

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* Special and Closed meetings of Council have been called to begin at **5:00 p.m. on MONDAY, NOVEMBER 16, 2020.**

DATE: MONDAY, NOVEMBER 16, 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), (b), (c), (d), (e), (f), (g) (h), (i), (j), (k), (l), (m), (n) and 90(2) (b) of the *Community Charter*:

- 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:
- (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;
 - (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
 - (c) labour relations or other employee relations;
 - (d) the security of the property of the municipality;
 - (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;
 - (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
 - (g) litigation or potential litigation affecting the municipality;
 - (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;
 - (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- council, could reasonably be expected to harm the interests of the municipality if they were held in public;

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(l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*];

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;

(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 (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;

(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2); and

(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:

(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.

PURPOSE:

- Personnel
- Update on Lease Negotiations with Burlington Norther Santa Fe (BNSF)
- Closed Items – Consideration of Release

The City of White Rock is committed to the health and safety of our community. In keeping with Ministerial Order No. M192 from the Province of British Columbia, City Council meetings will take place without the public in attendance at this time until further notice.

Date: November 12, 2020



Tracey Arthur, Director of Corporate Administration

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



November 12, 2020

A **CLOSED MEETING** of CITY COUNCIL will be held in the **CITY HALL COUNCIL CHAMBERS** on **MONDAY, NOVEMBER 16, 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

A G E N D A

1. **AGENDA APPROVAL**

RECOMMENDATION

THAT the Corporation of the City of White Rock Council adopt the agenda for the November 16, 2020 closed meeting as circulated.

2. **PREVIOUS MINUTES**

a) Closed meeting – October 19, 2020.

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RECOMMENDATION

THAT the Corporation of the City of White Rock Council adopt the following minutes as circulated:

a) Closed meeting – October 19, 2020.

3. **DISCUSSION- CHIEF ADMINISTRATIVE OFFICER (CAO) REVIEW PRIOR TO
END OF PROBATION NOVEMBER 19, 2020**

Page

Community Charter Section 90(1) (a) & (c)

Personal Information

ITEM FOR RELEASE

Discussion in regard to release of information

4. UPDATE REGARDING BURLINGTON NORTHERN SANTA FE (BNSF) LEASE AGREEMENTS

Community Charter Section 90(1) (e) & (k)

Verbal update from the CAO regarding the lease modification agreements between the City of White Rock and BNSF

ITEM FOR RELEASE

Discussion in regard to release of information

5. CLOSED COUNCIL MEETINGS – 2018 – 2020

Community Charter Section 90(1) (a), (b), (c), (d), (e), (f), (g) (h), (i), (j), (k), (l), (m), (n) and 90(2) (b) **Page**

Table detailing all closed Council meeting topics from November 19, 2018 – October 19, 2020. During that time the following closed Council meetings were held for items of various nature.

- 2018 = 1
- 2019 = 16 (6 with Semiahmoo First Nation)
- 2020 = 22 (3 with Semiahmoo First Nation)

RECOMMENDATION

THAT Council endorse staff reviewing the Table of Closed Topics from November 2018 – October 19, 2020 with the City's Legal Counsel and bring forward all items for Council's final consideration of release (topics and corresponding information (e.g. reports / handouts) considering the City's best interest.

Following a review of the noted information in the table circulated in the agenda and with guidance from the City's legal Counsel, all information that is not deemed to be harmful to the municipality will be placed on the City website on a newly created are for quick / easy reference.

ITEM FOR RELEASE

Discussion in regard to release of information

6. CONCLUSION OF THE NOVEMBER 16, 2020 CLOSED COUNCIL MEETING

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
D. Johnstone, Committee Clerk

The meeting was called to order at 5:09 p.m.

1. AGENDA APPROVAL

2020-IC-125

It was MOVED and SECONDED

THAT the Corporation of the City of White Rock Council amend the agenda for the November 16, 2020 closed meeting as follows:

- Consider Item 4 Update Regarding Burlington Northern Santa Fe Lease Agreements following consideration of the minutes; and
- Add two (2) further topics directly following the Update Regarding Burlington Northern Santa Fe Lease Agreements:
 - a) G.S.R. Capital Group Litigation (*Community Charter 90 (1) (e), (g), (h) and (i)*); and
 - b) 1510 Johnston Road (Imperial Oil Site) (*Community Charter 90 (1) (e), (g), (h) and (i)*); and

The agenda be adopted as amended.

