



AGENDA
"IN CAMERA" COUNCIL MEETING

Monday, October 15, 2018, 5:00 P.M. - 7:00 P.M.
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
SCHEDULED RECESS AT 6:00 P.M.

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

1. Adoption of Agenda - 90(1)(n)

4(a). Discontent City Update - 90(1)(e) and 90(2)(b)

4(b). 5290 Rutherford Road - Results of Request for Offers (90)(1)(e)

Section 90(1):

(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;

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

Community Charter Section 90(2):

(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.

2. ADOPTION OF MINUTES

- a. Minutes 3 - 5

Minutes of the Special "In Camera" Council Meeting held in the Douglas Rispin Room, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-SEP-24, at 3:00 p.m.

- b. Minutes 6 - 11

Minutes of the "In Camera" Council Meeting held in the Douglas Rispin Room, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-OCT-01, at 4:00 p.m.

3. PRESENTATIONS

4. REPORTS

- a. Discontent City Update

To be introduced by Dale Lindsay, Director of Community Development, and Karen Fry, Fire Chief.

- b. 5290 Rutherford Road - Results of Request for Offers 12 - 16

To be introduced by Dale Lindsay, Director of Community Development.

Purpose: To provide Council with the results of the Request for Offers received for the five-lot subdivision of City-owned property at 5290 Rutherford Road.

Recommendation: That Council:

1. approve the disposition of Lot 2 at 5290 Rutherford Road to [REDACTED] for [REDACTED]
2. direct the Mayor and Corporate Officer to execute the necessary documents to effect the transaction; and
3. direct Staff to return to a future Special 'In Camera' meeting as the remaining Expressions of Interest are received.

Rise and Report:

To be released after presentation of this report [REDACTED]
[REDACTED]

5. ADJOURNMENT OF "IN CAMERA" MEETING

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2018-SEP-24 AT 3:00 P.M.

Members: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong
Councillor W. L. Bestwick (arrived 3:04 p.m.)
Councillor M. D. Brennan
Councillor G. W. Fuller (arrived 3:04 p.m.)
Councillor J. Hong
Councillor I. W. Thorpe
Councillor W. M. Yoachim (arrived 3:10 p.m.)

Absent: Councillor J. A. Kipp

Staff: J. Rudolph, Chief Administrative Officer
D. Lindsay, Director of Community Development
B. Sims, Director of Engineering and Public Works
Supt. C. Miller, OIC, Nanaimo Detachment RCMP (vacated 3:34 p.m.)
L. Fletcher, Operation Support Officer, Nanaimo Detachment, RCMP
(vacated 3:34 p.m.)
K. Fry, Fire Chief (vacated 3:34 p.m.)
S. Gurrie, City Clerk
K. Gerard, Recording Secretary

Others: Trish Webb, Communications Coordinator, City of Nanaimo
[REDACTED]

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 3:01 p.m.

Councillors Bestwick entered the Douglas Rispin Room at 3:04 p.m.

Councillor Fuller entered the Douglas Rispin Room at 3:04 p.m.

2. ADOPTION OF AGENDA:

It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented . The motion carried unanimously.

3. REPORTS:

(a) [REDACTED]

[REDACTED]

[REDACTED]

Councillor Yoachim entered the Douglas Rispin Room at 3:10 p.m.

Jake Rudolph, Chief Administrative Officer, advised:

- numerous meetings have taken place between City Staff, Bylaw department, RCMP, service providers, and shelter operations in Nanaimo;
- new Parks Bylaws is being drafted that will provide more details and specific rules regarding tents and overnight campers in parks; and,
- more details and site locations for the occupants of Discontent City will be coming forward at the next "In Camera" meeting, 2018-OCT-01.

Council discussion included:

- [REDACTED]
- Bylaw Department assistance in the removal and clean-up;
- homeless people in Nanaimo who are not living in Discontent City; and,
- budget for Discontent City and tracking of expenditures to date.

J. Rudolph, Chief Administrative Officer, stated that Staff would report to Council soon regarding funding, costs for clean-up of Discontent City, Provincial contributions and the City's need for more Bylaw Officers.

Supt C. Miller, K. Fry, and L. Fletcher, vacated the Douglas Rispin Room at 3:34 p.m.

K. Gerard vacated the Douglas Rispin Room at 4:15 p.m.

(b) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

█ [REDACTED]
█ [REDACTED]

The "In Camera" meeting recessed at 4:28 p.m.
The "In Camera" meeting reconvened in the Douglas Rispin Room at 7:12 p.m.

[REDACTED]

4. ADJOURNMENT:

It was moved and seconded at 7:34 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER

"IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2018-OCT-01 AT 4:00 P.M. – 7:00 P.M.

Members: Mayor W. B. McKay, Chair (vacated 6:30 p.m.)
Councillor S. D. Armstrong
Councillor W. L. Bestwick (arrived 4:06 p.m.)
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Others: [REDACTED]

Staff: J. Rudolph, Chief Administrative Officer
B. Sims, Director of Engineering and Public Works (vacated 6:03 p.m.)
J. Van Horne, Director of Human Resources (arrived 6:52 p.m.)
B. Corsan, Deputy Director of Community Development (vacated 6:29 p.m.)
Supt. C. Miller, OIC, Nanaimo Detachment RCMP (vacated 6:03 p.m.)
D. Laberge, Manager, Community Safety (vacated 6:03 p.m.)
L. Mercer, Acting Director of Finance (vacated 6:04 p.m.)
A. Groot, Manager, Facility Planning and Operations
S. Gurrie, City Clerk (vacated 6:52 p.m.)
S. Snelgrove, Recording Secretary (vacated 6:46 p.m.)

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 4:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) [REDACTED]

Council recessed the "In Camera" Meeting at 4:01 p.m.
Council reconvened the "In Camera" Meeting at 4:02 p.m.

3. ADOPTION OF AGENDA:

It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADOPTION OF MINUTES:

It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Special "In Camera" Council Meeting held Thursday, 2018-SEP-06 at 5:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC; and,
- Minutes of the "In Camera" Council Meeting held Monday, 2018-SEP-17 at 4:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.

The motion carried unanimously.

(a) Advisory Committee Minutes

It was moved and seconded that the following Committee Minutes be adopted:

- Minutes of the Special "In Camera" Finance and Audit Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2017-NOV-02 at 11:00 a.m.
- Minutes of the Special "In Camera" Finance and Audit Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2017-NOV-09 at 11:00 a.m.
- Minutes of the Special "In Camera" Finance and Audit Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2017-DEC-13 at 9:00 a.m. and continuing 2017-DEC-14 at 9:00 a.m.

The motion carried unanimously.

5. REPORTS:

(a) Discontent City Update

Introduced by Jake Rudolph, Chief Administrative Officer.

Council and Staff discussion took place regarding:

- Deadline for people to leave tent city is October 12, 2018 at midnight.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Staff need to anticipate resourcing issues

Councillor Bestwick entered the Douglas Rispin Room at 4:06 p.m.

- [REDACTED]
- Additional needle pick up, garbage pickup, downtown security increases, downtown cleaning increases, street sweeping, increase pressure washing
- Security contract increased to have one security guard in downtown core 24 hours a day
- Thefts from vehicles has increased
- [REDACTED]
- Having a dedicated information liaison officer to deal with businesses
- Meeting held last week with downtown partners and residents, reviewed the homeless situation downtown and discussed a City response and broad steps the City is taking to mitigate homelessness,
- When the site is vacated Engineering and the RCMP will be involved
- [REDACTED]
- Site may be regraded, top dressing and lime applied to disinfect site.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Presentation:

1. Jake Rudolph, CAO, provided a presentation regarding:
 - Park supports outside of downtown,
 - Proactive to anticipate closure of the site,
 - [REDACTED]
 - [REDACTED]
 - Staff have identified three park locations for tent areas
 - [REDACTED]
 - Campsites would be used until trailers are available in November
 - [REDACTED]
 - Site options include Beban Park near BMX track, Bowen Park near volleyball courts, Fifth Street near Howard Avenue.

