

**REPORT OF THE
EXECUTIVE POLICY COMMITTEE**

DATED APRIL 11, 2001

On motion of Deputy Mayor Thomas, the Report of the Executive Policy Committee, dated April 11, 2001, was considered clause by clause.

Moved by Deputy Mayor Thomas,

That the Consent Agenda, Clauses 1,2,3,4,5,6,7 and 8, be adopted.

Councillor Timm-Rudolph requested that Clause 1 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 2,3,4,5,6,7 and 8, was put and declared carried.

**2001 Local Improvement Charges for
Ornamental Street Lighting, Ornamental
Lane Lighting and Wood Pole Lane
Lighting as Established by By-law No.
98/72**

**Files H (Vol. 9), Files SC-6 (Vol. 5),
SL-1 (Vol. 21)**

453 - 1. The Executive Policy Committee has been advised that amendments to Local Improvement rates require the approval of the Chief Administrative Officer and Council.

Local Improvement Capital Projects are financed partly by a direct levy on the properties benefited (Property Owner's Share) and partly by a mill rate levy over the City-at-large (City's Share). The direct levy is based on the Local Improvement Charges and the size of their property. Any costs above what is collected from the benefiting property owners are paid by the City-at-large, with the City paying no more than 4/7 (four/sevenths) of the total cost of each project.

Winnipeg Hydro, in consultation with Manitoba Hydro, conducted a review of the costs and charges established by By-law No. 98/72. The result of the review indicates that the assessment for Ornamental Street Lighting, Ornamental Lane Lighting and Wood Pole Lane Lighting should be increased. There have been no increases since 1995 for Ornamental Street Lighting and both Ornamental and Wood Pole Lane Lighting.

A financial impact statement has not been prepared because there is no way to measure the financial impact of increasing the local improvement rate. Increasing the rate means that the City will not incur any local cost beyond the 4/7 maximum cost requirement of The City of Winnipeg Act. With the proposed levy rate increases, the recovery rate for Ornamental Street Lighting, Ornamental Lane Lighting, and Wood Pole Lane Lighting will be approximately equal to the frontage foot cost of installing the above by Local Improvement.

The Executive Policy Committee recommends:

I. That the charges to the benefiting property owners for ornamental street lighting, ornamental lane lighting, and wood pole lane lighting be revised as follows:

Ornamental Street Lighting - no change.

Ornamental Lane Lighting - to increment by \$5.43 from \$5.50 to \$10.93 for each foot of frontage. A 98.7% increase.

Wood Pole Lane Lighting - to increment by \$0.05 from \$1.20 to \$1.25 for each foot of frontage. A 25% increase.

II. That the new rates become effective upon adoption by Council and shall apply to proposed Local Improvement projects intended to be advertised thereafter.

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- III. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending by-law in accordance with the foregoing.
- IV. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Moved by Deputy Mayor Thomas,
Adoption of the clause.

The Speaker called the Deputy Speaker, Councillor Lazarenko, to the Chair in order to participate in the debate.

Moved by Councillor O'Shaughnessy,
That the clause be referred back to the Executive Policy Committee.

Carried.

The Speaker resumed the Chair.

**Proposed Closing of the Public Lane in the
Block Bounded by McGillivray Boulevard,
Brady Road, Sigma Road and Alpha Street
File DAC 7/2000**

454 - 2. The Executive Policy Committee has been advised that the lane closing requires a by-law pursuant to Section 495 of The City of Winnipeg Act.

In April 2000, the Planning, Property and Development Department received an offer from Mrs. Lorraine Van Wynsberghe and Mr. Denis Dupuis to purchase the subject public lane. Mrs. Van Wynsberghe and Mr. Dupuis are the owners of the lands identified as "Applicant's Property" on Schedule "A".

On July 11, 2000, the Assiniboia Community Committee approved the closing and sale of the lane.

On October 26, 2000, the Standing Policy Committee on Property and Development approved the terms and conditions of the sale of the lane.

The public lane must be legally closed before it may be sold. Title to all public rights-of-way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right-of-way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

The subject lane is unpaved. There are no utilities contained within the right of way. There is no public use of this land.

There have been no administrative objections to the closing of the lane. The Zoning and Permits Branch has stipulated that title to the lane, once closed, be consolidated with the title to the applicants' adjoining property.

This report is submitted in accordance with the provisions of By-law No. 7325/98, a by-law to amend current procedures to allow certain street and lane openings and closing applications to be submitted to the Executive Policy Committee for report to Council without the requirement to be reviewed by a Standing Policy Committee.

The following criteria must be met before the authority given in the by-law may be exercised:

1. The proposed closing must have been addressed at a public meeting and received approval from the Committee before which the public meeting took place.
2. The proposed closing and sale must have been approved by the Director of Public Works.
3. The proposed closing must have been submitted to all affected City Departments and public utilities with no objections having been received.

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4. Any conditions regarding engineering aspects (i.e. relocation of facilities) must have been mutually agreed to.
5. The terms and conditions of any easement agreements created by the proposed closing and sale must have been addressed.
6. The proposed closing must have been approved by the affected property owner(s).
7. The terms and conditions of any agreements concerning the proposed closing and sale must have been approved by the Director of the department that requested the closing and either the Standing Committee on Fiscal Issues, the Standing Policy Committee on Property and Development, or the Director of Planning, Property and Development, as is appropriate.

All of these criteria have been met.

All costs related to the lane closure are to be borne by the applicants. There is, therefore, no financial impact to the City.

The Executive Policy Committee recommends:

- I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Schedule "A", Misc. Plan No. 10959/1.
- II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Copy of attachment referred to in the above clause is on file in the office of the City Clerk.

Adopted by consent.

Criteria for Stormwater Management **File WS-5.2 (Vol. 9)**

455 - 3. On June 25, 1975, Council approved the report "Stormwater Management by the Use of Impoundments" which included guidelines for the construction and use of stormwater retention basins.

On July 22, 1993, Council directed that the City implement a revised set of design standards specified in the Stormwater Retention Basin Review Study for future stormwater retention basins to focus on the reduction of weed and algae growth and maintenance requirements.

On January 19, 2000, the Executive Policy Committee re-established its Ad Hoc Committee on Development Agreement Parameters.

On May 2, 2000, at the meeting of the Ad Hoc Committee to Review Development Standards, the Urban Development Institute (UDI), Manitoba Division made a presentation on a proposal for principles of (criteria for) approval of alternate stormwater management schemes.

