

MINUTES of a regular meeting of COMMITTEE OF THE WHOLE 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, Oak Bay, B.C., on Monday, October 15, 2012, at 7:00 p.m.

PRESENT: Mayor N. Jensen, Chair  
Councillor C. Green  
Councillor J. Herbert  
Councillor M. Kirby  
Councillor K. Murdoch  
STAFF: Municipal Clerk, L. Hilton  
Deputy Municipal Clerk, M. Jones  
Director of Building and Planning, R. Thomassen  
Director of Engineering Services, D. Marshall

Mayor Jensen called the meeting to order at 7:00 p.m.

PARKS AND RECREATION SECTION: (Chair – Mayor Jensen)

1. 2012-304 OAK BAY PARKS AND RECREATION COMMISSION, October 3, 2012  
Re Minutes of Meeting

*(Ray Herman, Director of Parks and Recreation, in attendance for this item).*

Members of the Committee spoke in support of items in the minutes, including the retention of affordable day care spaces, the merging of the two Fun Factory programs, the increased connection between the Parks and Recreation Commission and the Environmental Advisory Committee, tree plantings for Tree Appreciation Day and the Uplands Park Broom Bash.

Mr. Herman responded to comments and questions from the Committee, noting that the totals for the protected tree report would be provided in the future.

In response to discussion on the public consultation process for the Carnarvon Park proposal from the Canadian College of Performing Arts, Mr. Herman stated that it was his understanding that the Parks and Recreation Commission felt that the funding model for the proposal was too uncertain and that public consultation should wait until a more concrete proposal was submitted for consideration.

Mr. Herman also replied to questions regarding the statement of revenue and expenditures, commenting that though a downturn in revenues were noted over the summer, revenue had increased in September and staff anticipated meeting budget projections for the end of the year. He concluded his responses, noting that he was not aware of any significant issues with the irrigation systems in the parks due to the long dry spell.

MOVED by Councillor Green

Seconded by Councillor Herbert, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, October 3, 2012, and the recommendations contained therein, be adopted.

CARRIED

MOVED by Councillor Green

Seconded by Councillor Murdoch, That it be recommended to Council that the Parks and Recreation Commission not proceed with any further consultation process with respect to the Canadian College of Performing Art's proposal for partnership at Carnarvon Park, until a more detailed proposal with a viable funding model is submitted.

CARRIED

FINANCE AND PUBLIC WORKS SECTION: (Chair – Councillor Herbert)

2. 2012-305 DEPUTY TREASURER, September 10, 2012  
Re Municipal Wi-Fi Services

*(Fernando Pimentel, Deputy Treasurer, in attendance for this item.)*

Mr. Pimentel responded to questions from the Committee noting that Shaw approached the Municipality regarding Wi-Fi services and that, during the recent request for proposal process for the telephone system, the concept of municipal Wi-Fi also arose in discussions with Telus. He also noted that Wi-Fi services operate at a different frequency than BC Hydro's smart meters and is more widely available. Several local municipalities, he said, offer free public Wi-Fi services.

At the request of the Committee, Mr. Pimentel provided an overview of his report, noting that Shaw wishes to use municipal infrastructure to install access points to provide Wi-Fi services to their customers, while Telus proposes to provide the Municipality with a separate internal Wi-Fi network and a public Wi-Fi network in municipal buildings for a cost of approximately \$40,000. He commented that the cost for the Telus option would be significantly less, in the range of \$5,000, if only a public network were installed.

Mr. Pimentel commented he would anticipate a five year replacement cost for the Telus proposal. He stated that the exact details of an agreement with Shaw would need to be determined, including consideration of: the amount to be paid to the Municipality for energy use and maintenance; location of each access point; and the provision of free Wi-Fi during special events. He highlighted that the Shaw proposal would require installing access points on multiple lamp standards, which may not be aesthetically pleasing and is not in keeping with past practice by Public Works staff. The advantages of an internal Wi-Fi network, he said, include the cost savings from replacing MIKE phones with IP phones and the increased ability of staff to use portable devices for general operations and meetings.