CARRIED

2. PREVIOUS MINUTES

- Closed meeting – October 19, 2020.

2020-IC-126

It was MOVED and SECONDED

THAT the Corporation of the City of White Rock Council adopt the following minutes as circulated:

- a) Closed meeting – October 19, 2020.

CARRIED

In accordance with motion 2020-IC-125 Item 4 was moved to be addressed at this time followed by new Items 4 and 5.

3. UPDATE REGARDING BURLINGTON NORTHERN SANTA FE (BNSF) LEASE AGREEMENTS

Community Charter Section 90(1) (e) & (k)

Verbal update from the Chief Administrative Officer (CAO) regarding the lease modification agreements between the City of White Rock and BNSF.

Olga Rivkin, City's Legal Counsel, was in attendance for Item 3 via electronic means.

The two (2) modification agreements (extension of contracts) were signed on October 26, 2020 and they have now been certified by BNSF. The lease agreements with the City are now in effect until 2033, there is a termination clause included should it ever be required.

Negotiations

2020-IC-127

Ms. Rivkin departed the meeting at 5:25 p.m.

Paul Hildebrand, City's Legal Counsel, was in attendance at 5:30 p.m. for Items 4 and 5 via electronic means.

4. 1300-BLOCK / 1310 JOHNSTON ROAD – G.S.R. CAPITAL GROUP INC. (THE 1310 JOHNSTON ROAD PROPERTY OWNERS)

Community Charter Section 90(1) (e), (g), (h) and (i)

Update by Paul Hildebrand, City's Legal Counsel, in regard to the City's response to the appeal made by G.S.R. Capital Group Inc. (G.S.R.)

The Developer had more time than usual to file an appeal given the COVID-19 global pandemic, notice of appeal was received July 2020.

Litigation

Litigation

5. **UPDATE REGARDING 1510 JOHNSTON ROAD (IMPERIAL OIL SITE)**
Community Charter Section 90(1) (e), (g), (i) and (k)
Update by Paul Hildebrand, City's Legal Counsel, regarding the negotiations for the site at 1510 Johnston Road.

Negotiations

2020-IC-128

Paul Hildebrand, City's Legal Counsel, departed the meeting at 6:00 p.m.

ADJOURNMENT / RECONVENED

The Chairperson adjourned the meeting at 6:00 p.m. until after the conclusion or adjournment of the November 16, 2020 Land Use and Planning Committee meeting.

The Chairperson reconvened the meeting at 6:50 p.m. with all noted Council and the Director of Corporate Administration in attendance.

6. **DISCUSSION- CHIEF ADMINISTRATIVE OFFICER (CAO) REVIEW
PRIOR TO END OF PROBATION NOVEMBER 19, 2020**

Community Charter Section 90(1) (a) & (c)

Personal Information

2020-IC-129

The CAO and Committee Clerk arrived at the meeting at 7:05 p.m.

7. **CLOSED COUNCIL MEETINGS – 2018 – 2020**

Community Charter Section 90(1) (a), (b), (c), (d), (e), (f), (g) (h), (i), (j), (k), (l), (m), (n) and 90(2) (b)

Table detailing all closed Council meeting topics from November 19, 2018 – October 19, 2020.

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- 2020 = 22 (3 with Semiahmoo First Nation)

2020-IC-130

It was MOVED and SECONDED

THAT Council endorse staff reviewing the Table of Closed Topics from November 2018 – October 19, 2020 with the City's Legal Counsel and bring forward all items for Council's final consideration of release (topics and corresponding information (e.g. reports / handouts) considering the City's best interest.

CARRIED

2020-IC-131 **Subsequent Motion**
It was MOVED and SECONDED


THAT Council endorse the information noted on page 50 of the agenda within the Closed Information Table - City Hall be released to the public.

CARRIED

6. **CONCLUSION OF THE NOVEMBER 16, 2020 CLOSED COUNCIL MEETING**
The Chairperson declared the meeting concluded at 7:23 p.m.



Mayor Walker



Tracey Arthur, Director of
Corporate Administration