Minutes – Executive Policy Committee – September 14, 2022

REPORTS

Item No. 38 Provision of Safe and Secure Parking for Winnipeg Police Service Members

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

Due to a lost vote, the Executive Policy Committee submitted the report of the Winnipeg Public Service to Council without recommendation.

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

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 four business days preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Chambers,

That the recommendation of the Winnipeg Public Service be concurred in and forwarded to Council.

Yea:	Browaty, Chambers, Mayes,	3
Nay:	Bowman, Allard, Rollins	3

Lost

ADMINISTRATIVE REPORT

Title: Provision of Safe & Secure Parking for Winnipeg Police Service Members

Critical Path: Executive Policy Committee — Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Jack	M. Jack	L. Pablo, Acting CFO	M. Jack

EXECUTIVE SUMMARY

This Report recommends that, if Winnipeg Police Service ("WPS") members demonstrate sufficient committed interest in renting one full floor of the Millennium Library Parkade ("the Parkade"), that Council approve this floor being converted for the exclusive use of members of the Winnipeg Police Service ("WPS members") who require parking while working at the Winnipeg Police Service Headquarters ("WPS HQ") at 245 Smith Street.

Approval of the arrangement would serve to settle a longstanding grievance filed by the Winnipeg Police Association ("the Association") alleging that the City and WPS are in breach of several duties as employer(s) to provide safe and secure parking for WPS members.

Should the proposed arrangement be approved, the Association would have 90 days within which to confirm that there is sufficient, committed interest from WPS members to rent all 264 parking spaces on one floor in the Parkade on an annual basis at market rates equal to what is charged to other monthly parkers. If sufficient interest is confirmed, one floor of the Parkade would be secured and reserved exclusively for parking by WPS members. If sufficient interest is not confirmed, then the grievance is withdrawn, the current operations of the Parkade will not change and the City would have no further obligations under the arrangement.

RECOMMENDATIONS

1. That Council approve having one floor of the Millennium Library Parkade reserved for the exclusive use of Winnipeg Police Service members with appropriate modifications installed at a cost of $200,000, on condition that the Winnipeg Police Association determines within 90 days (with an extension of 30 days if agreeable to the Chief Administrative Officer) that sufficient committed interest exists among Winnipeg Police Service members to occupy one full floor of the Millennium Library Parkade (264 spots) on a 24/7/365 basis at rates equal to that charged to other monthly parkers (currently $275/month for each spot).

2. That Council delegate authority to the CAO to negotiate with the Winnipeg Police Association the details of this arrangement, including what would constitute sufficient

committed interest by Winnipeg Police Service members to warrant reserving a floor of the Parkade, and what will happen if the number of parking spaces rented by Winnipeg Police Service members declines, and whether to expand the number of spaces reserved for Winnipeg Police Service members if the demand is present.

3. That the capital and operating budget implications in this report be referred to the 2023 budget process.

4. That the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

While the CAO has sufficient authority to settle grievances, only Council can approve the repurposing of a significant portion of a civic asset to a purpose other than what was originally intended, particularly when the repurposing reduces public access to the asset.

Since the purpose established by Council for the Millennium Library Parkade at its inception was for public parking and since it has only been used for that purpose since its construction, Council approval is required.

IMPLICATIONS OF THE RECOMMENDATIONS

Assuming WPS members rent all 264 stalls on one floor of the Parkade, the Winnipeg Parking Authority would receive a dedicated revenue stream of $871,200 annually from WPS members. However, this would be offset by a

1. Projected decrease in Special Event revenue of $232,231 annually, as there would be fewer spaces available for Special Events (e.g. Winnipeg Jets home games, concerts at Canada Life Centre, etc.);
2. Less spots available to the public resulting in a net revenue loss of $734,550

Therefore, if this arrangement proceeds, it is estimated that the City would realize an approximate net revenue loss of $95,581 annually.

Changes from this report:	Amount
Dedicated revenue stream	$871,200
Decrease in special events revenue	($232,231)
Decrease in reserved parking spots available to public	($734,550)
Net revenue loss	**($95,581)**

If the within Recommendations are approved and sufficient interest by WPS members is confirmed, the City would incur a one-time capital cost of approximately $200,000 to make the required modifications to the Parkade. This will also result in amortization charges estimated at $20,000 per year ($10,000 in the first year).

The capital and operating budget implications as noted in the financial impact statement will be considered during the 2023 budget process.

Should sufficient interest among WPS members not be confirmed, then the status quo would remain and there would be no implications.

In either event, the grievance would be withdrawn and the current operation of the Parkade would not change.

If the Recommendations herein are not approved, the Association grievance will proceed to arbitration.

HISTORY/DISCUSSION

Since May 15, 1969, Council has intended the Parkade to be operated for “public parking”. Attached as Appendix 1 is the first Order of Council passed in this regard. Since that time, and through the creation of the Parkade, it has continued to be used for the purpose of public parking.

Association Parking Concerns

For several years, the Association had been communicating to the WPS concerning the risk to the safety of WPS members traveling to/from their personal vehicles when parking for work, based upon the Association’s analysis of reported threats to WPS members, assaults of WPS members, and incidents of vandalism and sabotage to the vehicles of WPS members.

In an effort to arrive at a mutually agreed solution to address these concerns, in July 2021, the WPS and the Association struck a committee (“the Committee”) to consider the issue of safe and secure parking for WPS members who work downtown.

The Committee considered the following factors in conducting its review:

- The Association’s aforementioned position on the risk to the safety of WPS members;
- Proximity of any proposed parking facility to the WPS HQ;
- All relevant costs;
- Safety features required for any proposed facility;
- Ability to dedicate all or a portion of any proposed facility for the sole and exclusive use of WPS members; and
- Number of stalls available.

The Association had conducted an anonymous survey of WPS members and reported the following findings to the Committee:

- WPS members would be agreeable to paying a fee, as long as it is not cost prohibitive;
- Approximately 750 WPS members (across the entire WPS, not just downtown) would be interested in safe and secure parking at a reasonable rate; and
- Given peak hours for demand, a maximum of 500 stalls would be required.

The Committee concluded that the only realistic option in proximity to the WPS HQ was to procure a portion of the Parkade for these purposes. WPS members working the A/B Platoon rotation are already permitted to share a monthly parking pass in pairs: the monthly parking pass costs $275.00, so each sharing member pays $137.50. This cost is consistent with monthly parking fees charged to the general public.

Although discussions of this nature had been occurring for several years, when no solution had been reached by June 21, 2019, the Association filed a grievance asserting the position that the WPS/City was in breach of its obligation as employer by not providing safe and secure parking for WPS members at the WPS HQ.

The City denied the grievance, but the Association has pushed the grievance towards arbitration. The arrangement proposed herein is viewed as a reasonable path through the issue for all parties.

That grievance remains active, and approval of the proposed arrangement will also serve to settle the grievance. Should the proposed recommendation not be approved by Council, then the grievance will proceed to arbitration, wherein an arbitrator will rule upon the issue.

The salient details of the arrangement between the City and the Association being recommended herein can be summarized as follows:

- The City would be prepared to make the entire bottom level of the Parkade (total of 264 spaces) available for the exclusive use of WPS members, 24/7/365. The City would ensure the entire bottom level is safely secured to allow card access to WPS members only ("designated parking"); this cost would be borne by the City at an estimate of approximately $200,000.
- Before this obligation would arise on the part of the City, it would have to be established that there is demand for all 264 designated parking spaces by WPS members, within 90 days of (the execution of this Agreement). The parties may extend this timeline by an additional 30 days, by mutual agreement. If at the conclusion of that time period, demand is less than the full 264 parking spaces, then the City shall have no further obligation and the current operation of the Parkade will not change.
- If sufficient demand is confirmed, the parties would meet to discuss and reach agreement upon the consequences if subscription by WPS members for the 264 designated parking spaces falls below 264 subsequent to security measures having been implemented in the Parkade. Security measures will not be implemented until such agreement is reached.
- Each designated parking space would either be shared by two WPS members (at an individual cost of $137.50 per member per month), or shall be used by one WPS member (at an individual cost of $275.00 per month). In either event, each designated parking spot would generate $275/month in parking revenue. Parking agreements would be between the WPS members and the Winnipeg Parking Authority. Under no circumstances would WPS members be entitled to share their parking fobs with non-WPS members.
- The cost of each designated parking space would be subject to price increases or decreases on an annual basis, as determined by the Winnipeg Parking Authority. There would also be no differentiation in price between a designated parking spot reserved for WPS members and the other spots that are available 24 hours a day in the Parkade. Essentially, the designated "safe and secure" parking spots would be subject to the same price increases or decreases that other monthly parkers obligated to pay.
- If the demand by WPS members for designated parking spaces exceeds 264 spaces, the City agrees to enter into discussions with the Association with a view to agreeing upon a reasonable expansion of the designated parking area to the top floor of the Parkade. If the City refused to discuss the expansion of the designated parking area or

the parties couldn't agree upon a reasonable option for the expansion of designated parking, the Association would be entitled to file a grievance in this regard.

- WPS members who wish to obtain a designated parking space would be required to commit to the cost of the space for a full year. While it might be understandable that some might wish to obtain a parking space for the winter only, it is agreed that this is not the intention of the arrangement and will not be permitted. In extenuating circumstances, such as transfers, retirements, resignations and terminations, the City would acknowledge that members may be required to end their commitment to a parking space early and the City would agree that it would act reasonably to address these circumstances.
- In the event of any significant or prolonged construction to or within the Parkade, those WPS members who committed to designated parking would be accommodated with another space within the Parkade, if available. It is understood that this allocation might not be in a designated parking space, if the construction would not permit this.
- If the Parkade is ever decommissioned or sold, the Agreement would terminate.

The options for consideration are:

1. Approve the Recommendations herein, thereby allowing the parties to pursue the arrangement to determine whether there is sufficient interest among WPS membership to proceed with the proposed arrangement.
    - Should sufficient interest among WPS members not be confirmed to meet the threshold of the proposed arrangement, then the current operation of the Parkade will not change and the City would have no further obligations under the arrangement.
    - Should sufficient interest among WPS members be confirmed, then the City will receive the committed revenue from a fully occupied floor of the Parkade. This will cause a decrease in the availability of parking spots available for Special Events, which would be expected to partially offset the revenue from this arrangement.

2. Reject the Recommendations herein, thereby declining to enter into the proposed arrangement.
    - No changes will be made and the Association's grievance would then proceed to arbitration.
    - Should the Arbitrator rule in favour of the Association, and conclude that the WPS/City is in breach of any obligation to provide safe, secure parking for WPS members, the Arbitrator may order that it be provided.
    - Should the Arbitrator rule in the favour of the WPS/City and conclude that any relevant obligations have been satisfied, the Arbitrator may decline to order that any further action needs to be taken by the WPS/City.

The Public Service recommends Option 1, approval of the recommendations contained in this report.

The Public Service is supportive of resolving the grievance, but more importantly, satisfying the overarching concerns being advanced by the Association. It is acknowledged that WPS members working in other Districts enjoy the benefit of safe and secure parking in immediate proximity to their respective stations. To provide the same to the WPS members working at the WPS HQ would not present an extraordinary or unusual benefit, particularly given that the WPS

members in question would be required to pay Fair Market Value for use of the dedicated parking spots (the same rate as members of the public using the Parkade).

FINANCIAL IMPACT

Financial Impact Statement

Date: September 8, 2022

Project Name:

Provision of safe & secure parking for Winnipeg Police Service Members

First Year of Program **2023**

	2023	2024	2025	2026	2027
Capital					
Capital Expenditures Required	$ 200,000				
Less: Existing Budgeted Costs					
Additional Capital Budget Required	$ 200,000	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal					
Debt - External					
Grants					
Reserves, Equity, Surplus	200,000				
Other					
Total Funding	$ 200,000	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ 200,000				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 105,581	$ 115,581	$ 115,581	$ 115,581	$ 115,581
Less: Incremental Revenue/Recovery					
Net Cost/(Benefit)	$ 105,581	$ 115,581	$ 115,581	$ 115,581	$ 115,581
Less: Existing Budget Amounts		-	-	-	-
Net Budget Adjustment Required	$ 105,581	$ 115,581	$ 115,581	$ 115,581	$ 115,581

Additional Comments:

Direct costs represent the following:

1. Revenue loss of $95,581 annually due to increase in 24 hours spots sold to permit holders which results in lost opportunity to sell these spots as special events spots.

2. Amortization of capital investment of $200,000 with 10 year useful life and 1/2 year rule applied in the first year.

The above amounts are calculated based on 2022 estimates and assume a January 1, 2023 implementation date. Refer to appendix 2 for details and assumptions. Capital and operating budget adjustment will be referred to the 2023 budget process.

Lioubov Gavrilova-Crozier - Sept 8, 2022

Lioubov Gavrilova-Crozier, CPA, CA
Manager of Finance, WPA

CONSULTATION

This Report has been prepared in consultation with:

Winnipeg Police Service
Human Resource Services (Labour Relations)
Legal Services (as to legal issues)
Winnipeg Parking Authority
Winnipeg Police Association

OURWINNIPEG POLICY ALIGNMENT

N/A

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Office of the CAO
Prepared by: Michael Jack
Date: September 9, 2022

Attachments:

Appendix 1: May 15, 1969 Order of Council

Appendix 2: Financial Implications Support