On May 2, 2000, the Ad Hoc Committee to Review Development Standards passed a motion to establish a Task Force comprised of members of the Administration and the UDI to examine principles/criteria for stormwater management and that the Director of Water and Waste facilitate work of the Task Force.

On February 19, 2001, the Ad Hoc Committee to Review Development Standards considered a draft of this report. The Committee concurred in the recommendation, namely, that approval be provided to utilize newly developed criteria for stormwater management, as outlined on Appendix "A", in the evaluation of alternate stormwater proposals for implementation in land developments within the City, and forwarded to Executive Policy Committee.

Several meetings of the above Task Force have been held consisting of representatives of the UDI, the local engineering consultant community and the administration to develop criteria for consideration of alternative proposals to the standard minimum 2.0 hectare (5 acre) stormwater retention basin or lake. Staff from the Planning, Property and Development, Public Works, and Water and Waste Departments represented the administration. This report provides information on the conclusion of the work of the Task Force and proposes

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criteria for stormwater management along with a review process to implement consideration of alternative proposals.

The objective of developing new stormwater management criteria is to have a flexible set of criteria or guidelines that would allow developers and their consultants to propose unique and innovative alternative stormwater management facilities. These types of facilities are in use in other Canadian centres such as Edmonton, Calgary and Regina and in municipalities adjoining Winnipeg. The alternative proposals would be assessed in a principled manner against established baseline performance standards and other community planning and economic considerations. The design standards for stormwater retention basins adopted by Council on July 22, 1993 will form part of the baseline requirements against which alternative proposals will be evaluated. The complete criteria to be utilized are outlined on Appendix "A". A summary of the criteria follows.

1. Meets the City's design requirements for design storms, hydraulics, inflow and outflow capacities, runoff coefficients and consistent with regional land drainage plan.

The alternative stormwater management facility will need to comply with the ultimate regional land drainage plan and fulfill the hydraulic function for conveyance of stormwater for a defined service area as identified by the plan. Any deviations from baseline design requirements or features are to be identified by the development proponent.

2. Meets Safety Requirements

The proposed alternative facility will need to comply with the City's Drainage safety guidelines particularly where joint use or multi-use facilities are proposed. Information will be submitted by the proponent on side slopes, inlet and outlet protection and access.

3. Compatibility with adjacent and nearby land uses

The context of the alternative proposal in terms of site, community and neighbourhood relationships, particularly in the provision of additional open space, and recreational amenities, needs to be identified and reviewed in concert with the Planning, Property and Development Department. Evaluation and acceptance will be on a site-specific basis.

4. Multi-use public amenity, where appropriate, preferred over single use facility

The development industry and consultants considered that the current 2.0 hectare lake standard, and associated geometric standards, produced a facility that is too sterile. The Task Force considered that alternatives such as a multi-use facility would enhance communities where retention facilities are required. Facilities where multi-use features are provided such as active and/or passive recreational areas and alternate treatments, such as linear impoundments with naturalized areas and artificial wetlands, provide design flexibility and choices in development approach and character while fulfilling the required stormwater management function.

5. Life Cycle Cost Analysis of capital and maintenance costs to be available

A life cycle cost analysis is to be prepared to compare the capital cost and the on-going operations and maintenance costs for the alternative proposed to the standard 2.0 hectare retention lake. Certain proposals may be more cost effective than the current standard while other more elaborate systems may involve increased cost and maintenance effort resulting in increased life cycle cost. The life cycle cost analysis will provide additional information on potential cost requirements to assist in decision making around the proposed alternative facility. Typical cost items for construction (capital cost), and operation and maintenance that should be considered in preparation of the life cycle cost analysis are included in the criteria in Tables 4 and 5 respectively. While approximate costs for certain operations and maintenance activities have been included, it is acknowledged by the Task Force that because the Winnipeg experience around certain types of facilities is limited, that additional investigation of costs and engineering judgement at the alternative evaluation stage will be required.

6. Review Process (Joint UDI - City Advisory Committee)

To assess the viability of any alternate stormwater management system, the Task Force has proposed that an Advisory Committee consisting of administrative and UDI industry representatives be established. The Advisory Committee would provide a mechanism to input balanced review and analyses of alternatives submitted. The UDI would submit nominees as volunteer participants to the Advisory Committee. City representatives would be from

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the Water and Waste, Planning, Property and Development and Public Works Departments. Proponents of a particular development would not participate in the Advisory Committee but could make presentation to the Committee to clarify details of any alternate proposal.

After the alternate proposal has been considered by the Advisory Committee, any development agreement conditions concerning the proposed stormwater system development would be included in the Administrative Co-ordinating Group's report for the development under consideration. This report would identify the specifics around the stormwater management proposal, where deviations from the current standards exist, and any cost implications for submission to the Community Committee, Standing Committee(s) and Council in their deliberations for development approval.

The review process and the criteria for stormwater management will be reviewed by the administration and UDI representatives in approximately one year to determine if revisions to either are warranted.

There is no financial impact, at this time, associated with allowing the use of the new stormwater management criteria for assessment of alternate land drainage proposals. Potential financial implications for alternate stormwater facilities may exist, however, these will be determined and reported to Council during evaluation of the particular development under consideration.

On March 14, 2001, the Executive Policy Committee referred the matter to the Standing Policy Committee on Property and Development and the Standing Policy Committee on Public Works for comment on the policy issue and report back within thirty days.

On April 3, 2001, the Standing Policy Committee on Property and Development considered the matter and passed the following motion, namely:-

“That the recommendation contained in the report dated February 22, 2001, from the Director of Water and Waste, be concurred in and forwarded to Executive Policy Committee.”

On April 3, 2001, the Standing Policy Committee on Public Works considered the matter and passed the following motion, namely:-

“That the Standing Policy Committee on Public Works approve the utilization of the newly developed criteria for stormwater management in the evaluation of alternate stormwater proposals for implementation in land developments within the City, and same be forwarded to the Executive Policy Committee for favourable consideration.”

On April 11, 2001, the Executive Policy Committee further considered the report dated February 22, 2001, from the Director of Water and Waste, and received the motions from the Standing Policy Committee on Property and Development and the Standing Policy Committee on Public Works as information.

The Executive Policy Committee recommends:

- I. That approval be provided to utilize newly developed criteria for stormwater management, as outlined on Appendix “A”, in the evaluation of alternate stormwater proposals for implementation in land developments within the City.
- II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Copy of attachment referred to in the above clause is on file in the office of the City Clerk.

Adopted by consent.

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**Request for Loan Guarantee - Kirkfield-
Westwood Community Centre Inc.
File FC-2.2 (Vol. 2)**

456 - 4. On February 20, 2001, the Assiniboia Community Committee recommended “that the request for a loan guarantee in the amount of \$200,000.00 be referred to the Corporate Finance Department to determine whether the request meets the requirements of City policy, for report directly to Executive Policy Committee”.

Section 313 of The City of Winnipeg Act states the following:

“Subject to the approval of the Minister of Finance, the City may, on such terms and conditions as the Minister of Finance may approve, make loans and grants for, and guarantee indebtedness incurred for, any community undertaking not otherwise authorized under this Act, and the Minister of Finance may refer any application for approval under this section to The Municipal Board for its advice and recommendation.”

The City had been concerned about the number of requests for loan guarantees in the past, as loan guarantees do, in fact, constitute meaningful commitments by the City. These commitments have to be recorded in the notes to the City’s financial statements, are factors in determining the City’s potential liabilities, and are one of the factors in determining the City’s credit rating. As a result of its ongoing concern, the City adopted a Policy and Criteria to be used as a Guideline in the Consideration of Request for Loan Guarantees on June 17, 1992. As at December 31, 2000, The City of Winnipeg was the guarantor of 16 different loans for a total amount of \$16.1 million.

The following evaluates the business plan as provided by the Kirkfield-Westwood Community Centre Inc., based on the policy and criteria related to requests for loan guarantees, as adopted by Council on June 17, 1992:

- A. *Requests for loan guarantees shall be submitted to the City Treasurer for review to determine if the request meets the requirements of the policy.*

As a result of the February 20th, 2001 meeting of the Assiniboia Community Committee, representatives of the Kirkfield-Westwood Community Centre Inc. forwarded a business plan to staff of the Corporate Finance Department. After reviewing the business plan, staff of the Corporate Finance Department met with the Treasurer and Chair of the Building Committee from Kirkfield-Westwood Community Centre Inc. to clarify any concerns arising from the analysis.

- B. *The organization requesting the loan guarantee must provide a service, which, in whole or in part, falls within the mandate of The City of Winnipeg.*

The Kirkfield-Westwood Community Centre Inc. provides community-based sports and recreation activities for residents of Winnipeg in the West area of the City.

- C. *The project for which the loan guarantee is being requested must not be in conflict with City policy. For example, if City policy stated that we already had more than enough hockey arenas for our population, the City would not guarantee a loan for the purpose of constructing a hockey arena.*

The project is not in conflict with City policy as it involves renovations to existing facilities.

- D. *The organization’s services must be available to the community at large without restrictions based upon ethnicity, religion or race and without unreasonably restrictive membership or user fees.*

There are no unreasonable restrictions on membership or user fees.

- E. *The organization must be non-profit (as defined within The City of Winnipeg’s Fees and Charges Policy).*

Kirkfield-Westwood Community Centre Inc. is an incorporated organization with non-profit status.

- F. *The organization must produce financial records and a business plan that demonstrates the organization’s long-term viability and capacity to meet the obligations of the loan that they are asking the City to guarantee.*

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The redevelopment project includes the following seven sub-projects:

1. Exterior storage room
2. Mulvenna Hall renovations
3. Kitchen and lobby renovations
4. Main lobby renovations
5. New meeting room
6. Activity room addition
7. Extension entrance identity

The Community Center has provided their 1999/2000 audited financial statements as well as detailed cashflow projections for the next five years. The first year projection assumes City Council approves the loan guarantee with the first payment being made in September 2001. The projected revenues and expenditures were reviewed by Corporate Finance to verify the reasonableness of the projections. The Community Centre prepared their forecasts using a conservative approach in that they did not forecast any new revenues from the upgraded facilities even though they anticipate that new sources of revenue would be possible with the improvements. The net cash flow from operations of the Community Centre is forecasted to be \$15,892.00 in the 2001/2002 fiscal year and \$66,756.00 for the 4 fiscal years after that.

In their business plan, Kirkfield-Westwood has identified project costs which exceed the total of \$375,000.00 in funding that will be available once the loan guarantee is approved. Their approach to address this shortfall is to re-evaluate project needs as phases of the overall project are being completed. They fully understand they may not be able to complete the entire sub-projects identified but are prepared to proceed with the intent of bringing the project within budget.

Financing has been discussed with the Toronto Dominion Bank and would be available subject to the City's guarantee.

- G. *The organization structure and the principles of the organization must be judged by The City of Winnipeg as competent to independently implement the business plan of the organization.*

Kirkfield-Westwood Community Centre Inc. has demonstrated the ability to implement the business plan.

- H. *Unless there are very special circumstances, the maximum amount of outstanding loan guarantees for any one organization will be \$1,000,000.00.*

The loan guarantee being requested is for a maximum of \$200,000.00. Kirkfield-Westwood Community Centre Inc. does not have any other loan guarantees with the City.

- I. *The loan that the City is being asked to guarantee should not represent more than 50% of the total funding of the project. The organization requesting the loan guarantees must have raised at least 20% of the total project costs from non-City of Winnipeg sources as a down-payment, i.e., if the organization is receiving a City grant for their project, the grant cannot be counted as part of the 20% down-payment.*

The requirement that the loan guarantee not represent more than 50% of the total project costs has been slightly exceeded. The loan guarantee being requested represents 53% of the total project costs of \$375,000.00.

The Community Centre has raised \$25,000.00 or 6.7% of the total costs of the project. In addition, the community centre is expecting to receive a favourable response to its request for a provincial grant of \$75,000.00. The total of these two items would satisfy the criteria of having raised at least 20% of the total project costs from non-City of Winnipeg sources.

As a further measure of comfort, the Community Centre has a \$50,000.00 term deposit available.

- J. *The loan that the City is guaranteeing must be related to a capital asset.*

The loan to Kirkfield-Westwood Community Centre Inc. is for the redevelopment of existing facilities at the community centre.

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- K. *The capital asset must be insured to the satisfaction of the City Treasurer both during and after construction.*

The Director of Corporate Finance (City Treasurer) will ensure adequate insurance is in place if the project is approved.

The Kirkfield-Westwood Community Centre Inc. has expended considerable time and effort to develop a business plan for their redevelopment project. The Community Centre has existing facilities that, through a survey process, they have determined requires improvements in order to meet current and proposed program needs. The plan presented to Corporate Finance is for renovations and upgrading of these existing facilities. The Community Centre has committed \$25,000.00 towards the completion of this project as well as obtained grant money available for these purposes. The proposal does slightly exceed one criteria as established by Council, however, the project appears to be financially viable on a self-sustaining basis. The possibility of financial exposure to the City is relatively small.

The Executive Policy Committee recommends:

- I. That Council approve a loan guarantee in the amount of \$200,000.00 to the Kirkfield-Westwood Community Centre Inc., to allow them to proceed with a redevelopment project of their facilities.
- II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including obtaining approval from the Minister of Finance in accordance with Section 313 of The City of Winnipeg Act.

Adopted by consent.

**Expenditure from the Land Dedication
Reserve Fund – St. James Assiniboia Minor
Baseball Association Inc. – Assiniboia
Community**
Files EP-2 (Vol. 28), PR-2.6(31) (Vol. 8)

457 - 5. The Executive Policy Committee has been advised that the Assiniboia Community Committee concurred in the allocation of \$50,000.00 from the Assiniboia Community Committee Land Dedication Reserve Fund for construction of site drainage improvements to the Optimist Park Baseball Facility “Field of Dreams”.

The Executive Policy Committee concurs with the above and recommends that funds in the amount of \$50,000.00 be approved from the Assiniboia Land Dedication Reserve Fund for the project.

Adopted by consent.

**Expenditure from the Land Dedication
Reserve Fund – Victoria Curling Club–
Lord Selkirk-West Kildonan Community**
Files EP-2 (Vol. 28), PR-2.6(34) (Vol. 9)

458 - 6. The Executive Policy Committee has been advised that the Lord Selkirk-West Kildonan Community Committee concurred in the allocation of \$6,500.00 from the Lord Selkirk-West Kildonan Community Committee Land Dedication Reserve Fund to assist with the Victoria Curling Club rink upgrade project.

The Executive Policy Committee concurs with the above and recommends that funds in the amount of \$6,500.00 be approved from the Lord Selkirk-West Kildonan Land Dedication Reserve Fund for the project.

Adopted by consent.

Report of the Executive Policy Committee dated April 11, 2001**Appointment of Member – Access Advisory
Committee****File CR-3 (Vol. 5)**

459 - 7. On March 14, 2001, the Executive Policy Committee received as information the resignation of Marilyn Hendzel, a Committee Member, on the Access Advisory Committee.

On March 14, 2001, the Executive Policy Committee concurred that a citizen member be appointed, to fill this vacancy, for the balance of a two-year term expiring on December 31, 2001, from the applications received for the Access Advisory Committee, Boards and Commissions, 2000/2001 citizen appointments.

The Executive Policy Committee recommends:

- I. That Diane Caley be appointed to the Access Advisory Committee for the balance of a two-year term expiring on December 31, 2001.
- II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Adopted by consent.

**Proposed Settlement of Due Compensation
– Regent Avenue Widening Project – 808
and Part 868 Regent Avenue West – East
Kildonan-Transcona Community****File FI-2 (Vol. 13)**

460 - 8. The Executive Policy Committee has been advised that continuing negotiations towards the determination of Due Compensation have produced a proposed settlement which, pursuant to Organization By-law No. 7234/98, requires approval by City Council.

Council, on February 14, 1990, approved Expropriation By-law No. 5361/90 for the Regent Avenue West widening project. This Expropriation was subsequently “Confirmed” by Council on July 11, 1990.

On July 17, 1990, the former Committee on Finance and Administration approved the amounts of the formal Offers of Compensation for this expropriation and authorized the City Solicitor to submit Offers of Compensation in the amounts of: \$23,075.00 for the portion of property located at 808 Regent Avenue West; and \$21,100.00 for the portion of the property located at 868 Regent Avenue West. These amounts represented only the estimated market value of the portions of land required from the owner’s two holdings, it being understood that the final Due Compensation would be determined by negotiation and application of The Expropriation Act of Manitoba.

After ten years of intermittent negotiations, which included preparations for a hearing to determine the Due Compensation by the Land Value Appraisal Commission (LVAC), a proposed settlement has now been achieved. The particulars of the two subject properties [referred to hereunder as Parcel 1 (Pcl. 1) and Parcel 2 (Pcl. 2)] and the proposed settlement are as follows:

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|---------------------|--|
| Addresses: | Pcl. 1 – 808 Regent Avenue West - Southwest corner of Regent Avenue and Plessis Road Pcl. 2 – 868 Regent Avenue West – South side of Regent Avenue at Bienvenue Avenue |
| Legal Descriptions: | Pcl. 1 - Part Lot 92 “A” O.T.M. Kildonan (expropriated land shown dotted on Misc. Plan No. EKT 7655/1) Pcl. 2 – Part Lot 1, Plan No. 5657 (expropriated land shown dotted on Misc. Plan No. EKT 7660) |
| Ownerships: | Pcl. 1. – Texaco Canada Limited Pcl. 2 - Imperial Oil Limited (Note: Texaco’s interest was subsequently acquired by Imperial Oil) |

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| Certificates of Title Nos.: | Pcl. 1 – A29522 Pcl. 2 - Part B63438 |
| Site Sizes: | Pcl. 1 – 1,496.88 square metres (16,110 square feet) Pcl. 2 – 5,787.75 square metres (62,290 square feet) |
| Land Areas Expropriated: | Pcl. 1 – 357.3 metres (3,846 square feet) Pcl. 2 – 326.187 square metres (3,510 square feet) |
| Zoning: | “C3-1” Highway Commercial District |
| Roll Numbers: | Pcl. 1 – 75500 Pcl. 2 – Part 75691 |
| Assessments: | Not apportioned |
| Property Descriptions: | Pcl. 1 -The property requirement at 808 Regent Avenue West formed part of the grassed and paved front and side yards of a service station, and was improved with 2 parking stalls, concrete approaches and curbing, an identification sign, yard light and shrubbery, and part of a gas pump canopy. The effective use of a 2 pump gas island and a car wash were also lost. Pcl. 2 - The property requirement at 868 Regent Avenue West formed part of a grassed and paved front yard of a service station and was improved with underground tanks, vent pipes, stone planters and flagpoles. The affected improvements were relocated and/or replaced at City cost. |

At the date of expropriation, Pcl. 1 was being operated as a gas bar/car wash/convenience store on the southwest corner of Regent Avenue West and Plessis Road. In addition to the 4.86 metre wide street widening, additional land was taken to facilitate the construction of a right turn cut-off. As a result, the site size was reduced by approximately 25%, and a driveway approach and the effective use of a two-pump gas island were lost. The owner immediately claimed that the remainder of the site was impacted to such a degree that continued operation of the property as developed would no longer be viable. Consequently, the operation ceased on October 30, 1992.

OWNER’S CLAIM

The City’s Offer of Compensation was rejected and the owner framed its claim under Section 26(3) of The Expropriation Act, i.e. compensation should be determined on the basis of constructing an equivalent service station at a new location. In fact, the owner did construct a new service station on its property at 868 Regent Avenue West. This new service station was larger than the existing service station and included enhancements that were not present at the Regent Avenue West and Plessis Road corner location.

On the basis of constructing an equivalent building to that which was impacted by the expropriation and considering other consequences that flowed from that expropriation, the owner claimed an amount of \$961,544.20 plus reasonable legal, appraisal and consulting fees incurred plus statutory interest on those amounts. (Interest to the end of January 2001 would be \$696,718.23). Therefore, the City was faced with a claim of \$1,658,262.43.

The City and the owner both expended considerable resources verifying the facts of the circumstances and debating points of law relative to this claim. Further negotiations ensued with various claims and counter-claims and, eventually, the dates of May 2 to 5, 2000 were established for the LVAC’s hearing of this claim.

While preparing for the LVAC hearing, the City also undertook various financial analyses, which indicated that the cost to acquire the entire Pcl. 1 property and to reimburse the owner for reasonably incurred out-of-pocket expenses could be appreciably less than the potential LVAC decision, having regard for injurious affection or equivalent reinstatement damages, hearing expenses, and additional statutory interest. Additionally, the City would acquire some flexibility in settling the due compensation with the adjacent property owner from whom property was also expropriated.

Report of the Executive Policy Committee dated April 11, 2001**PROPOSED SETTLEMENT:**

In a final attempt at a negotiated settlement of the due compensation for this expropriation before proceeding to have the matter decided by the LVAC, the Real Estate Division proposed an all-inclusive offer of settlement in the amount of \$950,000.00, "without prejudice" to the City in the event that the matter did proceed to the LVAC. This settlement proposal included a purchase of the entire property, i.e. the expropriated portion, together with the remainder of the property, all costs, charges and elements of compensation including statutory interest (but excluding only reasonable legal fees associated with the expropriation) and in accordance with the terms and conditions outlined on Schedule "A".

This settlement proposal was conditional upon settlement of the due compensation for the expropriation at 868 Regent Avenue West being resolved at an all-inclusive amount of \$21,100.00.

The settlement proposal was submitted in May, 2000 and the expropriated owner's solicitor advised the City in November, 2000 that his client is prepared to settle on these terms and conditions.

RATIONALE FOR SETTLEMENT:

The negotiated settlement, as proposed herein, is well supported in view of the fact that it represents all items of the owner's claim. The basis of this proposal is:

1. justifiable costs incurred to date by the claimant of \$71,923.44 (i.e. \$29,076.44 for underground tank removal and decommissioning of the site plus \$30,000.00 for business disruption and \$12,847 for rezoning/development fees);
2. the market value of the total property at the date of expropriation of \$650,000.00 (estimated by an independent accredited Appraiser retained by the City);
3. statutory interest to May 1, 2000 in the amount of \$260,256.96, (calculated on the market value of the expropriated portion of the Parcel 1 property and certain justified damages and costs).

The sum of these figures is \$982,180.40, which does not include the unspecified legal, appraisal and other consulting fees incurred by the claimant. Under the proposed settlement, only the legal fees would be added to the settlement, subject to audit by the City's Legal Services Division.

A feature of this settlement is that by acquiring title to the entire property through the settlement the City will now have some flexibility in settling with the adjacent property owner from whom land was also expropriated and/or the City could recover some of the cost of this expropriation settlement by a resale of the remainder of this property.

The foregoing costs are summarized as follows:

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|---|----------------------------|
| Tank Removal and Decommissioning | \$ 29,076.44 |
| Business Disruption | 30,000.00 |
| Rezoning/Development Fees | 12,847.00 |
| City's Market Value Estimate | 650,000.00 |
| Statutory Interest (Calculated to May 1/2000) | 260,256.96 |
| TOTAL | <u>\$982,180.40</u> |
| Actual Settlement Proposal | \$950,000.00 |
| Owner's Claim (with statutory interest to January 31, 2001) | \$1,658,262.43 |

SPECIAL ADDITIONAL TERMS:

Report of the Executive Policy Committee dated April 11, 2001

Part of the settlement requires the City to indemnify Imperial Oil from any and all future costs for any further remediation of the property located at 808 Regent Avenue West. In this regard, the Real Estate Division has received written confirmation from Manitoba Conservation that the property is suitable for reuse provided only that the subsoil is not disturbed.

As part of this settlement the City must agree to a standard Restrictive Covenant to the effect that for a period of twenty years the property will not be used for the sale, marketing, storage, distribution or handling in bulk of oil or petroleum products or derivatives thereof, including bulk quantities of gasoline and other motor fuels, diesels, lubricants, motor oils, greases or solvents. This is not considered to affect the marketability of this property in so far as investigation of sales of other former service station sites reveals that they are commonly subject to such a restricted covenant.

Imperial Oil currently leases the additional lands to be acquired by the City under this settlement proposal, to the adjacent property owner, Haber Motors Inc., who uses the property for car sales purposes. The rental rate is \$1,825.00 plus GST per month with the landlord responsible for property taxes. The lease term expires on January 31, 2003. However, it is a condition of the lease that it can be terminated upon 30 days' written notice by the landlord in certain events that include a sale of the property. Therefore, the terms of this settlement proposal require vacant possession of the additional lands, which Imperial Oil will use its best efforts to achieve. In the interests of facilitating the resolution of both of these expropriation matters, the Real Estate Division is prepared to recommend new lease arrangements, as may be required, to ensure an uninterrupted operation of the adjacent owner's business while negotiating resolution of the due compensation with that expropriated owner. The new lease arrangements would be the subject of a future report to the Standing Policy Committee on Property and Development.

