



MINUTES - VICTORIA CITY COUNCIL

November 5, 2020, 2:43 P.M.

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

To be held immediately following the Committee of the Whole Meeting

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

- PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Dubow, Councillor Potts, Councillor Young
- PRESENT FOR A PORTION OF THE MEETING: Councillor Isitt, Councillor Loveday
- PRESENT ELECTRONICALLY: Councillor Thornton-Joe
- STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, P. Bruce - Fire Chief, C. Coates - City Clerk , T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, B. Eisenhauer - Head of Engagement, K. Hoese - Director of Sustainable Planning and Community Development, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, P. Bellefontaine - Director of Engineering & Public Works, C. Moffat – Assistant City Solicitor, J. Jensen – Head of Human Resources, L. Van Den Dolder – Assistant City Solicitor, M. Sandhu – Head of Service Innovation and Improvement, P. Rantucci – Head of Strategic Real Estate, R. Morhart – Manager of Permits and Inspections, S. Perkins – Manager of Bylaw Services, A. Meyer – Assistant Director of Development Services, N. Sidhu – Assistant Director of Parks and Recreation, M. Heiser - Committee Secretary

A. CONVENE COUNCIL MEETING

B. APPROVAL OF AGENDA

Moved By Councillor Alto
Seconded By Councillor Loveday

That the agenda be approved.

Amendment:

Moved By Councillor Loveday
Seconded By Councillor Dubow

That the following item be added to the agenda:

E.1.b Report from the November 5, 2020 COTW Meeting

E.1.b.a By-Election Ministerial Order

CARRIED UNANIMOUSLY

Main motion as amended:

CARRIED UNANIMOUSLY

C. READING OF MINUTES

Moved By Councillor Alto
Seconded By Councillor Potts

That the following minutes be adopted:

1. Minutes from the daytime meeting held September 10, 2020
2. Minutes from the daytime meeting held October 1, 2020
3. Minutes from the evening meeting held October 8, 2020
4. Minutes from the evening meeting held October 22, 2020

CARRIED UNANIMOUSLY

D. PROCLAMATIONS

D.1 "Respiratory Therapy Week" - October 25 to 31, 2020

Moved By Councillor Dubow
Seconded By Councillor Loveday

That the following proclamation be endorsed:

1. "Respiratory Therapy Week" - October 25 to 31, 2020

CARRIED UNANIMOUSLY

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the October 22, 2020 COTW Meeting

**E.1.a.a 2021 Downtown Victoria Business Association (DVBA)
Budget Presentation**

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

Council approve the Downtown Victoria Business Association budget for 2021, as presented.

CARRIED UNANIMOUSLY

E.1.a.b1623-1625 Bank Street - Report on the Potential Heritage Designation (South Jubilee) (Update report to follow)

Moved By Councillor Alto
Seconded By Councillor Young

That Council receive the report for information.

CARRIED UNANIMOUSLY

E.1.a.c901 Gordon Street - Rezoning Application No.00743 (Downtown)

Moved By Councillor Alto
Seconded By Councillor Potts

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00743 for 901 Gordon Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.
2. That Council authorize the street-level projecting canopies over the City right-of-way on Gordon Street, Courtney Street and Broughton Street, provided that the applicant enters into an Encroachment Agreement prior to a Public Hearing in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

CARRIED UNANIMOUSLY

E.1.a.d1150 Douglas Street - Rezoning Application No.00748 (Downtown)

Moved By Mayor Helps
Seconded By Councillor Alto

That Council decline Rezoning Application No. 00748 for the property location at 1150 Douglas Street.

FOR (5): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Thornton-Joe, Councillor Potts

OPPOSED (2): Councillor Loveday, Councillor Young

CARRIED (5 to 2)

E.1.a.e Initiating a City of Victoria Governance Review

Moved By Councillor Loveday

Seconded By Councillor Alto

1. That Council direct staff to schedule a Council workshop and a separate workshop for staff and a workshop for residents and stakeholders to provide input to further inform the scope and priorities of a Governance Review and the selection of a consultant;
2. And That Council direct staff to report back with a proposed work plan and engagement strategy for the Governance Review aligned to the scope outlined in this report and informed by input received at the workshops outlined previously;
3. And That Council directs staff to report back with a budget estimate for the Governance Review and include that estimate in the 2021 budget for Council's consideration;
4. And That Council appoints up 3 Councillors as a sub-committee to guide the Governance Review process.
5. That Council direct staff to include in their report back best practices regarding embedding equity and anti-racism mandate into the governance review.

