

**Minutes of the Committee of the Whole Meeting of The City of Victoria
Thursday, February 26, 2004**

Committee Present: Mayor Lowe (part), in the Chair; and Councillors Coleman (part), Fleming, Fortin (part), Holland (part), Hughes, Madoff, and Savoie, and Thornton-Joe

Staff Present: J. Martignago – City Manager; and M.B. MacKenzie - Recording Secretary

Staff Present for a Portion of the Meeting: D. Atkinson – Director, Parks, Recreation & Community Development; S. Barber – Heritage Planner; J. Basey – City Solicitor/ Director, Planning and Development; R. Couch – Fire Chief; J. Daly – Manager, Park Design and Development; R. Dennis – Director, Human Resources; K. Dowdall – Director of Finance; C. Higgins – Coordinator, Corporate Communications; D. Koch – Manager, Planning Division; M. Leskiw – Manager, Parks Division; S. Masters – Manager, Administration; M. McCliggott – Comptroller; P. O’Reilly - Director of Engineering; E. Robertson – Manager, Support Services; N. Taylor – Executive Assistant to Mayor; M. Thomas – Manager, Resource Development; C. Timms – Manager, Transportation and Development; V. Van Den Boomen – Manager, Parking Services; R. Woodland – Corporate Administrator; and W. Zink – Manager, Community Development.

1. CALL TO ORDER

The Mayor called the meeting to order at 8:05 a.m.

2. CLOSED MEETING - 8:05 A.M.

Committee Present: Mayor Lowe, in the Chair; and Councillors Coleman, Fleming, Fortin, Holland, Hughes, Madoff, Savoie, and Thornton-Joe

Staff Present: None.

Action: 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.

CARRIED. 04/159

2.1 Personnel

The Committee discussed a personnel issue.

3. RECESS OF CLOSED MEETING

The Closed meeting recessed at 9:09 a.m.

Councillor Fortin left the meeting at 9:09 a.m.

4. CALL TO ORDER – REGULAR COMMITTEE OF THE WHOLE MEETING

The Mayor called the Regular Committee of the Whole meeting to order at 9:10 a.m.

5. ADOPTION OF MINUTES – COMMITTEE OF THE WHOLE, FEBRUARY 19, 2004

Action: Councillor Hughes moved that the minutes of the Committee of the Whole meeting held February 19, 2004, be adopted.

CARRIED. 04/158

6. DELEGATION

6.1 Greater Victoria Chamber of Commerce – Downtown “Code of Conduct”

Dr. Rebecca Grant, President, Greater Victoria Chamber of Commerce, Denyce Burrows, and Bill Taylor requested the City’s support of the Chamber’s “Code of Conduct” for businesses and social agencies. The Code calls for all organizations to meet cleanliness, health and safety standards to improve the living and working environment in the downtown core by discouraging loitering and soliciting. The Code of Conduct is a co-operative effort by Victoria’s social agencies and the Chamber of Commerce, who are committed to working together to revitalize the city.

Committee members commended the Chamber of Commerce and social agencies for working together to explore solutions to resolve these issues.

Action: Councillor Thornton-Joe moved that:

1. the delegation from the Greater Victoria Chamber of Commerce providing information on the downtown “Code of Conduct” be received for information; and
2. this item be referred to staff, the Downtown Advisory Committee, and Advisory Social Planning Committee for review.

CARRIED. 04/157

7. PLANNING AND DEVELOPMENT

7.1 GST/Rental Housing/Heritage Building Rehabilitation

In a report dated February 20, 2004, the Heritage Planner advised that the owners of heritage buildings that have been converted to rental housing with the assistance of the City’s Tax Incentive Program, are being subjected to a significant amount of GST by the Government of Canada through Section 191 (3) of the Excise Tax Act. The imposition of this tax reduces the effectiveness of the City’s tax incentive.

At its February 19, 2004 meeting, Committee of the Whole tabled this issue, and requested the resolution be amended to include the issue of the City's tax incentive being attributed to the property value as a taxable benefit, and further, staff investigate whether the request to the Government of Canada to repeal the GST clause should only be for the building value portion.

Action: Councillor Madoff moved that the following resolution be adopted by City Council and forwarded to the Minister of Finance, the Minister of Environment, the Prime Minister of Canada, and the Federation of Canadian Municipalities for consideration at its next annual meeting:

Whereas, the Government of Canada has committed to new methods of assisting the cities of Canada to revitalize their core areas;

And, whereas, the City of Victoria has demonstrated the effectiveness of its Tax Incentive Program in the creation of 168 units of downtown housing and the rehabilitation of ten heritage buildings;

And, whereas, the City of Victoria faces a critical shortage of affordable housing and wishes to encourage the creation of more rental housing, especially in the downtown core;

And, whereas, the Government of Canada has committed to the Historic Places Initiative to preserve Canada's heritage resources;

Therefore, be it resolved that the City of Victoria requests the Government of Canada to amend the Excise Tax Act, Section 191 (3) to remove this GST charge, in particular, because Section 191 (3) of the Excise Tax Act acts as a significant disincentive against the objectives for the revitalization of cities, the creation of rental housing, and the rehabilitation of heritage buildings; and, in the calculation of the fair market value of the residential complex, the Government of Canada attributes the value of the City's tax exemption as a taxable benefit to the owner, and in effect levies a tax on the City's foregone revenue.

CARRIED. 04/156

8. FINANCE

Councillor Fortin re-joined the meeting at 9:30 a.m., during discussion of the following item.

8.1 Advertising in Parkades

The Committee reviewed a report dated February 19, 2004 from the Manager, Resource Development and Manager, Parking Services, reviewing a request from a local company to advertise in the City's parkades. If approved, backlit advertising will be mounted on parkade wall space in the City's View Street, Johnson Street, Yates Street and #7 Centennial Square parkades as a one-year pilot project with a two-year renewal option if both parties agree.

The Committee was also updated on a six-month pilot project that began in August 2003, allowing the placement of advertising on parkade gate hardware at the same four parkades. The contractor has indicated that he would like to enter into a one-year agreement from February 1, 2004 to January 31, 2005, with the option to renew for an additional year.

Action: Councillor Fleming moved that Council approve entering into agreements for:

1. the provision of backlit advertising on the City's View Street, Johnson Street and #7 Centennial Square parkade walls;
2. the provision of non-backlit signage in the Yates Street parkade; and
3. advertising on parkade gate hardware,

on terms and conditions satisfactory to the Director of Finance and the City Solicitor.

CARRIED. 04/155

8.2 Streets and Traffic Bylaw Amendments

In a report dated February 25, 2004, the Manager, Parking Services, proposed a revenue opportunity by increasing street parking rates, and removing the second step payment of parking penalties. In order to implement the changes, the Streets and Traffic Bylaw must be amended.

Action: Councillor Fleming moved that:

1. the Streets and Traffic Bylaw be amended:
 - (a) in Section 28 (3)(a) for occupation of each 13m² area or part of a 13m² of any sidewalk - \$10 per day;
 - (b) in Section 78 (3)(b) for occupation of each 13m² or part of a 13 m² of any street:
 - (i) \$20.00 per day meter street;
 - (ii) \$15.00 per day for non-metered street; and
 - (c) in Section 95 (1-7):
 - (i) the voluntary penalty for a contravention if paid within 14 days from the date of the offence notice; and
 - (ii) the Bylaw amount, if paid after 14 days from the date of the offence notice.

CARRIED. 04/154

9. PARKS

9.1 Ross Bay Cemetery – Sale of Plots

The Committee reviewed a report dated February 20, 2004 from the Manager, Park Design and Development, reviewing Council's request to facilitate the sale of unused plots at Ross Bay Cemetery, and a subsequent agreement with the Board of Cemetery Trustees of Greater Victoria to market and administer the sale of plots at Ross Bay Cemetery. The plots will be sold through a lottery process available to all persons who have expressed an interest in purchasing a plot in Ross Bay Cemetery. The application deadline is March 29, 2004, and all applications not drawn will be retained for future draws.

Action: Councillor Madoff moved that the report dated February 20, 2004, from the Manager, Park Design and Development, outlining the procedure for the sale of unused plots at Ross Bay Cemetery, be received for information and filed.

CARRIED. 04/153

9.2 City Hall Seismic Upgrades

In a report dated February 13, 2004, the Manager, Transportation and Development outlined proposed seismic upgrades to City Hall. Although City Hall is recognized for its heritage value, the building fabric, mechanical systems and the functionality of the building have many shortcomings, including seismic strength. The proposed upgrades are required to achieve a level of seismic resistance comparable to the current Building Code.

