

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, MARCH 20, 2008, 9:00 a.m.

Committee Members Present: Acting Mayor Young in the Chair, Councillors Chandler, Coleman, Fortin, Holland, Hughes, Madoff and Thornton-Joe.

Absent: Mayor Lowe.

Staff Present: P. Ballantyne – City Manager; S. Masters – Acting Corporate Administrator; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: M. McCliggott – Assistant City Manager; D. Angrove – Fire Chief; M. Anderson – Chief Fire Prevention Officer; B. Warner – Director of Finance; L. O’Keefe – Financial Analyst; D. Day – Director of Planning & Development; A. Meyer – Manager, Development Services; C. Scott – Planner; L. Baryluk – Planner; G. Oberg – Manager, Supply Management Services; K. Friars – Director of Parks, Recreation and Community Development; M. Lam – Senior Urban Design Planner; P. Sparanese – Director of Engineering; E. Robertson – Assistant Director, Public Works; K. Kresse – Senior Technologist, Transportation; S. Simmonds – Supervisor, Bylaw Division; J. Kitson – Bylaw Officer.

1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:00 a.m.

2. APPROVAL OF THE AGENDA

The Chair outlined the following changes to the March 20, 2008, Committee of the Whole agenda:

Open Meeting:

- Item # 3 – Addition of report
- Item # 5 – Additional Correspondence
- Item # 8 – Withdrawn
- Item # 15A – New Item – Beacon Hill Park Report
- Item # 17 – Additional Correspondence
- Item # 19A – Notice of Motion

Closed:

- Item # 21 – New Item - Personnel

Councillor Inquiries / Information Sharing:

1. Councillor Hughes - one sharing

2. Councillor Coleman – one inquiry
3. Councillor Madoff – one closed inquiry
4. Councillor Chandler - two inquiries and one sharing
5. Councillor Fortin – one closed inquiry

Action: Councillor Hughes moved that the Agenda of the March 20, 2008 Committee of the Whole meeting be approved as amended.

CARRIED 08/205

3. **ADOPTION OF MINUTES**

3.1 **March 6, 2008 Committee of the Whole Minutes**

Action: Councillor Hughes moved that the minutes from the Committee of the Whole meeting held March 6, 2008 be adopted.

CARRIED 08/204

4. **PRESENTATION**

4.1 **2008 Financial Plan**

Committee received a representation from Finance with respect to the 2008 Budget. The Director of Finance outlined the focus of this presentation:

- Purpose of this budget session
- Budget process
- Five-year Operating Budget Financial Plan
- Five-year Capital Budget Financial Plan
- Brief budget overview
- Questions from the public regarding the Five-year Financial Plan

The Director also described the process that led to the 2008 Financial Plan through meetings with Directors and staff and working with Council to review the capital and operating budgets and supplementary requests.

Operating Budget

- Includes funding for all City administrative and maintenance programs.
- Council must adopt a Five-year Financial Plan by May 15th of each year.

Capital Budget

- Includes funding for all capital programs and projects.
- Council must adopt a Five-year Capital Plan by May 15th of each year.

Operating budget highlights:

- Funding for 19 new police officers
- Funding for 2 new firefighters
- Additional resources for Communications
- Additional resources for Planning

- Additional resources for street cleaning and graffiti removal
- Additional resources for parks maintenance
- Increased heritage grant funding
- Funding for comprehensive HR strategy

Capital budget highlights:

- Conference Centre expansion
- Completion of View and Vancouver Streets rehabilitation
- Parkade upgrades
- On-street pay stations
- Waterworks steel main replacement

Next Steps:

- Finalize 2007 year end and determine surplus - March 31
- Receive final assessment data and calculate property tax rates - April
- Approve Financial Plan bylaw by May 15

Committee members inquired on the following:

- Increases in the library budget; the estimated increases for the upcoming years; new libraries and extended hours are expected changes.
- Declining new revenue and inflationary pressure on the infrastructure;
- Funding of parks with respect to 'no net loss'; staff advised that the parks acquisition reserve fund is a resource.

Staff noted that sustainability is an issue senior management is assessing with several reviews underway to provide the next Council with information on areas of concern such as human resources and the urban forest.

A Question period was held:

A member of the public inquired about the 19 new police officers; have they been hired and what is their role to be. Staff responded by advising the public that the officers have not yet been hired. Committee members reviewed the allocation of a portion of the new officers.

A member of the public inquired about the five year capital plan and increases in water and sewer fees on a separate bill. Staff advised there have been increases; the rise in water rates passed on from the CRD.

Action: Councillor Holland moved that information from this presentation be received for information.

CARRIED 08/203

4.2 2008 Police Budget

Committee received a report dated March 18, 2008 from Finance regarding the 2008 Police Budget. Esquimalt Council approved their portion of the 2008 Police budget, less \$150,000. The City and Esquimalt agree that any Police Board budget surplus be returned to each community to be put into a reserve established

under section 188 of the *Community Charter* for the sole purpose of funding the following years Police Board budget request.

Budget Request Reduction

In order to maintain the funding formula, Victoria would have to reduce the requested Police budget by \$907,755.

Options:

1. Approve the original budget request without a reduction. This would increase Victoria's share of the funding formula from 85.819% to 86.177%.
2. Reduce the budget request by \$907,755 and transfer the funds into a reserve to fund the phased-in officers in 2009.
3. Reduce the budget request by \$907,755, which equates to a 1.12% tax decrease, bringing the overall tax increase down to 4.57%.

Surplus / Deficit

The City's past practice has been to leave any surplus, as well as any deficit, with the Police Board. In the past the Police have used the surplus to fund their Employee Benefit Obligation Liability. At December 31, 2007 the Police have \$1,830,792 in Unfunded Vested employee benefits (obligations payable on retirement). Once the vested employee benefits are fully funded the budget can be reduced by this amount, or used to fund requests for additional police officers. In staff's opinion, leaving a surplus / deficit with the Police Board encourages sound fiscal spending. Good business practice also discourages reliance on prior year surplus to fund the next year's budget.

Formalizing a cost sharing agreement between the City and Esquimalt which addresses issues such as how surpluses and deficits are treated would be beneficial, and may result in fewer delays in the budget approval process. Detailed discussions would need to take place between the two municipalities with input from the Police department.

Options:

1. Leave any surplus / deficit within the Police budget and allow the Police Board to decide the allocation.
2. Let the City portion of the surplus be used to fund the Employee Benefit Obligation Liability. This would result in the City funding more of the liability than Esquimalt.
3. Enter into an agreement with The Township of Esquimalt outlining the allocation of any surplus. The suggested agreement would only allow 10% of any surplus to be used to fund the Employee Benefit Obligation Liability and the remainder returned to each municipality based on the funding formula for the current year to be transferred into a reserve for the sole purpose of funding the following year's Police budget request.

Committee members discussed the reduction in the budget due to cost sharing with Esquimalt and the agreement between Esquimalt and Victoria when

amalgamation occurred. Staff advised that there isn't a formal agreement but it was an order in council from the province to amalgamate. A Committee member noted that negotiating a formal agreement would be a positive move to set the basis for further regional agreements.

A Committee member noted that creative discussions with Esquimalt will help with a long term plan to review policing with respect to social issues. Also noted that other agencies, such as VIHA, are now helping, though more support is needed.

Action: Councillor Chandler moved that Council request that the Police Board provide a strategic plan and review of policing in the long term considering and incorporating current social issues.

Committee members agreed to review the three recommendations independently which will provide Committee members an opportunity to review fully each recommendation.

Committee members discussed the first recommendation which is a matter of reallocating funds which are entirely City funds. The funding for hiring new police officers will move forward and other departments have made allowances to help achieve this goal. Also noted was the anticipated reductions in revenue from permits due to construction slow down; better to address policing issues now.

Action: Councillor Fortin moved that Council reduce the 2008 Police budget request by \$907,755 and transfer the funds into a reserve so that the 19 new officers are fully funded for 2009.

CARRIED 08/202

Committee members discussed the second recommendation regarding surplus and transferring them to the reserve for Unfunded Employee Benefit Obligations. Esquimalt Council has concerns related to this issue and Committee members expressed concerns about moving ahead with this recommendation until Victoria and Esquimalt Council members have had an opportunity to discuss this and other issues.

Staff noted that this practice of dealing with reserves has been past practice and encourages fiscal responsibility. Some Committee members noted that this recommendation is specific to 2008 and Esquimalt has addressed, in their fashion, this issue.

Action: Councillor Madoff moved that Council postpone recommendation # 2 to transfer to a Police department reserve for Unfunded Employee Benefit Obligations any surplus in 2008, pending discussions with Esquimalt Council.

CARRIED 08/201

Councillors Coleman and Holland voted against this motion.

A Committee member noted that the Police Board meets on April 8 with Victoria and Esquimalt. Committee members requested background information for this

meeting. Also discussed was scheduling regular meetings with Esquimalt to discuss long term resolutions to help the budget process.

Action: Councillor Fortin moved that the City and Esquimalt formalize a Cost Sharing Agreement to address issues such as how Police budget surpluses and deficits are treated.

CARRIED 08/200

5. FIRE

5.1 Fuel Equipment and Storage Bylaw Amendment

Committee received a report dated March 5, 2008 from the Fire Department Regarding an amendment to Bylaw No. 07-049 - Fuel Equipment and Storage Bylaw. This amendment will allow for additional wording to the existing bylaw incorporating redefined wording from the current BC Fire Code.

The BC Fire Code contains wording that sets the timeframe for the required removal of underground storage tanks after being taken out of service, makes allowances for leaving a tank in the ground at the discretion of the authority having jurisdiction and includes wording regarding possible contamination at an oil tank location. As a result of changes to the BC Fire Code, these three references no longer apply to equipment that is installed under the CSA B-139 Installation Code For Oil Burning Equipment.

Action: Councillor Holland moved that City Council approve the amendment of Bylaw 07-049 to include timeframes for the removal of underground storage tanks after they are taken out of service, allow underground storage tanks to be left in place at the discretion of the Fire Chief and address the issue of possible contamination at a tank location.

CARRIED 08/199

6. DEVELOPMENT SERVICES

Councillor Fortin noted that the partnership agreement between Burnside Gorge Community Association and Van City is coming to an end and he will soon be able to partake in these discussions. He withdrew from the meeting at 10:19 a.m. as he is the Executive Director of the Burnside Gorge Community Association and has a direct pecuniary interest with the following item.

6.1 Rezoning Application # 000169 for Dockside Lands – Rezoning to Increase Floor Area of DA-B

Committee received a report dated March 12, 2008 from Development Services with respect to Rezoning Application # 00169 - Dockside Lands - Rezoning to increase the Floor Area of DA-B by 4,645m² and increase the overall density of the site to 2.084:1. This floor area would be accommodated in DA-B by increasing the permitted geodetic height from 45.65 metres to 60.6 metres. This would result in

three to five storeys being added to what is currently slated to be a 14 or 15 storey building. The density for the site as a whole would increase from 2.006 to 2.084:1.

To justify the request for additional density, the applicant has provided details regarding additional expenses related to providing amenities and commitments required in the Master Development Agreement. The applicant has also offered to contribute an additional \$500,000 towards the Dockside Affordable Housing Fund. A possible approach to provide more analysis of this density increase for Council's consideration would involve an independent analysis, by a consultant with expertise in urban land and development economics.

From an urban design perspective, increasing the height of what is already a substantial building immediately adjacent to the Harbour, is seen as problematic. If Council feels the additional density is warranted, staff recommend that it be distributed in Development Area A and that any additional height needed to accommodate the requested density, be handled through a variance at the development permit stage. Staff distributed a chart that detailed options for Committee to consider in the decision making process, noting that timelines need to be considered.

Committee members discussed with staff the following:

- Fourteen storeys is permitted in DA-B; the community favoured keeping the density in this area.
- The question of density and the option of distributing it over other areas is an abstract concept difficult to base a decision on. The first decision should be if additional density is desirable.
- High density adjacent to waterfront and galloping goose trail – the impact on the Inner Harbour.
- Sustainability with respect to the increased density and the principles of the triple bottom line.
- Justifying the density transferred to DA-A; the zoning and impact on that area.

The applicant, Carola Bloedorn, advised that the height in DA-B was part of the concept of two gateways on the north and south site. Adding storeys has no impact on corridors because it isn't broadening the footprint.

Committee members requested more clarification with respect to the increase in density in exchange for a \$500,000 amenity towards affordable housing.

Committee members discussed the qualifications of the consultant who should be cognizant of the unique characteristics of the Dockside development.

Action: Councillor Holland moved that Council direct staff to proceed with the following actions:

1. Completion of an independent analysis, regarding the justification for the increased density by a consultant with an expertise in urban land and development economics.
2. Amendment of the Master Development Agreement regarding the provision of an additional \$500,000 towards affordable housing to the satisfaction of the Director of Planning and Development.

3. The applicant working with the community and staff to develop options for relocating and distributing the density to minimize the impact of density and height and report back to Committee of the Whole.

CARRIED 08/198

6.2 Rezoning Application # 00169 for Dockside Lands – Rezoning to amend Regulations in DA-D

Committee received a report dated March 12, 2008 from Development Services with respect to Rezoning Application # 00169 – Dockside Lands. This application proposes to change regulations regarding the siting, location of use within a building and buffering requirements for residential buildings in Development Area D (DA-D).

The applicant would like this section to be reworded to allow:

- residential uses on the ground floor.
- a reduction of the requirement that a building of equal or greater height be placed between the residential units and Harbour Road. Instead a building or other buffering mechanism which covered at least 50% of the easterly elevation of residential buildings would be permitted.
- residential units located 18 metres from the westerly edge of Harbour Road instead of 18 metres from the easterly property line.

The zoning bylaw regulation that currently relates to the placement of residential units in DA-D, states that they should be located, *“only on the second floor and up, not within 18m of the easterly property line and no part of any unit can face the easterly property line unless there is a buffer of another building of equal or greater height between it and the easterly property line.”*

When the zoning regulation bylaw for Dockside was created in 2005, the buffering requirements were purposefully included to promote liveability of the residential units in DA-D and to mitigate the risk of conflict with neighbouring industrial uses. Staff do not support changing this requirement of the zoning. It would be preferable to assess each Development Permit application and if warranted Council can authorize a variance after conducting a Public Hearing.

