Minute No. 435
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 8, 2018

Item No. 10 Amendment to Exchange Waterfront Neighbourhood Development Program

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. That Recommendation 4 of the June 15, 2016 Council decision regarding 'General Capital Fund – Downtown Streets – Amendment of Approved 2016 Capital Budget to Include Funding from the Exchange Waterfront Neighbourhood Development Program' be amended to replace the words "*within* Phases" with the words "*between* Phases" to read as follows:

   "4. That the July 17, 2013 Council decision "Establishment of the Exchange Waterfront Neighbourhood Development Program" be amended to authorize the Chief Administrative Officer to reallocate approved funding as set out in Appendix "B" of such Council decision between Phases, subject to all works being undertaken pursuant to the EWNDP being completed by December 31, 2018."

2. That the City enter into, execute and deliver any amending agreements or agreements with CentreVenture Development Corporation that are necessary to implement the intent of the foregoing, and that the Chief Financial Officer be authorized to negotiate and approve the terms and conditions of any such agreements in accordance with this report and any other terms and conditions deemed necessary by the Director of Legal Services and City Solicitor to protect the interest of the City.

3. 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 Councillor Pagtakhan,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 13, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 8, 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: Amendment to Exchange Waterfront Neighbourhood Development Program

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

AUTHORIZATION

Author	Department Head	CFO	CAO
S. Cianflone	J. Kiernan	M. Ruta	D. McNeil

EXECUTIVE SUMMARY

The Exchange Waterfront Neighbourhood Development Program (EWNDP) was created to increase residential and retail density in the Exchange and Waterfront neighbourhoods. An amendment is being sought to allow for funding to be reallocated between Phases, subject to all works being undertaken pursuant to the EWNDP being completed by December 31, 2018.

RECOMMENDATIONS

1. That Recommendation 4 of the June 15, 2016 Council decision regarding 'General Capital Fund – Downtown Streets – Amendment of Approved 2016 Capital Budget to Include Funding from the Exchange Waterfront Neighbourhood Development Program' be amended to replace the words "***within*** Phases" with the words "***between*** Phases" to read as follows:

   "4. That the July 17, 2013 Council decision "Establishment of the Exchange Waterfront Neighbourhood Development Program" be amended to authorize the Chief Administrative Officer to reallocate approved funding as set out in Appendix "B" of such Council decision **between** Phases, subject to all works being undertaken pursuant to the EWNDP being completed by December 31, 2018."

2. That the City enter into, execute and deliver any amending agreements or agreements with CentreVenture Development Corporation that are necessary to implement the intent of the foregoing, and that the Chief Financial Officer be authorized to negotiate and approve the terms and conditions of any such agreements in accordance with this report and any other terms and conditions deemed necessary by the Director of Legal Services and City Solicitor to protect the interest of the City.

3. That the proper officers of the City do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Council approval is required to amend previous Council decisions.

Legal Services has advised that the proposed amendment is required prior to entering into a legal agreement with CentreVenture Development Corporation, fulfilling the City's financial commitments associated with Council approval of the EWNDP on July 17, 2013 and expenditure of program funds contemplated under subsequent Council approval of June 15, 2016.

IMPLICATIONS OF THE RECOMMENDATIONS

Approval is required in order to pay outstanding fees owed to the City of Winnipeg Public Works Department in conjunction with completed infrastructure works within the EWNDP boundary totaling $1,609,030.32 (not including GST).

HISTORY/DISCUSSION

On July 17, 2013, Council approved the establishment of a joint Provincial and City tax increment financing program known as the Exchange Waterfront Neighbourhood Development Program. This program contemplated the use of tax increment financing as a tool for public realm reinvestment in a dedicated zone within the Exchange Waterfront area as a strategic downtown development incentive. Provincial and Municipal incremental taxes resulting from new development under the Downtown Residential Development Grant Program served as a funding source for this program.

On June 15, 2016, Council concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works that the program parameters as presented were 'limiting' in that project program funding was not available to be expended based on the approved program schedule originally contemplated. More specifically, the funding source for this program would not be realized as required under the defined phases to adequately fund the program. As a result of confirmation that funds would not be available within the defined phases, the Public Service brought forward a report for consideration by Council to seek delegated authority to the Chief Administrative Officer to reallocate funds "between" the defined program phases. The Legal Services Department has advised that while the body of said report adequately presented this position, the language within Recommendation 4 of said report incorrectly states "***within phases***" instead of "***between phases***".

This report seeks Council approval to amend Recommendation 4 of Council decision of June 15, 2016 to authorize the Chief Administrative Officer to reallocate surplus funds "***between"*** phases to allow payment of outstanding fees.

FINANCIAL IMPACT

Financial Impact Statement

Date: April 24, 2018

Project Name:

Amendment to Exchange Waterfront Neighbourhood Development Program

COMMENTS:

There are no direct financial implications associated with the recommendations contained in this report. Approval of the recommendations enable CentreVenture to repay the City of Winnipeg (Public Works Department) $1,609,030.32 for infrastructure works completed within the EWNDP boundaries.

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

CONSULTATION

This Report has been prepared in consultation with:

CentreVenture Development Corporation
Public Works Department
Legal Services (as to legal issues).

OURWINNIPEG POLICY ALIGNMENT

Our Winnipeg Section 01-3 – A City That Works > Prosperity

- Direction 4: Collaborate with all public, private and community economic development agencies to advance economic advantages
    - Support a thriving and vibrant Downtown as a citywide destination and Winnipeg's window to the world

Our Winnipeg Section 01-4 – A City That Works > Housing

- Direction 6: Encourage residential development downtown
    - Enhance the quality of downtown residential life
    - Adapt and develop tools to support desired development
    - Promote downtown living with developers and potential residents

SUBMITTED BY

Department: Planning, Property and Development
Division: Economic Development
Prepared by: Sara Cianflone
Date: April 24, 2018