Committee members questioned the Director of Engineering on specific construction concerns, and were advised that there were only minor cost increases to undertake the project in stages rather than completing the entire project at one time.

Action: Councillor Madoff moved that Council approve proceeding through counter petition to borrow \$2,600,000.00 for seismic upgrades of the east and west wings of City Hall.

CARRIED. 04/152

10. ADMINISTRATIVE MATTERS

10.1 Disposition of Communications

Committee received a memorandum dated February 23, 2004, 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 January 23, 2004 from the Manager, Administration, be received for information and filed.

CARRIED. 04/151

10.2 Draft Council Bylaw

The Corporate Administrator reviewed the draft Council Bylaw outlining changes precipitated by the Community Charter including:

- powers and duties of the mayor;
- responsibilities of Council members;
- Council meeting procedures including schedule and notices;
- disclosure of conflict; and
- disclosure of gifts.

In addition, the draft Protocol Gift Policy was reviewed.

Action: Councillor Holland moved that Council:

1. adopt the Protocol Gift Policy;
2. amend the draft Council Bylaw to include:
 - (a) provisions for the attendance of Council members at a Council meeting through electronic means; and
 - (b) the specific powers and duties of the Mayor in Section 5.

CARRIED. 04/150

10.3 Downtown Victoria 2020 Conference – March 22 - 23, 2004

In a report dated February 20, 2004, the Co-ordinator, Corporate Communications, advised that six complimentary tickets have been received by the City for the Downtown Victoria 2020 Conference scheduled for March 22 and 23, 2004. In 2003, six complimentary tickets given to the City were offered to six Advisory Committees, and Council agreed to support two additional registrations at \$100.00 each so representatives from two additional Advisory Committees could attend.

Action: Councillor Coleman moved that Council support two registrations totaling \$200.00 for the Downtown Victoria 2020 Conference to enable the same eight Advisory Committees attending the 2003 Conference to attend this year's conference.

CARRIED. 04/149

10.4 Proclamation –

“Stop the Sexual Exploitation of Children and Youth Awareness Week”

Action: Councillor Hughes moved that the week of March 8 - 12, 2004, be proclaimed “Stop the Sexual Exploitation of Children and Youth Awareness Week” in The City of Victoria, British Columbia.

CARRIED. 04/148

11. COUNCILLOR INQUIRIES

11.1 Police Department Staffing

Councillor Fortin requested a report from staff outlining staffing changes at the Police Department.

11.2 Streetscape Maintenance

Councillor Fortin requested a report from staff on the streetscape maintenance agreement for Oaklands.

11.3 Compost Education Garden Sign

Councillor Fortin requested a staff report on a request from the Compost Education Garden for a sign to be funded from the Chamber Street project.

11.4 Notice of Motion – PCC Governance

Councillor Madoff served Notice of Motion, to discuss at the next regular Committee of the Whole meeting, the governance of the Provincial Capital Commission and the Commission’s decision to reduce each municipality’s membership on the Board to one representative.

11.5 Notice of Motion - AVICC 2004 Spring Convention – March 26 – 28, 2004

Councillor Coleman served Notice of Motion, to discuss a the next regular Committee of the Whole meeting, Council representation at the Association of Vancouver Island Coastal Communities Spring Convention in Parksville, March 26-28, 2004.

11.6 Victoria Co-ordinated Enforcement Team

Councillor Fleming requested a report from staff outlining the possibility of including a member on the Victoria Co-ordinated Enforcement Team to advise displaced tenants of their tenancy rights, and provide assistance in re-locating them to alternative approved accommodations.

12. COUNCILLOR INFORMATION SHARING

12.1 Capital Regional District Building – Life Cycle Costs

Councillor Savoie advised the Committee of the Capital Regional District's decision to try to achieve gold-level LEEDS certification in the new CRD Headquarters building.

12.2 Cycling Tourism

Councillor Savoie advised that the Victoria Airport Authority recently announced it will be constructing bicycle lanes from the airport that will connect to existing bicycle lanes to address the growing cycling tourism industry. A bicycle assembly and disassembly area at the airport will also be incorporated into the plan.

