

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, MAY 9, 2002, AT 9:05 A.M.

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

ABSENT: Councillor Fleming

Mr. Jack Basey, Acting City Manager, attended for the entire meeting and Messrs. Colantonio, Daly, Furtado, Hennessey, Lam, Oberg, Phillips, Timms, Wiffen, Woodland, Ms. Low, Ms. Thompson attended for portions of the meeting.
Recording Secretary: Linda Johnson

PARKS

MILITARY BANDSFEST 2002

02/365

Committee received a memorandum dated April 29, 2002 from the Manager, Parks Division, advising that the Victoria Military Music Festival Society has applied for permission to hold a Mounted Musical Ride at the all-weather fields at Beacon Hill Park, June 15 and 16, 2002. The event is planned in conjunction with Military Bandsfest 2002, an annual event scheduled for June 14. The Mounted Musical Ride involves a military band and sixteen horses from the Lord Strathcona Regiment in Calgary.

Council approval is required for all new events in Beacon Hill Park. Technically this is not a new event, but is being treated as such because it has not been held since the 1960's.

ACTION: Councillor Savoie moved that it be recommended to Council that the Mounted Musical Ride in Beacon Hill Park be approved for June 15/16, 2002, with the following conditions:

- 1) No commercial activity (including sponsor signage) is permitted.
- 2) The Organizer is obligated to pay for any clean-up or repair costs associated with the all-weather field.
- 3) A post-event evaluation must be conducted prior to consideration of future event approval.

ROYAL CANADIAN ARMY CADET REVIEW

02/364

Committee received a memorandum dated April 30, 2002 from the Manager, Parks Division, advising that the Royal Canadian Army Cadet Corps has applied for a permit to hold a Ceremonial Review at the all-weather fields at Beacon Hill Park, May 26, 2002. The event would involve approximately 100 cadets and 10 to 15 officers, with families observing. It is planned to coincide with the visit of Brigadier General Glenn Nordick, who will present medals of excellence to several cadets.

Council approval is required for all new events in Beacon Hill Park. Technically this is not a new event, but is being treated as such because it has not been held for several decades.

- ACTION:** Councillor Savoie moved that it be recommended to Council that the Royal Canadian Army Cadet Review in Beacon Hill Park be approved for May 26, 2002, with the following conditions:
- 1) No commercial activity of any kind is permitted.
 - 2) Approval is given for this event only, and is not to be taken as approval for future requests.

VIC WEST FEST

02/363

Committee received a memorandum dated May 3, 2002 from the Manager, Parks Division, advising that a late permit request has been received from the Vic West Community Y to hold the 2nd annual "Vic West Fest" event in the Vic West Y building and in Banfield Park on May 11, 2002. Some of the proposed activities do not comply with Parks Bylaws.

- ACTION:** Councillor Savoie moved that it be recommended to Council that approval be given to a request received from the Vic West Community Y to hold the 2nd annual "Vic West Fest" in the Vic West Y building and in Banfield Park on May 11, 2002, including the following non-complying activities:
- Set up of a "garden playhouse" donated by a sponsor. The playhouse will have the sponsor's logo on it and their staff will be wearing shirts displaying the sponsor's name and logo.
 - Set up of a tent housing the Community Policing Division display.

PARKS CAPITAL BUDGET

02/362

Committee received a memorandum dated April 29, 2002 from the Manager, Park Design & Development requesting a reallocation of funds in the Parks Capital Budget. \$100,000 was allocated to a Street Tree Management Plan. While still a high priority, staff are, for several reasons, recommending deferral of this project to 2003. \$190,000 has been allocated to improvements to Cecelia Ravine Park. The source of this funding is \$150,000 from the Capital Regional District, and \$40,000 from the Provincial Capital Commission. The City's 2003 operating budget identifies \$120,000 for completion of these improvements. The Cecelia Ravine project has strong community support and efficiencies may be gained by completing as much of the project as possible in one phase.

- ACTION:** Councillor Savoie moved that it be recommended to Council that:
- 1) The Street Tree Management Plan project be deferred to 2003.
 - 2) \$100,000 allocated in the 2002 Capital Budget for the Street Tree Management Plan be reallocated to the Cecelia Ravine project.

FINANCE

TENDER #02-009 – ASPHALT PAVING WORKS

02/361

Committee received a memorandum dated April 26, 2002 from the Senior Buyer advising that Tender #02-009 – Asphalt Paving Works was advertised, three packages were issued, and two responses received. The responses were evaluated by a staff committee, and an analysis of the two bids was attached for Committee's review.

ACTION: Councillor McLean moved that it be recommended to Council that Tender #02-009 – Asphalt Paving Works be awarded to Island Asphalt Ltd., on the basis of being the best overall value to the City at a total estimated contract price of \$405,904.50.

CORRECTIONS TO ASSESSMENT ROLLS

02/360

Committee received a memorandum dated March 31, 2002 from the Director of Finance regarding assessment variations to Supplementary Rolls #21 for 2000; and #9, #10, #12 for 2001, prepared under the provisions of the Assessment Act.

ACTION: Councillor McLean moved that it be recommended to Council that the assessment variations to Supplementary Rolls #21 for 2000; and #9, #10, #12 for 2001, as outlined in the memorandum dated March 31, 2002 from the Director of Finance, be approved.

ENGINEERING

STRATA TITLE APPLICATION 2544 FIFTH STREET

02/359

Committee received a memorandum dated May 1, 2002 from the Supervisor, Development Engineering advising that the owner of 2544 Fifth Street has applied to strata title this duplex property into two units. A building permit was issued on April 12, 2002 to permit the construction of a two-storey dwelling unit (Strata Unit B) behind the existing dwelling unit (Strata Unit A). Completion of construction of Strata Unit B is expected this month. The existing dwelling unit is owner-occupied.

ACTION: Councillor Hughes moved that it be recommended to Council that the application to strata title the duplex at 2544 Fifth Street be approved subject to compliance with applicable provincial codes and municipal bylaws.

SIDEWALK CAFÉ BYLAW REVIEW

02/358

Committee of the Whole, at its meeting on September 20, 2001, requested a staff review of the Sidewalk Cafes Regulation Bylaw.

Committee received a memorandum dated April 26, 2002 from the Manager, Transportation and Development, advising that staff has conducted a review and recommends the following: updating the fees; simplifying the regulations; permitting propane heaters; and, limiting the City's liability.

ACTION:

Councillor McLean moved that it be recommended to Council that:

- 1) The Sidewalk Cafes Regulation Bylaw be amended to:
 - a) Reduce the number of areas in the Sidewalk Café Area Map from 5 to 3, as shown on a plan attached to the report dated April 26, 2002 from the Manager, Transportation & Development.
 - b) Set the 2002 and 2003 rates as shown in the table included in the above-mentioned report, with an annual review by the Finance Committee and the Downtown Advisory Committee, and a report back to Committee of the Whole.
 - c) Require the license holder to indemnify, in writing, and save the City harmless in regard to the operation of the sidewalk café.
 - d) Permit free-standing propane heaters in temporary sidewalk cafes, provided the license holder adds the City as a named insured in the business insurance policy with a minimum coverage of \$2 million, and provides a copy of the policy to the satisfaction of the City Solicitor.
 - e) Reduce the minimum clearance from the curb to 1 metre for temporary sidewalk cafes on Government Street between Humboldt Street and Yates Street.
- 2) Upon adoption of the bylaw amendments, the 2001 sidewalk café license holders be advised of the amendments.

ADMINISTRATIVE MATTERS

GREATER VICTORIA PUBLIC LIBRARY OPERATING AGREEMENT

02/357

Committee received a letter dated April 23, 2002 from the Chair, Greater Victoria Public Library, requesting the City's approval of the admission of the town of View Royal to the library system, effective June 7, 2002. The letter outlined the terms of admission. An addendum to the Library Operating Agreement was attached for the City's execution.

Committee also received a memorandum dated May 7, 2002 from the Manager of Accounting advising that the Library Board will incur marginal increases in certain operating expenses as a result of the admission of View Royal, however these costs have already been taken into account in the Library's 2002 operating budget.

ACTION:

Councillor McLean moved that it be recommended to Council that:

- 1) the Town of View Royal be admitted to the Greater Victoria Public Library system.

- 2) The City's signing officers be authorized to execute the Addendum to the Library Operating Agreement, as attached to the letter dated April 23, 2002, from the Chair, Greater Victoria Public Library Board

ADMINISTRATIVE MATTERS

DISPOSITION OF COMMUNICATIONS

02/356

Committee received a memorandum dated May 3, 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 Holland moved that the Disposition of Communications dated May 3, 2002 from the Manager, Administration, be received for information and filed.

PROCLAMATIONS

02/355

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

<i>Leave a Legacy Week</i>	<i>May 13 - 19, 2002</i>
<i>National Public Works Week</i>	<i>May 19 - 25, 2002</i>
<i>Hemochromatosis Awareness Week</i>	<i>May 25 - 31, 2002</i>
<i>World Partnership Walk Day</i>	<i>May 26, 2002</i>

NATIONAL PUBLIC WORKS WEEK **GARBALLY YARD OPEN HOUSE**

02/354

Committee received a memorandum dated May 8, 2002 from the Manager, Streets Division, advising that, in celebration of National Public Works Week, the City will host an Open House on May 22, 2002 at the public works yard at 417 Garbally Road. This year's theme is "Committed to Our Community", and city staff will display twenty exhibits reflecting this theme to groups of students and senior citizens. An invitation was issued to Mayor Lowe and Councillors to attend.

ACTION: Councillor Hughes moved that the report dated May 8, 2002 from the Manager, Streets Division regarding the Garbally Yard Open House on May 22, 2002, be received for information, and the invitation to Mayor and Councillors, be accepted.

CLOSED MEETING - 9:30 A.M.

Mayor Lowe 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.

203 HARBOUR ROAD
WATERLOT LEASE

02/353

Committee received a memorandum dated May 2, 2002 from the Property Manager advising that the City's lease with Transport Canada for the waterlot adjacent to 203 Harbour Road has expired. Transport Canada has agreed to a new 3 year lease at the current rate.

ACTION: Councillor McLean moved that it be recommended to Council that approval be given to a new lease with Transport Canada – Programs Branch, for the waterlots adjacent to 203 Harbour Road, as shown on the plan attached to the report dated May 2, 2002 from the Property Manager, with terms as follows:

- 1) Three year term commencing April 1, 2002.
- 2) Rental rate, \$12,838.30 per annum.

PNI v. CITY OF VICTORIA

02/352

The City Solicitor and Mr. Guy McDannold, Staples McDannold Stewart, provided legal advice regarding Pacific National Investments v. City of Victoria

ACTION: Councillor Hughes moved that it be recommended to Council that the recommendation of the City Solicitor regarding Pacific National Investments v. the City of Victoria be accepted, and the City Solicitor be instructed to launch an appeal and apply for a stay of execution of Justice Wilson's decision.

OFFER TO PURCHASE
SIX MILE ROAD PROPERTY

02/351

Committee received a memorandum dated May 6, 2002 from the Property Manager providing an update on the prospective sale of city-owned property on Six Mile Road (Thetis Nursery Land). The purchaser has accepted the City's counter offer, and a purchase agreement is now in place. The purchaser's offer to preserve the trees along the highway, through covenant, has been reviewed with Provincial Capital Commission staff.

Staff is currently working with Capital Regional District (CRD) staff to consolidate the City's tree nursery in a CRD facility.

Councillor Savoie left the meeting at 10:15 a.m.

- ACTION:** Councillor Hughes moved that:
- 1) The report dated May 6, 2002 from the Property Manager regarding an Offer to Purchase city-owned property on Six Mile Road, be received for information.
 - 2) The City's signing officers be authorized to execute the Offer to Purchase as set out in the report dated May 6, 2002 from the Property Manager.

ACTION: Councillor Hughes moved that the Property Manager be requested to provide a report to the May 23rd, 2002 Committee of the Whole meeting on the status of the nursery land discussion with the CRD, and the status of the covenant to protect the trees and environment along the highway.

Councillor Savoie returned to the meeting at 10:25 a.m.

COUNCILLOR INQUIRIES

LEGAL - SNOWBIRD DEMONSTRATION

02/350

Councillor McLean advised that the Snowbird precision flying team has proposed a demonstration in August over the waterfront along Dallas Road. A special event application will be forthcoming, however, Councillor McLean expressed concern regarding a city policy on liability insurance.

ACTION: Councillor McLean moved that it be recommended to Council that the City acknowledges that the federal government is self-insured and therefore waives the requirement for liability insurance for a Snowbird Demonstration proposed for August 2002.

LAND - ALSTON GREEN

02/349

Alston Green has been maintained as a park for many years, is owned by the provincial government, and is zoned as industrial land. The Director of Parks, Recreation and Community Development discussed options for securing the current use of this land as park.

Committee requested that Mayor Lowe speak to the Honourable Stan Hagen, Minister of Sustainable Resource Management, regarding this situation.

HMCS PROTECTEUR

02/348

Mayor Lowe advised that HMCS Protecteur will be leaving on May 22, 2002 for active duty in Afghanistan. The City has a close association with this vessel, and Mayor Lowe suggested that Council may wish to participate in the departure ceremony.

**LEGAL - BUFFER ZONE FOR PARKS
AND THE GALLOPING GOOSE TRAIL**

02/347

Councillor Savoie requested information on the City's ability to create buffer zones for parkland. Parks Division and Planning staff were requested to bring forward policy recommendations.

**LEGAL - LIQUOR LICENSE
15 BASTION SQUARE**

02/346

Councillor Madoff requested an update on legal and liquor licensing issues for 15 Bastion Square.

The Corporate Administrator outlined the present situation. Councillor Hughes advised that she will respond to recent correspondence received by Councillors from the tenant of the building.

PERSONNEL - EMPLOYMENT REVIEW

02/345

Councillor Savoie inquired about a possible employment review for a senior management employee. It was agreed that this should be done before the present Council term expires.

The Acting City Manager will request a report from the Director of Human Resources outlining a process for conducting the review.

The closed meeting adjourned and the open meeting reconvened at 11:00 a.m.

HERITAGE STRATEGIC PLAN

02/344

The Heritage Planner and Dr. Harold Kalman of Commonwealth Historic Resource Management Limited presented information on the City's Heritage Strategic Plan.

Dr. Kalman was selected as a Consultant through a 2001 Request for Proposal process, to prepare a Heritage Strategic Plan that would define a mission, vision, and goals for the future, and determine the resources required to meet those goals. The process will involve consultation with key stakeholders and the public.

Mr. Barber reviewed the background of the City's heritage policies, and discussed the need for a strategic plan.

Dr. Kalman provided an assessment of current programs and discussed existing resources and financial commitments. He outlined the work he has done to date to review programs and interview key stakeholders.

He outlined future issues the City may wish to address, including: neighbourhood inventory updates; interiors; heritage landscapes; modern landmarks; and, industrial heritage.

Dr. Kalman discussed issues of growth in the City's heritage program, and the delivery of services presently divided between City staff and heritage organizations.

Councillors requested that Dr. Kalman's final report include:

- Ramifications of small growth, no growth, and negative growth of the City's heritage programs.
- The possibility of including heritage inventories in neighbourhood plan reviews.
- Possible funding for information brochures and organization of downtown walking tours.
- An explanation of ramifications of the possible loss of provincial funding.

The meeting adjourned at 12:15 p.m.

Councillor Vanden Berg, Chair