



MINUTES - VICTORIA CITY COUNCIL

July 2, 2020, 3:27 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

Due to the COVID-19 Pandemic, public access to City Hall is not permitted.

This meeting may be viewed on the City's webcast at www.victoria.ca

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Potts, Councillor Thornton-Joe, Councillor Young

ABSENT: Councillor Isitt, Councillor Loveday, Councillor Dubow

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Coates - City Clerk , T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, J. Jensen - Head of Human Resources, K. Hoese - Director of Sustainable Planning and Community Development, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, AK Ferguson - Committee Secretary

B. APPROVAL OF AGENDA

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That Council add the Committee of the Whole Report of July 2, 2020 to the agenda.

CARRIED UNANIMOUSLY

C. READING OF MINUTES

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following minutes be adopted:

1. Minutes from the daytime meeting held May 14, 2020
2. Minutes from the daytime meeting held May 28, 2020
3. Minutes from the daytime meeting held June 11, 2020
4. Minutes from the evening meeting held June 11, 2020

5. Minutes from the daytime meeting held June 18, 2020

CARRIED UNANIMOUSLY

D. REPORTS OF COMMITTEE

D.1 Committee of the Whole

D.1.a Report from the June 11, 2020 COTW Meeting

D.1.a.a Council Member Motion - Late Items for the Agendas

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That this matter be reviewed as part of the governance review.

CARRIED UNANIMOUSLY

D.1.b Report from the June 25, 2020 COTW Meeting

D.1.b.a 1023 Tolmie - Update Report for Rezoning Application No. 00672 and Development Permit with Variances Application No. 00097 for 1023 Tolmie Avenue (Hillside-Quadra)

Moved By Councillor Alto

Seconded By Councillor Young

Rezoning Application No. 00672

That first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set for the proposed development outlined in Rezoning Application No. 00672 for 1023 Tolmie Avenue.

Development Permit with Variances No. 00097

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00627, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00097 for 1023 Tolmie Avenue, in accordance with:

1. Plans date stamped April 6, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front yard setback on the south lot from 6.0m to 4.2m to the building and 3.0m to the deck;
 - ii. reduce the rear yard setback on the south lot from 6.0m to 3.5m;

- iii. reduce the south side yard setback on the south lot from 2.4m to 1.5m for any portion of a dwelling used for habitable space and which has a habitable window; and
 - iv. reduce the south side yard setback on the north lot from 2.4m to 1.73m for any portion of a dwelling used for habitable space and which has a habitable window.
3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

**D.1.b.b BC Housing's Affordable Homeownership Program
Memorandum of Understanding**

Moved By Councillor Alto

Seconded By Councillor Potts

That Council authorize the Mayor and City Clerk to execute a memorandum of understanding (“MOU”) with BC Housing, on the terms satisfactory to the City’s Director of Sustainable Planning and Community Development, and in the form satisfactory to the City Solicitor, to guide the City of Victoria’s participation in BC Housing’s Affordable Home Ownership (“AHO”) Program, generally in accordance with the following terms and conditions:

- a. that contributions by BC Housing in the form of below market construction financing, from the City in the form of extra density, parking and other zoning relaxations, and from the developer in the form of in-kind community amenity contributions, will be pooled to reduce the cost of home ownership to eligible participants;
- b. that for all AHO Program participants, homes will be sold to eligible purchasers at fair market value, but a portion of the purchase price (between 10% - 20%) will be covered by a 25 year interest free mortgage in favour of BC Housing (known as the second mortgage);
- c. that eligible purchasers must meet a number of eligibility criteria, principal among which is that their household income cannot exceed the 75th income percentile for families with children for units with two or more bedrooms, and for families without children for units with less than two bedrooms, as determined by BC Housing from time to time;
- d. that the second mortgage will not be repayable until the owner defaults on any mortgage registered against title, until there is a change of ownership to a non-qualifying buyer, or to a qualified buyer (through registration discharge of the existing mortgage and a new second mortgage on title of the new qualified buyer), or if the unit ceases to be the owner’s principal residence during the first five years of ownership or the 25 year term ends;
- e. that when that mortgage is repayable, a percentage (between 10% - 20%) of the sale price equivalent to the percentage of the vendor’s

original purchase price secured by that mortgage will be payable to BC Housing;

- f. that once each year all such second mortgage proceeds collected by BC Housing will be transferred to the Victoria Housing Reserve Fund, less 2% to cover its administration costs; and
- g. that this MOU is non-binding and nothing in the MOU is to be construed as limiting Council, the City, or any City official in exercising their discretion with regard to any rezoning, permitting or subdivision of lands.

CARRIED UNANIMOUSLY

D.1.b.c First Triannual Accountability Report 2020

Moved By Mayor Helps
Seconded By Councillor Potts

That Council receive this report for information.

CARRIED UNANIMOUSLY

D.1.b.d Sheltering in Place

Moved By Councillor Potts
Seconded By Mayor Helps

That Council reaffirms the existing direction, consistent with advice of Public Health Officials to reduce the risk of transmission of COVID-19, of sheltering-in-place through deferred enforcement of the 7am-7pm bylaw provision in locations where overnight sheltering is permitted until advice is received from the Provincial Health Officer or Island Health Medical Officer that updates or changes the direction from the June 8th guidance from the BC Centre for Disease Control, "Responses to Homeless Encampment Health Issues in the Context of COVID-19"

Direct staff to report back July 9 on access to basic needs such as clean water, hygiene, sanitation and basic services.

The City Manager report back if more budget is required for staffing in relation to sheltering in parks.

FOR (4): Mayor Helps, Councillor Alto, Councillor Potts, and Councillor Thornton-Joe
OPPOSED (1): Councillor Young

CARRIED (4 to 1)

**D.1.b.e 1010 Fort Street - Update for Rezoning Application No. 00643
(Harris-Green)**

Moved By Councillor Thornton-Joe
Seconded By Councillor Young

That Council decline Rezoning Application No. 00643 for the property located at 1010 Fort Street.

That Council decline Development Permit with Variances Application No. 00079 for the property located at 1010 Fort Street.

FOR (2): Councillor Thornton-Joe, and Councillor Young
OPPOSED (3): Mayor Helps, Councillor Alto, and Councillor Potts
DEFEATED (2 to 3)

Moved By Mayor Helps
Seconded By Councillor Alto

To refer the application back to staff to work with the applicant to develop a proposal more in keeping with all the design guidelines for the subject property.

CARRIED UNANIMOUSLY

Moved By Mayor Helps
Seconded By Councillor Alto

That Council direct staff to request that the applicant pay the \$250,000 into the city's housing reserve trust fund prior to the December 31, 2020 deadline.

CARRIED UNANIMOUSLY

D.1.b.f 2558 Quadra Street - Update to the Housing Agreement for Rezoning Application No. 00707

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That Council amend condition #2 in the March 12, 2020 Council resolution for the Rezoning Application No. 00707 at 2558 Quadra Street so that it reads:

1. Preparation and execution of a Housing Agreement for a term of 60 years to secure the building as rental, on terms to the satisfaction of the Director of Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY

D.1.b.g Everyday Creativity Grant Program

Moved By Councillor Thornton-Joe
Seconded By Councillor Potts

That Council:

1. Approves the new one-time Everyday Creativity Grant Program and Guidelines.

2. Approves a rolling intake until December 31, 2020 and authorizes the City Manager to approve the grants following the staff review process.
3. Direct staff to report back at the end of the year on grant allocations and evaluation of the grant program.

CARRIED UNANIMOUSLY

D.1.b.h Ministerial Order M192 - Open Meetings Public Attendance

Moved By Councillor Potts

Seconded By Councillor Thornton-Joe

That Council, pursuant to Ministerial Order M192 of the Minister of Public Safety and Solicitor General, passed June 17, 2020, authorize that until there are changes to the restrictions on gatherings and social distancing requirements, all open meetings of Council, including Committee of the Whole shall be conducted without members of the public present in council chambers. That openness, transparency, accessibility and accountability of these meetings are ensured subject to the provision of:

1. Full live-stream webcasting and archived meetings on the City's website, including closed captioning services for all open meetings.
2. Public participation by electronic means for request to address council and question period for regular meetings of council.
3. Remote participation for opportunities for public comment and public hearings through:
 - a. Written submissions
 - b. Pre-recorded video submissions
 - c. Pre-registered speakers list (remote participation)
 - d. Real-time call-in during the hearing

CARRIED UNANIMOUSLY

D.1.b.i Council Member Motion - Financial Contribution toward the City of New Westminster's Legal Costs

Moved By Councillor Potts

Seconded By Mayor Helps

That Council authorize staff to offer an expenditure of \$5,000 from the 2020 contingency as a contribution toward the City of New Westminster's legal costs of defending an appeal in relation to the *Business Regulations and Licensing (Rental Units) Bylaw No. 6926*.

FOR (4): Mayor Helps, Councillor Alto, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (4 to 1)

D.1.c Report from the July 2, 2020 COTW Meeting

D.1.c.a Appointment of Bylaw Officers

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That Council approve the appointment of Tina Lockhart, Anna Kebaien, and Tyrus Sleightholme:

1. As a Bylaw Officer pursuant to section 2(a) of the Inspection Bylaw (06-061); and
2. As a Business Licence Inspector for the City of Victoria

CARRIED UNANIMOUSLY

D.1.c.b Appointment of Animal Control Officer

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That Tyson Taylor be appointed as

1. "Animal Control Officer" pursuant to section 49(1) of the Community Charter, and
2. That his appointment be rescinded upon termination of his employment by Victoria Animal Control Services Ltd.

CARRIED UNANIMOUSLY

D.1.c.c Proposed Capital Regional District Liquid Waste Management Core Area and Western Communities Service Establishment Bylaw No. 4304

Moved By Mayor Helps
Seconded By Councillor Potts

That Council consent to the adoption of Capital Regional District Bylaw 4304, "Liquid Waste Management Core Area and Western Communities Service Establishment Bylaw No. 1, 1995, Amendment Bylaw No. 3, 2020"

CARRIED UNANIMOUSLY

D.1.c.d. Increase Arts in Public Places Committee Membership

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

To amend the Terms of Reference for number of members to a minimum of 5 and a maximum of 7.

CARRIED UNANIMOUSLY

E. BYLAWS

E.1 Bylaws for 359-369 Tyee Road (Dockside Green): Development Permit Application No. 000550

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the following bylaw **be adopted**:

1. Housing Agreement (359, 363, & 369 Tyee Road) Bylaw (2020) No. 20-045
2. Housing Agreement (359, 363, & 369 Tyee Road) Bylaw (2020) No. 20-046

CARRIED UNANIMOUSLY

F. CLOSED MEETING

Moved By Councillor Young

Seconded By Councillor Potts

MOTION TO CLOSE THE JULY 2, 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)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- *Section 90(1)(c) labour relations or other employee relations;*
- *Section 90(1)(f) law enforcement, if the council considers that disclosure could reasonable 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; and*
- *Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

CARRIED UNANIMOUSLY

G. APPROVAL OF CLOSED AGENDA

K. NEW BUSINESS

K.1 Intergovernmental Relations - Community Charter Section 90(2)(b)

This matter was referred to the July 9, 2020 Closed Council Meeting

K.2 Appointment – Community Charter Section 90(2)(b)

Council discussed an appointment matter.

The discussion and motion were recorded and kept confidential.

K.3 Appointment – Community Charter Section 90(2)(b)

Council discussed an appointment matter.

The discussion and motion were recorded and kept confidential.

K.4 Appointment – Community Charter Section 90(2)(b)

Council discussed an appointment matter.

The discussion and motion were recorded and kept confidential.

K.5 Legal Advice/Litigation - Community Charter Section 90(1)(g) and (i)

Council discussed a Legal Advice/Litigation matter.

The discussion and motion were recorded and kept confidential.

K.6 Law Enforcement - Community Charter Section 90(1)(f)

Council discussed a law enforcement matter.

The discussion was recorded and kept confidential.

K.7 Employee Relations - Community Charter Section 90(1)(c)

Council discussed an Employee Relations matter.

The discussion was kept confidential.

M. ADJOURNMENT

Moved By Councillor Alto

Seconded By Councillor Potts

That the Closed Council Meeting be adjourned at 5:20 p.m.

CITY CLERK

MAYOR