

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, DECEMBER 11, 2003, AT 8:05 A.M.

PRESENT: Mayor Lowe, in the Chair, and Councillors Coleman, Fleming, Fortin, Holland, Hughes, Madoff, Savoie, and Thornton-Joe.

Mr. Joe Martignago, City Manager, attended for the entire meeting and Messrs. Barber, Basey, Carlsen, Carpenter, Chow, Daly, Dowdall, Hennessey, Leskiw, Oberg, O'Reilly, Orton, Scoones, Sikstrom, Thomas, Timms and Woodland, Ms. Atkinson, Ms. Chase, Ms. Higgins, Ms. Masters, Ms. McKay, Ms. O'Regan, Ms. Taylor, and Ms. Zink attended for portions of the meeting. Mr. Peter Johnson from Staples McDannold Stewart also attended.
Recording Secretary: Linda Johnson

CLOSED MEETING - 8:07 A.M.

Councillor Hughes 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.

PERSONNEL – ANIMAL CONTROL SERVICES

03/850

Committee of the Whole, at its meeting on December 4, 2003 recommended awarding Request for Proposal #03-054 – Animal Control Services to Victoria Animal Control Services (VACS).

Members of Council now requested further discussion prior to consideration by Council.

ACTION: Councillor Coleman moved that Committee of the Whole Rise and Report.

ACTION: Councillor Coleman moved that the recommendation from December 4th, 2003 Committee of the Whole meeting regarding Animal Control Services be amended to read as follows:

That Request for Proposal #03-054 – Animal Control Services be awarded to Victoria Animal Control Services (VACS), fee option 2A, on an overall best service for value basis, for a three-year period with the possibility of two one-year extensions, subject to:

- the execution of a Contract Agreement between the City and VACS to the satisfaction of the City Solicitor.

RECREATION

OPEN AIR IN THE SQUARE REVIEW

03/849

Committee received a memorandum dated November 28, 2003 from the Community Recreation Development Coordinator, with attached report from the Inter-Cultural Association of Greater Victoria (ICA), providing reviews of the 2003 Festival held in Centennial Square, "Open Air in the Square".

ICA entered into an agreement with the City to produce a "world class summer festival" in Centennial Square over a three year period, 2003-2005. The staff review, and the final report from ICA, outlined the first year's successes as well as its challenges.

ICA fulfilled its responsibilities in the first year's production, and staff are optimistic about the growth potential for succeeding years. ICA has identified an immediate need for a business and sponsor development plan for 2004 to assist in recovering the losses incurred in 2003.

ACTION:

Councillor Coleman moved that it be recommended to Council that:

- 1) Approval in principle be given to the continuation of the agreement with the Inter-Cultural Association of Greater Victoria to present the Centennial Square summer program in 2004, subject to:
 - a) successful program partnership and sponsorship development.
 - b) addressing the overall site attractiveness and accessibility of Centennial Square.
 - c) program expansion to include weekday programming and a program balance with broad audience appeal.
- 2) The annual City contribution towards the Open Air program remain at the 2003 budget levels.
- 3) One time funding of \$10,000 be approved out of the existing 2003 budget to assist the ICA with immediate program partnership and sponsorship development to ensure the sustainability of the Open Air program.

DELEGATION

GRANT THORNTON **DUE DILIGENCE REPORT ON CENTRAL LIBRARY**

03/848

Walter Creed and Charles Shier from Grant Thornton LLP, Chartered Accountants, presented their Due Diligence Report on the Central Library. The report was commissioned by the City of Victoria to assist Council with financial and logistical considerations associated with the relocation of the Central Library to the Bay Building.

Mr. Creed and Mr. Shier discussed site visits, meetings undertaken, and research completed to gather information. They explained their analysis of the information and outlined conclusions. The overall conclusion is that the proposed floor space requirements in the Bay Building, as determined by Skidmore & Associates and by the Greater Victoria Public Library (GVPL), have been reasonably estimated, with the possible exception of meeting and auditorium space proposed for the basement area. They also concluded that the space planning and programming assumptions underlying the Skidmore study and the GVPL's own analysis are reasonable and appropriate.

ACTION: Councillor Savoie moved that it be recommended to Council that the Central Library Study Due Diligence Assessment dated November 2003 from Grant Thornton, be received for information.

Mayor Lowe left the meeting at 10:00 a.m.

Councillor Savoie assumed the Chair.