ALTERNATIVE:

The alternative to the settlement as proposed herein would be to proceed to an LVAC hearing. Litigating this matter at the LVAC exposes both the City and the expropriated owner to considerable financial risk and, in the City's case, additional expense, for which the City will ultimately be fully responsible at law. The Real Estate Division is of the opinion that the City should not expect to settle this matter at a cost appreciably less than as proposed herein. More importantly, if the matter is decided by the LVAC then the City would not acquire title to the remaining lands which have value either to facilitate a settlement with the adjacent expropriated property owner or to recover some of the costs of the settlement through a resale.

CONCLUSION:

Therefore, this proposed settlement will eliminate the risk of a litigated award at a potentially higher amount for all items, including the estimated market values of both of the subject properties; claims on additional entitlements under The Expropriation Act, e.g. equivalent reinstatement, injurious affection and disturbance damages; cost associated with an LVAC hearing plus additional legal and appraisal expenses; additional statutory interest costs and administrative costs due to the delay and litigation process.

Accordingly, the Legal Services Division, the Engineering Division of the Public Works Department and the Real Estate Division are all of the opinion that it is in the best interest of the City to settle these two expropriation cases on the basis of the proposal as specified herein.

The Executive Policy Committee recommends:

- I. That the City Solicitor/Manager of Legal Services be authorized to settle the Due Compensation in the Expropriation of the Subject Properties at 808 Regent Avenue West at an all-inclusive amount of \$950,000.00, plus reasonable legal fees, and 868 Regent Avenue West at an all-inclusive amount of \$21,100.00, in accordance with the terms and conditions outlined on Schedule "A".
- II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Copy of attachment referred to in the above clause is on file in the office of the City Clerk.

Adopted by consent.

**REPORT OF THE
EXECUTIVE POLICY COMMITTEE**

DATED APRIL 18, 2001

On motion of His Worship Mayor Murray, the Report of the Executive Policy Committee, dated April 18, 2001, was considered clause by clause.

Moved by His Worship Mayor Murray,

That the Consent Agenda, Clauses 1,2,3,4 and 5, be adopted.

Councillor Gerbasi requested that Clauses 4 and 5 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2 and 3, was put and declared carried.

**Request for Loan Guarantee – Gateway
Recreation Centre Inc.**

File FC-2.2 (Vol. 2)

461 - 1. On March 20, 2001, the East Kildonan-Transcona Community Committee passed the following motion:

“That Community Committee supports the request in principle and that the request for a loan guarantee in the amount of \$214,000.00 be referred to the Corporate Finance Department to determine whether the request meets the requirements of City Policy, for report directly to Executive Policy Committee.”

Section 313 of The City of Winnipeg Act states the following:

“Subject to the approval of the Minister of Finance, the City may, on such terms and conditions as the Minister of Finance may approve, make loans and grants for, and guarantee indebtedness incurred for, any community undertaking not otherwise authorized under this Act, and the Minister of Finance may refer any application for approval under this section to The Municipal Board for its advice and recommendation.”

The City has been concerned about the number of requests for loan guarantees in the past, as loan guarantees do, in fact, constitute meaningful commitments by the City. These commitments have to be recorded in the notes to the City’s financial statements, are factors in determining the City’s potential liabilities and are one of the factors in determining the City’s credit rating. As a result of its ongoing concern, the City adopted a Policy and Criteria to be used as a Guideline in the Consideration of Request for Loan Guarantees on June 17, 1992. As at December 31, 2000, The City of Winnipeg was the guarantor of 16 different loans in the total amount of \$16.1 million.

The following evaluates the business plan, as provided by Gateway Recreation Centre Inc., based on the policy and criteria related to requests for loan guarantees, as adopted by Council on June 17, 1992:

A. Requests for loan guarantees shall be submitted to the City Treasurer for review to determine if the request meets the requirements of the policy.

Gateway Recreation Centre Inc. has submitted a business plan as well as copies of financial information for analysis by the Corporate Finance Department. Corporate Finance Department staff were in contact with representatives from Gateway Recreation Centre Inc. to clarify any concerns arising from the analysis.

B. The organization requesting the loan guarantee must provide a service which, in whole or in part, falls within the mandate of The City of Winnipeg.

Gateway Recreation Centre Inc. provides community-based sports and recreation activities for residents of Winnipeg in the Northeast area of the City.

Report of the Executive Policy Committee dated April 18, 2001

- C. The project for which the loan guarantee is being requested must not be in conflict with City policy. For example, if City policy stated that we already had more than enough hockey arenas for our population, the City would not guarantee a loan for the purpose of constructing a hockey arena.

The project is not in conflict with City policy as it is an enhancement to existing facilities.

- D. The organization's services must be available to the community at large without restrictions based upon ethnicity, religion or race and without unreasonably restrictive membership or user fees.

There are no unreasonable restrictions on membership or user fees.

- E. The organization must be non-profit (as defined within The City of Winnipeg's Fees and Charges Policy).

Gateway Recreation Centre Inc. is an incorporated organization with non-profit status.

- F. The organization must produce financial records and a business plan that demonstrates the organization's long-term viability and capacity to meet the obligations of the loan that they are asking the City to guarantee.

A formal business plan was received from Gateway Recreation Centre Inc. including a copy of the engineering report from Accutech Engineering.

The project that Gateway Recreation Centre Inc. wishes to undertake with this loan guarantee relates to upgrading deficiencies in the ice plant and ice shed in the complex. The deficiencies have led to humidity problems throughout the summer months. It is important for them to maintain quality ice and environment so that their summer clientele will continue to utilize their facility. Presently, Gateway Recreation Centre twin arenas run year round. Their summer ice rentals generate over \$150,000.00 in revenue. The revenue is used to pay the facilities expenses, which include salaries, operating expenses and monthly mortgage payments. If this upgrade is not undertaken the Recreation Centre may have difficulty in meeting its financial commitments.

The Recreation Centre has provided their 1999 year end financial statements and their 2000 financial statements for the first 10 months of the year. As well, they have provided detailed cashflow projections for the next three years. The 2001 projection assumes City Council approves the loan guarantee. The projected revenues and expenditures were reviewed by Corporate Finance to verify the reasonableness of the projections. The Recreation Centre prepared their forecasts assuming increased revenues from their arena complex as they intend to use the facility for more tournaments and hockey camps. The enhancements to the ice plant and ice shed will help ensure this is possible. The net cash flow from operations of the Recreation Centre is forecasted to be negative \$32,120.00 in the 2001 fiscal year but positive \$16,480.00 by the 2003 fiscal year. The negative cashflow is largely related to the Recreation Centre's Indoor Soccer Complex and they have taken steps to address this.

Financing has not been discussed with the Recreation Centre's financial institution yet. However, Gateway Recreation Centre Inc. currently has a loan outstanding with the Cambrian Credit Union. They anticipate once this loan guarantee is approved, they will be able to negotiate a new loan with the Credit Union.

- G. The organization structure and the principles of the organization must be judged by the City of Winnipeg as competent to independently implement the business plan of the organization.

Gateway Recreation Centre Inc. has demonstrated the ability to implement the business plan.

- H. Unless there are very special circumstances, the maximum amount of outstanding loan guarantees for any one organization will be \$1,000,000.00

The loan guarantee being requested is for a maximum of \$214,000.00. Gateway Recreation Centre Inc. currently has a loan guarantee with the City with an outstanding balance of \$1.5 million as of December 31, 2001.

- I. The loan that the City is being asked to guarantee should not represent more than 50% of the total funding of the project. The organization requesting the loan guarantees must have raised at least 20% of the total project costs from non-City of Winnipeg sources as a down payment, i.e. if the organization is receiving a City grant for their project, the grant cannot be counted as part of the 20% down payment.

Report of the Executive Policy Committee dated April 18, 2001

The requirement that the loan guarantee not represent more than 50% of the total project costs has not been met. The loan guarantee being requested represents 100% of the total project costs of \$214,000.00.

The Recreation Centre has not raised any funding of their own for this project. This is a necessary improvement to a facility the City currently has a loan guarantee outstanding for. To not proceed with the project may jeopardize the Recreation Centre's ability to maintain revenue projections for the ice facility.

J. The loan that the City is guaranteeing must be related to a capital asset.

The loan to Gateway Recreation Centre Inc. is to upgrade the mechanical system in the arena.

K. The capital asset must be insured to the satisfaction of the City Treasurer both during and after construction.

The Director of Corporate Finance (City Treasurer) will ensure adequate insurance is in place if the project is approved.

The twin ice arenas at the Gateway Recreation Complex were constructed in 1995. The facility provides year round hockey ice. Numerous problems have been encountered with the operation of the mechanical systems installed in the arenas. Gateway Recreation Centre Inc. retained Accutech Engineering to compile information on the existing mechanical systems, review and understand the system operation, determine the ongoing problems, and document the problems and proposed solutions in a report. The request for a loan guarantee is for upgrading deficiencies in the ice plant and ice shed as identified by Accutech Engineering. The proposal does exceed some of the criteria as established by Council, however, to not proceed with the project may jeopardize the Recreation Centre's ability to maintain revenue projections for the ice facility. Given that this is a necessary improvement to a facility the City currently has a loan guarantee outstanding for, the possibility of additional financial exposure to the City is minimal.

The Executive Policy Committee recommends:

- I. That Council approve a loan guarantee in the amount of \$214,000.00 to the Gateway Recreation Centre Inc., to upgrade the mechanical system in the arena to ensure year round usage of the facility.
- II. That the Proper Officers of the City be instructed to do all things necessary to implement the foregoing, including obtaining approval from the Minister of Finance in accordance with Section 313 of The City of Winnipeg Act.

Copy of attachment referred to in the above clause is on file in the office of the City Clerk.

Adopted by consent.

Financial Management Plan

File F-1 (Vol. 15)

462 - 2. On July 12, 1995, Council adopted a ten-point Financial Management Plan which was amended by Council on May 28, 1997. The Financial Management Plan establishes the framework for the City of Winnipeg's overall financial planning and management and communicates the City's top financial goals and the targets set to achieve those goals. Since then, the City has demonstrated its commitment to meeting long-term obligations, and improving its financial and economic position.

In reviewing the City of Winnipeg's Financial Management Plan, the Executive Policy Committee has been advised that the citizens of Winnipeg demand and deserve a cost-effective and competitive city, comprising an efficient and appropriate level of service delivery. This has been driven home in surveys and public consultations in 1999 and 2000, including those in support of the principles in the document "Achieving Affordable Government".

Business and community leaders and citizens at large have identified achieving affordable government and reducing property taxes as priorities that must be addressed. They have also clearly indicated that the City of Winnipeg must balance these priorities with the need for infrastructure renewal, economic development, safety, downtown revitalization, and housing and neighbourhood renewal.

Report of the Executive Policy Committee dated April 18, 2001

The long-range direction provided by Plan Winnipeg forms the basis of the City's Financial Management Plan. The Financial Management Plan guides prudent financial decision-making in support of City Council's approved plans, programs and projects. The Plan sets forth the guidelines against which current and future budgetary and financial performance can be measured, and assists the City in planning fiscal strategy with a consistent, long-term approach.

Since 1995, the City has successfully:

- Reduced its municipal property taxes, bringing them in line with other major Canadian cities
- Kept program expenditures at a rate below inflation
- Replenished reserve balances
- Implemented a pay-as-you-go financing strategy for all new tax-supported capital programs
- Reduced external debt; and
- Implemented strategic business planning and multi-year budgeting

The City faces future operating and capital funding challenges resulting from its high level of tax-supported debt, aging infrastructure and revenues not being able to keep pace with inflationary pressures. The gap between future anticipated revenues and expenditures must be closed so the City may provide future balanced operating budgets. The updated Financial Management Plan provides a financial management strategy that will act as the City's blueprint for balancing its spending priorities with available resources to close this gap.

The seven goals contained in the Financial Management Plan are:

1. Promote economic growth.
2. Support a competitive tax environment.
3. Reduce debt.
4. Control expenditures.
5. Maintain assets and infrastructure.
6. Ensure adequate reserves.
7. Expand E-Government.

The City is committed to ensuring that its citizens are provided with the services they need in a way that is sustainable for both the community and its government. The Financial Management Plan will be reviewed during each term of Council to ensure the Plan's effectiveness and success in meeting its financial goals.

For the information of Council, the management of reserve funds has been referred to the Standing Committee on Fiscal Issues for policy review.

The Executive Policy Committee recommends:

- I. That the Financial Management Plan as outlined in Schedule "A" be adopted by Council.
- II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Adopted by consent.

