

THE CORPORATION OF THE  
**CITY OF WHITE ROCK**

15322 BUENA VISTA AVENUE, WHITE ROCK, B.C. V4B 1Y6

**MEETING NOTICE**

Pursuant to the *Community Charter* a Special and Closed meetings of Council have been called to begin at **5:00 p.m. on MONDAY, JUNE 8, 2020.**

**DATE: MONDAY, JUNE 8, 2020**

**MEETING TIME: 5:00 P.M.**

**LOCATION: WHITE ROCK CITY HALL COUNCIL CHAMBERS –  
15322 BUENA VISTA AVENUE, WHITE ROCK BC**


These meetings have been called to discuss items that are in accordance with Sections 90(1) (a), (c), (i) and (k) of the *Community Charter*:

- (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;
- (c) labour relations or other employee relations;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

**PURPOSE:**

- Legal Advice in regard to a Municipal Service
- Labour / Staffing / Personal Information
- Committee Appointments
  - COVID-19 Recovery Task Force
  - Advisory Design Panel – Chairperson and Vice Chairperson for 2020

Date: June 3, 2020

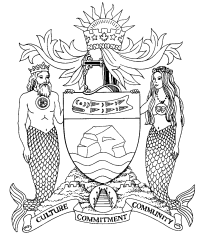


Tracey Arthur  
Director of Corporate Administration

**WHITE ROCK**  
*My City by the Sea!*

[www.whiterockcity.ca](http://www.whiterockcity.ca)

THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
15322 BUENA VISTA AVENUE, WHITE ROCK, B.C. V4B 1Y6



June 3, 2020

A **CLOSED MEETING** of CITY COUNCIL will be held in the **CITY HALL COUNCIL CHAMBERS** on **MONDAY JUNE 8, 2020**, following the Special to Close Meeting at **5:00 p.m.** for the transaction of business as listed below.

T. Arthur, Director of Corporate Administration

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## A G E N D A

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**1. AGENDA APPROVAL**

**RECOMMENDATION:**

THAT the Corporation of the City of White Rock Council adopt the agenda for the June 8, 2020 closed meeting as circulated.

**2. PREVIOUS MINUTES**

Closed Meeting – May 11, 2020

**Page 3**

**RECOMMENDATION:**

THAT the Corporation of the City of White Rock Council adopt the minutes of the May 11, 2020 closed meeting as circulated.

**3. MARINE DRIVE “HUMP” REPAIRS – LEGAL OPINION**

*[Community Charter section 90 (1) (i) and (k)]*

Corporate report from the Director of Engineering and Municipal Operations dated June 8, 2020 titled “Marine Drive “Hump” Repairs – Legal Opinion”.

**Page 5**

**RECOMMENDATION:**

THAT Council receive for information the corporate report dated June 8, 2020, from the Director for Engineering & Municipal Operations, titled “Marine Drive ‘Hump’ Repairs – Legal Opinion.”

4. **STAFFING STATUS DURING COVID-19** **Page**  
*Community Charter Section 90(1) (a) and (c)*  
Verbal report dated June 8, 2020 from the Director of Human Resources regarding upcoming staffing requirements during COVID-19.

Note: A table with recruitments, position status and priority has been included for reference and discussion purposes

5. **2020 COMMITTEE APPOINTMENTS – COVID-19 RECOVERY TASK FORCE** **Page 14**  
*[Community Charter Section 90(1) (a)]*  
Corporate report dated June 8, 2020 from the Director of Corporate Administration titled “2020 Committee Appointments – COVID-19 Recovery Task Force”.

**RECOMMENDATIONS**

THAT Council:

1. Appoint up to five (5) community members to the COVID-19 Recovery Task Force, with a term ending June 1, 2021; and
2. Authorize the release of the 2020 Committee Appointments corporate report and the committee appointments.

6. **ADVISORY DESIGN PANEL – CHAIRPERSON AND VICE-CHAIRPERSON** **Page 15**  
*[Community Charter Section 90(1) (a)]*  
The Advisory Design Panel (ADP) Terms of Reference requires to appoint a Chairperson and Vice-Chairperson annually.

