



MINUTES - VICTORIA CITY COUNCIL

November 26, 2020, 2:00 P.M.

Council Chambers, City Hall, 1 Centennial Square

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 Loveday,
Councillor Thornton-Joe, Councillor Young

PRESENT
ELECTRONICALLY: Councillor Dubow, Councillor Isitt, Councillor Potts

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager /
Director of Finance, C. Coates - City Clerk , P. Bruce - Fire Chief, 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, A. Meyer - Assistant Director of
Development Services, C. Wain – Senior Planner, M. Angrove –
Senior Planner, C. Havelka - Deputy City Clerk, C. Mycroft - Manager
of Executive Operations, M. Angrove - Planner, AK Ferguson -
Committee Secretary, P. Bellefontaine - Director of Engineering &
Public Works

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 Alto
Seconded By Councillor Thornton-Joe

That the Report from the November 26, 2020 Committee of the Whole Meeting be added
to the agenda.

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

C. READING OF MINUTES

C.1 Minutes from the daytime meeting held November 5, 2020

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the Minutes from the daytime meeting held November 5, 2020 be adopted.

CARRIED UNANIMOUSLY

D. UNFINISHED BUSINESS

D.1 Reconsideration of Council Motion on Rezoning Application for 1150 Douglas Street

The Mayor advised that she has received information from the operator of the Bay Centre advising that this application would be a welcome addition to the Bay Centre and therefore put forward a reconsideration of the motion which was heard at the November 5, 2020 Council meeting.

Council discussed:

- *When the public hearing could take place*

Moved By Mayor Helps

Seconded By Councillor Isitt

That Council instruct staff to prepare the necessary zoning regulation bylaw amendment that would authorize the proposed development outlined in Rezoning Application No. 00748 for 1150 Douglas Street, that first and second reading of the zoning regulation bylaw amendment be considered by Council and a public hearing date be set.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt

Seconded By Councillor Loveday

That the meeting be closed under Section 90(1)(i) of the Community Charter for the receipt of advice that is subject to solicitor-client privilege.

CARRIED UNANIMOUSLY

Legal Advice – Community Charter Section 90(1)(i)

Council discussed a legal advice matter. The discussion was recorded and kept confidential.

Open Council recessed at 2:07 p.m. and reconvened at 2:16 p.m.

D.2 Rise and Report

D.2.a From the Closed Council Meeting held November 19, 2020

Employee Relations - Ratification of Tentative Agreement with CUPE

1. That Council approve ratification of the tentative agreement set out in the Memorandum of Agreement dated October 27, 2020 between the bargaining representatives of the City of Victoria and the Canadian Union of Public Employees (CUPE) Local 50.

F. REPORTS OF COMMITTEE

F.1 Committee of the Whole

F.1.a Report from the November 19 COTW Meeting

F.1.a.a 2020 External Audit Plan

Moved By Councillor Alto
Seconded By Councillor Loveday

That Council receive this report for information.

CARRIED UNANIMOUSLY

F.1.a.b 580-582 Niagara Street: Update to Rezoning Application No. 00721 (James Bay)

Moved By Councillor Alto
Seconded By Councillor Loveday

That Council amend condition 'b' in the June 18, 2020 Council resolution for the Rezoning Application No. 00721 for 580-582 Niagara Street, as follows:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00721 for 580-582 Niagara Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and Execution on the property's title to secure:
 - a. a statutory right-of-way, to the satisfaction of the Director of Engineering;
 - b. a Housing Agreement to secure two of the four units as rental for a period of 10 years and to ensure that strata bylaws cannot prevent rental of the units.

That Council request the applicant consider a period of at least 20 years of rental tenure in the housing agreement.

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Isitt

CARRIED (7 to 1)

F.1.a.c Outdoor Public Market Review

Moved By Councillor Thornton-Joe

Seconded By Councillor Loveday

That Council:

1. Direct staff to create a new consolidated permit process for all outdoor public markets to be managed by the Arts, Culture & Events department and bring forward for Council's consideration any bylaw or policy amendments necessary for its implementation;
2. Direct staff to work with the Bastion Square Revitalization Association to permit ongoing operations of the Bastion Square Market in 2021 and subsequent years.
3. Decline the Bastion Square Revitalization Association's request to renew the Bastion Square Public Market Licence beyond its expiry on December 31, 2020;
4. Terminate the Bastion Square Public Market Fund Agreement in accordance with section 5.3 of that agreement.

Motion to Postpone

Moved By Councillor Thornton-Joe

Seconded By Councillor Loveday

In order to receive information from staff.

CARRIED UNANIMOUSLY

F.1.a.d Climate Leadership Plan (CLP) Progress Update and 2020 Climate Action Strategy

Councillor Young requested that #6 be voted on separately.

Moved By Councillor Loveday

Seconded By Councillor Potts

That Council:

1. Receive the 2020 CLP Progress Report for information and direct staff to provide updated Progress Reports every 2 years.

2. Direct staff to continue implementing climate action initiatives with an emphasis on priority actions as identified in the 2020 Climate Action Strategy development section of this report.
3. Support the application of a grant through the Investing in Canada Infrastructure Program – Green Infrastructure – Climate Change Mitigation – CleanBC Communities Fund for the HVAC Replacement Project at Oaklands Community Centre and commits the City’s share of \$63,500 for the project.
4. If any of the grants identified within the financial impacts section of the report are awarded, authorize the City entering into a shared cost agreement with the funder (either the Province of British Columbia or Government of Canada), generally described in this report, on the terms acceptable to the Chief Financial Officer and the Director of Engineering and Public Works and in a form acceptable to the City Solicitor.

And that Council continue to advocate:

5. To the Province, CRD, BC Hydro, and other key stakeholders to designate Building Energy and Efficiency Retrofits as a regional infrastructure priority.

CARRIED UNANIMOUSLY

Moved By Councillor Loveday
Seconded By Councillor Alto

That Council continue to advocate:

6. To the Province to amend the Community Charter to give BC municipalities independent authority to manage issues of climate change, reflecting the importance and reality that these complex issues share environmental, social, and economic dimensions that affect community well-being in an increasingly important and severe manner.

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (7 to 1)

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

Lift F.1.a.c – Outdoor Public Market Review from the table.

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe
Seconded By Councillor Loveday

That Council:

1. Direct staff to create a new consolidated permit process for all outdoor public markets to be managed by the Arts, Culture & Events department and bring forward for Council's consideration any bylaw or policy amendments necessary for its implementation;
2. Direct staff to work with the Bastion Square Revitalization Association to permit ongoing operations of the Bastion Square Market in 2021 and subsequent years.
3. Decline the Bastion Square Revitalization Association's request to renew the Bastion Square Public Market Licence beyond its expiry on December 31, 2020;
4. Terminate the Bastion Square Public Market Fund Agreement in accordance with section 5.3 of that agreement.

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (7 to 1)

F.1.b Report from the November 26, 2020 COTW Meeting

F.1.b.a Emergency Social Services Grant

Councillor Dubow recused himself from the meeting at 2:35 p.m. due to a perceived bias as one of the applicants was his roommate.

Councillor Isitt recused himself from the meeting at 2:35 p.m. due to a non-pecuniary conflict of interest as he is a director for one of the applicants.

Councillor Loveday recused himself from the meeting at 2:35 p.m. due to a non-pecuniary conflict of interest as his partner works for one of the applicants.

Moved By Councillor Alto
Seconded By Councillor Potts

Deadline for applications be set for Tuesday, December 1 at 4:30 p.m. and that they be considered at the following COTW and staff indicate to the existing applicants that they are welcome to resubmit their applications with any additional details they may consider relevant for Council's consideration.

That the following questions be posed to the applications:

Salvation army proposal

Is the shower able to be mobile and attend different parks

umbrella and red cedar

Can they pair their application and collaborate regarding food service.

all applications

Whether there are matching funding being provided

Do you require the full amount required requested in order to do the service.

FOR (3): Councillor Alto, Councillor Potts, and Councillor Young

OPPOSED (2): Mayor Helps, and Councillor Thornton-Joe

CARRIED (3 to 2)

Councillors Dubow, Isitt and Loveday rejoined the meeting at 2:39 p.m.

F.1.b.b Bastion Square Animation

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council:

1. Authorize staff to release \$23,395 from the Bastion Square Market Fund to the BSRA for their seasonal animation project with efforts to be made to have some to the elements made permanent.

CARRIED UNANIMOUSLY

F.1.b.c Report Back: Vehicle Access Changes in Beacon Hill Park

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

1. That Council receive the following report for information and direct staff to reopen vehicle access to Beacon Hill summit from Circle Drive
2. Direct staff to report back at the 2022 Financial Planning process on options and implications of undertaking ecological restoration and/or a "road diet" in some paved areas, parking areas and other disturbed areas in the vicinity of the summit of Meegan (Beacon Hill) and the roadway leading to the summit.

CARRIED UNANIMOUSLY

G. BYLAWS

G.1 Bylaws for 1908, 1916, and 1920 Oak Bay Avenue: Rezoning Application No. 00694 and Development Permit with Variances Application No. 000551

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1237) No. 20-103

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

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

1. Housing Agreement (1908, 1916, and 1920 Oak Bay Avenue) Bylaw (2020) No. 20-119

CARRIED UNANIMOUSLY

G.2 Bylaws for Electric Vehicle Charging User Fee

Moved By Councillor Alto
Seconded By Councillor Young

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

1. City Parkades Electric Vehicle Charging Fees Bylaw No. 20-032
2. Streets and Traffic Bylaw, Amendment Bylaw (No. 9) No. 20-033

CARRIED UNANIMOUSLY

G.3 Bylaws for 43, 45, and 55 Gorge Road East and 2827, 2829, and 2831 Irma Street: Rezoning Application No. 00720 and Development Permit with Variances Application No. 00135

Moved By Councillor Thornton-Joe
Seconded By Councillor Loveday

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1236) No. 20-094

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe
Seconded By Councillor Loveday

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

1. Housing Agreement (43 Gorge Road East) Bylaw (2020) No. 20-095
2. Housing Agreement (45 Gorge Road East) Bylaw (2020) No. 20-096
3. Housing Agreement (55 Gorge Road East) Bylaw (2020) No. 20-097
4. Housing Agreement (2827 Irma Street) Bylaw (2020) No. 20-098
5. Housing Agreement (2829 Irma Street) Bylaw (2020) No. 20-099
6. Housing Agreement (2831 Irma Street) Bylaw (2020) No. 20-100

CARRIED UNANIMOUSLY

G.4 Bylaws for 1050-1058 Pandora Avenue & 1508, 1514, and 1516 Cook Street: Rezoning Application No. 00695, Heritage Alteration Permit Application No. 00016, and Heritage Designation Application No. 000188

Moved By Councillor Alto
Seconded By Councillor Young

That Council adopt the following resolution:

1. Council approves a statutory right-of-way of two (2) metres for the purpose of a public pathway from Cook Street to Franklin Green Park, registered in favour of the City on title to the property located at 1050-1058 Pandora Avenue and 1508, 1514 and 1516 Cook Street and 1518 Cook Street.

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

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

- Zoning Regulation Bylaw, Amendment Bylaw (No. 1220) No. 20-041

FOR (7): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Dubow

CARRIED (7 to 1)

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

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

- Heritage Designation (1050-1058 Pandora Avenue and 1508, 1514 and 1516 Cook Street and 1518 Cook Street) Bylaw No. 20-007

CARRIED UNANIMOUSLY

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

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

1. Housing Agreement (1050-1058 Pandora Avenue and 1508, 1514 and 1516 Cook Street and 1518 Cook Street) Bylaw (2020) No. 20-042

CARRIED UNANIMOUSLY

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

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. 00695, if it is approved, consider the following motions:

1. "That Council authorize the issuance of Heritage Alteration Permit Application No. 00016 for 1050-1058 Pandora Avenue and 1508-1518 Cook Street, in accordance with:
 1. Plans, date stamped **November 16, 2020;**
 2. The Conservation Plan for the Parkway Apartments, date stamped July 16, 2019;
 3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development; and
 4. Heritage Alteration Permit lapsing two years from the date of this resolution.
2. That Council approve the designation of the heritage-registered property located at 1050-1058 Pandora Avenue and 1508-1516 Cook Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, consistent with the plans dated July 15, 2020."

CARRIED UNANIMOUSLY

G.5 Bylaws for Parks Regulation Amendment Bylaw

Moved By Mayor Helps

Seconded By Councillor Thornton-Joe

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

1. Parks Regulation Bylaw, Amendment Bylaw (No. 11) No. 20-113

Council discussed:

- *The 4metre provision coming into effect after March 31, 2020.*

Amendment:

Moved By Mayor Helps

Seconded By Councillor Alto

Direct staff to bring forward two separate bylaws, replacing Parks Regulation Bylaw, Amendment Bylaw (No. 11) No. 20-113, for each provision with the 4 metre setback to be put into effect after March 31, 2021

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

Moved By Mayor Helps

Seconded By Councillor Thornton-Joe

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

1. Parks Regulation Bylaw, Amendment Bylaw (No. 10) Amendment Bylaw No. 20-114

Motion to postpone

Moved By Councillor Isitt

Seconded By Councillor Dubow

That this matter be postponed until April 8, 2021

FOR (3): Councillor Dubow, Councillor Isitt, and Councillor Young

OPPOSED (5): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

DEFEATED (3 to 5)

Motion to postpone

Moved By Councillor Loveday

Seconded By Councillor Dubow

Postpone consideration until the first daytime Council meeting in March 2021.

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Young

OPPOSED (1): Councillor Thornton-Joe

CARRIED (7 to 1)

H. CLOSED MEETING

Moved By Councillor Loveday
Seconded By Councillor Young

MOTION TO CLOSE THE NOVEMBER 26, 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; and*
- *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(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

- *Section 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;*

CARRIED UNANIMOUSLY

M. NEW BUSINESS

M.1 Land/Intergovernmental Relations - Community Charter Section 90(1)(e) and 90(2)(b)

Council discussed a Land/Intergovernmental Relations matter.

The conversation and motion were recorded and kept confidential.

M.2 Land - Community Charter Section 90(1)(e)

Council discussed a Land matter.

The conversation and motion were recorded and kept confidential.

M.3 Appointment - Community Charter Section 90(1)(a)

Council discussed an Appointment matter.

The conversation and motion were recorded and kept confidential.

All staff, except the City Manager were excused at 3:39 p.m.

M.4 Employee Relations - Community Charter Section 90(1)(c)

Council discussed an Employee Relations matter.

The conversation was kept confidential.

O. ADJOURNMENT

Moved By Councillor Loveday

Seconded By Councillor Thornton-Joe

That the Council meeting adjourn.

Time: 4:10 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR