



MINUTES - VICTORIA CITY COUNCIL

September 10, 2020, 12:00 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 Isitt, Councillor Potts, Councillor Thornton-Joe, Councillor Dubow, Councillor Young

ABSENT: Councillor Loveday

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Coates - City Clerk, T. Zworski - City Solicitor, 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, L. Van Den Dolder - Assistant City Solicitor, C. Mycroft - Manager of Executive Operations, N. Sidhu - Assistant Director of Parks, Recreation & Facilities, P. Bellefontaine - Director of Engineering & Public Works, P. Martin - Council Secretary

A. CONVENE COUNCIL MEETING

B. APPROVAL OF AGENDA

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the agenda be approved.

Amendment:

Moved By Councillor Potts

Seconded By Councillor Thornton-Joe

That the agenda be amended to add D.2, Report from the September 10, 2020 COTW Meeting.

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

C. READING OF MINUTES

Moved By Councillor Thornton-Joe
Seconded By Councillor Potts

That the following minutes be adopted:

1. Minutes from the daytime meeting held August 6, 2020
2. Minutes from the special Council meeting held August 27, 2020

CARRIED UNANIMOUSLY

D. REPORTS OF COMMITTEES

D.1 Report from the September 3, 2020 COTW Meeting

D.1.a 2800 Bridge Street - Development Permit with Variance Application No. 00139 (Burnside)

Moved By Councillor Alto
Seconded By Councillor Potts

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00139 for 2800 Bridge Street, in accordance with:

1. Plans date stamped June 18, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - a. increase the height of a raw materials receiving and storage facility (silo) from 15m to 31.83m.
3. Registration of a legal agreement on the property's title to restrict the illumination levels and hours of operation (to midnight) of the light installation on the north elevation of the raw materials receiving and storage facility (silo), to the satisfaction of the Director of Community Planning and Sustainable Development.
4. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

D.1.b Victoria Housing Reserve Fund Application Update: 11 Chown Place (Burnside)

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That Council revise the Victoria Housing Reserve Fund (VHRF) grant approved on January 9, 2020 for a 58-unit housing project at 11 Chown Place by rescinding Section 3 of the original motion and replacing it with a revised Section 3 to require that the grant is subject to:

3. The execution of a Housing Agreement, in the form satisfactory to the City Solicitor, to secure 35 new (one bedroom) units to be dedicated for seniors (55+) for a period of 60 years as follows:
 - a. 11 units for very low income level;
 - b. 13 units for low income level;
 - c. 11 units for median income level.

CARRIED UNANIMOUSLY

D.1.c Victoria Police Q2 Report

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council receive this report for information.

CARRIED UNANIMOUSLY

D.1.d Council Member Motion: Newspaper Boxes in Downtown

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That this motion be postponed indefinitely:

“That Council request that staff ask the companies to remove newspaper boxes from city-owned property and if they do not, that staff remove the boxes off of public property.”

CARRIED UNANIMOUSLY

D.1.e 1802 Cook Street and 1056 North Park Street -Temporary Use Permit Application No. 00015 (North Park)

Moved By Councillor Alto

Seconded By Councillor Dubow

That Council, after giving notice and allowing an Opportunity for Public Comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of Temporary Use Permit Application No. 00015 for 1802 Cook Street & 1056 North Park Street, in accordance with:

- i. Plans date stamped February 19, 2020
- ii. Development meeting all Zoning Regulation Bylaw requirements
- iii. A street ambassador provided by the service operator during operating hours that patrols the immediate area every hour to prevent congregation and negative behaviours from clients of the harm reduction service
- iv. The Temporary Use Permit lapsing three years from the date of this resolution.”

CARRIED UNANIMOUSLY

**D.1.f 43, 45 and 55 Gorge Road East and 2827, 2829, and 2831 Irma Street
- Update on Rezoning Application No. 00720 (Burnside)**

Moved By Councillor Potts

Seconded By Councillor Alto

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00720 for 43, 45 and 55 Gorge Road East and 2827, 2829 and 2831 Irma Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and that a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of the appropriate legal agreements executed by the applicant in order to secure the following:
 - i. a housing agreement to ensure the residential rental units remain rental in perpetuity;
 - ii. statutory right-of-ways of 4.82m on Gorge Street and 1.38m on Irma Street be registered on title to the satisfaction of the Director of Engineering and Public Works;
 - iii. construction of a public plaza on the corner of Gorge Road East and Irma Street to the satisfaction of the Director of Community Planning and Sustainable Development and Director of Engineering and Public Works;
 - iv. purchase of two car share vehicles with assigned parking spaces on-site, 121 car share memberships for the life of the building along with \$100 usage credit for each membership and 6 commercial parking spaces assigned to residential visitors after business hours and on weekends to the satisfaction of the Director of Community Planning and Sustainable Development; and
 - v. preparation of the appropriate legal agreement to ensure the appropriate construction methodology would not impact the health of the Garry Oak trees to be retained.
2. The applicant confirms that all the current tenants have reviewed the Tenant Assistance Plan and had an opportunity to identify their individual needs and that the applicant update the Tenant Assistance Plan accordingly to the satisfaction of the Director of Community Planning and Sustainable Development.
3. An amenity contribution of \$17,500.00 towards the Local Amenities Reserve Fund for the installation of traffic calming devices along Irma and Lotus Streets to the satisfaction of the Director of Engineering and Public Works is secured in the zone.

CARRIED UNANIMOUSLY

**D.1.g Tenant Assistance Policy - Renters Advisory Committee
Amendment for Moving Costs**

Moved By Councillor Dubow

Seconded By Councillor Alto

That Council direct staff to:

1. Amend the Tenant Assistance Policy Item 4.2 as follows:

4.2 Moving Expenses and Assistance

One of two options should be provided to displaced tenants, at the discretion of the landlord:

- i. An insured moving company may be hired by the applicant, with all arrangements and costs covered within Greater Victoria; or
- ii. Flat rate compensation (based on unit size) provided to the tenant at the rate of:
\$500 for bachelor and one-bedroom households
\$750 for two-bedroom households
\$1,000 for three or more bedroom households.

When a tenant is exercising the Right of First Refusal (Section 4.4), moving expenses should be provided for both the move out and return to the building.

Tenants may request moving compensation different than that proposed by the Landlord per item 6.0: Tenants Requiring Additional Assistance.

2. Review the flat rate compensation amounts at regular intervals to ensure that they are adjusted for inflation and reflective of the market rates for moving costs.

CARRIED UNANIMOUSLY

D.1.h Motion Arising from the Report: City Response on Sheltering During the Pandemic

Moved By Councillor Isitt

Seconded By Councillor Dubow

Request that BC Housing use of the Save on Foods Memorial Centre until December 31, 2020 for temporary housing with supports.

CARRIED UNANIMOUSLY

D.1.i Council Member Motion: Approving Attendance at UBCM 2020

Moved By Councillor Thornton-Joe

Seconded By Councillor Potts

That Council approve the attendance and associated registration expenditure of \$367.50 each for Councillors Alto, Dubow, Isitt, Loveday, Potts and Young and Mayor Helps to attend the Union of BC Municipalities convention taking place virtually from September 22-24, 2020

CARRIED UNANIMOUSLY

D.2 Report from the September 10, 2020 COTW Meeting

D.2.a Postponed Council Member Motion: Additional Policing Resources to Support Public Safety

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council allocate up to \$94,528 from the Financial Stability Reserve* to provide additional policing resources in the City of Victoria for the remainder of 2020, and that Council receive monthly reports on the deployment and its success.

*The proposed revenue source is the financial stability reserve, as the 2020 Contingency was used for COVID related expenses. Some of these expenses may be recoverable through federal-provincial funding for municipalities.

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

OPPOSED (2): Councillor Isitt and Councillor Dubow

CARRIED (5 to 2)

D.2.b Appointment - Bylaw Officer

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council approve the appointment of Samuel Tschritter:

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

E. BYLAWS

E.1 Bylaw for Amendment to the Officers Bylaw

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following bylaw **be given first, second, and third readings:**

1. Officers Bylaw (Amendment No. 2) Bylaw No. 20-101

CARRIED UNANIMOUSLY

E.2 Bylaw for Amendment to the Parks Regulation Bylaw

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following bylaw **be given first and second readings:**

1. Parks Regulation Bylaw, Amendment Bylaw (No. 10) No. 20-102

Amendment:

Moved By Mayor Helps

Seconded By Councillor Thornton-Joe

To amend section 2(a) by renumbering the proposed paragraphs (xvi) and (xvii) as new paragraphs (xvii) and (xviii) and inserting the following as a new paragraph (Xvi): "Centennial Square".

Council discussed the following:

- *The importance of including Centennial Square in the list of prohibited parks for sheltering, to support the distributed model and the Downtown neighbourhood.*
- *That Centennial Square has access to washrooms and security which makes it a more supportable location for sheltering than other parks.*

Amendment to the amendment:

Moved By Councillor Young

Seconded By Councillor Thornton-Joe

To amend section 2(a) by renumbering the proposed paragraphs (xvi) and (xvii) as new paragraphs (xvii) and (xviii) and inserting the following as a new paragraph (Xvi): "~~Centennial Square~~ **Areas within the Business Improvement Area Boundary**".

DEFEATED UNANIMOUSLY

On the amendment:

FOR (3): Mayor Helps, Councillor Alto, and Councillor Thornton-Joe

OPPOSED (4): Councillor Isitt, Councillor Potts, Councillor Dubow, and Councillor Young

DEFEATED (3 to 4)

Council recessed from 12:39 p.m. until 1:13 p.m.

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Young

To amend section 2(b) of the bylaw by deleting 16B (1) and renumbering the remaining subsections of the proposed subsection 16(B).

FOR (3): Mayor Helps, Councillor Thornton-Joe, and Councillor Young

OPPOSED (4): Councillor Alto, Councillor Isitt, Councillor Potts, and Councillor Dubow

DEFEATED (3 to 4)

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Young

That the bylaw be amended to increase the distance from schools from 50 meters to 100 meters.

FOR (2): Councillor Thornton-Joe, and Councillor Young

OPPOSED (5): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Potts, and Councillor Dubow

DEFEATED (2 to 5)

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Young

That the bylaw be amended by increasing the distance from playgrounds from 4 meters to 8 meters.

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

OPPOSED (3): Councillor Alto, Councillor Loveday, and Councillor Potts

CARRIED (5 to 3)

Council recessed from 1:42 p.m. until 1:45 p.m.

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Young

Amend section 2(b) by renumbering paragraphs (b) to (e) in the proposed section 16B(2) as paragraphs (c) to (f) and inserting a new paragraph (b) as follows:

"(b) within 8 meters of a playground"

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

OPPOSED (2): Councillor Alto, and Councillor Potts

CARRIED (5 to 2)

On the main motion as amended:

That the following bylaw **be given first and second readings, as amended below:**

1. Parks Regulation Bylaw, Amendment Bylaw (No. 10) No. 20-102

*Amend section 2(b) by renumbering paragraphs (b) to (e) in the proposed section 16B(2) as paragraphs (c) to (f) and inserting a new paragraph (b) as follows:
"(b) within 8 meters of a playground"*

FOR (5): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Potts, and Councillor Dubow

OPPOSED (2): Councillor Thornton-Joe, and Councillor Young

CARRIED (5 to 2)

Motion arising:

Moved By Councillor Young

Seconded By Councillor Thornton-Joe

That staff be requested to report on the impacts (including the impacts on shelter spaces displaced to other locations) of a blanket prohibition of sheltering within the boundaries of the Business Improvement Area, or within an alternative boundary encompassing areas essential to the economic vitality of the City.

Amendment:

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the motion be amended as follows:

That staff be requested to report **within four weeks** on the impacts (including the impacts on shelter spaces displaced to other locations) of a blanket prohibition of sheltering within the boundaries of the Business Improvement Area, or within an alternative boundary encompassing areas essential to the economic vitality of the City.

CARRIED UNANIMOUSLY

On the main motion as amended:

That staff be requested to report within four weeks on the impacts (including the impacts on shelter spaces displaced to other locations) of a blanket prohibition of sheltering within the boundaries of the Business Improvement Area, or within an alternative boundary encompassing areas essential to the economic vitality of the City.

FOR (4): Mayor Helps, Councillor Alto, Councillor Thornton-Joe, and Councillor Young
OPPOSED (3): Councillor Isitt, Councillor Potts, and Councillor Dubow

CARRIED (4 to 3)

Moved By Councillor Potts
Seconded By Councillor Alto

That the following bylaw **be given third reading:**

1. Parks Regulation Bylaw, Amendment Bylaw (No. 10) No. 20-102

FOR (5): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Potts, and Councillor Dubow
OPPOSED (2): Councillor Thornton-Joe, and Councillor Young

CARRIED (5 to 2)

E.3 Bylaw for 3197 and 3199 Fifth Street and 1027, 1035, 1045, 1055, 1065, and 1075 Tolmie Avenue: Repeal of Housing Agreement Bylaw No. 14-044 and Discharge of Notice

Moved By Councillor Alto
Seconded By Councillor Potts

That the following bylaw **be adopted:**

1. Housing Agreement Bylaw No. 20-093 Repeal Bylaw (2020)

CARRIED UNANIMOUSLY

F. CLOSED MEETING AT 2:01 p.m.

Moved By Councillor Potts
Seconded By Councillor Dubow

MOTION TO CLOSE THE SEPTEMBER 10, 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)(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

Moved By Councillor Potts
Seconded By Councillor Alto

That the closed agenda be approved.

Amendment:

Moved By Councillor Alto
Seconded By Councillor Potts

That the agenda be amended to add the minutes to the consent agenda.

CARRIED UNANIMOUSLY

On the main motion as amended:
CARRIED UNANIMOUSLY

H. CONSENT AGENDA

Moved By Councillor Alto
Seconded By Councillor Potts

That the following item be approved without further debate.

CARRIED UNANIMOUSLY

READING OF CLOSED MINUTES

Moved By Councillor Alto
Seconded By Councillor Potts

That the following minutes be adopted:

1. Minutes from the closed meeting held August 6, 2020
2. Minutes from the closed Committee of the Whole meeting held August 6, 2020
3. Minutes from the special closed meeting held August 27, 2020

CARRIED UNANIMOUSLY

J. REPORTS OF COMMITTEES

J.1 Report from the September 3, 2020 Closed Committee of the Whole meeting

J.1.a Land/Municipal Service/Intergovernmental Negotiations

Council discussed a Land/Municipal Service/Intergovernmental Negotiations matter.

The conversation and motion were recorded and kept confidential.

K. UNFINISHED BUSINESS

K.1 Legal Advice/Litigation

Council discussed a Legal Advice/Litigation matter.

The conversation and motion were recorded and kept confidential.

M. NEW BUSINESS

M.1 Legal Advice

Council discussed a Legal Advice matter.

The conversation and motion were recorded and kept confidential.

Staff were excused at 3:07 p.m., the City Clerk, City Solicitor, Deputy City Manager, and City Manager remained in the meeting.

M.2 Legal Advice/Litigation

Council discussed a Legal Advice/Litigation matter.

The motion was recorded and kept confidential.

M.3 Employee Relations

Council discussed an employee relations matter.

O. ADJOURNMENT

Moved By Councillor Alto
Seconded By Councillor Potts

That the Closed Council Meeting be adjourned at 3:22 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR