

MINUTES – COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, APRIL 11, 2002 AT 9:00 A.M.

PRESENT: Councillor Bea Holland, Chair, Councillors Fleming, Hughes, Lunt, McLean, Madoff, and Savoie, attended for the entire meeting. Councillor Vanden Berg arrived at 9:08 a.m. and Mayor Lowe arrived at 9:30 a.m.

ABSENT: None

ALSO PRESENT: Joe Martignago, City Manager, Sheryl Masters, Manager, Administration, and Rob Woodland, Corporate Administrator attended for the entire meeting. Ms Atkinson, Messrs. Basey, Chow, Dellebuur, Galavan, and Wiffen attended for a portion of the meeting.

Recording Secretary: Ming Moodrey

EXPRESSION OF APPRECIATION

02/282

Committee of the Whole expressed their thanks and appreciation to the Manager, Parks Division, for the wonderful display in the planting beds throughout the City of Victoria.

APPROVAL OF AGENDA

02/281

The Agenda of the April 11, 2002 meeting was circulated.

The City Manager informed Committee that "Item 8, Rootsfest Festival Equipment Request" is withdrawn from the Agenda.

ACTION: It was moved by Councillor McLean that the Agenda of the Committee of the Whole Meeting of April 11, 2002, be approved as amended.

Carried

ADOPTION OF MINUTES

02/280

The Minutes of the April 4, 2002 meeting was circulated.

ACTION: It was moved by Councillor Lunt that the Minutes of the Committee of the Whole Meeting of April 4, 2002 be approved as circulated.

Carried

PLANNING & DEVELOPMENT

REZONING APPLICATION #01-28, THE "Y" LOT 736 HUMBOLDT STREET

02/279

Committee received a memorandum dated April 5, 2002 from the Manager, Planning Division regarding Rezoning Application #01-28, the "Y" Lot, 736 Humboldt Street.

The applicant, Concert Properties Ltd., requested revisions to the draft Zoning Bylaw #02-25 for the center lot of the block's three lot subdivision. The applicant is considering an extended stay hotel facility on this site as an alternative to residential or office use and would like to have the option to dedicate the Humboldt Street frontage to hotel lobby use instead of only retail or restaurant. The request is consistent with the zoning provisions for the adjacent Marriott Hotel site.

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

1. That Council amend its draft Zoning Bylaw #02-25 for the CA-47 Zone, s. 2(a) to read:
"at least 50% of the building's Humboldt Street frontage is devoted to retail, restaurant or hotel lobby use."
2. That this matter be brought forward to the Council meeting of April 11, 2002.

Carried

ENGINEERING

PROPOSED MULTIPURPOSE FACILITY

02/278

Committee received a report dated April 3, 2002, from the Secretary, Cycling Advisory Committee, regarding the proposed Multipurpose Facility. At its meeting on March 26, 2002, the Cycling Advisory Committee discussed a Committee member's recommendation, that secure bicycle parking be incorporated into the design of the

proposed Multipurpose Facility. It was also suggested that shower and changing room facilities for staff be included as a possibility in the design. The Cycling Advisory Committee made the following recommendation:

“That the Cycling Advisory Committee recommended in principle, secure weather protected bicycle parking and change room facilities for employees be incorporated into the design of the proposed Multipurpose facility.”

Transportation staff has reviewed the motion and recommend this motion be referred to the Project Steering Committee for review.

ACTION: Councillor Lunt moved that it be recommended to Council that Council refer the motion from the Cycling Advisory Committee to the Multipurpose Project Steering Committee for their consideration.

Carried

BUS PASS PROGRAM

02/277

Committee received a memorandum dated April 3, 2003 from the Secretary, Advisory Transportation Committee. At its meeting of March 19, 2002, the Advisory Transportation Committee discussed a proposed “Student Bus Pass Program” which is an incentive program for students to use transit for commuting, to increase ridership, and decrease the number of students relying on vehicles to get to school. It is proposed that the bus passes would cost \$12 each. After some discussion, the Advisory Transportation Committee made the following recommendation:

“That the Advisory Transportation asks Council to write the Regional Transit Commission to request that they investigate forming a committee to consider the concept of a Youth Transit pass system for students in the Greater Victoria area and that the School Districts of Victoria, Saanich, Sooke, Parent Advisory Councils, and local governments be invited to attend.”

Transportation staff has reviewed the recommendation and do not have any objections.

ACTION: Councillor Hughes moved that it be recommended to Council that Council write the Regional Transit Commission to request that they investigate forming a committee to consider the concept of a Youth Transit pass system for students in the Greater Victoria area and that the School Districts of Victoria, Saanich, Sooke, Parent Advisory Councils, and local governments be invited to attend.

Carried

RICKSHAW SERVICE – PROPOSED BUSINESS

02/276

Committee received a memorandum dated April 5, 2002 from the Secretary, Advisory Transportation Committee regarding Mr. Timothy Bolderson's application to operate a rickshaw in the downtown core this year. After consideration of this matter, the Advisory Transportation Committee made the following motion:

"That the Advisory Transportation supports the concept of introducing Rickshaw service in Victoria, and forwards this idea on to staff to work out the details."

The Victoria City Police Traffic Division, the Bylaw Enforcement Office, and the Downtown Coordinator reviewed the application and expressed concerns about increased congestion in the downtown core, vehicle/rickshaw conflicts due to different operating speeds, parking issues, and a further increase in tourist-related business competition in the Inner Harbour area. On February 7, 2002, the Senior Bylaw Officer advised Committee that no new licences would be made available in 2002 for pedicabs, causeway artists, and other commercial users of public space similar to the proposed rickshaw service. Furthermore, the demand for these types of licenses currently exceeds the supply.

Mr. Tim Galavan, Manager, and Mr. Brad Dellebuur, Transportation Planner, Transportation Division, and the applicant, Mr. Bolderson were present to answer questions from the Committee. Councillor McLean suggested that Council support the application for a business license to operate a rickshaw for a one-year trial period so that Council could evaluate its operational impact. Mr. Galavan and Mr. Dellebuur were in support of Councillor McLean's suggestion of a "one-year trial period." However, Mr. Galavan indicated that if Mr. Bolderson were granted a business licence, he would have to comply with the same rules and regulations for the pedicabs.

Mr. Bolderson commented, as follows, that:

- He wants to operate one or two rickshaws in the City but would be happy if Council grants him a business licence to operate one rickshaw, which could carry one to two passengers.
- Presently, he does not have a rickshaw in Victoria and, if he were granted the business licence, he would order a modern style rickshaw from Ottawa, Ontario.
- The modern rickshaw is lightweight and highly maneuverable, thus, the operator would not have any problems keeping up with the traffic and is safe for passengers.
- If required by City Council, he would install brakes on the rickshaw for safety.
- A rickshaw does not have the mechanical breakdowns that the pedicabs would have.
- He would comply all the rules and regulations for pedicabs.

- ACTION:** Councillor Hughes moved that:
1. This matter be postponed to the April 18, 2002 Committee of the Whole meeting; and that
 2. City Staff provide a report on the subject matter at the April 18, 2002 Committee of the Whole meeting.

Carried

PARKS, RECREATION & COMMUNITY DEVELOPMENT

PARKS, RECREATION & COMMUNITY SERVICES ADVISORY COMMITTEE **TERMS OF REFERENCE**

02/275

At the March 28, 2002 Committee of the Whole meeting Committee tabled the report from the Parks, Recreation & Community Services Advisory Committee (PRCSAC) pending input from staff on the proposed Terms of Reference. The Corporate Administer provided a report dated April 10, 2002 to Committee that addressed the following points:

1. Council is the body that exercises control over the City's Advisory Committees, which includes defining the terms of reference, procedural rules and referral of business to the committees.
2. In early 2000, Council evaluated and amended the existing Advisory Committee terms of reference and procedural rules.
3. If Council wishes to adopt the PRCSAC recommendations then Council should first consider:
 - Providing all committees an opportunity to suggest changes to their specific terms of reference and the procedural rules that govern all committees;
 - Amending each committee's terms of reference in response the committee's suggestions;
 - Amending the procedural rules in response to all committees' suggestions so that one set of rules governs all committees.
4. If Council wishes to undertake this work it should be done in a planned fashion that involves all of the Advisory Committee stakeholders.

Councillor Savoie, Mr. Don Chow, Staff Liaison, and Mr. Denis Seed, representative, the PRCSAC, commented that when they made the changes to the Terms of Reference, there was no intent to violate any procedural rules or City bylaws. The changes were made to help define and clarify the members' roles in the PRCSAC. The PRCSAC understands that its role is an advisory role to Council.

The Chair, requested that Councillor Savoie meet with Mr. Chow and Mr. Woodland to effect changes to the wording of the proposed Terms of Reference.

ACTION: Councillor Savoie moved that Council receive this report for information

and that the proposed Terms of Reference be brought forward for further consideration in one month's time.

Carried

ADMINISTRATIVE MATTERS

LEGAL AID CUTBACK

02/274

Committee received a letter dated April 1, 2002, from Michael Butterfield thanking Council for providing him with an opportunity to speak to Council at the March 28, 2002 Council meeting regarding legal aid cutback. The Minutes of March 28, 2002 Council meeting state, as follows:

"Michael Butterfield – Re: Legal Aid Cuts

Mr. Butterfield advised of the effect of the Provincial Government funding cuts to legal aid services. This is the only recourse for some families. Access to legal services is a basic right. This service must be maintained at its current level.

It was of the consensus of Council that this matter be referred to Committee of the Whole for discussion.

Carried"

The Committee commented that Mr. Butterfield's presentation was thoroughly prepared and well presented at the March 28, 2002 Council meeting.

- ACTION:** Councillor Fleming moved that it be recommended to Council that
1. Council write a letter of support to the Attorney General for the reinstatement of funding for legal aid through PST charges on legal fees.
 2. This matter be brought forward to the Council Meeting of April 11, 2002.

Carried

FEDERATION OF CANADIAN MUNICIPALITIES **ANNUAL CONFERENCE**

02/273

The Federation of Canadian Municipalities (FCM) Annual Conference is being held from May 31 – June 3, 2002 at The Hamilton Convention Centre, Hamilton, Ontario. Councillor David McLean has expressed an interest to attend. The approximate costs are as follows:

Registration Fees (includes all conference activities and five meal functions)	\$ 490.00
Accommodation: \$142.24 x 5 days (incl.7% GST/5% room tax)	711.20
Transportation (air and ground)	660.00
Meals: \$45.00/diem x 5 days	<u>225.00</u>
Approximate Total:	<u>\$2,086.20</u>

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
1. Council approve Councillor McLean's attendance at the Federation of Canadian Municipalities Annual Conference; and that
 2. Council approve the funding of approximately \$2,086.20 to cover related expenses.

Carried

DISPOSITION OF COMMUNICATIONS

02/272

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

- ACTION:** Councillor Savoie moved that the Disposition of Communications dated April 8, 2002 received from the Manager, Administration, Legislative Services Division, be received for information and filed.

Carried

PROCLAMATIONS

02/271

- ACTION:** Councillor Madoff moved that the following proclamation be approved and forwarded to the appropriate Council Meeting:
- Community Arts Awareness Week (May 4 – 11, 2002)
 - Arts and Culture Week (April 21 – 27, 2002)
 - Day of Mourning (April 28, 2002)

Carried

COUNCILLOR INQUIRY

LIQUOR LICENCE WORKSHOP

02/270

Councillor Hughes commented that the Electors Assent 2002 for the Multipurpose Facility Arena is on April 20, 2002 and that staff does not have sufficient time to prepare for the Liquor Licence Workshop set for April 25, 2002.

ACTION: Councillor Hughes moved that the Liquor Licence Workshop set for April 25, 2002 be postponed until May 2, 2002.

Carried

COUNCILLOR INFORMATION SHARING

CREST TELECOMMUNICATION APPLICATION

02/269

Councillor McLean commented that at the CREST telecommunication application to consolidate spectrum has been tentatively approved and that the CREST Board is very pleased with the progress of this project.

VICTORIA HARBOUR AUTHORITY

02/268

Councillor Holland commented that April 11, 2002 is the transfer date of the three of the four federally owned properties from the Federal government to the Victoria Harbour Authority. The fourth federally owned property, Ogden Point, will be transferred in June 2002. This is an historical moment because:

1. This transaction included the two First Nations; and
2. The partnership between the two First Nations, the City of Victoria, and the Victoria Harbour Authority is the first of its kind in Canada.

CLOSED MEETING - 10:00 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.

LEGAL – OFFER TO PURCHASE

02/267

Committee received a report dated April 4, 2002 from the Property Manager advising that two Offers to Purchase have been received regarding the Thetis Nursery Land. Since that report, the City has received a third Offer to Purchase.

- ACTION:** Councillor McLean moved that:
1. This report be received for information and filed;
 2. A further report from City staff to the Committee of the Whole be prepared for the April 28, 2002 Committee of the Whole meeting; and that
 3. Council attend a site visit of the subject lands.

Carried

LEGAL – FREEDOM OF INFORMATION

02/266

Committee received a report dated April 8, 2002 from the Corporate Administrator regarding a freedom of information request. The City Solicitor advised Committee on this matter.

- ACTION:** Councillor McLean moved that the applicant's request for Council to waive solicitor/client privilege be received for information and filed.

Carried

- ACTION:** Councillor Hughes moved that the Committee of the Whole meeting be adjourned.

Carried

The meeting adjourned at 11:00 a.m.

Councillor Bea Holland, Chair