The ADP Terms of Reference and the current list of appointed members to the ADP are included for reference purposes.

**RECOMMENDATIONS**

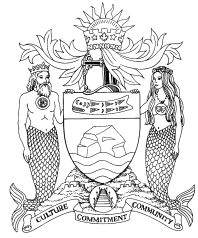
THAT Council appoints the following as Chairperson and Vice-Chairperson for 2020 to the Advisory Design Panel:

- \_\_\_\_\_ as Chairperson; and
- \_\_\_\_\_ as Vice-Chairperson.

7. **DISCUSSION / CONSIDERATION OF ITEMS TO BE  
RELEASED FROM THE CLOSED SESSION TO THE PUBLIC**

8. **CONCLUSION OF THE JUNE 8, 2020 CLOSED COUNCIL MEETING**

THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
**CLOSED CORPORATE REPORT**



**DATE:** June 8, 2020

**TO:** Mayor and Council

**FROM:** Jim Gordon, P.Eng.  
Director of Engineering and Municipal Operations

**SUBJECT:** Marine Drive “Hump” Repairs – Legal Opinion

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**RECOMMENDATION**

THAT Council receive for information the corporate report dated June 8, 2020, from the Director for Engineering & Municipal Operations, titled “Marine Drive ‘Hump’ Repairs – Legal Opinion.”

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**INTRODUCTION**

The purpose of this corporate report is to address questions raised by Council at the May 4, 2020 and May 11, 2020 Council meetings concerning proposed repairs to the Marine Drive “Hump” between Johnston Road and Cypress Street. Attached as Appendix A is a legal opinion from Lidstone & Company.

**PAST PRACTICE / POLICY / LEGISLATION**

Council considered the corporate report titled “Contract Award for Marine Drive Retaining Wall Stabilization” on May 4, 2020 and on May 11, 2020. Council approved the two resolutions as noted below:

**May 4, 2020**

2020-258

*“THAT Council defers to the next Council meeting consideration of the corporate report dated May 4, 2020, from the Director of Engineering and Municipal Operations, titled "Contract Award for Marine Drive Retaining Wall Stabilization";*

*And*

*THAT staff bring forward at this meeting additional information regarding the location of BNSF lands and documentation of the City's lease with BNSF that was carried over when the City of White Rock separated from the City of Surrey.”*

**May 11, 2020**

2020-281

*“THAT Council again defers the corporate report dated May-4, 2020 from the Director of Engineering and Municipal Operations titled "Contract Award for Marine Drive Retaining Wall Stabilization" until further legal information can be provided.”*

## **BACKGROUND**

The City retained a geotechnical engineering consultant (GeoWest Engineering) to assess the existing Marine Drive retaining walls located on the south side of Marine Drive, above the BNSF railway tracks, and located approximately between Johnston Road and Cypress Street. GeoWest Engineering observed indications of settlement and lateral movement and found that the extent of the cracking suggests geotechnical global instability and that the retaining walls could potentially fail under seismic loading. Failure of the retaining walls would include portions of the roadway and potentially underground utilities slipping down the hillside towards the BNSF railway.

Staff proposed awarding a contract to repair the retaining walls and stabilize Marine Drive starting in May 2020 and concluding in August 2020; however, Council deferred consideration of contract award pending a legal opinion as per the two resolutions noted.

## **ANALYSIS**

### **Consequences of Retaining Wall Failure**

The existing cracks and depressions in the roadway are evidence of the onset of retaining wall failure. If this failure continues to progress relatively slowly, there will be increased water ponding in the roadway and less overall serviceability.

However, the ongoing slippage of the roadway and retaining walls could potentially accelerate, resulting in a sudden catastrophic failure carrying portions of the roadway, sidewalk and underground utilities far below onto the BNSF railway tracks. A failure of this type could result in:

- Potential injury or loss of life.
- Storm sewer damage leading to rapid erosion of the resultant slope.
- Potential damage to the sanitary sewer adjacent to the railway tracks and consequent pollution of the waterfront.
- Loss of the use of the roadway for many months
- The requirement for extensive repairs costing considerably more than the \$1.2M proposed contract award. Estimates of less complicated repairs not involving roadways or utilities in Ruth Johnson Park are \$4M. These repairs would easily exceed \$5M.
- Legal consequences as compensation would be sought by BNSF if the failure affects railway operations.