Amending the requirement related to measuring the distance of residential buildings from the easterly property line to instead measuring it from the westerly edge of Harbour Road, is supportable since it still accomplishes the original intent of the bylaw.

Action: Councillor Holland moved that Council advance the application for consideration at a public hearing and direct the City’s Solicitor to prepare the zoning bylaw amendments to allow residential units to be located at least 18 metres from the westerly edge of Harbour Road.

CARRIED 08/197

Councillor Fortin returned to Council Chambers at 11:07 a.m.

6.3 Rezoning Application # 00145 for 2746 Shelbourne Road

Committee received a report dated March 11, 2008 from Development Services with respect to Rezoning Application # 00145 for 2746 Shelbourne Street. This is an application to rezone one lot on the west side of Shelbourne Street from the R1-B Zone, Single Family Dwelling District, to the R-2 Zone, Two Family Dwelling District, to allow for the construction of a front to back duplex.

The *Oaklands Neighbourhood Plan* designates the Shelbourne corridor between Myrtle Street and Haultain Street as suitable for townhouse development, however lot consolidations would be required. A duplex on a single lot is an underuse of this site. The design of the proposed front to back duplex does not conform to the *Neighbourliness Guidelines for Duplexes*, which recommends side by side duplexes to foster a positive street relationship. The proposed layout is in response to the narrow lot configuration.

The applicant, Mr. Paul Davis, outlined for Committee the reasons for this proposal, noting that he tried unsuccessfully to purchase adjacent properties and the existing house is not salvageable.

Committee members discussed the neighbourhood plan and redevelopment with respect to single family dwellings and duplexes. The neighbourhood is supportive of the project though it does not adhere to the neighbourhood plan.

Action: Councillor Holland moved:

1. That Council forward the application for consideration at a public hearing and that the proposed resolution noted below be considered at the same meeting for which a public hearing is held for the Zoning Regulation Bylaw Amendment for 2746 Shelbourne Street.
2. That staff work with the applicant to address design concerns along the north to south elevation of the building.
3. Subject to Council's adoption of that Zoning Regulation Bylaw Amendment, that Council authorizes the issuance of the Development Permit to allow construction in accordance with the plans date stamped January 31, 2008 and with the following relaxations to the Zoning Bylaw, Part 2.1, that the lot width be relaxed from 15.0 m minimum to 12.19 m.

CARRIED 08/196

Councillor Fortin voted against this motion.

6.5 Development Permit # 000119 for 546 Yates Street

Committee received a report dated March 12, 2008 from Development Services with respect to Development Permit # 000119 for 546 Yates Street. This is a

Development Permit application to renovate the front façade of an existing three-storey retail and office building at 546 Yates Street. It is located between two heritage-registered buildings, the Oriental Hotel (east) and 538 Yates (west), and is on the north side of the street opposite the City's Yates Street parkade. In conjunction with interior upgrades, the proposed renovation includes a new and improved entrance to the ground floor retail, and infilling of the existing loading dock on the west end of the building frontage for a new retail space.

The following points were taken into consideration in reviewing this proposal:

- Despite the limitation of renovating an existing structure, the design direction of the proposal is consistent with the intent of the *Design Guidelines: Old Town, Victoria, BC* (2006), *Downtown Victoria Plan* (1990) and *Advisory Design Guidelines for Buildings, Signs and Awnings* (1981).
- The proposal should benefit from further refinements to reflect the articulated, three-dimensional nature of the building facades in the area at the building permit stage.
- The reuse of the existing building structure and the incorporation of energy-efficient technology in the proposal shows the intent of taking steps towards sustainability.
- Creation of more retail frontage and a better entrance to the main retail space while maintaining the office use of the upper floors in the building should add to the vitality of the Old Town area.

As this Development Permit application does not include any variances, there is no requirement for notification, sign posting or a hearing.

Staff advised that a public hearing is not required because there are no variances.

Action: Councillor Holland moved that Council authorize the issuance of a Development Permit in accordance with:

1. Plans stamped "Development Permit 000119" dated, March 7, 2007
2. Development meeting all Zoning Bylaw requirements
3. Final plans to be in accordance with the plans identified above with the incorporation of further refinements in response to staff comments to the satisfaction of the Director of Planning and Development prior to the building permit stage.

CARRIED 08/195

Councillor Chandler withdrew from the meeting at 11:24 a.m.

6.6 Sustainability Framework – Gas Tax Agreement Funding Application

Committee received a report dated March 12, 2008 Development Services. The purpose of this report is to seek a Council resolution in support of a Gas Tax Agreement funding application. The application is in support of the development of a Civic Sustainability Framework.

Councillor Chandler returned to the meeting at 11:26 a.m.

The Gas Tax Agreement funding request is for \$200,000. The application for funding is being made under the Innovations Fund, which funds projects that represent an innovative approach to achieving Gas Tax Agreement outcomes.

This funding application represents an opportunity to ensure that the Civic Sustainability Framework is developed in an inclusive, innovative, and comprehensive manner. The provision of Gas Tax funding would provide the opportunity to ensure the research and consultation elements of the project are enhanced, while also providing the opportunity to offset existing budget contributions.

The Director of Planning and Development introduced Cameron Scott, a Planner who has recently joined the City.

Committee members acknowledged the steps taken to bring this project forward and the leadership in planning it required.

Action: Councillor Chandler moved that Council approve the Gas Tax Agreement funding application for the *Integrated Community Sustainability Plan* and *Civic Sustainability Framework*.

CARRIED 08/194

6.7 Integrated Community Sustainability Plan – Gas Tax Agreement Funding Application

Committee received a report dated March 12, 2008 from Development Services with respect to Integrated Community Sustainability Plan - Gas Tax Agreement Funding Application. The purpose of this report is to seek Council support for this funding application. The application is in support of the development of an Integrated Community Sustainability Plan (ICSP) for the City of Victoria.

The funding available through the Gas Tax Agreement presents an opportunity to use our *Official Community Plan* (OCP) update to create an ICSP. The ICSP will deliver all the requirements of an OCP but provide a greater sustainability emphasis and a strong focus on a triple bottom line approach to planning. This item is currently included in the Planning Department's 2008-2010 Work Plan as the OCP Review and Update.

The Gas Tax Agreement funding request is for \$600,000. The application for funding is being made under the General Strategic Priorities Fund, which funds programs that are large in scale or regional in impact. Past disbursements under this Fund have been granted to projects that are similar in scope and intent to Victoria's proposed ICSP.

This grant application represents an opportunity to ensure that the ICSP are developed in a comprehensive, innovative and timely manner. The provision of a Gas Tax grant would provide the opportunity to ensure the research and consultation elements of the project are enhanced, while also providing the opportunity to offset capital budget contributions.

Action: Councillor Chandler moved that Council approve the Gas Tax Agreement funding application.

CARRIED 08/193

7. FINANCE

7.1 Tender No. 08-017 – Pipeline Cleaning and Maintenance

Committee received a report dated March 3, 2008 from Finance with respect to Tender No. 08-017 for Pipeline Cleaning & Maintenance. Tender 08-017 was advertised on the City's website and issued to five potential contractors. Three tender responses were received.

Tenders were evaluated by:

- Gary Pleven, Project Administrator, Water & Environment, Engineering Department
- Steven Fifield, Manager, Water & Environment, Engineering Department
- Greg Orton, Buyer, Supply Management Services

This tender is for the Engineering Department's annual program of video inspection, cleaning and repairing of storm drain and sanitary sewer mains.

Current City policy states that all expenditures in excess of \$500,000 require the approval of City Council. The funding for this work is from the sewer and drains capital budget.

Councillor Coleman withdrew from the meeting at 11:35 a.m.

Tenders were received from:

- McRae's Environmental Services Ltd. \$738,654.00
- Mar-Tech Underground Services Ltd. \$844,132.50
- Superior City Services Ltd. \$1,348,937.50

The City and McRae's have enjoyed a cooperative and successful working relationship during the past few years.

Councillor Coleman returned to the meeting at 11:36 a.m.

Action: Councillor Fortin moved that Tender 08-017 - Pipeline Cleaning & Maintenance, be awarded to McRae's Environmental Services Ltd., on the basis of being the lowest tender, at a Total Estimated Annual Contract Price of \$738,654.00, exclusive of GST. This award is for the period ending December 31, 2008 with an option for one additional year.

CARRIED 08/192

8. ENGINEERING

8.1 Fernwood Road Speed Zones

Committee received a report dated March 5, 2008 from Engineering with respect to Fernwood Road Speed Zones. This report is to advise Council of inconsistencies in the posted speed limit over short segments of Fernwood Road between Fort Street and Ryan Street, and to recommend consistent speed zones be put in place.

In May 2005, Council approved a change to the posted speed limit on the 2700 / 2800 block Fernwood (between Haultain Street and Ryan Street) to 30 km/h. The posted speed limit on Fernwood Road between Yates Street and Denman Street was currently 30 km/h. There are now two short sections of Fernwood Road (between Denman Street and Haultain Street, and between Fort Street and Yates Street) in which the speed limit remains at 50 km/h. The Fernwood Community Association and the Fernwood Neighbourhood Resource Group have written and requested a consistent speed zone be installed.

While our safety analysis does not show any specific problems that are correctable by lowering the posted speed limit, the current variances in the speed limit between 30 km/h and 50 km/h does not contribute to consistent and expected travel speeds. Based on this 20 km/h variance over a short distance, we recommend that the entire length of the Fernwood Road corridor be posted at 30km/h.

A change to the posted speed limit requires a amendment to the streets and traffic bylaw which is included in the recommendation for Council's consideration.

Councillor Holland withdrew from the meeting at 11:35 a.m.

Staff advised Committee that this change is to bring consistency of speed along this corridor. A Committee member inquired regarding traffic calming measures noting that imposing a 30 km/h speed limit is not realistic. Staff advised that preliminary work is being done with respect to traffic calming measures.

Councillor Holland returned to the meeting at 11:37 a.m.

A committee member requested that other areas such as Quadra Street and James Bay be reviewed as well. Also noted was the lack of enforcement which is challenging for those who do obey the speed limit.

Action: Councillor Hughes moved that Council approve the change in the posted speed limit to 30 km/h on Fernwood Road between Haultain Street and Denman Street and between Fort Street and Yates Street to be consistent with the remainder of the Fernwood Road corridor, and instruct the City's Solicitor to amend Section 16 (1) of the Streets and Traffic bylaw to include the following:

30 km/h

On Fernwood Road between Fort Street and Ryan Street.

CARRIED 08/191

9. PARKS

9.1 Proposed Planning Process for Establishing New Dog Off-Leash Sites

Committee received a report dated March 12, 2008 from Parks regarding the proposed planning process to inform Council of an upcoming planning process that will lead to the establishment of four new dog off-leash sites within city parks.

On January 8, 2004 Council approved the creation of the Dogs in Parks Steering Committee. Among the initial goals for this committee set by Council were the following:

- to provide sufficient off-leash access to accommodate the needs of dog owners to exercise their pets;
- to reduce the congestion of dogs and their owners at Dallas Road;
- to ensure that the basic needs of other parks users were not unduly compromised by the new off-leash areas;
- to reduce illegal off-leash activities in other Victoria parks.

In June of 2005, six designated off-leash areas were opened in the following parks: Alexander, Arbutus, Oswald, Redfern, Topaz and Vic West. In the fall of 2006, the Steering Committee undertook surveys to evaluate the impact of the off-leash program. Based on this analysis, the Steering Committee presented findings and recommendations to Committee on March 1, 2007. The recommendations stated that:

1. The hours in existing leash optional areas be amended and to create an alternate off-leash area in Topaz Park.
2. Opportunities for additional leash optional areas in areas including City parks be investigated.
3. Public consultation and education with respect to Paws in Parks be continued.
4. The Steering Committee be granted the opportunity to continue its work.

To date, the dog off-leash program has met with a high degree of success but there is a need to expand the available off-leash sites to meet existing demand. After examining a number of potential sites, four are currently under consideration. These include Fisherman's Wharf, Songhees Hilltop, Banfield and Pemberton.

The Project Steering Committee would like to initiate community consultation in the specific neighbourhoods containing these four sites. These include James Bay, Gonzales and Victoria West. Committee members and staff will employ a number of techniques to solicit public input such as print media, presentations to affected neighbourhood associations and other stakeholder groups, posting signage in the proposed off-leash areas and providing updates on the City's website. It is expected this community consultation will take place this April and May. If consultation indicates public support it is anticipated the new off leash areas would be established in July.

A Committee member inquired regarding Fisherman's Wharf Park and was advised that the playing field and the off-leash areas would be shared. Also noted

was that incidents of owners not cleaning up after their dogs are few. Sue Tam was present on behalf of the Dogs in Park Committee and a Committee member noted the tremendous effort made by this committee towards this program.

A Committee member noted that the 'doggie bags' are now biodegradable. A Committee member noted that a condo development in Vancouver has included a 'woof top' garden for dogs.

Action: Councillor Madoff moved that Council endorse the Dogs in Parks Steering Committee's request to initiate a public consultation process to obtain feedback on the establishment of four new dog off-leash areas in Fisherman's Wharf, Songhees Hilltop, Banfield and Pemberton Parks.

CARRIED 08/190

9.2 Legal Indemnification of a Sponsorship Agreement

Committee received a report dated March 11, 2008 from Parks with respect to Legal Indemnification of a Sponsorship Agreement. The purpose of this report is to inform Council of a sponsorship agreement that has been created between Jace Holdings Ltd. (Thrifty Foods) and select Parks and Recreation Departments on Vancouver Island, Saltspring Island and the Lower Mainland.

The Greater Victoria Regional Recreation Departments formed a Regional Active Communities Committee in 2006 and have created several large Regional initiatives that promote and support the integration of physical activity and healthy eating into our daily lives.

The sponsorship agreement outlines the specifics of what Jace Holdings will contribute to this initiative to ensure its success. The highlights include a cash contribution for the development and scheduling of the programs and seminars as well as an 'in kind' contribution of promotional products and gift cards for the programs and seminars. The Regional Recreation Departments will be responsible for ensuring the nutritional seminars are designed and scheduled. Included in the agreement is an indemnification clause that states a mutual indemnification between the Parks and Recreation Departments and Jace Holdings Ltd.

Council is the only body that may indemnify a third party on behalf of the City. Given the low element of risk in this sponsorship agreement and the greater public benefit of these programs and seminars being offered throughout the region it is recommended that Council approve the indemnification specified in the sponsorship agreement.

Action: Councillor Madoff moved that Council authorize the indemnification specified in the sponsorship agreement attached to the report dated March 11, 2008 and instruct the Mayor and Corporate Administrator to execute the agreement on behalf of the City.

CARRIED 08/189

9.3 Beacon Hill Park Farm Society Agreement

Committee received a report dated March 13, 2008 from Parks with respect to Beacon Hill Park Farm Society Agreement. The purpose of this report is to seek Council direction with respect to the Beacon Hill Park Farm Society to amend their agreement with the City to include use of the former police barn, wooden paddock and fenced enclosure.

The proprietors and the Board of Directors of Beacon Hill Children's Farm have expressed serious concerns regarding proposed changes contained in the petting farm agreement approved by Council on May 3, 2007. Their concern is focused on proposed changes to the southern boundary of the fenced enclosure and as a consequence there is currently no signed agreement between the City and farm society. As such, there is a need to provide Council with additional information to help inform a decision to resolve this matter.

Staff advised Committee that discussions with the Board of Directors of Beacon Hill Children's Farm resulted in the boundary being adjusted so that there is no direct impact on several Garry Oak trees. It also improves the use of the wooden paddock from an operational standpoint.

Action: Councillor Madoff moved that Council approve the proposed fence relocation and amend the Agreement between the City and the Beacon Hill Park Farm Society to include use of the former police barn and wood paddock subject to the Farm Society being responsible for insuring, repairing and maintaining the barn and paddock.

CARRIED 08/188

A Committee member noted that dogs should be on leash in Beacon Hill Park (other than the off-leash area) and there is also an area where no dogs are allowed at all.

10. LEGISLATIVE AND REGULATORY SERVICES

10.1 Appointment of John Kitson

Committee received a report dated March 11, 2008 from Legislative and Regulatory Services with respect to the appointment of John Kitson. The successful candidate for the posted position of Bylaw Officer is John Kitson. In order to properly execute his duties, Mr. Kitson will require appointment to this position by Council.

Action: Councillor Fortin moved:

1. THAT it be recommended to Council that John Kitson be appointed to the position of Bylaw Officer / Business Licence Inspector effective immediately.
2. THAT this recommendation be forwarded to Council as soon as possible.

CARRIED 08/187

11. ADMINISTRATIVE MATTERS

11.1 Disposition of Communications dated March 14, 2008

Action: Councillor Coleman moved that the Disposition of Communications dated March 14, 2008 from the Manager, Administration, be received for information and filed.

CARRIED 08/186

11.2 Proclamation – “Esquimalt and Nanaimo Railway Day”

Action: Councillor Fortin moved that March 29th, 2008 be proclaimed as “Esquimalt and Nanaimo Railway Day” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 08/185

11.3 Proclamation – “Victoria Police Day”

Action: Councillor Fortin moved that July 7th, 2008 be proclaimed as “Victoria Police Day” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 08/184

11.4 Appointment of Chief Election Officials 2008 Civic Election

Committee received a report dated March 14, 2008 from Legislative and Regulatory Services with respect to the Appointment of Chief Election Officials for the 2008 Civic Election. The 2008 general local government election will be held this November culminating with general voting day on November 15, 2008. Preparing all of the statutory requirements and local arrangements for the civic election will soon begin.

The Local Government Act requires each municipal Council to appoint a Chief Election Officer (CEO) and a Deputy CEO who are responsible for the administration and conduct of an election. The Corporate Administrator position is assigned the responsibility to serve as the CEO; however, Council must formally appoint both the Chief and Deputy Chief Election Officers by resolution.

Action: Councillor Fortin moved, that, pursuant to Section 41(1) of the Local Government Act:

1. Mr. Robert Woodland is appointed Chief Election Officer for the 2008 general local government election;
2. Ms. Sheryl Masters is appointed Deputy Chief Election Officer for the 2008 general local government election.

