

MINUTES – COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, MARCH 14, 2002 AT 9:00 A.M.

PRESENT: Councillor Lunt, Chair, Mayor Lowe, Councillors Fleming, Holland, Hughes, McLean, Madoff, Savoie, and Vanden Berg

ABSENT: None

ALSO PRESENT: Mr. Joe Martignago, City Manager, attended for the entire meeting. Messrs. Basey, Koch, Lam, Oberg, O'Reilly, Phillips, Silvester, Snow and Woodland, Ms. Atkinson, Ms. Fowler, Ms. Masters, attended for portions of the meeting.

Mr. Jonathan Huggett, Consultant for the Multipurpose Facility, and Guy McDannold, attended for a portion of the meeting.

Recording Secretary: Ming Moodrey

APPROVAL OF AGENDA

02/211

The Agenda of the March 14, 2002 meeting was circulated.

The City Manager outlined the following additions to the Agenda:

Open Meeting

- Item No. 2 836 – 844 View Street, proposed amendment to Committee's March 7, 2002 motion
- Item No. 5 Railway Zoning (Revised Report)
- Item No. 6 Additional Report subsequent to the Special Design Panel Review of March 12, 2002.
- Item No. 7.A Esquimalt's Portion of the Water Utility

Closed Meeting

- Item 14 Legal - Litigation
- Item 15 Legal – Multipurpose Facility

ACTION: It was moved by Councillor Fleming that the Agenda of the Committee of the Whole Meeting of March 14, 2002, be approved as corrected.

Carried

ADOPTION OF MINUTES

02/210

The Minutes of the March 7, 2002 meeting was circulated.

1. The Head, Urban Design, requested that the Committee's motion of March 7, 2002 be corrected as follows:

"ACTION: Councillor Madoff moved that it be recommended to Council that:

1. *The resolution of approval for the Development Permit be considered at the same meeting for which the rezoning and hearing is scheduled, after the public hearing has been completed.*
2. *Council authorize the issuance of a Development Permit in accordance with:*
 - (a) *Plans stamped "Development Permit Application 02-07", dated February 8, 2002.*
 - (b) *Development meeting all bylaw requirements except:*
 - (i) *Section 3.67.5(2) Height relaxation from 30m and 9 storeys to 41m and 13 storeys.*
 - (ii) *Section 3.67.6(a) Build-to-line relaxed from 3.5m to 0m.*
3. *Special sidewalk and streetscape treatment to be adjusted to the satisfaction of the Director of Engineering and Director of Parks and Community Services prior to Building Permit stage.*
4. *Final plans to be in accordance with plans identified above, to the satisfaction of the Director of Planning and Development."*

2. Mayor Lowe requested that the Committee's motion of March 7, 2002 with respect to the Closed Meeting's *Multipurpose Facility* be corrected as follows:

"ACTION: *Councillor McLean moved that it be recommended to Council that the previous instruction, **contained in the Committee of the Whole Minutes of February 28, 2002**, to the City Solicitor in this matter be rescinded."*

ACTION: It was moved by Mayor Lowe that the Minutes of the Committee of the Whole Meeting of March 7, 2002 be approved as corrected.

Carried

PARKS & COMMUNITY SERVICES

RESPONSE TO THE MAYOR'S TASK FORCE REPORT ON DOWNTOWN FROM ADVISORY COMMITTEES

02/209

On November 8, 2001 at Committee of the Whole, Councillor Savoie moved that it be recommended to Council that *the Position Paper from the Mayor's Task Force on the Downtown*, dated November 7, 2001, be received for information and referred to the Downtown Advisory Committee (DAC), the Social Planning and Housing Advisory Committee (SPHAC), the Community Associations, for their review and comments.

The DAC and SPHAC have reviewed *The Mayor's Task Force Report* and made a variety of recommendations to Council. Both Council Committees directed their attention to the section entitled, "Panhandling/Safety on Downtown Streets" and commented on a few specific actions viewed as relevant to their work. Both Committees supported the maintenance of current funding levels for the youth and adult outreach teams and encouraged Council to lobby the Provincial Government for the resources to enable the continuation of previous, and new, downtowned community outreach programs. Each Committee made additional recommendations to Council to encourage more action be taken regarding the Panhandling/Safety on Downtown Streets.

ACTION: Mayor Lowe moved that Council receive this report for information.

Carried

PROPOSED RATES AND FEES 2002 – COMMUNITY SERVICES

02/208

The last rates and fees under the Recreation Facilities Admission Bylaw (No. 96-38) were reviewed and approved by Council effective January 1, 2001.