Turning to the concept of providing only a public Wi-Fi network through Telus, Mr. Pimentel noted that it is likely that the access points could accommodate a private Wi-Fi network in the future. He commented that a public network would require fewer access points, which would be strategically placed for public use, and which would significantly reduce costs to replace and upgrade the infrastructure. It would not be recommended, he said, for municipal staff to log on to terminal services through a public network due to the security risks.

He concluded his remarks, noting that it would be difficult to determine the exact timeframe for each of these options at this point in the process.

Varying opinions were expressed by the Committee, with one member wishing to proceed immediately with both options in order to provide the benefits of Wi-Fi service to both the public and staff, while another member wished to proceed with only the Shaw proposal and receive a report from staff on the option to provide only public Wi-Fi through Telus.

In the ensuing discussion, the benefits of providing free Wi-Fi services through Shaw during public events was highlighted, but concerns were also raised with respect to incorporating the administrative costs into an agreement with Shaw and the difficulty of upgrading access points to provide both public and private Wi-Fi services

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That staff be direct to provide a detailed report on the Shaw Wi-Fi proposal, including information on any public benefits, to the Committee of the Whole.

Members of the Committee noted that the public benefits of the Shaw proposal were already clear and questioned if another staff report was necessary on that issue.

The question was then called.

DEFEATED

*(Mayor Jensen, Councillor Kirby and Councillor Green against the motion)*

MOVED by Councillor Green

Seconded by Councillor Kirby, That it be recommended to Council that staff proceed to discuss possible terms to engage Shaw to deliver the public Wi-Fi services on light poles and pedestrian lights as outlined in the report of the Deputy Treasurer, dated September 10, 2012.

In response to comments by the Committee, Mr. Pimentel stated that he would be able to make access point equipment available for members to see how the item would appear on the Municipal infrastructure.

The question was then called.

CARRIED

MOVED by Councillor Kirby

Seconded by Councillor Green, That it be recommended to Council that the staff recommendation to engage Telus to deliver the public and private Wi-Fi services in Municipal buildings, outlined in the report of the Deputy Treasurer, dated September 10, 2012, be adopted.

A member of the Committee spoke in support of the provision of public Wi-Fi services by Telus, but expressed concerns with the cost of \$40,000 and questioned if it was appropriate to proceed with the private network without more details.

The motion was withdrawn with the permission of the seconder.

MOVED by Councillor Green

Seconded by Mayor Jensen, That it be recommended to Council that staff engage Telus to deliver public Wi-Fi services to the Municipal Hall, Oak Bay Recreation Centre, Henderson Recreation Centre and the Monterey Recreation Centre, as mentioned in the report of the Deputy Treasurer dated September 10, 2012.

A member of the Committee noted that it would be preferable to have a report detailing the exact costs for Telus to provide public Wi-Fi services and the costs for potential upgrades to include a private Wi-Fi network in the future.

The motion was withdrawn with the permission of the seconder.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That staff be directed to provide a report to the Committee on the cost for Telus to provide public Wi-Fi services in municipal buildings and the potential and cost to upgrade to a private network at a later date.

CARRIED

*(Councillor Kirby against the motion)*

3. 2012-306 MUNICIPAL CLERK, October 10, 2012  
Re Request for Partial Refund of Deposit for Off-Site Servicing Agreement  
– Oak Bay Beach Hotel (1175 Beach Drive)

Kevin Walker, Bison Properties Ltd., provided a brief summary of the figures with respect to the deposit for the Oak Bay Beach Hotel's off-site servicing agreement, noting that Engineering staff have undertaken a comprehensive review of the works which have been completed. Mr. Walker stated that the works still to be completed primarily consist of traffic calming measures. He commented that he understands the need to withhold the development permit security deposit until all the works are complete, but questions why a greater amount of the off-site servicing deposit would not be refunded at this point, given that the monetary value of outstanding works will be considerably less than the amount of the deposit staff proposes to retain.

The Director of Engineering Services noted that staff's recommendation to refund a portion of the deposit is based on the fact that the storm drain work in the off-site servicing agreement will not need to be undertaken as it has already been completed on private land; accordingly, staff recommended that the approximate value of the storm drain work from the deposit could be refunded. Mr. Marshall commented that, though it is likely the outstanding work will not require most of deposit staff proposes to retain, the other items in the off-site servicing agreement are still subject to certification by the Municipal Treasurer. He further added that public consultation and additional work by staff will still be required prior to implementation of any Satellite Street traffic calming measures.

Responding to questions, the Municipal Clerk confirmed that there was a rationale to suggest refunding the portion of the off-site servicing deposit with respect to the storm drains, as that work has already been undertaken on private lands, but that the agreement indicates that the deposit is to be refunded after all off-site servicing is complete. Ms. Hilton also noted that the portion of the deposit with respect to traffic calming can be withheld for up to a year after an occupancy permit is granted for the buildings.

In response to comments, Mr. Marshall observed that if staff's suggestion proceeds, consideration could be given to returning additional funds after further detailed review.

MOVED by Councillor Murdoch

Seconded by Councillor Green, That it be recommended to Council that, in relation to the Off-Site Servicing Agreement between the District of Oak Bay and Bison Properties Ltd., authorized by Council on June 11, 2007, staff be directed to refund \$400,000.00 of the deposit made in that regard to Bison Properties Ltd.

CARRIED

It was noted that the Mayor and Councillor Herbert would meet with staff to review the work still outstanding on the off-site servicing agreement.

4. 2012-307 DIRECTOR OF ENGINEERING SERVICES, October 3, 2012  
Re Boulevard Encroachment Application – 2510 Nottingham Road

The Director of Engineering Services provided an overview of his report, noting that this is a fairly standard application and that the staff recommendation includes the requirement that two meters of the existing rock wall be removed to address a potential trip hazard. Mr. Marshall commented that the intent is to enhance walkability in this area.

Haydeh Erfanifar and Farahmand Khorrami, applicants, reviewed their application, noting that the current rock wall is a significant reduction in height from the previous rock wall on the property. The applicants commented that it would be problematic for them to reduce the height of the rock wall any further, as there is a substantial difference in elevation between their property and the adjacent property to the north. Reducing the rock wall, they said, would result in the top soil from the adjacent property falling into their driveway.

MOVED by Councillor Green

Seconded by Councillor Kirby, That it be recommended to Council that permission be granted for an encroachment onto the boulevard abutting 2510 Nottingham Road, consisting of a retaining rock wall on either side of the driveway, shown in the plan attached to correspondence item no. 2012-307, subject to the owners of the property removing the portion of the rock wall within two metres from the edge of the road and entering into a boulevard encroachment agreement.

Members of the Committee expressed support for the importance of walkability and it was suggested that long-term consideration needs to be given to the best methods for reclaiming public property in circumstances similar to the current application.

The question was then called.

CARRIED

LAND USE SECTION: (Chair – Mayor Jensen)

5. 2012-308 DIRECTOR OF BUILDING AND PLANNING, October 12, 2012  
Re Development Permit Application – 1175 Beach Drive

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That a resolution authorizing the Director of Building and Planning to issue a development permit with respect to 1175 Beach Drive, in relation to the air space parcel subdivision of the subject property as outlined in correspondence item no. 2012-308, be brought forward to Council for consideration.

CARRIED

6. 2012-309 DIRECTOR OF BUILDING AND PLANNING, September 12, 2012  
Re Development Variance Permit Application – 2196 Lafayette Street

MOVED by Councillor Herbert

Seconded by Councillor Kirby, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2196 Lafayette Street, as outlined in correspondence item no. 2012-309, be brought forward to Council for consideration.

CARRIED

7. 2012-310 DIRECTOR OF BUILDING AND PLANNING, October 11, 2012  
Re Development Variance Permit Application – 2258 Pacific Avenue

Trevor Parkes, resident commended the applicants on their willingness to take neighbours' views into consideration and noted that the design had been amended to address the potential privacy impact on his property.

MOVED by Councillor Herbert

Seconded by Councillor Green, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2258 Pacific Avenue, as outlined in correspondence item no. 2012-310, be brought forward to Council for consideration.

CARRIED

ADJOURNMENT:

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the Committee of the Whole meeting be adjourned.

CARRIED

The meeting adjourned at 8:59 p.m.

Certified Correct:

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Municipal Clerk

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Chair, Finance and Public Works Sections

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Chair, Parks & Recreation Section

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Chair, Land Use Section