CARRIED 08/183

12. COUNCILLOR INFORMATION SHARING AND INQUIRIES

12.1 Councillor Madoff – Direction to the GVPL Board and Union

Councillor Madoff presented to Committee a Notice of Motion – Direction to the GVPL Board and Union. Committee members were in support of the motion noting that the various parties need to return to mediation but also that they have worked hard to resolve the pertinent issues. Some Committee members requested that other municipalities be advised of this motion. A Committee member noted the impact the strike has had on its users.

Action: Councillor Madoff moved:

1. That Victoria City Council urge the Greater Victoria Labour Relations Association and the Union to return to the bargaining table and negotiate a solution to the current impasse; and
2. That the Greater Victoria Public Library Board take a leadership role in giving direction to their Negotiator to find a solution to this impasse.
3. That this resolution be forwarded to member municipalities.

CARRIED 08/182

12.2 Councillor Hughes – Neighbourhood Talk

Councillor Hughes shared with Committee an event taking place on April 5th from noon to 2:00 p.m. Mark Linkman from Portland, Oregon will be in Victoria to speak about neighbourhoods, hosted by the Fernwood Neighbourhood Resource Group.

12.3 Councillor Chandler – Communications Opportunity

Councillor Chandler shared with Committee a news pamphlet that the Township of Esquimalt distributes to all its residents updating them on news of their municipality. She encouraged consideration of a similar publication within the City of Victoria to update residents on current City issues.

12.4 Councillor Coleman – Heat Pumps

Councillor Coleman shared with Committee the issue of heat exchange units or heat pumps that produce a level of noise that is not offensive according to our Noise Bylaw but create an echo chamber if they are situated between houses or if they are fenced in. It may require some policy work to ensure they are not situated in side yards or fenced in.

12.5 Councillor Chandler – Community Event in City Hall

Councillor Chandler outlined for Committee the request from a community group to use City Hall facilities to host a meeting. Staff and Committee members discussed the policy regarding the use of City Hall meeting rooms. Staff advised that Council, staff and groups that are stakeholders or engaged with the City initiatives are permitted to use the space. There are resource implications to be considered when allowing other groups to use the facilities, which Council does have the authority to permit.

Committee members discussed the use of City Hall as a public venue; the cost of granting such use and implied endorsement of that organization; and the requirements of the policy. Staff advised that a report could be expedited for Committee outlining the costs and policies for events that are not directly affiliated with the City.

A Committee member requested a Notice of Motion endorsing this report be brought forward for Council's consideration, with a Committee member noting that 24 hrs notice is required for a Notice of Motion.

Action: Councillor Hughes moved that the requirement for notice of motion be waived.

DEFEATED 08/181

Councillor Young voted against this motion.

12.6 Councillor Chandler – Bike Sharing Program

Councillor Chandler outlined for Committee a bike sharing program that is used in Europe and requested that Councillor Young forward this information to the Advisory Transportation Committee (ATC). The ATC could review this program to determine if it would be feasible in Victoria and forward that review to Committee of the Whole.

Committee recessed at 12:30 p.m.

Committee reconvened at 12:37 p.m.

13. CLOSED MEETING at 12:39 p.m.

Committee Members Present: Acting Mayor Young in the Chair, Councillors Chandler, Coleman, Fortin, Holland, Hughes, Madoff and Thornton-Joe.

Absent: Mayor Lowe.

Staff Present: P. Ballantyne – City Manager; M. McCliggott – Assistant City Manager; S. Masters – Acting Corporate Administrator; C. Havelka – Recording Secretary.

Action: Councillor Hughes moved that Committee of the Whole convene a Closed meeting that excludes the public under Section 11(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Section 11(3) and/or (4) of the Council Bylaw.

CARRIED 08/180

13.1 Minutes of the Closed Portion of the Committee of the Whole Meeting held March 6, 2008

Action: Councillor Holland moved that the Closed Minutes from the Committee of the Whole Meeting held March 6, 2008 be adopted.

CARRIED 08/179

13.2 Personnel

Committee received a report dated March 20, 2008 from the City Manager regarding a Personnel matter.

Action: Councillor Coleman moved that Council appoint Jocelyn Jenkyns as General Manager, Victoria Conference Centre.

CARRIED 08/178

13.3 Councillor Madoff – Inquiry Regarding Heritage Buildings

Councillor Madoff outlined for Committee an inquiry regarding legislation under the Local Government Act with respect to heritage buildings.

This discussion was recorded and kept confidential.

13.4 Councillor Fortin – Police Reporting

Councillor Fortin outlined for Committee an inquiry regarding police reporting.

Councillor Chandler left the meeting at 12:56 p.m.

Councillor Holland left the meeting at 1:06 p.m.

This discussion was recorded and kept confidential.

14. ADJOURNMENT

Action: Councillor Madoff moved that the Committee of the Whole meeting of March 20, 2008 be adjourned at 1:10 p.m.

CARRIED 08/177

Acting Mayor Young, Chair