After an overall review of current rates and fees by staff, selected rate changes to facility admission and rentals for the Crystal Pool and Fitness Centre, Memorial Arena, Royal Athletic Park, and Cameron Bandshell are recommended for implementation effective April 30, 2002. These changes are necessary to reflect anticipated operating budget increases and the rates are aligned with other regional facilities. The proposed increases are nominal and the additional revenue is reflected in the 2002 Budget submitted by staff. The revised rates are outlined in Schedules A to G attached to the report.

ACTION: Councillor McLean moved that it be recommended to Council that:

1. Council approve the revised rates and fees effective April 30, 2002;
2. That the City Solicitor be instructed to amend the *Recreation Facilities Admission Bylaw* (No. 96-28) Schedules "A" to "G" incorporating the approved rates effective April 30, 2002.

Carried

PLANNING & DEVELOPMENT

RAILWAY ZONING

02/207

Given the recent announcement of the E & N Railway Co. (1998) that it plans to discontinue the use of its rail passenger service, the future of this transportation corridor has become uncertain.

As with streets, the railway right of way is subject to a number of zones as it passes through the City from Store Street to the Esquimalt boundary. The existing zoning permits a wide variety of uses that could result in portions of the corridor being subdivided off. Elimination of this continuous transportation corridor runs contrary to the City's Official Community Plan.

ACTION: Councillor Savoie moved that it be recommended to Council that Council:

1. Instruct the City Solicitor to prepare a zoning bylaw change to rezone the main railway right of way in order to insure the continuation of this transportation corridor; and
2. Direct staff to contact the Capital Regional District municipalities who have the railway within their boundaries, and notify these municipalities of Council's intent and recommend that steps be taken to ensure the conservation of this corridor for transportation purposes.

Carried

732 CORMORANT STREET, DEVELOPMENT PERMIT 02-02

02/206

The Development Permit application is to construct a new 11-storey residential apartment building with 100 rental units on the vacant site southwest of the First Island Financial Services building. A caretaker's unit and a commercial space are provided on the ground floor. In addition to the ground floor parking spaces, a separate loading bay is provided on the southeast corner of the building accessible through a gate from Cormorant Street.

This Development Permit application is not subject to a notification requirement and a hearing. However, the rezoning application for the proposal is subject to a public hearing.

The proposal of the applicant has been reviewed by the Advisory Design Panel on January 30th and February 7th, 2002 and was tabled for further improvement. The improved proposal with the further refinements was reviewed by the Advisory Design Panel at its Special meeting held on March 12, 2002 and was recommended for approval with the following two comments:

- 1) The approval recommendation was based on the flat roof option as indicated on the elevation sheet #A-8b presented at the meeting.
- 2) The Panel strongly supports the close proximity of the ground floor building face along the street frontage as proposed.

.ACTION: Councillor Madoff moved that it be recommended to Council:

1. That the resolution of approval be considered at the same meeting for which the rezoning and hearing is scheduled, after the public hearing has been completed.
2. That Council authorize the issuance of a Development Permit in accordance with:
 - (a) Plans stamped "Development Permit application 02-02, dated March 6, 2002" and Plans stamped "March 12, 2002 (Elevations sheet A-8b)";
 - (b) Development meeting all bylaw requirements;
 - (c) Final plans to be in accordance with plans identified above, with the incorporation of the responses to the recommendations of the Advisory Design Panel to the satisfaction of the Director of Planning & Development.

Carried

ENGINEERING

GARBAGE COLLECTION FEE INCREASE

02/205

The Garbage Collection fee is \$147.00 per year for a single-family residence. This fee has remained unchanged since 1998. Now in 2002, this rate has been in place for 4 years. Although costs have increased by approximately 5%, a rate increase of 2% is sufficient for 2002, because of further cost saving measures by staff. This will result in a \$3.00 increase (\$147.00 to \$150.00) for a typical residence. The Garbage Collection fee follows the pattern of the existing *Garbage and Recycling Bylaw*.

ACTION: Councillor McLean moved that it be recommended to Council that

1. Council approve the Garbage Collection fee increase of 2%; and that
2. This matter be brought forward to the Council Meeting of March 14, 2002.

Carried

ESQUIMALT'S PORTION OF THE WATER UTILITY

02/204

This report has been prepared to answer a Councillor Inquiry regarding the status and history of the Esquimalt portion of the city's water distribution system.

The Esquimalt portion of the system was developed, owned and operated by a private company until the City of Victoria purchased it in 1925 for \$1,450.00. Two reviews (1985 and 2001) have taken place regarding Esquimalt's interest in assuming ownership of the Esquimalt portion of the water system. The 1985 report warned that a small system may suffer from diseconomies of scale and Esquimalt did not pursue the issue at that time.

To ensure that the utility is being managed effectively, the City of Victoria is involved in a national benchmarking program of the National Research Council of Canada (NRC) which indicates that for 17 Canadian cities (population >50,000), the average spent on operating and maintenance in 2001 was \$18.60 per person. As a comparison the City of Victoria water utility spent \$14.44 per person, Municipality of Oak Bay spent \$18.87 per person, and Saanich spent \$19.84 per person.

Indications are that the current system is well run and maintained. It is completely self-financed and staff is committed to customer service and continuous improvement.

ACTION: Councillor McLean moved that Council receive this report for information.

Carried

PROPOSED RESIDENTIAL STRATA TITLING APPLICATION
117 CLARENCE STREET

02/203

The owner has applied to strata title the duplex at 117 Clarence Street and the Local Government Act requires the approval of Council. The proposal is to refurbish the existing residence (Unit #1) and construct a second attached dwelling (Unit #2) behind Unit #1. A building permit was issued in December 2001 and construction is now substantially complete. Both units are currently vacant.

The Planning and Development Department has reviewed this application and advise that the use complies with the Zoning Bylaws and Construction complies with applicable Provincial codes.

ACTION: Councillor Madoff moved that it be recommended to Council that:

1. This application to strata title the duplex at 117 Clarence Street be approved subject to compliance with applicable Municipal bylaws and Provincial codes; and that
2. This matter be brought forward to the Council Meeting of March 14, 2002.

Carried

ADMINISTRATIVE MATTERS

DISPOSITION OF COMMUNICATIONS

02/202

Committee received a Disposition of Communications dated March 8, 2002, from the Corporate Administrator reporting that certain communications received in the Legislative Services Division have been dealt with on the date and in the manner indicated.

ACTION: Mayor Lowe moved that the Disposition of Communications dated March 8, 2002 received from the Corporate Administrator, be received for information and filed.

Carried

PROCLAMATIONS

02/201

ACTION: Councillor Holland moved that the following proclamation be approved and forwarded to the appropriate Council meeting:

- Victoria's Fifth International Day for the Elimination of Racism – March 21, 2002

Carried

2002 PLANNING & DEVELOPMENT DEPARTMENT WORK PLAN – CONTINUATION

02/200

This is a continuation of the 2002 Planning & Development Department's Work Plan from the Committee of the Whole Meeting of March 7, 2002. The Planning & Development Department submitted an updated version of the 2002 Work Plan for the Regulatory and Development Services Division. Mr. Basey, Mr. Koch, and Ms Fowler presented this Work Plan.

Mr. Koch indicated that there will be a replacement for the vacant planner position in the near future and the Planning Division will be back in full speed by June 2002. Due to the demands of the Noise Bylaw project, the Rock Bay/Burnside project will be taken off the priority list and tabled, subject to Council's approval. The Fairfield project and Humbolt Valley project will be put on hold. Four hundred staff hours have been set aside for the Noise Bylaw. Mr. Koch indicated that the Noise Bylaw project would require an independent consultant and a City planner to work with this consultant, which will use up some of the 400 designated hours. Ms Fowler specified that, given the intensity of the Noise Bylaw project, City staff will be using up most of the 400 designated hours on acoustic study, a draft bylaw, interdepartmental consultation, community consultation, community communication, public consultation and answering any questions that the public may have for the Planning & Development Department.

The Committee did not want the Rock Bay/Burnside project to be tabled and discussed what could be done to continue with this project. Both the Committee and the Planning & Development Department agreed that the Noise Bylaw project is very important to the City. Because of the Noise Bylaw project is crucial and urgently needed by the City, Committee suggested that the term of this project could be shortened to six months instead of two years. The shortened term of this project will decrease the hours that the staff will require for public communication, consultation and inquiries, so that these unused hours could be effectively put to use in the Rock Bay/Burnside project.

Councillor Madoff agreed to review the priorities of the projects in the Planning & Development Department's 2002 Work Plan with the Director of Planning & Development.

The Committee thanked the Planning & Development Department and expressed its appreciation for such a comprehensive Work Plan, which is an incredible resource for Council and for the Community.

ACTION: Councillor Madoff moved that a meeting be set up between the Director of Planning & Development and herself to review the Planning & Development Department's 2002 Work Plan on the priorities of the projects and, then, to report to Committee of the Whole the results of this meeting.

Carried

COUNCILLOR INQUIRIES

CITY TELEPHONE SYSTEM

02/199

Mayor Lowe stated that he has received many negative comments from the public regarding the City's new automated-switchboard telephone system. He wants comments from the Committee on this matter.

