

**MINUTES OF MEETING  
OF THE BOARD OF PARKS AND RECREATION  
HELD IN THE PARK BOARD OFFICE  
ON MONDAY, SEPTEMBER 30, 1996**

PRESENT:	Chair	- David Chesman
Vice Chair	- Alan Fetherstonhaugh	
	Commissioners	- Allan DeGenova
		- Tim Louis
		- Donna Morgan
		- Duncan Wilson
	General Manager	- Vic Kondrosky
	Director of Administrative & Revenue Services	- Philip Josephs
	Director of Corporate Services	- Doug Holden
	Director of Operations	- Liane McKenna
	Director of Planning	- Jim Lowden
	Director of Recreation	- Allan Argent
	Manager - Public Affairs	- Terri Clark
	Recording Secretary	- Julie Chiu

Commissioner Chesman advised the Board that Commissioner Ashford was away on account of a family illness.

**APPROVAL OF MINUTES**

The minutes of the regular meeting of the Board held on Monday, September 09, 1996, were adopted as circulated.

The minutes of the special meeting of the Board held on Monday, September 16, 1996, were adopted as circulated.

The minutes of the special meeting of the Board held on Thursday, September 26, 1996, were adopted as circulated.

**CHAIR'S REPORT**

Commissioner Chesman referred to the Capital Plan and stated that there was a joint effort of a bi-partisan Park Board and all elected community centre boards to begin the necessary process of the community centres renewal in the city. The Park Board and the community centre boards have agreed that capital money must be spent on problem solving and not system wide band-aiding. In order to achieve this many community centres have agreed to defer to other centres that are in greater need for the 1997-99 Capital Plan on the understanding that this partnership will continue and develop a long term plan to secure all community centres' capital needs into the future. City

Council has last Monday night agreed to put the entirety of the extra \$2 million on the ballot for this November, this is in addition to the \$24.5 million previously allocated.

Commissioner Chesman advised the Board that the Mark Trend survey indicated that in 1993 there was 84% satisfaction with Parks and Recreation and this has risen to 88% in 1996.

Commissioner Chesman stated that the issue regarding the Aquarium began before July 31, it is his hoped that there could be some solution tonight. It is time for a resolution in the public interest. The resolution must begin with the lease between the Aquarium and Park Board, the construction of this resolution requires an understanding of and commitment to basic principles. It must be understood that as long as the Aquarium occupies public land, the public has a legitimate interest of the activities which take place there. For the Park Board it is important for us to recognise that the Aquarium ought to have the security of knowing its rights and obligations on that land. The Aquarium to reflect public interest have legally bound itself to no wild whales. The Park Board acknowledges the Aquarium's right to a secured lease term by negotiating with the Aquarium those issues which have posed difficulties throughout the current lease.

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## **PLANNING/ENVIRONMENTAL INITIATIVES/OPERATIONS**

### **KILLARNEY COMMUNITY CENTRE MASTER PLAN**

Board members received copies of a staff report dated September 19, 1996, recommending that the Board approve the master plan prepared by Henriquez Partners Architects for the phased redevelopment of Killarney Community Centre.

Gregory Henriquez from Henriquez Partners Architects, presented the master plan for the redevelopment of Killarney Community Centre. Mr. Henriquez reviewed the three phases of the master plan, phase 1 being the replacement of the activity wing and gymnasium with a new full size gym, daycare, and multi-purpose rooms; phase 2 would be the rebuilding of the ice rink superstructure and replacement of the rink changerooms and skater's lounge; and phase 3 calls for the replacement of the swimming pool, and lobby, with the potential addition of multi-purpose space. The plan will address all life safety shortcomings, and improve the functionality of the complex.

Moved by Commissioner DeGenova,

- THAT the Board approve the master plan prepared by Henriquez Partners Architects for the phased redevelopment of Killarney Community Centre.

**CARRIED UNANIMOUSLY**

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## **RESPONSE TO CUPE 1004 SUBMISSION ON THE CRITICAL ISSUES OF MANAGEMENT**

Board members received copies of an information report on the Response to CUPE 1004 Submission on the Critical Issues of Management dated September 26, 1996.

Commissioner Chesman advised the Board that he received a letter from Ken Davidson, President, CUPE 1004 requesting the Board to defer consideration of the report to October 14 or a later date. This delay has been requested so that the union can make an informed and detailed response to the report.

Moved by Commissioner DeGenova,

- THAT the staff report on the Response to CUPE 1004 Submission on the Critical Issues of Management dated September 26, 1996 be received for information.

**CARRIED UNANIMOUSLY**

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### **INCOME OPERATIONS/MARKETING/PUBLIC AFFAIRS**

#### **FOOD SERVICE OPERATIONS AT FRASERVIEW, LANGARA AND MCCLEERY GOLF COURSE CLUBHOUSES**

Board members received copies of a staff report dated September 19, 1996 recommending that the Board award a three year contract to Beaver Foods Ltd. for the operation of the Board' s Golf Course Clubhouses, including the collection of green fees, for the period of December 1, 1996 to November 30, 1999 with an option for a two year extension which the Board reserves the right to exercise; and that Beaver Foods pay the Board revenues as listed in the report.

Moved by Commissioner Fetherstonhaugh,

- A. THAT the Board award a three year contract to Beaver Foods Ltd. for the operation of the Board' s Golf Course Clubhouses, including the collection of green fees, for the period of December 1, 1996 to November 30, 1999, with an option for a two (2) year extension which the Board reserves the right to exercise.
- B. THAT Beaver Foods Ltd. pay the Board in the first year of operation a guaranteed amount of \$10,000 or 2% of gross food and liquor revenues, whichever is the greatest; in the second year a guaranteed amount of \$28,000, or 4% of gross food and liquor revenues, whichever of \$47,000, or 5.2% of gross food and liquor revenues, whichever is the greatest.
- C. THAT no legal rights shall be created by the passage of these resolutions and none shall arise hereafter except by the signing of the contemplated documents.

Sherry Crooks, Dawn Sayers, Paul Griffin and Brenda Coombs from CUPE 15 presented a brief which detailed their opposition to the Board contracting out food services at golf course clubhouses. The delegation advised the Board that

this move will cause the loss of jobs and the quality of service would be affected.

Ellen Woodsworth, works in the Downtown Eastside, appeared before the Board and stated that privatization of the food services will cause the money to leave the city and province. The majority of the jobs are women' s and the Board need to give this serious consideration. The Board should examine the proposals thoroughly and find ways to retain the workers and maintain the quality of service.

Board members discussed the matter and Commissioner Wilson suggested that this matter be referred to the Income Operations Committee.

Moved by Commissioner Wilson,

- THAT the matter of food service operations at Fraserview, Langara and McCleery Golf Course Clubhouses be referred to the Income Operations Committee.

**CARRIED UNANIMOUSLY**

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## **BY-LAWS**

### **AMENDMENT OF THE PARKS CONTROL BY-LAW REGARDING CETACEANS IN THE PARK**

Board members received the following by-law for enactment to amend the Parks Control By-law:

- a. Section 9 of the Parks Control By-law is amended by inserting the following:

"(e) No person shall bring into any park or keep or otherwise maintain in any park any aquatic mammal of the Cetacean order including, but not limited to, baleen whales, narwhals, dolphins, porpoises, killer whales and beluga whales except that this prohibition shall not apply to the keeping or maintenance of any baleen whale, narwhal, dolphin, porpoises, killer whale or beluga whale which is already being kept or maintained in a park as of September 16, 1996."

- b. This by-law comes into force and takes effect on the date of its passing.

Moved by Commissioner Louis,

- THAT the by-law to amend the Parks Control By-law as drafted by the City Legal Department be given first reading.

**DEFEATED**

(Commissioners Chesman, DeGenova, Fetherstonhaugh and Wilson contrary)

Moved by Commissioner Morgan,

- THAT the by-law as drawn up by City Legal be put to a "yes" or "no" referendum question with this fall' s civic election.

Commissioner Morgan stated that this issue needs to have public input and by putting it to referendum it will give them the opportunity to say where they like things to go. Commissioner Wilson stated that it is an unrealistic expectation of the public he will not support a referendum question. Commissioner Fetherstonhaugh stated that there has been enough public input received from the public meetings already held, it is now time to make a decision. Commissioner Chesman stated that he was against sending the matter to referendum. This is a complex issue. We should work on a new constructive partnership with the Aquarium.

