Agenda – Council – July 19, 2018

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – June 26, 2018

Item No. 3 Manitoba Hydro Pole Attachment Indemnity Agreement and Permit for the Chief Peguis Greenway Wayfinding Signage

STANDING COMMITTEE RECOMMENDATION:

On July 4, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the following to Council:

1. That the City enter into, execute and deliver a licensing agreement with Manitoba Hydro to permit the City to attach banners and wayfinding signs to Manitoba Hydro's light standards in respect of the Chief Peguis Greenway Expansion, 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").

2. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the licensing 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.

3. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of all future similar agreements for the attaching of banners and wayfinding signs to light standards with Manitoba Hydro, 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 do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – June 26, 2018

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 4, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 26, 2018, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Manitoba Hydro Pole Attachment Indemnity Agreement and Permit for the Chief Peguis Greenway Wayfinding Signage

Critical Path: Standing Policy Committee on Infrastructure Renewal and Public Works - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D Patman, P Eng.	J. Berezowsky	N/A	D. McNeil

EXECUTIVE SUMMARY

The City is extending the Chief Peguis Greenway pedestrian and cycling path between Henderson Highway and Main Street. The path design includes banners and wayfinding signage consistent with those already in place along the existing Greenway. The Wayfinding Signage for Chief Peguis Greenway is affixed to Hydro's pathway lights. Manitoba Hydro requires that the City sign a licensing agreement in respect of the new signage as well as the existing signage.

RECOMMENDATIONS

1. That the City enter into, execute and deliver a licensing agreement with Manitoba Hydro to permit the City to attach banners and wayfinding signs to Manitoba Hydro's light standards in respect of the Chief Peguis Greenway Expansion, 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").

2. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the licensing 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.

3. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of all future similar agreements for the attaching of banners and wayfinding signs to light standards with Manitoba Hydro, 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 do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

The Chief Administrative Officer has authority under the Execution of Documents By-law to sign "applications for licenses and permits necessary to carry on the operations of the City"; however, approval to enter into the requisite agreement must be delegated by Council.

IMPLICATIONS OF THE RECOMMENDATIONS

The Chief Administrative Officer will be authorized to approve the terms and conditions of licensing agreements with Manitoba Hydro for the use of light poles to attach wayfinding signage and banners.

HISTORY/DISCUSSION

The Chief Peguis Greenway Extension closes a gap in the pedestrian and cycling pathway network and improves access to Transit services by extending the Chief Peguis Greenway west from Henderson Highway to Main Street and to the Rivergrove neighbourhood. The City has received funding support from the Government of Canada, through the Public Transit Infrastructure Fund, to deliver this project. Construction will begin in spring 2018 with expected completion in 2019. The project includes new multi-use pathways, a widened pedestrian and cycling path on the south side of the Kildonan Settlers Bridge, and improvements to existing transit stops, lighting, signage, and landscaping within the project area as well as improved traffic operations at the Main Street and Chief Peguis Trail intersection.

The first section of the Chief Peguis Greenway pedestrian and cycling path was constructed in 2011in conjunction with the second section of the Chief Peguis Trail. The Chief Peguis Trail runs from Henderson Highway to Lagimodiere Blvd. It is a P3 project.

Wayfinding and signage are important features of the Greenway. The Wayfinding Signage for Chief Peguis is affixed to Hydro's Pathway Lights (see Appendix 1) for which the City is required to enter into a licensing agreement with Manitoba Hydro. Agreements for existing and new signage are attached as Appendix 2 and 3, respectively.

FINANCIAL IMPACT

Financial Impact Statement **Date:** May 22, 2018

Project Name:
Manitoba Hydro Pole Attachment Indemnity Agreement and Permit for the Chief Peguis Greenway Wayfinding Signage

COMMENTS:

There is no financial impact associated with the recommendation of this report.

"Original signed by J. Ruby, CPA, CA"
J. Ruby, CPA, CA
Manager of Finance & Administration

CONSULTATION

This Report has been prepared in consultation with:
Legal Services (as to legal issues)
Traffic Services

OURWINNIPEG POLICY ALIGNMENT

01-1 City Building – Connect and Expand our Sustainable Transportation and Infrastructure Networks. Ensuring mobility for people of all ages and abilities with active transportation options.

Transportation Master Plan

Section 5.2 Active Transportation, enabling strategy M
- Provide or support education for all transportation users to improve understanding and compliance (Section 5.2 Active Transportation, enabling strategy m).

Section 5.2 Active Transportation, enabling strategy N
- Seek innovative and new partnerships to support AT programs and facilities (Section 5.2 Active Transportation, enabling strategy n).

SUBMITTED BY

Department: Public Works
Division: Transportation
Prepared by: S. Whitehouse, Active Transportation Coordinator
Date: May 17, 2018

Attachments: Appendix 1 - Existing signage on the Chief Peguis Greenway
Appendix 2 - Hydro Pole Attachment Agreement – Existing signage
Appendix 3 - Hydro Pole Attachment Agreement – New signage

Appendix 1 - Existing signage on the Chief Peguis Greenway



Appendix 2 - Hydro Pole Attachment Agreement – Existing signage

Tracking ID

Manitoba Hydro

POLE ATTACHMENT INDEMNITY AGREEMENT AND PERMIT

2186/f
Rev 12 08
v1.3

THIS AGREEMENT MADE BETWEEN

Complete If Applicable:
Account No.
Indemnity By-Law No.

City of Winnipeg, Parks & Rec
(hereinafter called the "Customer")

OF THE FIRST PART,

- and -
MANITOBA HYDRO

OF THE SECOND PART.

Manitoba Hydro hereby permits the Customer to affix or install 20 metal - Banner and Wayfinding Signage, Interpretative and Prairie Signage.

[the "attachment(s)"] owned by the Customer to Manitoba Hydro's pole(s) located on the pedestrian lighting along the Chief Peguis Trail.

upon and subject to the following terms and conditions:

a) the Customer shall supply, install and maintain the attachment(s) at the Customer's own risk and expense and, if applicable, in accordance with the Manitoba Electrical Code;

b) the Customer shall well and truly save, defend, keep harmless and fully indemnify Manitoba Hydro, its successors and assigns, of, and from and against any and all loss, costs, damages and expenses, which Manitoba Hydro may at any time or times hereafter sustain, incur, suffer, or be put to, caused by, arising out of, or in any way attributable to the affixing, installation, maintenance, removal or use of any attachment;

c) Manitoba Hydro shall make the electrical connection between its distribution facilities and the attachment(s), if required;

d) Manitoba Hydro shall not be liable for any loss or damage caused to any attachments;

e) the Customer shall pay Manitoba Hydro on demand an amount equal to the full cost of removing and re-installing an attachment if or when one or more of Manitoba Hydro's poles to which an attachment has been affixed is relocated or changed;

f) the Customer shall immediately remove any attachment if directed to do so by Manitoba Hydro or, if applicable, by

g) other restrictions, if any: The initial approval is for 30 days.

Minimum height is 4.8m (10') above grade unless the City of Winnipeg stipulates a higher requirement for equipment.

Contract must contact Darren Tabak, Street Light Department & 360-7521 for final coordination of banner locations.

DATED AT Manitoba Hydro this 3 day of April 2018 .

The foregoing terms and conditions have been read, understood and accepted:

MANITOBA HYDRO
Per:

Customer

Area Manager/Operating Supervisor

Appendix 3 - Hydro Pole Attachment Agreement – New signage

Tracking ID

Manitoba Hydro

POLE ATTACHMENT INDEMNITY AGREEMENT AND PERMIT

2186/f
Rev 12 08
v1.3

THIS AGREEMENT MADE BETWEEN

City of Winnipeg, Parks & Rec
(hereinafter called the "Customer")

Complete If Applicable:

Account No.
Indemnity By-Law No.

OF THE FIRST PART,

- and -
MANITOBA HYDRO

OF THE SECOND PART.

Manitoba Hydro hereby permits the Customer to affix or install 4 metal - Banner and Wayfinding Signage.

[the "attachment(s)"] owned by the Customer to Manitoba Hydro's pole(s) located on the pedestrian lighting along the Chief Pequis Trail. Between Henderson Highway & Main Street.

upon and subject to the following terms and conditions:

a) the Customer shall supply, install and maintain the attachment(s) at the Customer's own risk and expense and, if applicable, in accordance with the Manitoba Electrical Code;

b) the Customer shall well and truly save, defend, keep harmless and fully indemnify Manitoba Hydro, its successors and assigns, of, and from and against any and all loss, costs, damages and expenses, which Manitoba Hydro may at any time or times hereafter sustain, incur, suffer, or be put to, caused by, arising out of, or in any way attributable to the affixing, installation, maintenance, removal or use of any attachment;

c) Manitoba Hydro shall make the electrical connection between its distribution facilities and the attachment(s), if required;

d) Manitoba Hydro shall not be liable for any loss or damage caused to any attachments;

e) the Customer shall pay Manitoba Hydro on demand an amount equal to the full cost of removing and re-installing an attachment if or when one or more of Manitoba Hydro's poles to which an attachment has been affixed is relocated or changed;

f) the Customer shall immediately remove any attachment if directed to do so by Manitoba Hydro or, if applicable, by

g) other restrictions, if any: The initial approval is for 30 days.

Minimum height is 4.8m (10') above grade unless the City of Winnipeg stipulates a higher requirement for equipment.

Contract must contact Darren Tabak, Street Light Department & 360-7521 for final coordination of banner locations.

DATED AT Manitoba Hydro this 23 day of March 2018 .

The foregoing terms and conditions have been read, understood and accepted:

MANITOBA HYDRO
Per:

Customer

Area Manager/Operating Supervisor