

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, OCTOBER 16, 2008, 8:00 a.m.

1. **THE CHAIR CALLED THE MEETING TO ORDER AT 8:00 a.m.**

2. **CLOSED MEETING 8:03 a.m.**

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

Absent: Mayor Lowe

Staff Present: M. McCliggott – Acting City Manager.

Action: Councillor Thornton-Joe 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 08/613

2.1 Appointment – Victoria Police Board - Interviews

Committee interviewed two applicants for the Victoria Police Board position. Recording staff was not present for this portion of the meeting.

3. **ADJOURNMENT OF CLOSED MEETING**

Action: Councillor Hughes moved that the Closed Committee of the Whole meeting be adjourned at 8:57 a.m.

CARRIED 08/612

4. **THE CHAIR CALLED THE OPEN MEETING TO ORDER AT 9:02 a.m.**

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

Staff Present: M. McCliggott - Acting City Manager; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: R. Woodland – Corporate Administrator; D. Day – Director of Planning & Development; M. Lai – Assistant Director, Transportation & Parking

Services; J. Matanowitsch – Senior Planner; R. North – Manager, Development & Regulatory Services; K. Friars – Director & Parks, Recreation & Community Development; B. Sikstrom – Senior Planner; A. Meyer – Manager, Development Services; W. Zink – Manager, Social Planning & Housing; J. Pearce – Inspector, Victoria City Police; B. Dellebuur – Transportation; S. Thompson – Comptroller; M. Thomas – Resource Development.

5. APPROVAL OF THE AGENDA

The Chair outlined the following changes to the October 16, 2008, Committee of the Whole agenda:

Open Meeting:

- Item #6 – 257 Belleville – withdrawn
- Item #8 – 2631 Quadra – deferred
- Item #9A – New report – Regional Growth Strategy Amendment Bylaw 3443 – Final Proposal Arbitration Joint Statement of Issue File: SC#12-96(2)

Closed Meeting:

- Item #17 – addition of minutes
- Item #18A – New verbal report - Land Acquisition
- Item #18B – New Correspondence – Legal – Cridge Park Judgment
- Item #18C – New Report – Land – Lease

Councillor Inquiries / Information Sharing:

- Councillor Thornton-Joe – three sharing
- Councillor Hughes – one sharing and one closed sharing

Action: Councillor Madoff moved that the Agenda of the October 16, 2008, Committee of the Whole meeting be approved as amended.

CARRIED 08/611

6. ADOPTION OF MINUTES

6.1 October 2, 2008 Committee of the Whole Minutes

Action: Councillor Hughes moved that the minutes from the Committee of the Whole meeting held October 2, 2008, be adopted.

CARRIED 08/610

7. DELEGATION

7.1 Update – Needle Exchange

Committee received a verbal update from Wendy Zink, Manager of Social Planning & Housing, regarding the Mobile Needle Exchange. Ms. Zink introduced Katrina Jensen, Executive Director of AIDS Vancouver Island, City Police Inspector Jamie Pearce and Shannon Turner, Director of Public Health, VIHA. Ms. Turner

distributed to Committee copies of the terms of reference for the Needle Exchange Advisory Committee. She outlined for Committee the capacity of the advisory committee which is to provide a coherent approach and to engage with the community. The specific focus is harm reduction via the needle exchange. They are meeting regularly with the community, service providers and other stakeholders to work towards a healthy community.

Ms. Jensen outlined for Committee the service provided by the mobile needle exchange which has a parked vehicle on Princess Avenue. However, they have found outreach via bicycle to be more effective so they have increased those numbers. There was a sharp decline in the number of needles distributed in June and July 2008, but the numbers are better in August and September 2008. The outreach workers are optimising their skills due to the lack of time they have to spend with clients. There are concerns that inclement weather may result in a significant decline in numbers, so a different strategy is being explored for wet weather. There hasn't been a sharp increase in needle sharing but clients are reusing their needles which increases bacterial infections.

Inspector Pearce advised Committee that Victoria Police continue to meet with VIHA and AVI and he believes that multiple sites will address issues of public disorder that were occurring at the Cormorant Street site. He also noted that a change of drug consumption has moved towards crack cocaine and they are seeing more discarded pipes.

Committee discussed the following with the delegates:

- Harm reduction mandate in neighbourhoods; part of the solution to ongoing social issues is for municipalities to partnership with BC Healthy Communities.
- The distribution of crack pipes; when they are available, other service providers will be distributing them.
- Locations for needle exchange; the advisory committee is working on a distribution model now; intend to have mobile and secondary locations.
- Distribution through other clinics; sites outside the downtown corridor are not easily accessible to the client population.

Committee discussed the other possible needle exchange models including additional fixed sites and mobile sites that are available on a rotating schedule. Also discussed was mental health issues, with Ms. Turner noting that VIHA has made a profound financial commitment by establishing four ACT teams working from the Pandora ACCESS Health site. Also noted was the addition of twenty-eight 'detox' beds to be available in the Eric Martin Institute in February 2009.

7.2 Greater Victoria Coalition to End Homelessness – City of Victoria Financial Support

Committee received a report dated October 8, 2008, from Social Planning and Housing with respect to the Greater Victoria Coalition to End Homelessness – City of Victoria Financial Support. The City has approved funds of \$100,000 in its 2008 budget to address priority housing issues, including establishing a new housing position. As homelessness is a priority housing issue within the City as evidenced

through the recent Citizen's Survey and through the Victoria Foundation's Vital Signs report, staff believe a new housing position would be more appropriate as a resource within the Coalition, especially in the short term.

Furthermore staff believe the Coalition's funding development would benefit from a commitment of funds, renewed annually over the next five years (2009 - 2013), from this local government. This funding commitment would demonstrate the City of Victoria's intention to address homelessness through a collective, multi-stakeholder approach in the capital region that is through the Greater Victoria Coalition to End Homelessness.

Ms. Zink introduced to Committee Jill Clements, Executive Director of the Greater Victoria Coalition to End Homelessness. Ms. Clements noted that it is Homeless Action Week and that housing is the number one issue in Victoria. The coalition is able to provide a coherent approach to this complex issue that affects all regions.

Committee members discussed:

- Homelessness as a regional issue; going to other municipalities to provide an update on the latest initiatives.
- Partnering with upper levels of government and opportunities for funding.
- Opportunities for regular updates and communication between the coalition and Council.
- Helping and preventing other groups, such as families and youth, from becoming homeless.

Action: Councillor Thornton-Joe moved that Council:

1. Provide a grant of \$100,000 to the Greater Victoria Coalition to End Homelessness in 2008 to permit it to engage a consultant to assist in the development of an operational plan and housing model, and make recommendations on staffing;
2. Approve ongoing funding of \$100,000 annually for the next five years (2009 - 2013) to the Greater Victoria Coalition to End Homelessness as the City of Victoria's contribution to fund housing resources staff;
3. Require the Greater Victoria Coalition to End Homelessness to submit annual reports to the City, through the Social Planning & Housing Division, identifying outcomes achieved and to acknowledge the City of Victoria's support in all print and publicity materials, and;
4. Require the Greater Victoria Coalition to End Homelessness to submit quarterly updates to the City of Victoria.

After the motion, Committee discussed:

- The challenges of working with different agencies.
- Addressing all facets of homelessness; not the most obvious examples.
- Previous budget discussions with respect to a housing advisory position and the reserve fund for affordable housing.

Ms. Clements echoed Committee members in noting that the key, strategic goal of the Coalition is to find and provide housing and that achievements to date are notable. A continued drive to raise awareness and recruit further support is important. Committee discussed different approaches to bring this message to

other municipalities, such as correspondence from the Mayor or presentations to other Councils.

CARRIED 08/609

8. DEVELOPMENT SERVICES

8.1 Rezoning Application # 00147 for 606 – 612 Speed Avenue

Committee received a report dated October 16, 2008, from Development Services with respect to rezoning application #00147 for 606 - 612 Speed Avenue to provide a vehicle for the Victoria Car Share Co-op (VCSC). At its meeting on March 6, 2008, Council Committee of the Whole endorsed the following staff recommendation:

Registration of a covenant securing a vehicle for the Victoria Car Share Co-op, membership for each unit in the Co-op and a three year bus pass for each unit to the satisfaction of the Director of Engineering.