The In Camera Council meeting recessed at 4:42 p.m.
The In Camera Council meeting reconvened at 4:44 p.m.

- Campsites are a stop gap measure between October 12 and when modular units are put in,
- Issues around if the City is setting precedence if people are permitted on campsites
- [REDACTED]

Sheila Gurrie returned to the Douglas Rispin Room at 4:48 p.m.
The In Camera Council meeting recessed at 4:48 p.m.
The In Camera Council meeting reconvened at 4:49 p.m.

- [REDACTED]

It was moved and seconded that Council:

- enter into a Memorandum of Understanding with Telus for the 'Fibre to the Premise' Program in Nanaimo; and
- [REDACTED]

The motion carried unanimously.

Jake Rudolph returned to the Douglas Rispin Room at 6:17 p.m.

It was moved and seconded that Council release the report titled "Telus - Memorandum of Understanding [REDACTED] once Telus makes a final investment decision [REDACTED]

The motion carried.

Opposed: Councillor Bestwick

(c) Shaw Go Wifi Service Agreement

Introduced by Bill Corsan, Deputy Director of Community Development.

It was moved and seconded that Council direct the Mayor and Corporate Officer to execute a five-year renewal agreement with Shaw Communications for the Shaw Go Wifi Service. The motion carried.

Opposed: Councillors Bestwick, Kipp

It was moved and seconded that Council rise and report regarding the Shaw Go Wifi Service Agreement after presentation of the report titled "Shaw Go Wifi Service Agreement" [REDACTED]. The motion carried unanimously.

B. Corsan vacated the Douglas Rispin Room at 6:29 p.m.

Mayor McKay vacated the Douglas Rispin Room and Councillor Kipp assumed the Chair at 6:30 p.m.

(d) [REDACTED]

[REDACTED]

It was moved and seconded that the "In Camera" Council Meeting terminate.

Councillor Brennan challenged the Chair. The question was called "Shall the Chair be sustained?" The motion carried. *Opposed: Mayor McKay, Councillors Armstrong, Bestwick, Brennan, Fuller, Hong, Thrope, Yoachim.* The Chair was not sustained and the meeting continued.

Sheila Gurrie vacated the Douglas Rispin Room at 6:52 p.m.

John Van Horne entered the Douglas Rispin Room at 6:52 p.m.

(e) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

7. ADJOURNMENT:

It was moved and seconded at 7:00 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER

DATE OF MEETING OCTOBER 15, 2018

AUTHORED BY NANCY SKEELS, PROPERTY AGENT, COMMUNITY DEVELOPMENT

SUBJECT 5290 RUTHERFORD ROAD – RESULTS OF REQUEST FOR OFFERS

OVERVIEW

Purpose of Report

To provide Council with the results of the Request for Offers received for the five-lot subdivision of City-owned property at 5290 Rutherford Road.

Reason for “In Camera”

Community Charter Section 90(1):

(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. |

Recommendation

That Council:

1. approve the disposition of Lot 2 at 5290 Rutherford Road to [REDACTED]
2. direct the Mayor and Corporate Officer to execute the necessary documents to effect the transaction; and
3. direct Staff to return to a future Special ‘In Camera’ meeting as the remaining Expressions of Interest are received. |

Resolution to Rise and Report

To be released after presentation of this report [REDACTED]

BACKGROUND

The City acquired 5290 Rutherford Road, 0.99ha (2.5 acres), on 2015-DEC-18 for \$850,000, (the “Property”, Attachment A). The Property was acquired to complete a new connector road into the Linley Valley West neighbourhood. Public consultation determined the preferred option for the Linley Valley West access to be a roundabout at Rutherford Road and Nelson Road, including a connector road linking to Linley Valley Drive. A tender for the roundabout and access road was awarded in the spring of 2017 with construction completed in the fall, resulting in 0.42ha (1.04 acres) of surplus land that the City can dispose of.

At the 2017-JUL-10 “In Camera” Council meeting, Staff were directed to subdivide the remainder of the Property to create five fee-simple lots (Attachment B) and dispose of them individually through a Request for Offer process.

At the 2018-JUL-09 “In Camera” Council meeting, Staff provided Council with an update on the marketing of the lots and provided information on the Request for Offers process. A fair market

appraisal for each lot was prepared. Lots 1 to 4 were appraised at \$300,000; Lot 5 is estimated to market at \$360,000, for a total disposition value of \$1,560,000. The cost of preparing the land is estimated to be \$425,000. Funding for this work was included in the 2017-2021 Financial Plan.

The Request for Offers process completed on 2018-SEP-27 and one Expression of Interest Response Form for Lot 2 was received from [REDACTED] (the "Purchasers"). The Purchasers are willing to enter into a Pre-Sale Agreement with the City and have provided a deposit of [REDACTED]. Upon entering into the Pre-Sale Agreement, the deposit will be increased to [REDACTED]. The Purchasers have requested that the Pre-Sale Agreement be subject to them qualifying for and receiving satisfactory financing in an amount sufficient to cover the purchase price. The Purchasers will remove this condition by 2018-OCT-31.

Staff are requesting Council provide approval to dispose of Lot 2 to the Purchasers for the purchase price of [REDACTED]. It is anticipated that Lot 2 will transfer to the Purchasers by the end of December 2018.

Staff will continue to market the remaining lots and will return to Council when the remaining Expression of Interest Response Forms are received.

OPTIONS

A. That Council:

1. approve the disposition of Lot 2 at 5290 Rutherford Road to [REDACTED]
2. direct the Mayor and Corporate Officer to execute the necessary documents to effect the transaction; and
3. direct Staff to return to a future Special 'In Camera' meeting as the remaining Expressions of Interest are received.
 - **Budget Implication:** The City will receive [REDACTED] from the sale. The funds from the disposition of the lands will go back into the Property Reserve Fund, which can be used to support other Council property acquisitions.
 - **Legal Implication:** The City solicitor will prepare the Pre-Sale Agreement and will undertake the conveyance once the subdivision is registered.
 - **Policy Implication:** Staff have published a Notice of Disposition as required by Section 26 of the *Community Charter*. The subdivision is consistent with the neighbourhood plan and the zoning.
 - **Political Implication:** Providing approval to dispose Lot 2 would be consistent with Council's past decisions.

B. That Council:

1. *Not* approve the disposition of Lot 2 at 5290 Rutherford Road to [REDACTED]
 - **Budget Implication:** The City would not receive [REDACTED]. The lot will remain undeveloped and owned by the City.
 - **Political Implication:** Not providing approval to dispose Lot 2 would be inconsistent with Council's past decisions.

SUMMARY POINTS

- The City acquired 5290 Rutherford Road on 2015-DEC-18 for \$850,000.
- The purpose of the acquisition was to facilitate a new roundabout and access road to the Linley Valley West lands at the intersection of Rutherford Road and Nelson Road.
- The project was completed in fall 2017, which has resulted in 0.42ha (1.04 acres) of surplus land that the City can dispose of.
- At the 2017-JUL-10 "In Camera" Council meeting, Council provided approval to subdivide the surplus property into four single-family lots and one multi-family lot and dispose of them individually through a Request for Offer process.
- At the 2018-JUL-09 "In Camera" Council meeting, Staff provided Council with an update on the marketing of the lots and provided information on the Request for Offers process.
- The Request for Offers process completed on 2018-SEP-27 and one Expression of Interest Response Form for Lot 2 was received.
- Staff are requesting Council provide approval to dispose of Lot 2 to [REDACTED]. It is anticipated that Lot 2 will transfer by the end of December 2018.
- Staff will continue to market the remaining lots and will return to Council as the remaining Expressions of Interest are received.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: Proposed Subdivision Plan

Submitted by:

Bill Corsan
Deputy Director, Community Development

Concurrence by:


Dale Lindsay
Director, Community Development

ATTACHMENT A



LOCATION PLAN

Civic: 5290 Rutherford Road

 Subject Property



ATTACHMENT B



PROPOSED SUBDIVISION PLAN

Civic: 5290 Rutherford Road