PLANNING & DEVELOPMENT

REZONING APPLICATION #03-25 **321 BELLEVILLE STREET**

03/847

Committee received a memorandum dated December 3, 2003 from the Senior Planner regarding Rezoning Application #03-25 for 321 Belleville Street. The proposal is to amend the existing BPT Zone, Belleville Park Tourist District, to permit a licensee retail store in the complex of buildings consisting of the Ramada Huntingdon Hotel and Suites and the Gatsby Mansion. The applicant is requesting a 361 sq.ft. retail space on the ground floor for a beer and wine retail store in a building know as the Middle House, fronting Belleville Street.

ACTION: Councillor Hughes moved that it be recommended to Council that Rezoning Application #03-25 for 321 Belleville Street be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw Amendment based on the draft zone outline set out in the report dated December 3, 2002 from the Senior Planner.

VICTORIA MARINA WALKWAY **INSTALLATION OF GATE**

03/846

Committee received a memorandum dated December 3, 2003 from the Senior Planner regarding a request from the Manager of the Victoria Marina to limit public access to the walkway recently built on the water lot behind 1810 Store Street. The request has been made to address concerns regarding safety and comfort for marina users.

Planning Division staff were requested to provide, prior to Council's consideration of the recommendation, options for the hours of limited public access, taking into account seasonal daylight availability.

ACTION: Councillor Madoff moved that it be recommended to Council that the City Solicitor be instructed to amend the Statutory Right of Way agreement to permit the installation of a gate and the limiting of unrestricted public access to the Victoria Marina Walkway between the hours of 8:00 p.m. and 8:00 a.m., seven days a week, subject to:

- 1) The reinstatement of unrestricted public access to be considered on a bi-annual basis or upon any future extension of the walkway to the north (and the walkway no longer being a dead end).
- 2) Arrangements for emergency access to the satisfaction of the Fire and Police Departments.
- 3) Landscaping and gate design to the satisfaction of the Director of Planning and Development.

Mayor Lowe returned to the meeting at 10:35 a.m.

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REZONING APPLICATION #03-34
1200 GOVERNMENT STREET

03/845

Committee received a memorandum dated December 3, 2003 from the Economic Development Planner regarding Rezoning #03-34 for 1200 Government Street. The proposal is to convert an existing retail space to a 150 seat pub with an additional 60 patio seats. Minor exterior changes are proposed to the entrance of this Heritage Designated building.

ACTION: Councillor Madoff moved that it be recommended to Council that Rezoning Application #03-34 for 1200 Government Street be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, based on the draft zone outline set out in the report dated December 3, 2003 from the Economic Development Planner, and subject to:

- 1) Approval of Heritage Alteration Permit.
- 2) Concurrent consideration of a liquor license application at a public hearing.
- 3) Design of the seating area referred to the Advisory Design Panel.

DEVELOPMENT VARIANCE PERMIT #01-45
101 – 1600 BAY STREET – BAJA GRILL

03/844

On September 19, 2002 Committee of the Whole recommended that Development Variance Permit #01-45 for 101-1600 Bay Street be issued subject to three conditions, one of which was the registration of a covenant restricting parking.

Committee received a memorandum dated December 3, 2003 from the Economic Development Planner advising that a draft covenant was forwarded to the applicant, and to date there has been no response.

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

- 1) Committee of the Whole recommendation #02/410 regarding Development Variance Permit #01-45, be rescinded.
- 2) The City proceed with enforcement action.

DEVELOPMENT VARIANCE PERMIT #03-46
406 VANCOUVER STREET

03/843

Committee received a memorandum dated December 2, 2003 from the Planning Division regarding Development Variance Permit Application #03-46 for 406 Vancouver Street. The application is for 5 variances to allow subdivision and construction of a new small lot house in the R-J zone. Staff considered the following issues when assessing the application:

- Subdivision of the lot and placement of a new house in the rear yard results in inadequate private outdoor space for the existing house.
- The number of variances requested indicates a cramped site plan.
- Parking for both dwellings are shown on the proposed new lot.

ACTION: Councillor Madoff moved that it be recommended to Council that the application for Development Variance Permit #03-46 for 406 Vancouver Street, be declined.

NOISE BYLAW

03/842

On October 2, 2003 Committee of the Whole considered Noise Bylaw #03-12, a bylaw that will consolidate and update the provisions of the Noise Abatement Bylaw and establish noise zones in the City. At that time, staff advised that a number of options were being considered to bring industrial groups into compliance with the draft bylaw.

Committee received a memorandum dated November 20, 2003 from the Planning Division outlining additional consultation that has taken place with harbour industrial users. The report identified three options for harbour area noise zones.

ACTION: Councillor Fortin moved that consideration of the Noise Bylaw be tabled pending the completion of additional noise monitoring in the Arthur Currie Lane area.

REZONING APPLICATION #03-31 **860 YATES STREET**

03/841

Committee of the Whole, at its December 4th, 2003 meeting, considered Rezoning Application #03-31 for 860 Yates Street. The upper floor of the building presently houses a cabaret. The application is to use the ground floor as a licensee retail store. On December 4th Committee tabled the application pending receipt of more specific information regarding liquor licensing for the building.

Committee received a letter dated December 10, 2003 from the applicant's solicitor outlining a proposal to operate the liquor primary space as a lounge instead of a cabaret. In addition it confirmed a change in ownership of the license, revised hours of operation, reduction of floor space, and adoption of a sports theme.

ACTION: Councillor Hughes moved that consideration of Rezoning Application #03-31 for 860 Yates Street be tabled to the January 8th, 2004 Committee of the Whole meeting:

- 1) to allow time for the applicant and staff to clarify the definition of a "lounge operation".
- 2) to include a report from the Police Department.

PARKS

LEASH OPTIONAL AREAS FOR DOGS

03/840

On July 24, 2003 Victoria City Council acknowledged the need of dog owners to exercise their pets in city parks, and considered options for providing Leash Optional areas during specified times. On September 9, 2003, Council held a public forum and received input from citizens regarding these options.

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Committee received a memorandum dated December 11, 2003 from the Parks Division outlining the results of the public forum and providing information on practices in other North American cities. In addition, Joan Yates, Indaba Communications & Training Inc. presented a Summary Report to Committee regarding the public forum, correspondence received, and the results of a public survey.

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

- 1) Approval be given to:
 - a) Adoption of "Option One", a system-wide implementation of locations and times for leash optional use with designated park areas and hours of use set modestly at the outset and, carefully monitored and evaluated.
 - b) The restriction of unleashed dogs from sportsfields, trails and walkways, natural areas (lakes, streams, rivers, wildlife habitat areas), gardens, or playground areas as well as areas where permitted park activity is taking place (ie. Special event, tournament, etc.).
 - c) The designation of the following parks for Leash Optional use: Arbutus, Vic West, Fisherman's Wharf, Pemberton, Redfern, Oaklands, Oswald, Topaz, and Central during times as outlined in Appendix "A" for a trial period of one year.
 - d) Changes to existing policy related to the Dallas Road Leash Optional Area that restricts Leash Optional use to specified times as outlined in Appendix "A" for a trial period of one year.

Subject to:

 - Final adoption of a new Dogs in parks Policy and Implementation Plan that addresses site design, controls, enforcement, public education and program evaluation.
- 2) Council appoint a "Dogs in Parks" Committee as outlined in Appendix "B", to develop a Dogs in Parks Policy and Implementation Plan that addresses site design, controls, enforcement, public education and program evaluation, and oversees the implementation and monitoring of Leash Optional Areas in the City of Victoria.
- 3) The Dogs in Parks Committee circulate for feedback and review, a draft Dogs in Parks Policy and Implementation Plan to appropriate Advisory Committees, stakeholder groups and Neighbourhood Associations prior to presentation to City Council for final adoption.
- 4) Council allocate funding of up to \$15,000 (2004 Budget) to support development of the Dogs in Parks Policy and the plan for program implementation and evaluation.
- 5) Council refer the funding for a Dogs in Parks Program (estimated: \$70,000 Capital, \$65,000 Operating) to the 2004 budget process and direct the Dogs in Parks Steering Committee to recommend cost recovery options for the program through increased fees, fines, and sponsorship.

ENGINEERING

BUS SHELTER AGREEMENT RENEWAL

Committee received a memorandum dated December 3, 2003 from the Manager, Transportation & Development advising that a staff committee has negotiated the renewal of the original five year agreement with Pattison Outdoor Advertising for the maintenance of bus shelters in the city. The agreement includes a 25% rental fee increase, plus an annual inflationary increase and has been renewed to December 2008. The City's revenue will exceed \$700,000 over the 5 year term.

ACTION: Councillor Holland moved that the report dated December 3, 2003 from the Manager, Transportation & Development regarding the Bus Shelter Agreement Renewal, be received for information.

LIQUOR LICENSING

HOURS OF SERVICE FOR NEW YEAR'S EVE

03/838

Committee received a memorandum dated December 9, 2003 from the Manager, Administration regarding information received from the Liquor Control and Licensing Branch stating that licensed establishments may have extended hours of sale on December 31, 2003 until 04:00h on January 1, 2004, on the condition that food is available to patrons. Establishments not providing food must close their liquor service at the usual closing hour stated on their license.

ACTION: Councillor Holland moved that the report dated December 9, 2003 from the Manager, Administration regarding Hours of Service for New Year's Eve, be received for information.

ADMINISTRATIVE MATTERS

VICTORIA HOSPITALITY AWARDS

03/837

Committee received a memorandum dated November 28, 2003 from the Coordinator, Corporate Communications providing information about the City's participation in the Victoria Hospitality Award Program. In 2002 Council agreed to support the Program from the Mayor's protocol budget by funding the award medals and engraving at a cost of \$750. The cost for this service has increased to \$830.

ACTION: Councillor Thornton-Joe moved that it be recommended to Council that a grant to the Victoria Hospitality Award Society in the amount of \$830, funded from the Mayor's protocol budget, be approved, to cover the cost of award pins and engraving.

GVPL OPERATING AGREEMENT

03/836

Committee received a memorandum dated December 5, 2003 from the Corporate Administrator advising that a proposed two-year extension of the Library Operating Agreement (LOA), as approved by Council on November 13, 2003, is contrary to Section 334.1 of the Local Government Act. The Chair of the Greater Victoria Public Library Board has requested that Council consider a new agreement to authorize a two-year LOA. The terms of the new LOA are based upon the current LOA, with the incorporation of some amendments.

- ACTION:** Councillor Hughes moved that it be recommended to Council that Victoria City Council:
- 1) Rescinds its resolution of November 13, 2003 regarding the Greater Victoria Public Library System's Library Operating Agreement; and
 - 2) Approves the proposed Library Operating Agreement noted as Schedule A to the report dated December 5, 2003 from the Corporate Administrator, and instructs the Mayor and the Corporate Administrator to execute the Agreement on behalf of the City.

DISPOSITION OF COMMUNICATIONS

03/835

Committee received a memorandum dated December 8, 2003, 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 December 8, 2003 from the Manager, Administration, be received for information and filed.

CLOSED MEETING - 12:30 P.M.

Councillor Coleman 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.

E & N ROUNDHOUSE

03/834

Committee received a memorandum dated November 28, 2003 from the Heritage Planner regarding the deterioration of a heritage designated building, the E & N Roundhouse at 251-253 Esquimalt Road.

- ACTION:** Councillor Madoff moved that it be recommended to Council that the City of Victoria make application to the Supreme Court for an order of compliance under Section 979 of the *Local Government Act* to require the Canadian Pacific Railway to comply with the Heritage Property Maintenance Standards Bylaw for the E & N Roundhouse building at 251-253 Esquimalt Road.

LAND/LEGAL - CENTRAL LIBRARY

03/833

The Corporate Administrator and the City Solicitor provided an update on the Central Library relocation proposal.

ACTION: Councillor Holland moved that it be recommended to Council that the City of Victoria agrees to pay RG Properties \$5,000 per month from August 1, 2003, as partial reimbursement of "Option Fees" paid to The Bay. In the event the building is purchased by the City, this amount will be applied to the purchase price.

LAND - SILVER THREADS SERVICES NEW LOCATION

03/832

Committee received a memorandum dated December 9, 2003 from the Manager, Recreation Services regarding the relocation of Silver Threads Services.

ACTION: Councillor Fortin moved that it be recommended that Council:

- 1) Approve an amendment to the budget bylaw from \$215,000 to \$271,000 for the renovation of the temporary location for Silver Threads Service.
- 2) Approve additional expenditures of \$74,000 that may be offset by cost recovery of the same amount.
- 3) Direct staff to provide a project update at the January 8, 2004 Committee of the Whole meeting.

LEGAL – SPCA

03/831

Mayor Lowe provided an update on an action against the BC SPCA to enforce the City's Noise Abatement Bylaw.

Committee instructed the City Solicitor to proceed as recommended.

LEGAL – SETTLEMENT – FIREFIGHTING SERVICES CONTRACT

03/830

The City Solicitor provided a verbal report and recommendations regarding the disposition of a legal action against the Township of Esquimalt regarding the Firefighting Services Contract.

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

- 1) the settlement offer dated December 8, 2003 received from the Township of Esquimalt regarding the cancelled Firefighting Services Contract, be approved.
- 2) the City of Victoria settle the wrongful dismissal claims of the affected firefighters in the amount recommended in the settlement letter dated November 28, 2003.

The meeting adjourned at 2:30 p.m.

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Mayor Lowe, Chair