

MINUTES of a regular meeting of the MUNICIPAL COUNCIL of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Victoria, B.C., on Monday December 7, 2015 at 7:30 PM.

PRESENT: Mayor N. Jensen, Chair  
Councillor H. Braithwaite  
Councillor T. Croft  
Councillor M. Kirby  
Councillor K. Murdoch  
Councillor T. Ney  
Councillor E. Zhelka

STAFF: Chief Administrative Officer, H. Koning  
Director of Corporate Services, L. Hilton  
Deputy Director of Corporate Services, M. Jones  
Director of Financial Services, P. Walker  
Director of Building and Planning, R. Thomassen

MINUTES AND REPORTS:

1. ***Council***
  - November 23, 2015

MOVED by Councillor Ney, seconded by Councillor Croft: That the minutes of the Council meeting held on Monday November 23, 2015 be adopted.

CARRIED

MAYOR'S REMARKS:

2. The Mayor provided remarks on the following topics:

***Christmas Events***

Mayor Jensen offered thanks to the Oak Bay Business Improvement Association for the Light Up Celebration and the Parade of Lighted Trucks. The Mayor also thanked the Royal Victoria Yacht Club, the Oak Bay Kiwanis and the Salvation Army for the Sea of Lights Christmas Boat Parade. He noted that all three events were well attended and very successful.

***Union of British Columbia Municipalities Gas Tax***

The Mayor noted that the Municipality just received the second gas tax transfer for approximately \$390,000.

***Frank Sinatra 100<sup>th</sup> Birthday Event***

Mayor Jensen provided a reminder that on December 12, 2015 an event is being held by the Oak Bay Rotary Foundation at the Oak Bay High School Theatre celebrating the 100<sup>th</sup> Birthday of Frank Sinatra and that the net ticket proceeds from the event will fund a scholarship for graduating students from Oak Bay High School of First Nations, Inuit and Métis descent.

**Community to Community Forum**

The Mayor offered thanks to Cindy Denomme, Executive Assistant to the Mayor and Chief Administrative Officer for her assistance with the recent Community to Community celebrations with the Songhees Nation and Esquimalt Nation. Mayor Jensen commented on the importance of the ongoing process of building relationships between the District and local First Nations.

PUBLIC PARTICIPATION PERIOD:

3. No members of the public rose to speaking during the public participation period.

COMMUNICATIONS:

4. ***2016 Provisional Budget***
  - Report - Director of Financial Services, Dec. 2, 2015

The Director of Financial Services responded to questions from Council regarding the proposed 2016 Provisional Budget, particularly with respect to the anticipated decrease in non-tax revenue and with the potential increase in the property tax levy. An overview of the budgetary process was also provided, with staff clarifying that the provisional budget includes the departmental budgetary requests, as well as the initiatives in Council's Strategic Plan, and that the provisional budget will then be further refined through the Estimates Committee process.

MOVED by Councillor Braithwaite, seconded by Councillor Kirby: That the report of the Director of Financial Services dated December 2, 2015 be received for information.

CARRIED

5. ***Animal Control Services Request for Proposal Award***
  - Report - Deputy Director of Financial Services, Nov. 30, 2015

*Fernando Pimentel, Deputy Director of Financial Services in attendance for this item.*

The Deputy Director of Financial Services responded to questions from Council clarifying that the revenue with respect to unlicensed dogs has been consistent over the years, in part due to a proactive approach by Victoria Animal Control Services and also as a result of marketing on license renewals.

MOVED by Councillor Ney, seconded by Councillor Braithwaite: That the contact for animal control services be awarded to Victoria Animal Control Services Ltd. for 2016- 2018 based on Victoria Animal Control Services Ltd's request for proposal submission.

CARRIED

6. **Public Works Goods and Services Tender Awards**

- Report - Deputy Director of Financial Services, Nov. 30, 2015

*Fernando Pimentel, Deputy Director of Financial Services in attendance for this item.*

The Deputy Director of Financial Services responded to questions from Council, clarifying the changes in bids between this year and the previous year. Mr. Pimentel noted that although further consideration could be given to exploring tendering with adjacent municipalities in order to achieve better economies of scale, other municipalities do have larger fleets and different public works facilities, making it difficult to achieve a joint tendering process.

MOVED by Councillor Croft, seconded by Councillor Murdoch: That Council award the tenders as follows:

- PW01-2016- Backhoe Rental Tender to Qelensen Contracting Ltd, based on low bid;
  - PW02-2016- Gravel Supply Tender to Lehigh Northwest Materials, based on low bid;
  - PW03-2016 - Ready Mix Concrete Tender to Butler Brothers Supplies, based on low bid;
  - PW04-2016- Tandem Truck Rental Tender to Lopeter Trucking Ltd, based on low bid;
- as described in the Deputy Director of Financial Services' report dated November 30, 2015.

CARRIED

7. **Proposed Purchase of Public Art**

- Report - Manager of Recreation Program Services, Nov. 30, 2015

*Janet Barclay, Manager of Recreation Program Services, and Barbara Adams, Oak Bay Arts Laureate, in attendance for this item.*

Responding to comments and questions from Council, the Manager of Recreation Program Services noted that the surplus funds in the 2015 culture operating budget arose from a delay in hiring the Arts and Culture Programmer and from increased revenue from film productions. Ms. Barclay also responded to questions on public donations to the Public Art Fund.

With respect to the potential public seating area near the Salish Sea art work, the Oak Bay Arts Laureate noted that consideration is being given to pursuing grant funding, as this would be a public gathering space.

Staff responded to various questions from Council with respect to the excess funds in the 2015 culture operating budget and with regards to potential impacts on the 2016 budget, as described in the Manager of Recreation Program Services' report.

MOVED by Councillor Kirby, seconded by Councillor Ney: That \$19,600 be allocated from the 2015 culture operating budget, with \$4,600 used to purchase the Salish Sea art work, so that it may be permanently installed in its current location at the Oak Bay Marina site, and the remaining \$15,000 added to the Public Art Fund for future art purchases.

A discussion ensued, with members of Council commenting on the proposed allocation of the surplus funds from the 2015 culture operating budget. Although one member of Council expressed concern that, given potential 2016 tax increases, this item would be better addressed through the Estimates Committee process, the majority of Council commented on the unique set of circumstances with respect to the surplus and the value of providing a one-time transfer of funds to purchase public art.

The question was then called.

CARRIED  
Councillor Zhelka against the motion

8. ***Oak Bay Arts Laureate Summary 2015***

- Note - Director of Corporate Services - Oak Bay Arts Laureate Summary 2015

*Janet Barclay, Manager of Recreation Program Services, and Barbara Adams, Oak Bay Arts Laureate, in attendance for this item.*

The Oak Bay Arts Laureate provided an overview of her 2015 summary, thanking Council for their support and leadership in incorporating culture into both the Parks, Recreation and Culture Department and the Parks, Recreation and Culture Commission. Ms. Adams also commented on the success of the 2015 programs for public art and the plans for 2016.

In response to questions from Council, Ms. Adams clarified that the Arts Laureate expenses in her summary related to the painted pianos, including piano covers, honourariums for the artists and the costs associated with relocating the pianos.

MOVED by Councillor Braithwaite, seconded by Councillor Ney: That the 2015 Oak Bay Arts Laureate Summary be received.

A discussion ensued on the value of the public art programming with respect to increasing connections in the community and vibrancy in Oak Bay Village.

The question was then called.

CARRIED

9. ***Request for Temporary Occupancy of Parking Lot in Fireman's Park***

- Note - Director of Corporate Services - Temp Occupancy - Charitable Tree Chipping - Firemans Park - 2016
- Corresp - Oak Bay Fire Fighters Charitable Foundation, Nov. 27, 2015

MOVED by Councillor Kirby, seconded by Councillor Croft: That approval be given for the temporary occupancy of public property on January 2 and 3, 2016, for the purpose of a fundraising event as detailed in the November 27, 2015 correspondence from Oak Bay Fire Fighters Charitable Foundation, subject to the event organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and providing evidence of public liability insurance in the amount of not less than \$3,000,000; and
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;

with the Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

10. ***Annual Membership Dues - Federation of Canadian Municipalities***

- Note - Director of Corporate Services - Federation of Canadian Municipalities, Annual Membership Dues 2016
- Corresp - Federation of Canadian Municipalities, Oct. 27, 2015

MOVED by Councillor Murdoch, seconded by Councillor Braithwaite: That payment of the invoice for the 2016-2017 Federation of Canadian Municipalities membership dues in the amount of \$2,907.14, which excludes the optional travel contribution, be approved.

CARRIED

**NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:**

11. ***Report on the Capital Regional District***

Mayor Jensen drew Council's attention to the upcoming meeting of the Capital Regional District's Core Area Liquid Waste Management Committee at which, he noted, consideration will be given to reports with respect to costing and financial analysis on potential options for sewage treatment, including the annual estimated cost per household.

***Other Verbal Reports***

The Mayor provided a verbal report with respect to a recent meeting of the regional mayors and the Minister of Community, Sport, and Cultural Development, arising from the referenda during the 2014 local elections regarding amalgamation. Mayor Jensen noted that information was provided to the Minister with respect to the existing service integration and cooperation between municipalities in the region.

Members of Council also provided verbal reports with respect to: the Victoria Foundation funding the Aboriginal Coalition to End Homelessness; the upcoming open house for the Greater Victoria Public Library; and the activities of the Active and Safe Routes to School Program.

BYLAWS:

12. **Bylaw Memorandum**

- Memo - Director of Corporate Services, Dec. 2, 2015

13. **For Adoption**

- Bylaw No. 4656, *Oak Bay Parks, Recreation and Culture Commission Bylaw Amendment Bylaw, 2015*
- Bylaw No. 4657, *Procedure Bylaw Amendment Bylaw, 2015*

MOVED by Councillor Murdoch, seconded by Councillor Braithwaite: That Bylaw No. 4656, *Oak Bay Parks, Recreation and Culture Commission Bylaw Amendment Bylaw, 2015* be adopted.

CARRIED

MOVED by Councillor Croft, seconded by Councillor Murdoch: That Bylaw No. 4657, *Procedure Bylaw Amendment Bylaw, 2015* be adopted.

The Mayor asked if any member of the public wished to speak with respect to Bylaw No. 4657. No one came forward.

The question was then called.

CARRIED

14. **For First, Second and Third Reading**

- Bylaw No. 4658, *Business Licence Amendment Bylaw, 2015*
- Bylaw No. 4659, *Mayor and Councillors Annual Indemnity Bylaw, 2016*
- Bylaw No. 4660, *Financial Plan Bylaw, 2015, Amendment Bylaw No. 3, 2015*
- Bylaw No. 4661, *Water Rate Bylaw Amendment Bylaw, 2016*
- Bylaw No. 4662, *Sewer User Charge Bylaw Amendment Bylaw, 2016*

MOVED by Councillor Croft, seconded by Councillor Murdoch: That Bylaw No. 4658, *Business Licence Amendment Bylaw, 2015* be read a first time.

CARRIED

MOVED by Councillor Croft, seconded by Councillor Murdoch: That Bylaw No. 4658, *Business Licence Amendment Bylaw, 2015* be read a second time.

The Director of Building and Planning responded to questions from Council, clarifying that the bylaw amendment would require owners or operators of home-based businesses which provide services outside the Municipality to acquire an inter-municipal business licence in addition to a business licence from the District of Oak Bay. Mr. Thomassen noted that this requirement would be more in keeping with the licensing requirements of the other municipalities in the region.

The Mayor asked if any member of the public wished to speak with respect to Bylaw No. 4658. No one came forward.

The question was then called.

CARRIED

MOVED by Councillor Croft, seconded by Councillor Murdoch: That Bylaw No. 4658, *Business Licence Amendment Bylaw, 2015* be read a third time.

CARRIED

MOVED by Councillor Murdoch, seconded by Councillor Croft: That Bylaw No. 4659, *Mayor and Councillors Annual Indemnity Bylaw, 2016* be read a first time.

CARRIED

MOVED by Councillor Murdoch, seconded by Councillor Croft: That Bylaw No. 4659, *Mayor and Councillors Annual Indemnity Bylaw, 2016* be read a second time.

CARRIED

MOVED by Councillor Murdoch, seconded by Councillor Croft: That Bylaw No. 4659, *Mayor and Councillors Annual Indemnity Bylaw, 2016* be read a third time.

CARRIED

MOVED by Councillor Croft, seconded by Councillor Murdoch: That Bylaw No. 4660, *Financial Plan Bylaw, 2015, Amendment Bylaw No. 3, 2015* be read a first time.

CARRIED

MOVED by Councillor Croft, seconded by Councillor Murdoch: That Bylaw No. 4660, *Financial Plan Bylaw, 2015, Amendment Bylaw No. 3, 2015* be read a second time.

The Mayor asked if any member of the public wished to speak with respect to Bylaw No. 4660. No one came forward.

The Director of Corporate Services responded to questions from Council, providing details on the requirements of the Community Charter with respect to public notice for an amendment to the Financial Plan. Ms. Hilton confirmed that in keeping with these requirements, a notice was placed in the Oak Bay News and that the notice was also posted on the Municipal website.

The Director of Financial Services responded to questions from Council noting that the increase in borrowing proceeds currently identified for 2018 is in anticipation of undertaking the Uplands Combined Sewer Separation Project, but that these figures are projections, subject to amendment following Council's decisions with respect to the selection of the separation option and the associated timeline. Ms. Walker also responded to questions from Council with respect to the projected increase in the transfer from reserve funds between 2016 and 2017.

Council discussion ensued with respect to public consultation on the Financial Plan and on the budget process overall. It was noted that historically the Estimates Committee process has been the opportunity for Council to undertake a detailed review of the budget and that these meetings are open to the public, but that, due to the complexity of the topic, public engagement on this process can be challenging.

The question was then called.

CARRIED

MOVED by Councillor Murdoch, seconded by Councillor Croft: That Bylaw No. 4660, *Financial Plan Bylaw, 2015, Amendment Bylaw No. 3, 2015* be read a third time.

CARRIED

MOVED by Councillor Croft, seconded by Councillor Murdoch: That Bylaw No. 4661, *Water Rate Bylaw Amendment Bylaw, 2016*, be read a first time.

CARRIED

MOVED by Councillor Croft, seconded by Councillor Murdoch: That Bylaw No. 4661, *Water Rate Bylaw Amendment Bylaw, 2016*, be read a second time.

CARRIED

MOVED by Councillor Croft, seconded by Councillor Murdoch: That Bylaw No. 4661, *Water Rate Bylaw Amendment Bylaw, 2016* be read a third time.

CARRIED

MOVED by Councillor Murdoch, seconded by Councillor Braithwaite: That the current funding method for the post 2006 Capital Regional District sewer debt and new regional sewage treatment costs be brought forward to a future Committee of the Whole in 2016 for further consideration.

A discussion ensued with respect to the timing of bringing forward consideration of this item, during which it was noted that by the fall of 2016 at the latest would be acceptable.

The question was then called.

CARRIED

MOVED by Councillor Croft, seconded by Councillor Murdoch: That Bylaw No. 4662, *Sewer User Charge Bylaw Amendment Bylaw, 2016* be read a first time.

CARRIED

Councillor Braithwaite against the motion



MOVED by Councillor Croft, seconded by Councillor Murdoch: That Bylaw No. 4662, *Sewer User Charge Bylaw Amendment Bylaw, 2016* be read a second time.

A discussion ensued with respect to the current formula for addressing the regional costs to the Sewer Fund, with one member noting that, given the earlier resolution to review the formula later in 2016, it is supportable to proceed with the bylaw at this time, while another member commented that she was nonetheless opposed to the allocation formula as it stands currently and as such was not able to support the bylaw.

CARRIED

Councillors Braithwaite and Zhelka against the motion

MOVED by Councillor Croft, seconded by Councillor Murdoch: That Bylaw No. 4662, *Sewer User Charge Bylaw Amendment Bylaw, 2016* be read a third time.

CARRIED

Councillors Braithwaite and Zhelka against the motion

ADJOURNMENT:

15. *Motion to Adjourn to In Camera*

MOVED by Councillor Braithwaite, seconded by Councillor Zhelka: That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss: 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; and litigation or potential litigation affecting the municipality.

CARRIED

The meeting adjourned at 8:50 PM.

Certified Correct:

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Director of Corporate Services

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Mayor