Amendment:

Moved By Councillor Loveday

Seconded By Mayor Helps

- ~~1. That Council direct staff to schedule a Council workshop and a separate workshop for staff and a workshop for residents and stakeholders to provide input to further inform the scope and priorities of a Governance Review and the selection of a consultant;~~
- ~~2. And That Council direct staff to report back with a proposed work plan and engagement strategy for the Governance Review aligned to the scope outlined in this report and informed by input received at the workshops outlined previously;~~
- ~~3. And That Council directs staff to report back with a budget estimate for the Governance Review and include that estimate in the 2021 budget for Council's consideration;~~
4. That Council direct staff to report back with a proposed work plan and engagement strategy that includes a Council workshop, a separate workshop for staff, and a workshop for residents and stakeholders to provide input to further inform the scope and priorities of a Governance Review aligned to the scope outlined in this report;
5. And That Council directs staff to report back with a budget estimate for the Governance Review and include

that estimate in the 2021 budget for Council's consideration;

6. And That Council appoints up 3 Councillors as a sub-committee to guide the Governance Review process.
7. That Council direct staff to include in their report back best practices regarding embedding equity and anti-racism mandate into the governance review.

CARRIED UNANIMOUSLY

On the main motion as amended:

1. That Council direct staff to report back with a proposed work plan and engagement strategy that includes a Council workshop, a separate workshop for staff, and a workshop for residents and stakeholders to provide input to further inform the scope and priorities of a Governance Review aligned to the scope outlined in this report;
2. And That Council directs staff to report back with a budget estimate for the Governance Review and include that estimate in the 2021 budget for Council's consideration;
3. And That Council appoints up 3 Councillors as a sub-committee to guide the Governance Review process;
4. That Council direct staff to include in their report back best practices regarding embedding equity and anti-racism mandate into the governance review.

CARRIED UNANIMOUSLY

E.1.b Report from the November 5, 2020 COTW Meeting

E.1.b.a By-Election Ministerial Order

Moved By Councillor Alto

Seconded By Councillor Potts

That Council authorize the provisions of the Ministerial Order applicable to the December 12, 2020 by-election:

1. As an exception to section 110 of the Act, and despite paragraphs 14, 15, 16 and 17 of the "City of Victoria Election Procedure Bylaw No. 02-013" as amended, or an applicable provision of any other bylaw, Council may, for mail ballot voting in the City of Victoria by-election:
 - a. permit voting by all eligible electors under the Act to be done by mail ballot and, in relation to this, may permit elector registration to be done in conjunction with this voting;
 - b. permit a secrecy sleeve to be used instead of a secrecy envelope in accordance with this Order and if a secrecy sleeve is permitted any requirement under the Act and the "City of Victoria Election Procedure Bylaw No. 02-13" as amended pertaining to a secrecy envelope must be read as pertaining to a secrecy sleeve for the purposes of this Order;

- c. permit the City of Victoria’s Chief Election Officer to establish time limits in relation to voting by mail ballot at their sole discretion; and
 - d. permit the City of Victoria’s Chief Election Officer to establish procedures for voting, processing and securing mail ballots at their sole discretion including, but not limited to, establishing times for opening certification envelopes, placing mail ballots in the vote tabulating machine, and securing the memory card of the vote tabulating machine.
2. Despite paragraphs 11 (1), (3)(a)(ii) and (b), (4) (c) of the “City of Victoria Election Procedure Bylaw No. 02-013” as amended, or an applicable provision of any other bylaw, Council may, for the City of Victoria by-election, permit advance voting opportunities under sections 106 and 107 of the Act and general voting under sections 105 and 106 to be conducted without a secrecy sleeve.
 3. As an exception to section 125 (1) (b) and (c) of the Act, and despite paragraph 11 (3) (ii) of the “City of Victoria Election Procedure Bylaw No. 02-013” as amended, or an applicable provision of any other bylaw, Council may, for the City of Victoria by-election, permit the elector, as directed by the election official responsible, to make an oral declaration that the elector is entitled to vote in the by-election when obtaining a ballot for voting, in which case the election official responsible must make a record that the elector made an oral declaration.
 4. As an exception to section 109 (1) of the Act, and despite paragraph 9 (1) of the “City of Victoria Election Procedure Bylaw No. 02-013” as amended, or an applicable provision of any other bylaw, Council may, for the City of Victoria by-election, permit the City of Victoria’s Chief Election Officer to establish special voting opportunities or to determine that no special voting opportunities will be held at their sole discretion.