### **Legal Opinion**

Attached as Appendix A is a legal opinion from Lidstone & Company.

# Legal Privilege

# Legal Privilege

## **BUDGET IMPLICATIONS**

Staff will investigate the feasibility of extending the terms of the recent Request for Proposals (RFP), or alternatively, the RFP will be reissued for a construction start in October. Potentially, costs will be increased through this deferral either through the issuance of a new RFP or weather related challenges. Depending on market conditions, there is also the possibility that a new RFP will result in lower costs.

## **CLIMATE CHANGE IMPLICATIONS**

Climate change implications are limited to the usage of fuels and materials to complete the work.

## **SCHEDULE**

The construction duration is anticipated to be three months. Construction activities, starting with traffic control and mobilization, will be scheduled to begin in October. Completion for this project is targeted for early 2021.

## **RISK MANAGEMENT**

As outlined in this corporate report, there are significant liability and cost risks if this project is delayed beyond the fall of 2020.

## **CONCLUSION**

The retaining walls that support Marine Drive above the BNSF railway tracks, and located approximately between Johnston Road and Cypress Street are failing. Continuing short term slippages will result in a deepening of the existing ruts and puddles. However, there is serious concern about the potential for a sudden more catastrophic failure that would result in significant liability for the City.

It is recommended that the City contract to repair the retaining walls, sidewalk and roadway starting in October 2020 and that notice of the works be given to BNSF after finalization of the Memorial Park lease, but before commencement of construction. The risks, should the stabilization work not proceed, as outlined above will be included in the Corporate Report when the contract is brought back to a regular council meeting, for consideration by Council.

Respectfully submitted,



Jim Gordon, P.Eng.  
Director, Engineering & Municipal Operations

**Comments from the Chief Administrative Officer:**

This corporate report is provided for council’s information.

A handwritten signature in black ink, consisting of a series of connected strokes that form a stylized, somewhat abstract shape.

Guillermo Ferrero  
Chief Administrative Officer

Appendix A: Legal Opinion from Lidstone & Company

THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
**CLOSED CORPORATE REPORT**



**DATE:** June 8, 2020  
**TO:** Mayor and Council  
**FROM:** Tracey Arthur, Director of Corporate Administration  
**SUBJECT:** 2020 Committee Appointments – COVID-19 Recovery Task Force

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**RECOMMENDATIONS**

THAT Council:

1. Appoint up to five (5) community members to the COVID-19 Recovery Task Force, with a term ending June 1, 2021; and
  2. Authorize the release of the 2020 Committee Appointments corporate report and the committee appointments.
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**INTRODUCTION**

The purpose of this corporate report is to appoint members to the COVID-19 Recovery Task Force (CRTF), in accordance with the adopted Terms of Reference, Council Policy No. 166 (Appendix A).

Volunteer opportunities for the CRTF were advertised in the Peace Arch News, May 14, 21, and 28 requesting those interested in serving to submit an application. Committee positions were also advertised on the City website and through social media. The deadline for applications was May 29, 2020.

**PAST PRACTICE/POLICY**

Committee appointments are discussed by Council in a closed meeting in accordance with Section 90(1)(a) of the *Community Charter* to allow for discussion including personal information about an identifiable individual.

**ANALYSIS**

CRTF was established to assist local businesses and social services during the COVID-19 pandemic and to prepare for the City's reopening.

In accordance with the Terms of Reference, CRTF is to consist of up to five (5) community member positions, with their term ending June 1, 2021. Following the adopted Deputy Mayor rotation schedule, the current Deputy Mayor will serve as the CRTF Chairperson and the next scheduled Deputy Mayor will serve as the Vice-Chairperson. As of June 8, 2020, the current Deputy Mayor is Councillor Scott Kristjanson followed by Councillor Erika Johanson. There have been nine (9) applications received for the CRTF, seven (7) of which have indicated that they are White Rock citizens.