The motion was put and it was **DEFEATED**

(Commissioners Chesman, DeGenova, Fetherstonhaugh and Wilson contrary)

Moved by Commissioner Chesman,

- A. THAT the City' s Legal Department prepare by October 14, 1996 for the execution of the parties, an Addendum to the Aquarium' s existing lease with the Park Board to prohibit the Aquarium from importing into Stanley Park any Cetacean caught in the wild subsequent to September 16, 1996 except for the limited purposes of:

- i. rehabilitation from injury or stranding followed by release; and/or
- ii. protection of an endangered cetacean species.

Any such exception must be requested by the Aquarium and receive the support of the majority of the Park Board.

- B. THAT the Aquarium and Park Board negotiate a Memorandum of Understanding for the execution of the parties whereby:
  - i. The Park Board expresses its commitment not to interfere with the day to day administration of the Aquarium unless such interference is permitted or required by the lease;
  - ii. The Aquarium expresses its understanding and agreement that so long as it occupies public land the public has, subject only to express terms of the existing lease, a valid and bona fide interest in the purposes for which such public land is utilized.
  - iii. A joint commitment to negotiate together an Addendum to the current lease or a renewed lease containing provisions as follows:
    - a. provisions to cover all outstanding issues between the Park Board and the Aquarium including, but not limited to: food service, parking and communications;

- b. a provision to encourage and enable the Aquarium outreach to the public of Vancouver through community centres (with the consent of the centres) and other Park Board facilities;
- c. a provision providing for joint Park Board/Aquarium initiatives in the public interest such as stream and fish enhancement within Vancouver' s park system;
- d. a provision to acknowledge the Aquarium' s right to acquire from other institutions captive cetaceans caught from the wild prior to September 16, 1996 or born into captivity at any time and a mechanism to obligate the Aquarium to take reasonable steps to ensure that their acceptance of a captive whale will not result in the taking of a cetacean from the wild;
- e. a provision binding the Aquarium to investigate and, where viable, implement alternatives to whale exhibitory and to continue its research and commitment to whale release and rehabilitation.

Moved by Commissioner Morgan,

- THAT the words "for the execution of the parties an addendum to the Aquarium' s existing lease with the Park Board" be replaced with the word "by-law" and cross out the word "Aquarium" and change it to the "importing into Stanley Park".

The motion put forward as amended now reads :

- THAT the City' s legal department prepare by October 14, 1996 a bylaw to prohibit the importing into Stanley Park of any cetaceans caught in the wild subsequent to September 16, 1996 except for the limited purposes of :

Commissioner Morgan stated that the by-law will have a stronger effect and more legally binding than a lease which has not been enforced. Commissioner Wilson stated that he would rather have the word lease included in the motion. Commissioner Chesman stated that he understood that a lease and or by-law was acceptable to the Aquarium. Commissioner Fetherstonhaugh stated that he understood from the Legal Department, that if there was a by-law then the Board is not negotiating in good faith. Commissioner Chesman stated that the advice received from the legal department was based on one party not agreeing to the by-law. This is not the case here.

Commissioner Louis put forward an amendment to the amendment motion.

Moved by Commissioner Louis,

- THAT the word lease be added back to have both, the lease and the by-law.

**CARRIED**

(Commissioners DeGenova and Fetherstonhaugh contrary)

A vote was taken on the amendment motion as amended and it was CARRIED.

(Commissioners DeGenova and Fetherstonhaugh contrary)

Moved by Commissioner Morgan,

- THAT further to prohibit the acquisition of cetaceans captured prior to September 16, 1996 or born in captivity except where the supplier agrees by contract not to replace them with direct or indirect capture from the wild.

**DEFEATED**

(Commissioners Chesman, DeGenova, Fetherstonhaugh and Wilson contrary)

Section 1 of Commissioner Chesman' s motion as amended was put as follows:

- THAT the City' s Legal Department prepare by October 14, 1996 for the execution of the parties, an Addendum to the Aquarium' s existing lease with the Park Board and a *by-law* to prohibit the Aquarium importing into Stanley Park any Cetacean caught in the wild subsequent to September 16, 1996 except for the limited purposes of:
  - i. rehabilitation from injury or stranding followed by release; and/or
  - ii. protection of an endangered cetacean species.