**Committee Budget - Access Advisory
Committee, Committee for Safety, Citizen
Equity Committee**
Files CR-3 (Vol. 5), CR-5 (Vol. 1)

463 - 3. On April 18, 2001, the Executive Policy Committee concurred with the following motion, namely:-

WHEREAS Council has created the Access Advisory Committee, the Committee for Safety, and the Citizen Equity Committee, to address and monitor issues significant to the Citizens of Winnipeg;

AND WHEREAS each of these Committees is provided with an annual operating budget, but the level of funding for each Committee varies;

Report of the Executive Policy Committee dated April 18, 2001

AND WHEREAS each of these Committees utilizes coordination assistance by an independent contractor, but the budget for each Committee contractor is different;

THEREFORE BE IT RESOLVED that the budget for each of these Committees be set at \$69,000.00 per annum commencing 2002; and that a maximum of \$40,000.00, out of the \$69,000.00, be allocated for each independent contractor hired in a coordination capacity;

and submits same to Council for approval.

Adopted by consent.

**Appointment of Committee Coordinator –
Winnipeg Committee for Safety
File GF-2.7.1 (Vol. 1)**

464 - 4. On March 14, 2001, the Executive Policy Committee received as information the resignation of Angela Mulgrew, Committee Assistant for the Winnipeg Committee for Safety, and authorized the Human Resource Services Division to proceed with the process of recruitment.

The Executive Policy Committee has been advised that the Winnipeg Committee for Safety, at a Special Meeting held on April 10, 2001, considered the appointment of a Committee Coordinator to replace Angela Mulgrew. The Winnipeg Committee for Safety recommended that Elizabeth Manning be offered a contract for Committee Coordinator, the terms and conditions of the proposed contract to be negotiated in consultation with the Human Resource Services and Legal Services Divisions, and subject to acceptance by the candidate.

The Executive Policy Committee concurs with the recommendation of the Winnipeg Committee for Safety and recommends:

- I. That Elizabeth Manning be offered a contract for the Winnipeg Committee for Safety Committee Coordinator, the terms and conditions of the proposed contract to be negotiated in consultation with the Human Resource Services and Legal Services Divisions, subject to acceptance by the candidate.
- II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Moved by His Worship Mayor Murray,
Adoption of the clause.

In amendment,

Moved by Councillor Gerbasi,
Seconded by Councillor Vandal,

THAT the clause be amended by deleting recommendation Nos. I. and II. contained therein and replacing them with the following, namely:

- I. That the City of Winnipeg enter into a personal services contract with Elizabeth Manning for the provision of Administrative support services for the Winnipeg Committee for Safety, as follows:
 - (a) The contract be of a one year duration commencing May 14, 2001 to May 17, 2002;
 - (b) The fee for service to be \$40,000.00 per annum utilizing funding from the existing Winnipeg Committee for Safety budget allocation.
- II. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary contract between The City of Winnipeg and Elizabeth Manning.

Report of the Executive Policy Committee dated April 18, 2001

With the concurrence of the seconder, Councillor Vandal, and with the permission of Council, Councillor Gerbasi amended Recommendation I. (b) of the motion to read as follows:

- (b) The fee for service to be \$40,000.00 per annum, all inclusive, utilizing funding from the existing Winnipeg Committee for Safety budget allocation.

The amendment, as amended, was put and declared carried.

The motion for the adoption of the clause, as amended, was put and declared carried.

**Access Advisory Committee – Contract
Renewal for Committee Coordinator
File CR-3 (Vol. 5)**

465 - 5. Council on April 26, 2000, adopted Clause 5 of the Report of the Executive Policy Committee dated April 12, 2000, which approved a personal services contract with Judy Redmond for the provision of administrative support services for the Access Advisory Committee, said contract to be of a one year duration from May 1, 2000 to April 30, 2001.

On April 17, 2001, the Access Advisory Committee considered the matter of renewal of contract for the Access Advisory Committee Coordinator and passed the following motion, namely:

“That Executive Policy Committee give favourable consideration to renewal of Judy Redmond’s contract as the Committee Coordinator for the Access Advisory Committee.”

The Executive Policy concurs in the recommendations of the Access Advisory Committee and recommends:

- I. That the City of Winnipeg enter into a personal services contract with Judy Redmond for the provision of Administrative support services for the Access Advisory Committee, as follows:
 - (a) The contract be of a one year duration commencing May 1, 2001 to April 30, 2002.
 - (b) The fee for service to be \$35,000.00 per annum utilizing funding from the existing Access Advisory Committee budget allocation.
- II. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary contract between The City of Winnipeg and Judy Redmond.

Moved by His Worship Mayor Murray,
Adoption of the clause

In amendment,

Moved by Councillor Gerbasi,
Seconded by Councillor Vandal,

THAT the clause be amended by deleting the amount of “\$35,000.00” in recommendation I.(b) and replacing it with the amount “\$40,000.00”.

With the concurrence of the seconder, Councillor Vandal, and with the permission of Council, Councillor Gerbasi amended Recommendation I.(b) of the motion to read as follows:

- (b) The fee for service to be \$40,000.00 per annum, all inclusive, utilizing funding from the existing Access Advisory Committee budget allocation.

The amendment, as amended, was put and declared carried.

The motion for the adoption of the clause, as amended, was put and declared carried.

EXECUTIVE POLICY COMMITTEE

MOTIONS

Moved by Councillor Lazarenko,
Seconded by Councillor Smith,

466 - WHEREAS Local 979 of the Teamsters Union has been on a legal strike against Brink's Canada since October 28, 2000;

AND WHEREAS although the Union has reached a mediated settlement with Loomis, the Union and Brink's remain far apart, primarily on money issues;

AND WHEREAS Brink's has a three-year "per-pick up" contract with the City of Winnipeg, renewable in December 2001, to pick up money from various locations including Transit Treasury, the Treasury Branch in the Administration Building, pools and golf courses, with total annual payments as follows:

| | |
|------|-----------------------|
| 1999 | \$101,000 |
| 2000 | \$102,000 |
| 2001 | \$ 10,000 (projected) |

AND WHEREAS due to the labour dispute and in spite of the company's use of replacement workers, Brink's has been unable to meet the City's requirements;

AND WHEREAS the Union may be in a position to receive sympathetic support from the City's 9,500 unionized employees;

THEREFORE BE IT RESOLVED that the City terminate its contract with the struck company.

Automatic Referral to Executive Policy
Committee in accordance with Rule 16.1
of the Procedure By-law.

EXECUTIVE POLICY COMMITTEE

CONSIDERATION OF BY-LAWS

467 - On motion of His Worship Mayor Murray, By-law No. 7817/2001, a by-law of The City of Winnipeg to close the public lane in the block bounded by McGillivray Boulevard, Brady Road, Sigma Avenue and Alpha Street, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File DAC 7/2000