The applicant and the Victoria Car Share Co-op are requesting that the secured vehicle not be located at the 606 Speed Avenue site because of the proximity of an existing VCSC vehicle next door. The rationale is the demand for its use by existing and future residents does not warrant a second vehicle.

The rationale for this request is supportable. Staff recommend, however, that a parking space be secured for possible future use as a space for a Victoria Car Share Co-op vehicle.

A Committee member inquired as to the mechanism to secure a additional parking stall. Staff advised that a covenant registered on title would secure the spot that would remain a visitor stall until required by the car share program.

Action: Councillor Holland moved that the offer of the applicant and the Victoria Car Share Co-op in their joint letter dated September 22, 2008, be accepted with the provision that a parking space be secured for possible future use as a parking space for a Victoria Car Share Co-op vehicle.

CARRIED 08/608

8.2 Development Permit # 000130 for 1121 Fort Street

Committee received a report dated October 16, 2008, from Development Services, with respect to Development Permit # 000130 for 1121 Fort Street. The application is to permit the development of a four-storey commercial/residential building, consisting of two ground floor commercial units and 23 residential apartments. The proposed residential units range in size from 34.6 m² to 46 m². The property fronts onto Fort Street and has rear access from Meares Street.

The application was before Committee of the Whole on August 14, 2008. At that meeting Council passed the following motion:

“That Council postpone this application and direct staff to work with the applicant to reconsider the design and to include a transitional approach from the old building to the new proposal”

As the changes to the application are primarily exterior design, the original report should be referred to for detailed information. This report discusses the exterior design changes as a result of Councils direction.

Overall the applicant has improved the application through the changes to the building. The proposed commercial/residential development is consistent with the Advisory Design Guidelines for Buildings, Signs and Awnings.

Committee discussed with staff the following:

- The lack of front yard set back and exploring design modifications.
- The transition of heritage buildings to the new urban form.
- Focus on the ground level that gives character to Fort Street.
- The issue of setbacks not identified previously.

Committee requested that the applicant speak to the concern regarding the front yard setback. The applicant advised that the setback requirements are zero and that to achieve affordable housing, the design sacrificed the upper level by stepping back. Staff advised that there are no variances for this proposal.

Committee discussed the zoning of this property, an appropriate design resolution and the awkwardness of the transition. A concern was also expressed regarding the affordable housing units that may be lost if the design was reconsidered.

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

1. Plans stamped “Development Permit 000130”, dated September 26, 2008.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Planning & Development.

CARRIED 08/607

Councillors Chandler, Fortin and Madoff voted against this motion

9. COMMUNITY PLANNING

9.1 Transforming Our Built Environment: Green Rehabilitation and Sustainability Forum and Workshop

Committee received a report dated October 16, 2008, from Community Planning with respect to Transforming Our Built Environment: Green Rehabilitation and Sustainability Forum and Workshop. The Cascadia Green Building Council and the Heritage Branch of the Province of British Columbia are sponsoring a workshop for building professionals to examine the connect/disconnect between green building rating systems, the Standards and Guidelines for the Conservation of Historic Places in Canada and the new Province of British Columbia “green”

building code. The forum will be held on November 25 and 26, 2008 in Victoria. The Senior Heritage Planner has agreed to serve on the steering committee to plan the forum. It is recommended the City of Victoria be a co-sponsor of the event.

Staff advised Committee that this workshop is open to paying participants and he will provide more information on registration.

Action: Councillor Holland moved that the City of Victoria be a co-sponsor with the Cascadia Green Building Council and the Province of B.C. Heritage Branch of the “Transforming Our Built Environment Green Rehabilitation and Sustainability Forum and Workshop”.

CARRIED 08/606

9.2 Regional Growth Strategy Amendment Bylaw 3443 – Final Proposal Arbitration Joint Statement of Issue File: SC # 12-96 (2)

Committee received a report dated October 15, 2008, from Community Planning with respect to Regional Growth Strategy Amendment Bylaw 3443 - Final Proposal Arbitration Joint Statement of Issue File: SC #12-96(2). On October 9, 2008, Council passed three resolutions regarding the establishment of a final proposal arbitration process by Minister of Community Development, Blair Lekstrom, for CRD Bylaw No. 3443, “Regional Growth Strategy (RGS) Bylaw No.11 2002, Amendment Bylaw No. 1, 2007”.

All affected local governments and the arbitrator were notified of the City’s intent to participate in the arbitration by letter dated October 10, 2008. As required by BC Reg. 192/98 section 19, Victoria must agree to a statement which clearly and succinctly identifies the disputed issue, and submit this to the arbitrator before October 28, 2008. The Ministry of Community Development advises that Council should approve the wording of the joint statement. The CRD has prepared a draft joint statement identifying the issue for Council’s consideration.

Action: Councillor Holland moved that Council accept the following statement of issue regarding arbitration of CRD Bylaw No. 3443, “Regional Growth Strategy (RGS) Bylaw No. 1, 2002, Amendment Bylaw No. 1, 2007”, specifically, that the issue in dispute is: “The amendment of the Regional Growth Strategy (RGS) to extend the Regional Urban Containment and Servicing Policy Area (RUCSPA) within the District of Highlands in order to extend services and accommodate a comprehensive development area.”

CARRIED 08/605

10. ENGINEERING

10.1 Victoria West Transportation Plan Final Report

Committee received a report dated October 8, 2008, from Engineering with respect to Victoria West Transportation Plan Final Report. In 2006, the City of Victoria retained Boulevard Transportation Group to develop a Transportation Plan for the

Victoria West neighbourhood. The Plan builds on the transportation planning/modeling work done as part of the 2004 Victoria West Transportation Study, which examined the potential transportation impacts of anticipated development in the neighbourhood.

Councillor Coleman withdrew from the meeting at 10:30 a.m.

The consultant's Final Report summarizes the community input process used to create the Plan, and includes design concepts, transportation demand management strategies to be considered, and cost estimates for implementation. Funding will be secured through the City's long-term Financial Plan, and, where possible, external sources.

Councillor Coleman returned to the meeting at 10:32 a.m.

Staff presented Committee with a power point presentation that outlined the final report of the Victoria West Transportation Plan that was based on a 2004 study. It focuses on the need to efficiently manage the current plan rather than increase capacity simply to satisfy demand. A significant number of 'open houses' provided direct contact with the general public. The plans include increased pedestrian crossing to encourage more walking trips in the neighbourhood, increased distance between pedestrians and open traffic, and corridor improvements.

Committee discussed:

- Reviewing commuter bicycle route and crossings on the E&N railway; possible closure of one or more level crossings.
- Reviewing traffic circles; make available alternative designs at the open house.
- Improvement along Craigflower Road; a somewhat different approach for Esquimalt and Victoria.
- Timeframe to complete this analysis and plan was longer than anticipated.
- Information will be presented to neighbourhoods before construction begins.

Committee expressed their approval for this transportation plan that has provided valuable outcomes for the community. A Committee member requested that the Victoria West Community Association be given a copy of the staff report for their review.

Action: Councillor Madoff moved that Council adopt the August 5, 2008, Victoria West Transportation Plan in principle, and direct staff to consider implementation of the Plan in the development of the next long-term Financial Plan for the City.

CARRIED 08/604

11. PARKS, RECREATION AND COMMUNITY DEVELOPMENT

11.1 2009 Scotties Tournament of Hearts Request for a Cash Grant Contribution

Committee received a report dated October 3, 2008, from Parks, Recreation and Community Development regarding a the request for a cash grant from the Host Committee of the 2009 Scotties Tournament of Hearts.

At its meeting of September 4, 2008, Council heard a presentation from the Host Committee of the 2009 Scotties Tournament of Hearts. The Committee outlined the benefits of hosting such an event in the City of Victoria and their objective of raising sponsorship donations. The specific request to Council was for a cash grant contribution of \$100,000 plus in-kind contributions.

Committee members discussed with staff the decision-making process with respect to cash grants to events outside of the grant intake schedule. The Director of Parks, Recreation and Community Development advised Committee that events of this magnitude need consideration though staff has also discussed the process.

Action: Councillor Holland moved that Council support the 2009 Scotties Tournament of Hearts Host Committee's request by providing \$40,000 in cash and \$60,000 value in-kind. The funds for this will come from the City's miscellaneous grants budget.

CARRIED 08/603

11.2 Greater Victoria Recreation Pass

Committee received a report dated October 3, 2008, from Parks, Recreation and Community Development with respect to the Greater Victoria Recreation Pass.

The purpose of this report is to introduce the concept of a Regional Recreation Pass (RRP) that would allow access to all recreation centres throughout the region. The RRP would entitle the purchaser to access all drop-in activities at any recreation centre within the region. The cost of the pass would be higher than any of the current municipal annual passes and considered a premium access pass. The RRP would be introduced as a pilot project and evaluated to determine its success.

Action: Councillor Madoff moved that Council support staff working with Greater Victoria recreation departments to implement an annual Regional Recreation Pass as a pilot project beginning January 2009 at a fee of \$420.10/year.

CARRIED 08/602

12. FINANCE

12.1 UBCM Community Tourism Program Funding

Committee received a report dated October 16, 2008, from Finance with respect to

UBCM Community Tourism Program Funding. Tourism Victoria is embarking on a project to create a bank of destination high definition video footage and digital images that would be used to showcase and sell the City of Victoria as a destination. These materials would also be available for use by the Conference Centre and other City Departments.

In order to help fund this project, Tourism Victoria would like to submit a grant application to the UBCM Community Tourism Program. According to the application criteria, the primary goal of these funds is to assist local governments in increasing tourism activity that will build stronger economies. In this light, Tourism Victoria would like to offer a proposal for a joint initiative to benefit the City of Victoria, Victoria Conference Centre and Tourism Victoria.

Action: Councillor Hughes moved that Council endorse Tourism Victoria's grant application for *UBCM Community Tourism Program* funding for Image Bank Project and instruct staff to work with Tourism Victoria to submit the appropriate application forms prior to the deadline.

CARRIED 08/601

13. LEGISLATIVE AND REGULATORY SERVICES

13.1 Downtown Liquor Primary Business Licence Rates

Committee received a report dated October 8, 2008, from Legislative and Regulatory Services with respect to Downtown Liquor Primary Business Licence Rates. This report has been prepared at the direction of the City's Finance Committee to explore the potential increase in downtown liquor primary business licence fees.

Considerable City resources are directed toward responding to unacceptable behaviour in the downtown area. A significant amount of these nuisance calls for service may be attributed to downtown liquor primary establishments. Staff has examined, in general terms, police attendance to liquor primary establishments. On a per seat basis, the number of incidents attended to are not diminishing. Based on the time spent addressing nuisance behaviour by the police and other City staff, an increase in downtown liquor primary business licence rates may be justified.

Currently, the Police Department is attempting to re-introduce a "Barwatch" Program. It is hoped the program will significantly reduce the number of problems attributed to liquor primary establishments. The proposal to use this broad tool was the preferred action because it was felt increasing business licence fees would be a disincentive to participate in the program.

Staff outlined for Committee the details of the program which uses technology to swipe BC ID which can detect fake ID and can also be used to share information with other establishments enrolled in the program.

Committee discussed with staff the following:

- Raising the business licence (BL) fee; the principle of the BL fee is to reflect the cost of regulation. A 2004 review resulted in an increase in certain classes of liquor licence establishments.
- Increasing BL rates as a tax per seat to provide funding for increased policing.
- Increasing BL fee and funding a reserve to provide proactive solutions.
- Formalising monthly meetings with police, Cabaret Association and staff; bylaw staff will attend regular meetings.
- A review of cabaret participation and outcomes of this program at a later date.

A Committee member expressed approval for the active participation between the Cabaret Assn, the DVBA and the City, noting, however, personal responsibility should also be a focus.

Action: Councillor Young moved:

1. That Council maintains the current Downtown Liquor Primary Business Licence rates at their current levels. A review of police calls for service after the implementation of the “Barwatch” program may be undertaken to assess the need for an increase in downtown liquor primary licence rates.
2. That Council direct staff to report back to Committee with outcomes of the “Barwatch” program in September 2009.

CARRIED 08/600

Acting Mayor Fortin voted against this motion

14. ADMINISTRATIVE MATTERS

14.1 Disposition of Communications dated October 9, 2008

A Committee member inquired whether responses were sent to letters received from citizens concerned about the Carrick Street ambulance staff, amongst others. Staff advised this was the case.