Any such exception must be requested by the Aquarium and receive the support of the majority of the Park Board.

**CARRIED UNANIMOUSLY**

Commissioner Louis stated that he and Commissioner Morgan voted in favour of this motion, although there was not more stipulations, however, something is better than nothing.

Moved by Commissioner Louis,

- THAT the memorandum of agreement between the Vancouver Park Board and the Aquarium in regards to one portion which is the domino problem be reached by November 1, 1996.

**DEFEATED**

(Commissioners Chesman, DeGenova, Fetherstonhaugh and Wilson

contrary)

Moved by Commissioner Louis,

- THAT a memorandum of understanding be reached between the Vancouver Aquarium and the park Board that there be no additional whales brought into Stanley Park.

**DEFEATED**

(Commissioners Chesman, DeGenova, Fetherstonhaugh and Wilson contrary)

Section 2 of Commissioner Chesman' s motion was put as follows:

- THAT the Aquarium and Park Board negotiate a Memorandum of Understanding for the execution of the parties whereby:
  - i. The Park Board expresses its commitment not to interfere with the day to day administration of the Aquarium unless such interference is permitted or required by the lease;
  - ii. The Aquarium expresses its understanding and agreement that so long as it occupies public land the public has, subject only to express terms of the existing lease, a valid and bona fide interest in the purposes for which such public land is utilized.
  - iii. A joint commitment to negotiate together an Addendum to the current lease or a renewed lease containing provisions as follows:
    - a. provisions to cover all outstanding issues between the Park Board and the Aquarium including, but not limited to: food service, parking and communications;
    - b. a provision to encourage and enable the Aquarium outreach to the public of Vancouver through community centres (with the consent of the centres) and other Park Board facilities;
    - c. a provision providing for joint Park Board/Aquarium initiatives in the public interest such as stream and fish enhancement within Vancouver' s park system;
    - d. a provision to acknowledge the Aquarium' s right to acquire from other institutions captive cetaceans caught from the wild prior to September 16, 1996 or born into captivity at any time and a mechanism to obligate the Aquarium to take reasonable steps to ensure that their acceptance of a captive whale will not result in the taking of a cetacean from the wild;
    - e. a provision binding the Aquarium to investigate and, where viable, implement alternatives to whale exhibitory and to



continue its research and commitment to whale release and rehabilitation.

**CARRIED UNANIMOUSLY**

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## **FINANCE/ADMINISTRATION/HUMAN RESOURCES**

### **ROUNDHOUSE OPERATING BUDGET**

Board members received copies of a staff report dated September, 26, 1996 recommending that the Board approve the attached report on a reduction of \$225,900 in the 1997 Roundhouse operating budget.

Moved by Commissioner Fetherstonhaugh,

- THAT the Board approve the report dated September 26, 1996 to City Council regarding the reduction of \$225,900 in the 1997 Roundhouse Operating Budget.

**CARRIED UNANIMOUSLY**

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### **CARETAKERS RENTS FOR 1997**

Board members received copies of a staff report dated September 19, 1996 recommending that the Board approve the Schedule of Monthly Housing Accommodation Rates for 1997 as listed in Appendix I.

Moved by Commissioner Fetherstonhaugh,

- THAT the Board approve the Schedule of Monthly Housing Accommodation Rates for 1997 as listed in Appendix I of the staff report.

**CARRIED UNANIMOUSLY**

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## **INFORMATION ITEMS**

### **1. APPROVAL OF WARRANTS**

Warrant #35 in the amount of \$727,408.44, Warrant #36 in the amount of \$443,892.43, Warrant #37 in the amount of \$493,152.06, Warrant #38 in the amount of \$409,974.29, Warrant #39 in the amount of \$1,032,275.19.

### **2. FINANCIAL STATEMENTS - OPERATING AND CAPITAL ACCOUNTS**

Staff information report dated September 26, 1996 was mailed to Board members.