CARRIED UNANIMOUSLY

F. BYLAWS

F.1 Bylaw for Rental Property Standards of Maintenance Bylaw

Moved By Councillor Alto
Seconded By Councillor Potts

That Council:

1. Rescind third reading of the Rental Property Standards of Maintenance Bylaw, No. 20-091 (the “Bylaw”);

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Thornton-Joe, Councillor Potts

OPPOSED (1): Councillor Young

CARRIED (6 to 1)

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

2. Amend the Bylaw as follows:
 - a. in section 12, strike out subsection (5) and replace with the following:
“(5) All rooms containing sanitary facilities within a residential property shall: have a door that can be securely closed at any entrance, and be maintained in good order, free of mould and in a clean condition.”,
 - a. in section 13 (1), strike out “washer, dryer and double laundry sink”, and replace with “washer and dryer”, and
 - b. in section 13 (3), strike out “a double laundry sink and”.

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Thornton-Joe, Councillor Potts

OPPOSED (1): Councillor Young

CARRIED (6 to 1)

Moved By Councillor Alto

Seconded By Councillor Potts

3. Give third reading to the Bylaw as amended.

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Thornton-Joe, Councillor Potts

OPPOSED (1): Councillor Young

CARRIED (6 to 1)

G. CORRESPONDENCE

G.1 Letter from the Corporation of the District of Saanich

Council received a letter dated October 8, 2020 from the Corporation of the District of Saanich regarding Federal Funding for Affordable Housing.

Moved By Councillor Dubow

Seconded By Councillor Potts

That the letter be received for information.

CARRIED UNANIMOUSLY

Council recessed the Daytime Council meeting at 3:04 p.m.

H. CLOSED MEETING

Motion to go into a closed Council meeting at 3:05 p.m.:

Moved By Councillor Potts

Seconded By Councillor Loveday

MOTION TO CLOSE THE NOVEMBER 5, 2020 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- *Section 90(1)(c) labour relations or other employee relations;*
- *Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
- *Section 90(1)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;*
- *Section 90(1)(g) litigation or potential litigation affecting the municipality;*
- *Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

CARRIED UNANIMOUSLY

Councillor Dubow withdrew from the meeting at 3:05 p.m.

I. APPROVAL OF CLOSED AGENDA

Moved By Councillor Potts

Seconded By Councillor Alto

That the closed agenda be approved.

CARRIED UNANIMOUSLY

J. READING OF CLOSED MINUTES

M. NEW BUSINESS

M.1 Land/Legal Advice - Community Charter Sections 90(1)(e) and (i)

Council discussed a land and legal matter.

The motion was recorded and kept confidential.

M.2 Law Enforcement/ Potential Litigation/ Legal Advice - Community Charter Sections 90(1) (f), (g), and (i)

Council discussed a law enforcement, potential litigation, and legal advice matter.

The motion was recorded and kept confidential.

M.3 Legal Advice – Community Charter Section 90(1)(i)

Council discussed a legal advice matter.

The conversation was recorded and kept confidential.

Councillor Isitt returned to the meeting at 3:56 p.m.

M.4 Legal Advice – Community Charter Section 90(1)(i)

Council discussed a legal advice matter.

The conversation was recorded and kept confidential.

Councillor Loveday withdrew from the meeting 4:22 p.m.

The open Council meeting reconvened at 5:40 p.m.

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.b Report from the November 5, 2020 COTW Meeting

E.1.b.b Council Member Motion: Parks Sheltering Update

Moved By Councillor Alto

Seconded By Councillor Potts

Staff be directed to work with community organizations to find a location outside but adjacent to Beacon Hill Park for a Community Care Tent. That staff report to Council if there any challenges with the operations of the Community Care Tent.

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Thornton-Joe, Councillor Potts

OPPOSED (1): Councillor Young

CARRIED (6 to 1)

Moved By Councillor Young

Seconded By Councillor Isitt

That Council direct staff to report back on Nov 12 COTW on the implications of introducing a setback requirement for private property boundaries for shelters erected in accordance with section 16 A and 16 B of the Parks Regulation Bylaw, based on the following potential set backs: 4 metres, 6 metres

FOR (5): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Thornton-Joe, Councillor Young

OPPOSED (2): Councillor Dubow, Councillor Potts,

CARRIED (5 to 2)

P. **ADJOURNMENT**

Moved By Councillor Alto
Seconded By Councillor Potts

That the Closed Council Meeting be adjourned at 5:43 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR