS OF THE RECOMMENDATIONS

2. The Planning, Property and Development Department have determined that there are no general, policy, regulatory, environmental or human resource implications to amending the Agreement.

3. The City will no longer collect an average of $8,500.00 annually from the Agreement. In exchange for the waiver of remuneration, the public will receive free WiFi in certain City facilities (as opposed to solely Shaw customers as under the agreed terms and conditions).

## HISTORY/DISCUSSION

The City of Winnipeg entered into the Agreement with Shaw Cablesystems Limited on January 17th, 2013 to provide Shaw “Go WiFi” to Shaw customers in certain City facilities. The City received a fee of $18.88 excluding sales tax, annually per facility.

On January 12, 2016, a discussion was held by the Standing Policy Committee on Property and Development, Heritage and Downtown Development regarding the implementation of free WiFi services to the public in certain City of Winnipeg facilities. The direction following this meeting was to have the Public Service report back to the Committee with their findings and recommendation.

On April 25, 2017, the City was approached by Shaw to amend the Agreement, which would remove the requirement that Shaw pay an annual fee to the City based on the number of facilities they are servicing. In exchange for the removal of the fee, Shaw will provide access to WiFi for the general public in those City facilities covered by the Agreement (a list of the City facilities covered by the Agreement is attached as Schedule “B”), which would benefit all users as opposed to solely Shaw customers as formerly provided for in the agreed terms and conditions.

**FINANCIAL IMPACT**

## Financial Impact Statement

**Date:** January 17, 2018

**Project Name:**

**First Year of Program** 2018

License Amendment for current Facilities Attachment License Agreement between the City of Winnipeg ("City") and Shaw Cablesystems Limited ("Shaw")

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|---|---|---|---|---|
| **Capital** | | | | | |
| Capital Expenditures Required | $ - | $ - | $ - | $ - | $ - |
| Less: Existing Budgeted Costs | - | - | - | - | - |
| Additional Capital Budget Required | $ - | $ - | $ - | $ - | $ - |
| **Funding Sources:** | | | | | |
| Debt - Internal | $ - | $ - | $ - | $ - | $ - |
| Debt - External | - | - | - | - | - |
| Grants (Enter Description Here) | - | - | - | - | - |
| Reserves, Equity, Surplus | - | - | - | - | - |
| Other - Enter Description Here | - | - | - | - | - |
| Total Funding | $ - | $ - | $ - | $ - | $ - |
| Total Additional Capital Budget Required | $ - | | | | |
| Total Additional Debt Required | $ - | | | | |
| **Current Expenditures/Revenues** | | | | | |
| Direct Costs | $ - | $ - | $ - | $ - | $ - |
| Less: Incremental Revenue/Recovery | (8,500) | (8,500) | (8,500) | (8,500) | (8,500) |
| Net Cost/(Benefit) | $ 8,500 | $ 8,500 | $ 8,500 | $ 8,500 | $ 8,500 |
| Less: Existing Budget Amounts | 8,500 | 8,500 | 8,500 | 8,500 | 8,500 |
| Net Budget Adjustment Required | $ - | $ - | $ - | $ - | $ - |

**Additional Comments:** The decrease in revenue beginning in 2018 represents the estimated annual foregone revenue. Given the immaterial amount of the reduction in rental revenue, no budget adjustment is required.

*"Original signed by"*
Mike McGinn, CPA, CA
Manager of Finance

## CONSULTATION

This Report has been prepared in consultation with:

**Internal Consultation With:**

Legal Services as to legal issues
Corporate Support Services

**External Consultation With:**

Shaw Cablesystems Limited

## OURWINNIPEG POLICY ALIGNMENT

03-1 Opportunity (Direction #2): Provide equitable access to municipal programs, services and facilities.

- Work to implement accessible City communications.
- Promote social development and inclusion through strategic alliances with service providers.

Shaw intends to provide a service to the citizens by allowing them to access free Wi-Fi in certain City Facilities, in turn enhancing accessibility to City communications.

## SUBMITTED BY

Department: Planning, Property and Development
Division: Property Management
Prepared by: Jess Fleming, Real Estate Officer
Date: January 15, 2018

Attachments: Schedule A & B

O:\Report Directive\Municipal Accommodations\Leases\2017\MA2017-211 - License Amendment for current Facilities Attachment License Agreement btwn CoW Shaw Cablesystems Ltd Dec 12 2017.docx

## SCHEDULE A

**PROPOSED TERMS AND CONDITIONS TO AMEND THE FACILITIES ATTACHMENT LICENSE AGREEMENT BETWEEN THE CITY OF WINNIPEG AND SHAW CABLESYSTEMS LIMITED**

Licensor: 1. The City of Winnipeg (the "City")

Licensee: 2. Shaw Cablesystems Limited (the "Shaw")

Purpose: 3. To amend the original Facilities Attachment License Agreement between the City and Shaw dated January 17, 2013 (hereinafter referred to as the "Principal Agreement").

Effective Amendment Date: 4. The first day of the month following approval from Council or its delegated authority or such other date as mutually agreed upon.

Amendments: To amend the Principal Agreement as follows:

5. To replace the current "List of Facilities" attached as Schedule A in the Principal Agreement with the "Revised List of Facilities" attached hereto as Schedule "B".

6. To delete the current Section 22, which reads as follows:

*22. **Fee.** In consideration of the grant herein by the City to Shaw, Shaw hereby agrees to pay the City a fee in the amount of $18.88, excluding sales tax, annually per Facility calculated based on each Access Point were Shaw makes attachment of the Works in the Facility. The annual fee will be due and payable on the anniversary of the Commencement Date in each year of the Term.*

And replace Section 22 with the following:

*22. **Complimentary WiFi Access.** In consideration of the grant herein by the City to Shaw, Shaw hereby agrees to offer the general public complimentary guest access to use the Shaw Go WiFi services. Such general public use will be subject to Shaw's Guest Access terms and policies and will*

*be limited to use at each Facility where Shaw has installed and is operating attachment points.*

7. All other terms and conditions of the Principal Agreement to remain unchanged.

Other:

8. Shaw shall enter into a formal agreement with the City embodying the foregoing Proposed Terms and Conditions and such other Terms and Conditions as the Director of Legal Services deems necessary and in a form satisfactory to the Director of Legal Services

9. **The proposed terms and conditions of the proposed License Amending Agreement contained herein, are subject to the approval of Council, or its delegated authority, and are not binding until such time as that approval is obtained.**

**SCHEDULE B**

**REVISED LIST OF FACILITIES**

# LIST OF FACILITIES

| FACILITY | ADDRESS |
|---|---|
| St. Vital Arena, Phase 2 | 580 St. Anne's Road |
| Aberdeen Recreation Centre | 415 Stella Avenue |
| Administration Bldg Civic Centre Complex | 510 Main St |
| Archwood CC | 565 Guilbault Street |
| Assiniboine West CC | 305 Morgan Crescent |
| Assiniboine West CC | 861 Buchanan Boulevard |
| Bertrand Arena | 294 Bertrand Avenue |
| Billy Mosienko Arena | 709 Keewatin |
| BoniVital Indoor Pool & Bldg | 1215 Archibald Street |
| Bourkevale CC | 100 Ferry Road |
| Bourkevale CC Garage | 100 Ferry Road |
| Broadway Neighbourhood Centre | 185 Young Street |
| Bronx Park CC | 720 Henderson Hwy |
| Burton Cummings CC | 960 Arlington Street & McDermot Avenue |
| CentreVille Library | 131 Provencher Boulevard |
| Century Indoor Arena | 1377 Clarence Avenue |
| Chalmers CC | 480 Chalmers Avenue |
| Champlain CC | 282 Niverville Avenue |
| Charles A Barbour (Grant Park) Arena | 500 Nathaniel Street |
| Charleswood Library | 5014 Roblin Blvd |
| Cindy Klassen Recreation Complex & Library | 999 Sargent Avenue |
| Clara Hughes Recreation Park | 281 Henderson Hwy |
| Clifton CC | 1315 Strathcona Street |
| Cornish Library | 20 West Gate |
| Council Building Civic Centre Complex | 510 Main St |
| Crescentwood CC | 1170 Corydon Avenue |
| Dakota CC | 1188 Dakota Street |
| Deer Lodge CC | 323 Bruce Avenue |
| Downtown Concourse, ALL Leased Areas | 365 Main Street |
| Dufferin Seniors Centre | 377 Dufferin Avenue |
| Earl Grey CC | 360 Cockburn Street North |
| East Elmwood Community Centre | 490 Keenleyside St |
| East End CC Ed Golding (2 Rinks) Arena | 517 Melrose Avenue East |
| Ed Golding Memorial Arena - East End Arena | 517 Pandora Ave E |
| EK Senior Citizens Centre | 180 Poplar Avenue |

| | |
|---|---|
| Eldon Ross Indoor Pool & Bldg. | 1887 Pacific Avenue West |
| Elmwood Kildonan Pool & Bldg. | 909 Concordia Avenue |
| Eric Coy Craft Corner | 535 Oakdale Drive |
| Firefighters Museum | 56 Maple St |
| Fort Garry CC | 880 Oakenwald Avenue |
| Fort Garry Library | 1360 Pembina Highway |
| Fort Garry Library , Phase 2 | 1360 Pembina Highway |
| Fort Rouge Leisure Centre/Lawn Bowl | 625 Osborne Street |
| Central CC (Freight House Outdoor Pool) | 200 Isabel Street |
| Garden City CC | 725 Kingsbury Avenue |
| Gateway Community Centre | 600 Bonner Ave |
| Glenlee CC | 176 Worthington Street |
| Glenwood CC | 27 Overton Street |
| Grants Old Mill | 2777 Portage Avenue |
| Greendell CC | 75 Woodlawn Street |
| Henderson Library | 1050 Henderson Highway |
| Heritage Victoria Park Rec Assoc | 950 Sturgeon Road |
| Kildonan Park Golf Course | 2021 Main Street |
| Kirkfield Westwood CC | 165 Sansome Avenue |
| Kirkfield Westwood CC | 3160 McBey Avenue |
| Linden Woods CC | 414 Lindenwood Drive West |
| Lawn Tennis Club | 705 North Drive |
| Living Prairie Museum | 2795 Ness Ave 1AP |
| Lord Roberts CC | 725 Kylemore Avenue & Cockburn Street |
| Louis Riel Library | 1168 Dakota Street |
| Maginot Indoor Arena | 910 Maginot St |
| Magnus Eliason Recreation Centre | 430 Langside Street |
| Margaret Grant Indoor Pool & Bldg. | 685 Dalhousie Drive |
| Mayfair Recretion Centre | 40 Mayfair Place |
| Melrose Park CC | 480 Kimberly Avenue |
| Millennium Library | 251 Donald Street |
| Munroe Library | 489 London Avenue |
| N.E. Centennial Indoor Pool & Bldg. | 90 Sinclair Street |
| Norberry CC | 26 Molgat Avenue |
| Norquay CCentre | 5 Beaconsfield Street |
| Norquay CClub | 65 Granville Street |
| North End Seniors Centre | 86 Sinclair Street |
| North Kildonan CC | 1144 Kingsford Place & Mark Pearce Avenue |
| Northwest Library | 765 Keewatin Street |
| Northwood CC | 1415 Burrows Avenue (E of Sheppard) |
| Northwood CC, Frank Whyte Rec Centre | 1245 Fife Street |

| | |
|---|---|
| Norwood CC - Outdoor Pool | 87 Walmer Street (E of Lawndale Avenue) |
| Notre Dame Rec CC | 271 avenue de la Cathedrale |
| Notre Dame Rec CC, Phase 2 | 271 avenue de la Cathedrale |
| Old Exhibition Arena | 80 Sinclair Street |
| Rapid Transit - Osborne & Pembina | Osborne and Pembina |
| Osborne Library | 625 Osborne St |
| Oxford Heights CC | 359 Dowling Avenue East |
| Pan Am Pool | 25 Poseidon Bay |
| Pantages Playhouse | 180 Market |
| Park City West CC | 115 Sanford Fleming Road |
| Peguis Trail Fitness/Chief Peguis School | 1400 Rothesay Street |
| Pembina Trail Library | 2724 Pembina Highway |
| Pembina Trail Library , Phase 2 | 2724 Pembina |
| Pioneer Arena | 799 Logan Avenue |
| Ralph Brown CC | 460 St Andrews Street |
| Richmond Kings CC | 666 Silverstone Avenue |
| River East Indoor Arena | 1410 Rothesay Street |
| River Heights CC & Arena | 1370 Grosvenor Ave |
| River Heights Library | 1520 Corydon Avenue |
| River Osborne CC | 101 Pembina Highway |
| Riverview Community Club | 90 Ashland |
| Robert A. Steen Memorial CC | 980 Palmerston Avenue |
| Roblin Park CC | 640 Pepperloaf Crescent |
| Sam Southern Indoor Arena | 625 Osborne Street |
| Sargent Park Indoor Arena | 1111 Wall Street |
| Sargent Park Indoor Arena, Phase 2 | 1111 Wall Street |
| Senior's Centre - Old Charleswood Library | 4910 Roblin Blvd |
| Seven Oaks Indoor Pool & Bldg. | 444 Adsum Drive |
| Sherbrook Indoor Pool & Bldg. | 381 Sherbrook Street |
| Sinclair Park CC | 490 Sinclair Street |
| Sir John Franklin CC | 1 Sir John Franklin Road |
| South Transcona CC | 124 Borden Street |
| Southdale CC / Arena | 254 Lakewood Boulevard |
| St. James Centennial Indoor Pool | 644 Parkdale Street |
| St. James Civic Centre Arena | 2055 Ness Avenue |
| St. James Cultural Centre | 3172 Portage Avenue |
| St. James/Assiniboia Library | 1910 Portage Avenue |
| St. John's Library | 500 Salter Street |
| St. Norbert CC & Arena | 3450 Pembina Highway |
| St. Vital Arena | 580 St. Anne's Road |
| St. Vital Library | 6 Fermor Avenue |

| | |
|---|---|
| Sturgeon Heights CC | 210 Rita Street |
| Transcona Centennial Pool & Bldg. | 1101 Wabasha Street |
| Transcona Library | 111 Victoria Avenue |
| Transcona Museum | 141 Regent Avenue |
| Transcona Seniors Centre | 328 Whittier Avenue W |
| Transit Ticket/Lounge | 210 Portage Avenue |
| Turtle Island Recreation Centre | 510 King Street |
| Tuxedo CC | 368 Southport Boulevard |
| Valley Gardens CC | 218 Antrim Road |
| Orioles CC (Valour CC) | 444 Burnell |
| Valour CC (formerly Isaac Brock CC) | 715 Telfer Street North |
| Victoria / Linden Woods CC | 80 Derek Street |
| Vimy Indoor Arena | 255 Hamilton Avenue |
| Vince Leah CC | 1295 Salter Street NW of Southall & Aikins |
| Waverley Heights CC | 1885 Chancellor Drive & Lakepointe Road |
| West Kildonan Library | 365 Jefferson Avenue |
| Westdale CC | 550 Dale Blvd. |
| Weston Memorial CC | 1625 Logan Avenue & McKelvey Street |
| Westridge CC | 3 Marshall Crescent |
| Westwood Library | 66 Allard Avenue |
| Wildwood Community Centre | 271 Northdrive |
| Winakwa CC | 980 Winakwa Road |
| Windsor CC | 99 Springside Dr. |
| Windsor Community Centre | 99 Springside Drive |
| Windsor G.C. | 10 Des Meurons Street |
| Windsor Park Library | 955 Cottonwood Road |
| WRHA St Johns Leisure center | 601 Aikins Street |