Action: Councillor Coleman moved that the Disposition of Communications dated October 9, 2008 from the Manager, Administration, be received for information and filed.

CARRIED 08/599

14.2 Proclamation – “Pain Awareness Week”

Action: Councillor Holland moved that November 2nd – 8th, 2008, be proclaimed as “Pain Awareness Week” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 08/598

14.3 Proclamation – “Child Sexual Abuse Prevention Week”

Action: Councillor Holland moved that November 17th – 23rd, 2008, be proclaimed as “Child Sexual Abuse Prevention Week” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 08/597

14.4 Proclamation – “Medical Radiation Technologists Week”

Action: Councillor Holland moved that November 2nd – 8th, 2008, be proclaimed as “Medical Radiation Technologists Week” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 08/596

14.5 Proclamation – “World Diabetes Day”

Action: Councillor Holland moved that November 14th, 2008, be proclaimed as “World Diabetes Day” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 08/595

15. COUNCILLOR INFORMATION SHARING AND INQUIRIES

15.1 Councillor Thornton-Joe – Homeless Action Week

Councillor Thornton-Joe outlined for Committee Homeless Action Week which is also World Food Day and urged those present to make a donation to the Mustard Seed Food Bank.

15.2 Councillor Thornton-Joe – Halloween and Fireworks

Councillor Thornton-Joe reminded Committee, staff and the public that Halloween is fast approaching and the City of Victoria does not allow the sale of fireworks in Victoria and that no fireworks can be set-off without a permit. This reminder is for the safety of people and animals alike.

15.3 Councillor Thornton-Joe – Canadian Commission of UNESCO

Councillor Thornton-Joe outlined for Committee the Canadian Commission of UNESCO which is inviting municipalities to join a coalition of municipalities against racism and discrimination. Twenty-seven municipalities have signed up to date. Councillor Thornton-Joe declared a notice of motion to refer the information booklet to Human Resources staff to review the program. Committee made no objection to furthering the motion at this meeting.

Action: Councillor Thornton-Joe moved that Council approve and direct staff to join the Coalition of Municipalities Against Racism and Discrimination endorsed by the Canadian Commission for UNESCO.

CARRIED 08/594

15.4 Councillor Hughes – Souper Bowls of Hope

Councillor Hughes shared with Committee that on Wednesday, October 22, 2008, the Souper Bowls of Hope is scheduled at the Empress Hotel from 11:00 a.m. to 1:30 p.m. The cost is \$25.00, which includes a bowl of your choice to take home. The funds raised go towards youth programs and training.

16. CLOSED MEETING at 11:22 a.m.

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

Staff Present: M. McCliggott – Acting City Manager; R. Woodland – Corporate Administrator; C. Havelka – Recording Secretary.

Staff Present for a Portion of the Meeting: K. Josephson – Manager, Communications; K. Friars – Director, Parks, Recreation and Community Development; D. Day – Director of Planning and Development; J. Schmidt – Manager, Corporate Planning & Policy; M. Lai – Assistant Director of Transportation and Parking Services; B. Naughton – Interim Police Chief; J. Pearce – Inspector, City Police; G. McDannold – Staples McDannold Stewart; P. Johnson, Staples, McDannold Stewart.

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 08/593

16.1 Minutes from the Closed Portion of the Committee of the Whole Meeting held October 2, 2008

Action: Councillor Madoff moved that the Closed Portion of the minutes from the Committee of the Whole meeting held October 2, 2008 be adopted.

CARRIED 08/592

16.2 Minutes from the Special Closed Committee of the Whole Meeting held October 3, 2008

Action: Councillor Madoff moved that the minutes from the Special Closed Committee of the Whole meeting held October 3, 2008 be adopted.

CARRIED 08/591

16.3 Appointment – Victoria Police Board – Interview

The Victoria Police Board Interview was postponed to be scheduled for a future time.

16.4 New Lease – 3140 Napier Lane

Committee received a report dated October 8, 2008, from Legislative and Regulatory Services with respect to a New Lease for 3140 Napier Lane. Minor tenant improvement work is required for this vacant warehouse and residential space, such as installing a furnace which conforms with fire regulations for working with wood.

Committee discussed the future of this land and the option of returning it to park land as part of the Parks Master Plan process. The community has expressed interest in this land in terms of what its future will be. Staff advised that the tenant will fill the last of four units on this property and all four leases will come due at the same time. At that time the property can be evaluated as part of the Parks Master Plan.

Action: Councillor Young moved that Council approves a new Lease with Top Notch Joinery Services as follows:

1. Premises – 3140 Napier Lane, bay at south end of building.
2. Rent - \$23,400.00 per year plus GST.
3. Term – November 1, 2008 to January 31, 2010.
4. Tenant responsible for utilities and all maintenance and repair of premises with the exception of structural failure.

CARRIED 08/590

16.5 Land Acquisition

Committee received a verbal report from the Corporate Administrator with respect to Land Acquisition.

The discussion and motion were recorded and kept confidential.

(Closed resolution # 08/589)

16.6 Legal – Cridge Park Judgment

Committee received correspondence dated October 15, 2008, from the City's Solicitor with respect to the Cridge Park Judgment.

The discussion was recorded and kept confidential.

Action: Councillor Holland moved:

1. That Victoria City Council proceed with an appeal to the Court of Appeal for the case *City of Victoria v. Adams, BC Supreme Court Decision – October 14, 2008*.
2. That Victoria City Council not proceed with any amendments to the *Parks Regulation Bylaw* and the *Streets and Traffic Bylaw* while any appeal is proceeding and instead use its operational policy to regulate the use of shelters in parks and open spaces.
3. That Victoria City Council apply to the Union of BC Municipalities for funding assistance on any appeal to the Court of Appeal.
4. That Victoria City Council contact both the UBCM and the Federation of Canadian Municipalities to urge them to seek intervener status on any appeal to the Court of Appeal which the City may decide to pursue.

CARRIED 08/588

The Corporate Administrator advised Committee that a Special Council Meeting had been scheduled for 11:45 a.m. and suggested that it be adjourned until 12:30 p.m.

17. ADJOURNMENT

Action: Councillor Holland moved that the Closed portion of the Committee of the Whole meeting dated October 16, 2008 be adjourned at 11:57 a.m.

CARRIED 08/587

18. RECONVENE

Action: Councillor Holland moved that Committee of the Whole reconvene 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 08/586

18.1 Legal – Cridge Park Judgment

Committee continued to discuss the Cridge Park Judgment.

The discussion was recorded and kept confidential.

Action: Councillor Holland moved that Council adopt the *Bylaw Enforcement Policy – Erecting Temporary Shelters in Public Spaces* dated October 16, 2008.

CARRIED 08/585

19. ADJOURNMENT

Action: Councillor Thornton-Joe moved and Councillor Coleman seconded, that the Closed portion of the Committee of the Whole meeting of October 16, 2008, be adjourned at 12:37 p.m. to convene a Special Council Meeting.

CARRIED 08/584

20. RECONVENE

Committee reconvened at 12:57 p.m.

20.1 Land – Lease

Committee received a report dated October 15, 2008, from Legislative and Regulatory Services with respect to Land – Lease.

The discussion was recorded and kept confidential.

Councillor Chandler withdrew from the meeting at 1:05 p.m.

Councillor Chandler returned to the meeting at 1:06 p.m.

Councillor Coleman left the meeting at 1:19 p.m.

Action: Councillor Young moved that Council supports the new lease with SALTS on the following terms:

1. One two-year term ending November 30, 2010.
2. A renewal provision of a further nine months to August 30, 2011.
3. The annual rent as follows:
 - 2009 - \$55,912
 - 2010 - \$58,708
 - December 1, 2010 – August 31, 2011 – Fair Market Value.
4. Publication of Notices to lease property and provide assistance.

CARRIED 08/583

21. COUNCILLOR INQUIRY

Councillor Young withdrew from Council Chambers at 1:31 p.m. due to an indirect conflict with the following item arising from his spouse's employment with Beacon Community Services.

Councillor Hughes – Out of the Rain Shelter

Councillor Hughes outlined an inquiry regarding the Out of the Rain Shelter.

The discussion was recorded and kept confidential.

22. ADJOURNMENT

Action: Councillor Thornton-Joe moved that the Committee of the Whole meeting of October 16, 2008 be adjourned at 1:39 p.m.

CARRIED 08/582

Acting Mayor Fortin, Chair