The Committee concurred that there are problems with our current automated-switchboard. It is a matter of determining what the problems are and instructing staff to correct the problems.

ACTION: Mayor Lowe requested that the City Manager prepare a report to Committee of the Whole on the automated-switchboard telephone system.

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION (C.R.T.C.)

02/198

Mayor Lowe reported that there is an urgent request from Greater Vancouver and Victoria's community organizations and individuals for support of L.M.T.V.'s appeal to the C.R.T.C. with respect to a multilingual television station in the Greater Vancouver region. The community organizations and individuals plan to appeal this C.R.T.C. decision by March 25, 2002.

ACTION: Mayor Lowe moved that it be recommended to Council that:

1. The City of Victoria support L.M.T.V.'s appeal to the C.R.T.C. with respect to a multilingual television station in Vancouver, British Columbia; and that
2. This matter be brought forward to the Council Meeting of March 14, 2002.

Carried

LIQUOR LICENSING POLICY

02/197

Councillor Hughes expressed her concerns that the City does not have a firm policy in place regarding liquor licensing and person capacity increase applications. She indicated that a workshop would be scheduled for April 25, 2002 for Council for consideration of developing a City policy with respect to the subject matter.

ACTION: Councillor Hughes moved that it be recommended to Council that:

1. The consideration of the new liquor licensing and person capacity increase applications be deferred until Council develops a comprehensive liquor licensing policy for the City of Victoria.
2. A workshop for Council be scheduled for April 25, 2002 to consider developing a policy for the City of Victoria with respect to liquor licensing and the person capacity increase program.

Carried

MEMORIAL ARENA

02/196

Councillor Fleming inquired about the current state of the Memorial Arena as to its fire safety and structural integrity. There were concerns from the Fire Chief on the sprinkler system and fire alarm system and that the City has had to restricted the Arena from holding certain events because of fire safety issues.

The City Manager commented that a seismic report on the Memorial Arena was done 10 years ago but the City has not done one since that time.

ACTION: Councillor Fleming requested a staff report regarding the current state of the Memorial Arena and, in particular, fire safety and structural integrity.

BEACON HILL PARK

02/195

Councillor Vanden Berg reported that he has received telephone calls and complaints from the residents of Victoria concerning the area of Beacon Hill Park that allows the dogs to be off leash. He was concerned about the wear and tear of the lawn in that area of the park plus the liability issues that the City may face if there are any problems or injuries caused by dogs that are off leash and not in control of the owner.

Councillor Savoie said that she will be meeting with the Director of Parks & Community Services next week with respect to various complaints from the public and the requirement of more enforcement. She would be happy to include the issues of the "dogs off leash" region of Beacon Hill Park and the proposed required signage.

The City Manager indicated his concern on the liability issues that the City of Victoria would encounter if there were any problems, such as, dog biting, tripping, or harming man or dog biting dog. He cited a recent "dog bite dog" lawsuit against one of cities in the eastern provinces and the Plaintiff was successful.

ACTION: Councillor Vanden Berg and Councillor Savoie requested a staff report regarding the region of the Beacon Hill Park that allowed dogs to be off leash addressing the following issues:

1. Long term effect of dogs running off leash on that region of the park and the cost of repairs;
2. Liability and costs.

INFORMATION SHARING

02/194

Councillor Hughes indicated that this is the Capital Regional District Citation of Children and Youth Awareness Week. She pleaded with the Committee to have this awareness not just for the week but for all year.

CLOSED MEETING - 10:45 A.M.

Councillor McLean moved that Committee of the Whole convene a closed meeting that excludes the public under Section 10(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Section 10 (3) of the Council Bylaw.

COUNCILLOR INQUIRY

CYCLING ADVISORY COMMITTEE

02/193

Councillor Savoie, Staff Liaison, for the Cycling Advisory Committee reported that Claire Lynch have submitted an application for the Cycling Advisory Committee.

ACTION: Councillor Savoie moved that it be recommended to Council that:

1. Council appoint Claire Lynch to the Cycling Advisory Committee for the remainder of the term of January 1, 2002 to June 30, 2003; and that
2. This matter be brought forward to the Council Meeting of March 14, 2002.

Carried

LEASE – CONFERENCE CENTRE

02/192

Committee received a report dated March 1, 2002 from the Property Manager regarding the Offer to Lease for Unit #16 in the Victoria Conference Centre.

ACTION: Councillor McLean moved that it be recommended to Council that Council approve a new lease with Lisa Matthews for Unit #16 – Victoria Conference Centre:

1. At an annual rental rate in years 1 – 3 of \$17,850.00; \$18,564.00, and \$19,278.00, respectively, plus percentage rent of 7% of gross sales over the base rent; and
2. With a 3-year term commencing May 1, 2002, renewable for an additional 3-year term.

Carried

LEGAL – MEMORANDUM OF UNDERSTANDING

02/191

Committee received a report dated March 11, 2002 with respect to the Memorandum of Understanding for rezoning application #01-21 for 21 Erie Street.

ACTION: Councillor Hughes moved that it be recommended to Council that Council forward this report and the Bylaws associated with rezoning application 01-21 and Development Permit Application 01-41 for consideration at fourth reading, at the March 14, 2002 City of Victoria Council Meeting.

Carried

LEGAL – LITIGATION

02/190

Committee received a report dated March 13, 2002, from the City Solicitor, with respect to Pacific National Investments Ltd. v City of Victoria. Legal advice was given by the City Solicitor and by Mr. Guy McDannold, of the law firm of Staples McDannold & Stewart and was discussed by the Committee.

ACTION: Councillor Holland moved that the City Solicitor:

1. Enter into a discussion with the Plaintiff, Pacific National Investments Ltd., and the solicitor for the Plaintiff; and
2. After the discussion to report to Committee of the Whole.

Carried

LEGAL – ASSENT PROCESS
VICTORIA MULTIPURPOSE FACILITY

02/189

Committee received a report dated March 12, 2002, from the City Solicitor and the Corporate Administrator with respect to the assent of electors process for the Victoria Multipurpose Facility. The City Solicitor and Mr. Guy McDannold gave their legal advice on this matter.

- ACTION:** Councillor McLean moved that Council instruct the Chief Election Officer to:
1. Prepare bylaw synopsis for the Notice of Other Voting under Section 164(4)(5) of the Local Government Act;
 2. Amend the question put to the Assent of the Electors as per the following question:

<p>City of Victoria</p> <p>Assent of the Electors – April 2002</p> <p>Pursuant to Section 178 of the <u>Local Government Act</u></p> <p>THE QUESTION REGARDING THE</p> <p>Proposed Partnering Agreement Between:</p> <p>The Corporation of the City of Victoria (the "City")</p> <p>And</p> <p>R.G. Properties Ltd.,</p> <p>R.G. Construction (Victoria) Ltd.</p> <p>and R.G. Facilities (Victoria) Ltd.</p> <p>(collectively the "RG Group of Companies")</p> <p>Do you approve of the proposed Partnering Agreement (the synopsis of key terms are noted on the back of this ballot including the matters requiring the assent of the electors) between the City of Victoria and the RG Group of Companies, a copy of which is attached to the City of Victoria Multipurpose Facility Partnering Agreement Authorization Bylaw No. 02-40. Under this Agreement the members of the RG Group of Companies would design and build a multipurpose arena with no less than 7,000 seats (the "Multipurpose Facility") for the City of Victoria, and then operate the Multipurpose Facility on behalf of the City of Victoria for a period of up to 30 years.</p> <p>The proposed Partnering Agreement requires, among other terms, that the City pay the costs of design and construction of the Multipurpose Facility, and your approval of the Partnering Agreement will authorize the City to borrow for that purpose up to \$30 million under proposed City of Victoria Loan Authorization (Multipurpose Facility) Bylaw No. 02-12.</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>

3. To bring this matter forward to the Council Meeting of March 14, 2002.

Carried

VICTORIA MULTIPURPOSE FACILITY

02/188

Committee received a report dated March 13, 2002 from the City Solicitor with respect to the Victoria Multipurpose Facility. The City Solicitor, Director of Parks & Community Services, City Manager, and Mr. Jonathan Huggett provided information regarding the City of Victoria Multipurpose Facility Partnering Agreement and the proposed Multipurpose Facility Partnering Agreement Authorization Bylaw No. 02-40.

ACTION: Councillor McLean moved that it be recommended to Council that Council forward to the March 14, 2002, City of Victoria Council Meeting for consideration:

- (a) The City of Victoria Multipurpose Facility Partnering Agreement Authorization Bylaw No. 02-40 for the first, second, and third readings.
- (b) The City of Victoria Multipurpose Partnering Agreement and related schedules:
 - Schedule 1 Site Plan
 - Schedule 2 Preliminary Design Report and Preliminary Design Drawings
 - Schedule 3 Review and Summary Review of Costs
 - Schedule 4 Agreed Guaranteed Price – Major Items
 - Schedule 5 Operating Agreement – Terms and Conditions

Carried

The meeting adjourned at 12:10 p.m.

Councillor Jane Lunt, Chair