

**Minutes of the Committee of the Whole Meeting of The City of Victoria  
Thursday, April 8, 2004**

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

Staff Present: P. O'Reilly – Acting City Manager/Director of Engineering; and M.B. MacKenzie - Committee Secretary

Staff Present for a Portion of the Meeting: J. Basey – Director of Planning and Development/City Solicitor; Keith Dowdall – Director of Finance; K. Fowler – Manager, Regulatory and Development Services Division; C. Higgins – Coordinator, Corporate Communications; J. Hill – General Manager, VCC; D. Koch – Manager, Planning Division; M. Lam – Senior Planner, Urban Design; S. Masters – Manager, Administration; M. McCliggott – Comptroller; N. Taylor – Executive Assistant to Mayor; B. Wiffen – Property Manager; R. Woodland – Corporate Administrator; and W. Zink – Manager, Community Development

**1. CALL TO ORDER**

The Mayor called the meeting to order at 9:03 a.m.

**2. ADOPTION OF MINUTES – COMMITTEE OF THE WHOLE, APRIL 1, 2004**

Action: Councillor Coleman moved that the minutes of the Committee of the Whole meeting held April 1, 2004, be adopted, with the following correction:

- Page 4, Item 3.6, Development Permit #04-05 – 915/919 Market Street, “changes in the application be reviewed with the Neighbourhood Action Group prior to the Public Hearing.”

CARRIED. 04/283

**3. DELEGATIONS**

**3.1 B.C. Ferries – “Going Forward with Stability”**

David Hahn, President and CEO of B.C. Ferries, provided an overview of changes at B.C. Ferries aimed at improving customer service. These changes will take place in a context of stability and overall service, predictable tariff levels, a financially stable foundation for the company, and customer and community protection afforded by the *Coastal Ferry Services Act* and the independent regulator, the Commissioner of B.C. Ferries.

He reviewed the organizational structure of B.C. Ferries, which currently operates under a \$105 million per annum fee for services contract.

Mr. Hahn identified several initiatives that are underway to improve and enhance customer service including:

- vessel renovations;
- modification of ferry terminals;
- developing a program to build new vessels to meet and grow with market demands;
- marketing to reposition the company and to give consumers compelling reasons to travel;
- new food and beverage partners;
- pricing initiatives; and
- customer service surveys published annually on the website.

Referring to the aging fleet, which is the largest and oldest in the world, Mr. Hahn stated B.C. Ferries wishes to replace 22 vessels over the next 15 years, financed through capital markets. He advised that B.C. Ferries is currently seeking property in the Victoria area for its new corporate headquarters.

The Committee had questions and comments including:

- the availability of lower interest rates to government agencies;
- details on the proposed third lane for Highway 17;
- the investigation of alternative carriers on certain routes;
- the inclusion of cycling tourism, aging population, disabled person and pet owner needs in new vessel designs;
- fare increases and cost recovery;
- the need to ensure that effectiveness is not sacrificed for efficiency; and
- the feasibility of late night ferry routes.

#### **4. PLANNING AND DEVELOPMENT**

##### **4.1 Development Permit #04-03 – 80 Regatta Landing, Railyards, Phase 3**

This item was withdrawn from the agenda at the request of the applicant, in a letter dated April 7, 2004.

##### **4.2 Development Permit #01-13 – 751 Tyee Road**

At its April 1, 2004 meeting, Committee of the Whole requested that the architect consider the Committee's concerns and provide additional options regarding the need to minimize impacts resulting from adjacent residential and light industrial uses.

The Committee reviewed a letter dated April 5, 2004, from Ray Hunt, Inside Out Planning and Architecture Inc., advising that the developer is required by the MDA to exceed the minimum CHHC Standards for noise, and an acoustic specialist has measured the site noise. Site construction will reflect the requirement of the acoustic specialist. Addressing odour issues, he advised that the Manager of Albion Fisheries has confirmed that a more intensive wash-down of paved services can occur, including flushing of the catchbasin, to help reduce odour.

It was noted that these issues regarding this application should be dealt with at the Public Hearing.

**Action:** Councillor Madoff moved that the correspondence dated April 5, 2004, from Inside Out Planning and Architecture Inc., regarding Development Permit #01-13 at 751 Tyee Road, be referred to the Public Hearing for the rezoning application at this address.

CARRIED. 04/282

#### **4.3 Heritage Alteration Permit #130B – 631 Avalon Road**

In a report dated March 31, 2004, the Heritage Planner reviewed an application for a new duplex within the newly-created Avalon-Huntington Heritage Conservation Area No. 5.

**Action:** Councillor Madoff moved that:

1. City Council approve the issuance of Heritage Alteration Permit #130B in accordance with:
  - (a) revised plans dated April 1, 2004;
  - (b) development meeting all bylaw requirements;
  - (c) final review at building permit stage to incorporate comments of the Heritage Advisory Committee at its meeting of March 30, 2004, to the satisfaction of the Director of Planning and Development; and
2. This application be advanced to City Council on April 8, 2004.

CARRIED. 04/281

#### **4.4 Development Permit Application #04-20 – 450 Swift Street**

In a report dated March 31, 2004, the Heritage Planner reviewed an application to convert an existing landscaped planter on the harbour side of the Canoe Brew Pub and Restaurant into an outdoor patio for the restaurant in the adjacent heritage-designated building. The applicant proposes to retain a portion of the existing landscaping in planters at the end of the patio area.

Although the Old Town and Chinatown Development Permit Area/Heritage Conservation Area allows for the regulation of landscaping, Council approval is required.

Addressing the Committee's concerns regarding a possible increase in noise on the patio, the applicant advised that although the patio is currently licensed for 250 people, there is never more than approximately 150 people at any one time. In addition, the patio closes at 10:00 p.m. during the Summer months. The purpose of the patio is to facilitate restaurant service outdoors when there are fewer patrons, mainly in the Spring and Fall.

**Action:** Councillor Madoff moved that:

1. City Council authorize the issuance of Development Permit #04-20 in accordance with:
  - (a) plans dated March 24, 2004, stamped "Development Permit Application #04-20;
  - (b) development meeting all bylaw requirements;
  - (c) final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning and Development; and
2. This application be advanced to City Council on April 8, 2004.

CARRIED. 04/280

#### **4.5 Victoria Co-ordinated Enforcement Team (VCET)**

At its February 19, 2004 meeting, Committee of the Whole requested a report from staff regarding displaced resident protocol and the status of the VCET's enforcement for closed buildings.

Co-ordinated enforcement is a three-stage progressive compliance process based on risk assessment and compliance actions by the property owner consisting of:

- (1) immediate closure;
- (2) compliance and Make Safe Orders; and
- (3) Demolition and Repair Bylaw execution.

While on inspections, team members communicate with tenants, directly confirming the purpose of the inspection and that the owner met the notification requirements. In addition, VCET provides contacts for current resources available to tenants, such as the housing registry, advocacy services, and a listing of shelter/housing resources. This information is being consolidated into a brochure incorporating frequently-asked questions, plus a listing of the resources currently available to the City to assist with tenancy issues and housing location.

The Ministry of Human Resources (MHR) representative on VCET addresses the relocation requirements of MHR clients and monitors their residency in compliance with provincial social assistance requirements. With the recent development of the Vancouver Health Authority Housing Access Team, it is expected that relocation efforts will be enhanced, especially for those tenants who are not MHR clients.

Staff from the City have been working with other local municipalities to set a standard. Committee members concerned with the perception that this type of enforcement action was displacing tenants, noted that in effect, enforcement maintains health and safety standards, and sends a strong regional message to derelict landlords. The Committee reiterated the need for advocacy services for displaced tenants.

Concerned that heritage buildings need to be protected from demolition, the City Solicitor advised that staff works with the property owner to effect compliance. Demolition is necessary only in situations where a building is not structurally sound.

**Action:** Councillor Hughes moved that the report dated March 31, 2004, from the Manager, Regulatory and Development Services, regarding displaced resident protocol and the status of the VCET Enforcement for closed buildings, be received for information.

CARRIED. 04/279

## 5. **VICTORIA CONFERENCE CENTRE**

### 5.1 **Security Services – Victoria Conference Centre (VCC), RFP #03-044**

The General Manager, VCC, reviewed his report dated April 6, 2004, advising that Securiguard Services Ltd., awarded the contract for security service for VCC on March 11, 2004, has requested to withdraw from the contract. After reviewing the results of the RFP, the evaluation team recommends awarding the contract to the next highest scoring proposal, the Canadian Corps of Commissionaires.

**Action:** Councillor Fleming moved that:

1. City Council rescind its award of March 11, 2004, for Security Services – VCC, to Securiguard Services Ltd., without cost or penalty to either party; and
2. RFP #03-044, Security Services – VCC, be awarded to the Canadian Corps of Commissionaires, for a three-year period, at an estimated annual cost of \$150,000.00, plus GST, based on being the best overall value for the Victoria Conference Centre. This proposal has a two-year extension option, allowing for a maximum five-year award.