In addition, the CRTF will consist of voting representatives from the following groups:

- One (1) representative from the South Surrey/ White Rock Chamber of Commerce;
- One (1) representative from the Fraser Health Authority;
- One (1) representative from the White Rock Business Improvement Association;
- One (1) representative from the White Rock Museum and Archives;
- One (1) representative from the White Rock branch of the Fraser Valley Regional Library;
- One (1) representative from Explore White Rock (Tourism);
- One (1) representative from Sources Community Resources Society; and
- One (1) representative from Semiahmoo First Nation.

**CONCLUSION**

Council is requested to appoint up to five (5) community members for the CRTF in order to have the CRTF running with its full compliment.

Respectfully submitted,



Tracey Arthur  
Director of Corporate Administration

**Comments from the Chief Administrative Officer:**

I concur with the recommendations of this corporate report.



Guillermo Ferrero  
Chief Administrative Officer

- Appendix A: COVID-19 Recovery Task Force - Terms of Reference
- Appendix B: Committee Application Index and Worksheet Committee Applications
- Appendix C: Council Policy 120 – Council Code of Conduct for Committee Members

**PRESENT:** Mayor Walker  
Councillor Chesney  
Councillor Fathers  
Councillor Johanson  
Councillor Kristjanson  
Councillor Manning  
Councillor Trevelyan

**STAFF:** G. Ferrero, Chief Administrative Officer  
T. Arthur, Director of Corporate Administration  
J. Gordon, Director of Engineering and Municipal Operations  
C. Isaak, Director of Planning and Development Services (via electronic means)  
J. Johnstone, Director of Human Resources  
C. Ponzini, Director of Financial Services

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The meeting was called to order at 5:00 p.m.

**1. AGENDA APPROVAL**

2020-IC-071 **It was MOVED and SECONDED**  
THAT the Corporation of the City of White Rock Council amends the agenda for the June 8, 2020 closed meeting to include:

- Item 4, Replacement page for Page 14 “Recruitment Update Report”

AND adopts the agenda as amended.

**CARRIED**

**2. PREVIOUS MINUTES**  
Closed Meeting – May 11, 2020

2020-IC-072 **It was MOVED and SECONDED**  
THAT the Corporation of the City of White Rock Council adopts the minutes of the May 11, 2020 closed meeting as circulated.

**CARRIED**

**3. MARINE DRIVE “HUMP” REPAIRS – LEGAL OPINION**  
*[Community Charter section 90 (1) (i) and (k)]*  
Corporate report from the Director of Engineering and Municipal Operations dated June 8, 2020 titled “Marine Drive “Hump” Repairs – Legal Opinion”.

2020-IC-073 **It was MOVED and SECONDED**

THAT Council receives for information the corporate report dated June 8, 2020, from the Director for Engineering & Municipal Operations, titled “Marine Drive ‘Hump’ Repairs – Legal Opinion”.

**CARRIED**

**4. STAFFING STATUS DURING COVID-19**

*Community Charter Section 90(1) (a) and (c)*

**Note:** A table titled “Recruitment Update Report” with recruitments, position status and priority has been amended and a new copy placed “On-Table”.

Verbal report dated June 8, 2020 from the Director of Human Resources regarding upcoming staffing requirements during COVID-19 noting the following:

*Before going externally, all temporary staff who were laid off due to COVID-19 were canvassed for interest for all temporary positions that have shifted to priority #1 (reference in the Recruitment Update Report included “On-Table”)*

*The Collective Agreement requires that all permanent positions be posted internally prior to advertising externally. Normally only those who are active employees are permitted to apply for internal postings. The Union were approached for their agreement to allow those temporary staff who were laid off due to COVID-19 to remain eligible to apply and they agreed.*

*Three (3) of the positions that have shifted to Priority #1 have become a priority with Phase 2 of COVID-19. With Phase 2 there has been some opportunity to move towards increasing service back to normal level.*

*The new temporary position of Economic Development Officer is envisioned to take a lead in a COVID-19 Recovery Task Force.*

*With Council’s direction to focus on beautifying the City, employees from other departments were re-deployed to Parks. Since Phase 2 has been activated, some of those employees who were redeployed have been returned to their base positions. To ensure there is a continued focus on this area, more temporary employees have been hired in Parks and the Parks Foremen position has become a priority.*

*One of the areas that experienced continued challenges as the COVID-19 situation continues is our facilities with one (1) of three (3) positions vacant. Although facilities have been closed, unexpected plumbing repairs has frequently arisen with the need to contract out the work. It is expected that calls for these types of services will continue as facilities begin to reopen. It makes better sense to fill the vacancy rather than paying the premium price of a contractor.*

*One of the positions that we have shifted to a priority #1 and is being presented to Council tonight, is the Forman in Parks. This expertise will go a long way to assist in directing staff to the priorities. HR has also employed additional employees to backfill for those employees reassigned back to Rec and Culture as well as an additional three (3) to assist. As well, I understand that the Engineering division has re-employed contractors for the heavier work.*

The following discussion points were noted:

- Gardener position, gardens must be well kept  
Staff noted that the Arboriculture - Horticulture Foreman is best suited to keep as a priority #1 in relation to beautification

2020-IC-074

**It was MOVED and SECONDED**

THAT Council receives for information the verbal report from the Director of Human Resources regarding upcoming staffing requirements during COVID-19.

**CARRIED**

5.

**2020 COMMITTEE APPOINTMENTS – COVID-19 RECOVERY TASK FORCE**

*[Community Charter Section 90(1) (a)]*

Corporate report dated June 8, 2020 from the Director of Corporate Administration titled “2020 Committee Appointments – COVID-19 Recovery Task Force”.

2020-IC-075

**It was MOVED and SECONDED**

THAT Council appoints the following as the five (5) community members to the COVID-19 Recovery Task Force:

- Stephen Crozier;
- T.J. Dhillon;
- Brain Hagerman;
- Ernie Klassen; and
- Dan Northan.

**CARRIED**

2020-IC-076

**It was MOVED and SECONDED**

THAT Council authorizes the release of the 2020 Committee Appointments corporate report and the committee appointments.

**CARRIED**

6.

**ADVISORY DESIGN PANEL – CHAIRPERSON AND VICE-CHAIRPERSON**

*[Community Charter Section 90(1) (a)]*

The Advisory Design Panel (ADP) Terms of Reference requires to appoint a Chairperson and Vice-Chairperson annually.

The ADP Terms of Reference and the current list of appointed members to the ADP are included for reference purposes.

2020-IC-077 **It was MOVED and SECONDED**  
THAT Council appoints the following as Chairperson for 2020 to the Advisory Design Panel:

- Karen Hammersley

**CARRIED**

2020-IC-078 **It was MOVED and SECONDED**  
THAT Council appoints the following as Vice-Chairperson for 2020 to the Advisory Design Panel:

- Joe Muego

**CARRIED**

2020-IC-079 **It was MOVED and SECONDED**  
THAT Council authorizes the release of the following information:

- Karen Hammersley has been appointed as Chairperson for 2020 to the Advisory Design Panel; and
- Joe Muego has been appointed as the Vice-Chairperson for 2020 to the Advisory Design Panel.

**CARRIED**

7. **DISCUSSION / CONSIDERATION OF ITEMS TO BE  
RELEASED FROM THE CLOSED SESSION TO THE PUBLIC**


2020-IC-080 **It was MOVED and SECONDED**  
THAT Council authorizes the release of the following information:

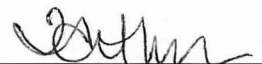
“Recruitment Update Report” noted by the Director of Human Resources during her verbal report on various impacts to the City’s labour / positions due to the City’s need to navigate through the COVID-19 pandemic.

As a phased reopening is taking place, the “Recruitment Update Report” was presented for Council to review and ensure that their priorities were being addressed.

**CARRIED**

8. **CONCLUSION OF THE JUNE 8, 2020 CLOSED COUNCIL MEETING**  
The Chairperson declared the meeting concluded at 5:45 p.m.

  
\_\_\_\_\_  
Mayor Walker

  
\_\_\_\_\_  
Tracey Arthur, Director of  
Corporate Administration