12.3 Heron Rookery On-Line

Councillor Coleman announced that the Manager, Parks Division, will be reporting to the Committee of the Whole on March 11, 2004, outlining new on-line access to the City's heron rookery.

13. CLOSED MEETING - 11:00 A.M.

Committee Present: Mayor Lowe, in the Chair; and Councillors Coleman, Fleming, Fortin, Holland, Hughes, Madoff, Savoie, and Thornton-Joe

Staff Present: D. Atkinson – Director, Parks, Recreation & Community Development; P. O'Reilly – Director of Engineering; R. Woodland – Corporate Administrator; and M.B. MacKenzie - Recording Secretary

Action: 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.

CARRIED. 04/147

13.1 Adoption of Minutes – Excerpt of Minutes of the Closed Committee of the Whole Meeting of February 19, 2004

Action: Councillor Hughes moved that:

1. the minutes of the Closed Committee of the Whole meeting held February 19, 2004, be adopted; and
2. the resolution be forwarded to the January 26, 2004 Regular Council meeting for approval.

CARRIED. 04/146

13.2 Appointments – Dogs in Parks Steering Committee

Action: Councillor Coleman moved that the following members be appointed to the Dogs in Parks Steering Committee:

Council Liaisons: Councillors Coleman and Thornton-Joe

Public: Joanna Petit
Robert Freedman
Karen Sawatzky
Sue Tam
Simon Heslop
Don Mowat

Staff: Pamela Grant, Parks, Recreation and Community Services Advisory Committee;
Mike Leskiw, Manager, Parks Division; and
Ian Fraser, Bylaw Enforcement

CARRIED. 04/145

Councillor Holland was excused from the meeting at 12:10 p.m., during discussion of the following item.

13.3 Legal Services

The Committee reviewed a report dated February 20, 2004, from the City Manager, outlining requirements for the City's legal services contract. The Committee requested a further report from the City Solicitor.

13.4 Closed Meeting - Recess

The Closed meeting recessed at 12:25 p.m.

13. RECONVENE - CLOSED COMMITTEE OF THE WHOLE MEETING

Committee Present: Mayor Lowe, in the Chair; and Councillors Coleman, Fleming, Fortin, Hughes, Madoff, and Savoie, and Thornton-Joe

Staff Present: J. Martignago – City Manager

The Closed Committee of the Whole meeting reconvened at 12:40 p.m.

13.1 Personnel

The Committee discussed a personnel issue.

13.2 ADJOURNMENT OF CLOSED MEETING

The Closed meeting adjourned at 1:00 p.m.

Mayor Lowe and Councillor Coleman left the meeting at 1:00 p.m. Councillor Fleming assumed the Chair.

14. RECONVENE REGULAR COMMITTEE OF THE WHOLE MEETING

The regular Committee of the Whole meeting reconvened at 1:07 p.m.

Mayor Lowe re-joined the meeting at 1:16 p.m., during discussion of the following item.

15.1 2004 CAPITAL BUDGET

The Comptroller reviewed the changes to the 2004 Operational and Capital Budgets previously requested by the Committee. If approved, property taxes would increase by 5.54%, including 2.09% for the Police Department.

Action: Councillor Fleming moved that Council grant preliminary approval of the 2004 Operating Budget and the 2004 Capital Budget.

CARRIED. 04/144

Action: Councillor Fleming moved that Council approve the 2004 Social Services Grant Funding at \$46,146.00.

CARRIED. 04/143

Action: Councillor Fleming moved that Council approve the capital funding strategies including borrowing to fund some capital projects.

CARRIED. 04/142

15.2 2004 STRATEGIC PLAN

The City Manager reviewed the 2004 Strategic Plan, noting that previous changes requested by the Committee would be included in the final document.

Councillor Thornton-Joe agreed to meet with the Co-ordinator, Corporate Communications to include a tourism initiative under Goal One, Objective One.

The Committee discussed the Vision Statement, and while some members wanted a shorter, more concise statement, others were supportive of the existing statement.

Action: Councillor Savoie moved that Council approve a revised Mission Statement for the 2004 Strategic Plan, to read: "To be the most livable City in Canada."

DEFEATED. 04/141

The Committee requested the opportunity to review the final document before printing.

16. ADJOURNMENT

The meeting adjourned at 2:05 p.m.

Mayor Lowe, Chair