CARRIED. 04/278

## 6. **ADVISORY COMMITTEES**

### 6.1 **Advisory Transportation Committee – Transit Pass Tax Exemption**

In a report dated March 23, 2004, the Secretary, Advisory Transportation Committee, advised that a request from “Better Environmentally Sound Transportation” requesting support for a tax exemption on transit benefits. It is believed that by making transit fares exempt, livability in urban centers will be improved and costs of congestion will be reduced, promoting a healthy environment and society. The Advisory Transportation Committee passed the following motion:

*“The Advisory Transportation Committee recommends City Council endorse the “Take the Tax off Transit” campaign, and the Mayor write to Prime Minister Paul Martin, the Honourable John Godfrey - Parliamentary Secretary for Cities, the Honourable Ralph Goodale - Minister of Finance, and the Honourable David Anderson - Minister of Environment and local Member of Parliament, to change the Income Tax Act to make transit benefits tax exempt.*

**Action:** Councillor Fleming moved that Council recommend that a letter be sent to the federal government requesting amendments to the *Income Tax Act* as follows:

1. to expressly allow employers to deduct the cost of purchasing a transit pass for an employee;
2. to exempt employer-purchased transit passes from an employee's taxable income;
3. where the employee is required to purchase his or her own transit pass, include the cost of the transit pass as a deductible employee expense.

CARRIED. 04/277

## **6.2 Cycling Advisory Committee – Bay Street, Street Sweeping**

A report dated April 1, 2004, from the Secretary, Cycling Advisory Committee, reviewed concerns from cyclists about dirt and debris accumulating daily due to industrial traffic on Bay Street between Turner and Government Streets. The Cycling Advisory Committee passed the following motion at its February 24, 2004 meeting:

*"The Cycling Advisory Committee requests that the City bills property owners responsible for tracking debris onto Bay Street for any extra street cleaning done on the corridor.*

After reviewing the Committee's recommendation, staff advise that property owners on Bay Street have been billed in the past for spills/debris on the public right-of-way. One of the businesses on the corridor has an ongoing billing arrangement with the City for removal from their property frontage. In addition, Victoria Police conduct enforcement campaigns to ensure vehicle operators have secured loads to prevent spills.

Committee members discussed the impact of excess debris and sediments on the City's storm water system and catch basins.

**Action:** Councillor Savoie moved that Engineering staff arrange a meeting with property owners on Bay Street, between Turner and Government streets, to discuss options to resolve excess accumulations of debris on the road right-of-way.

CARRIED. 04/276

## **7. ADMINISTRATIVE MATTERS**

### **7.1 Disposition of Communications**

Committee received a memorandum dated April 5, 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 Hughes moved that the Disposition of Communications dated April 5, 2004 from the Manager, Administration, be received for information and filed.

CARRIED. 04/275

## **7.2 Proclamations**

**Action:** Councillor Coleman moved that the following proclamations be approved and forwarded to the April , 2004 Council meeting:

<i>Asian Heritage Month</i>	<i>May 2004</i>
<i>Earth Day</i>	<i>April 22, 2004</i>
<i>Community Crash Reduction Challenge Month</i>	<i>May 5-27, 2004</i>

CARRIED. 04/274

## **7.3 Victoria 2020 Resolution- Continuing the Dialogue**

At its April 1, 2004 meeting, Committee of the Whole tabled items (c) to (h) of the resolution entitled "Continuing the Dialogue", pending further discussion with all Committee members.

Mayor Lowe asked that this item be deferred for two weeks until after Council's meeting with senior staff.

**Action:** Councillor Savoie moved that item (d) in "Victoria 2020 Resolution, Continuing the Dialogue," be reworded as follows:

*"Council to work with the Capital Regional District to encourage a regional approach to Federal/Provincial opportunities for on-going funding of infrastructure such as public transportation through a proposed gas tax."*

CARRIED. 04/273

## **8. COUNCILLOR INQUIRIES**

### **8.1 Crystal Gardens - Request for Proposals**

Responding to a request from Councillor Savoie, it was noted that Committee of the Whole will have the opportunity to review the Request for Proposals for Crystal Garden before its final submission.

### **8.2 Proposed Naming of Walkway to Centennial Square – Fisgard Street**

Councillor Thornton-Joe advised that the Chinese Consolidated Benevolent Association has requested that the new walkway to Centennial Square next to the Capital Regional District building, be named "Lee Mong Kow Way" as a tribute to the Chinese Community, which is the oldest Chinese Community in Canada. Staff was asked to review the request and report back to Committee.

## **9. COUNCILLOR INFORMATION SHARING**

### **9.1 Urinating in Downtown Business Doorways**

Councillor Thornton-Joe stated that the downtown merchants are concerned with the smell of urine emanating from their doorways in the morning. Committee was advised that this is usually caused by people leaving liquor establishments late at night. Noting that the Victoria Police will be enforcing the bylaw and issuing \$35 fines to offenders, she was hopeful that a reminder to the public would help resolve the problem.

### **9.2 Letter from Jack Lacterman**

Mayor Lowe referenced a letter from Jack Lacterman, advising that Mr. Lacterman was asked to come and speak to Council as a delegation at an upcoming meeting.

### **9.3 Fundraiser – Fairfield Community Association**

Councillor Coleman distributed samples of fudge, advising that the Fairfield Community Association is now selling fudge as a fundraiser.

## **10. CLOSED MEETING - 10:53 A.M.**

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

Staff Present: J. Basey – Director of Planning and Development/City Solicitor; K. Dowdall – Director of Finance; C. Higgins – Co-ordinator, Corporate Communications; J. Hill – General Manager, VCC; M.B. MacKenzie - Recording Secretary; M. McCiggott – Comptroller; N. Taylor – Executive Assistant to the Mayor; B. Wiffen – Property Manager; and R. Woodland – Corporate Administrator

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. 04/272

### **11.1 Legal – Bylaw Enforcement**

Action: Councillor Savoie moved that the recommendations in the report dated March 23, 2004, from the Bylaw Officer regarding a Business License Hearing, be approved.

CARRIED. 04/271

### **11.2 Land/Lease – Victoria Conference Centre**

**Action:** Councillor Fleming moved that the recommendations in the report dated April 5, 2004, from the Property Manager, regarding a new lease at 1748 Douglas Street, Victoria Conference Centre, be approved.

CARRIED. 04/270

**11.3 Legal – Legal Services**

**Action:** Councillor Savoie moved that Staples McDannold Stewart provide legal services to The City of Victoria for the term April 1, 2004 to June 30, 2004, as per the terms and conditions contained in the report from the City Solicitor dated April 8, 2004.

CARRIED. 04/269

**11.4 Legal/Land**

The Mayor advised that a report regarding a property proposal will be placed on an upcoming Committee of the Whole agenda.

**12. ADJOURNMENT OF CLOSED MEETING**

The Closed meeting adjourned at 11:59 a.m.

**13. RECONVENE – REGULAR COMMITTEE OF THE WHOLE MEETING**

The Regular Committee of the Whole meeting reconvened at 12:00 p.m.

**14. BUDGET WORKSHOP / SETTING OF TAX RATES AND MISCELLANEOUS RELATED MATTERS**

The Comptroller reviewed the 2004 Operating and Capital Budgets and the 2004-2008 Five-Year Financial Plan, indicating a 5.39% property tax increase. He recommended that a 2003 surplus of \$636,548.00, be placed into a reserve, and advised of new construction revenue of 342,621.00. He also reviewed two options for tax rates and ratios, and a comparison of 2004 tax rates relative to other B.C. municipalities.

Discussion ensued regarding whether the new construction revenues should be placed into a reserve fund, or used to reduce 2004 property taxes. One option supported 2004 Corporate Strategic Plan initiatives, such as the creation of an affordable housing fund.

The Comptroller reviewed the Goods and Services Tax (GST) rebate outlining the estimated impact of the additional rebate to the operating and capital budgets.

Councillor Fortin declared a direct pecuniary conflict of interest with debt funded capital projects, and was excused from the meeting at 12:25 p.m.

**Action:** Councillor Fleming moved that with the exception of capital projects funded by long-term debt, Council direct staff to place the Goods and Services Tax rebate in a reserve fund for future consideration.

CARRIED. 04/268

Councillor Fortin rejoined the meeting at 12:34 p.m.

**Action:** Councillor Fleming moved that Council direct staff to adjust tax ratios to equalize the tax increase for each property tax class.

CARRIED. 04/267

While some members were supportive of building up reserves, other favoured reducing the 2004 property increase to 4.95%. Councillor Fleming advised the Committee of the Finance Committee's review of the two options suggested by staff for new construction revenues, and proposed a third option that would strike a balance between reducing property tax rates and building reserves.

**Action:** Councillor Fleming moved that 2004 new construction revenues be applied to reduce the 2004 property tax rate from 5.39% to 4.95%, and the balance be placed in reserves for future consideration.

CARRIED. 04/266

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Mayor Lowe, Chair