

AGENDA
A SPECIAL MEETING OF COUNCIL
MONDAY, FEBRUARY 13, 2019
5:30 p.m.
COUNCIL CHAMBERS, LADYSMITH CITY HALL

CALL TO ORDER (5:30 P.M.)

1. AGENDA APPROVAL

2. MINUTES

2.1. Minutes of the Regular Meeting of Council held February 4, 2019 ..... 1 - 7

3. COMMITTEE REPORTS

3.1. Recommendation from the Municipal Services Committee Meeting .....8 - 10

That the Committee recommend that Council consent to the adoption of Cowichan Valley Regional District Bylaw 4237 -- Transit Service Amendment Bylaw 2018.

4. REPORTS

4.1. Gill Road Lift Station Improvements - Tender Award..... 11 - 13

Staff Recommendation:

That Council:

- 1. Reject the lowest tender for the Gill Road Lift Station improvements due to material non-compliance with the Invitation to Tender;
2. Award the contract for the Gill Road Lift Station improvements to Ecklundson Construction for \$417,820 plus applicable taxes; and
3. Increase the capital budget for the Gill Road Lift Station improvements by \$200,000, with funds to come from Sewer Reserves.



**ADJOURNMENT**

**MINUTES OF A REGULAR MEETING OF COUNCIL  
MONDAY, FEBRUARY 4, 2019  
CALL TO ORDER 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL**

---

**COUNCIL MEMBERS PRESENT:**

Deputy Mayor Duck Paterson  
Councillor Robert Johnson  
Councillor Jeff Virtanen

Councillor Amanda Jacobson  
Councillor Marsh Stevens

**COUNCIL MEMBERS ABSENT:**

Mayor Aaron Stone

Councillor Tricia McKay

**STAFF PRESENT:**

Guillermo Ferrero  
Geoff Goodall  
Mike Gregory

Felicity Adams  
Clayton Postings  
Sue Bouma

Erin Anderson  
Joanna Winter

**CALL TO ORDER**

Deputy Mayor Paterson called this Regular Meeting of Council to order at 6:00 p.m.

**CLOSED SESSION**

**CS 2019-041**

*Moved and seconded:*

That, in accordance with section 90(1) of the Community Charter, Council retire into closed session at 4:35 p.m. in order to consider items related to the following:

- Property Acquisition - 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

*Motion carried.*

**REGULAR OPEN MEETING**

Deputy Mayor Paterson called this Meeting of Council to order at 7:00 p.m., recognizing the traditional territory of the Stz'uminus First Nation.

Deputy Mayor Paterson expressed his condolences on the passing of former longtime Port McNeil Mayor Gerry Furney, who held the position of elected official in Port McNeil for 46 years, and the position of mayor for 39.



CS 2019-042

*Moved and seconded:*

That Council direct staff to send letters of condolence to the town of Port McNeil and the family of former longtime mayor Gerry Furney.

*Motion carried.*

## AGENDA APPROVAL

CS 2019-043

*Moved and seconded:*

That Council approve the agenda for this Regular Meeting of Council for February 4, 2019 as amended by the following addition:

- Item 14.1., "AVICC Resolution"

*Motion carried.*

## RISE AND REPORT

Council rose from closed session at 6:20 p.m. without report.

## MINUTES

CS 2019-044

*Moved and seconded:*

That Council approve the minutes of the Public Hearing and Regular Meeting of Council held January 21, 2019, as amended to correct the name and address of a public submission.

*Motion carried.*

CS 2019-045

*Moved and seconded:*

That Council approve the minutes of the Special Meeting of Council held January 22, 2019.

*Motion carried.*

CS 2019-046

*Moved and seconded:*

That Council approve the minutes of the Special Meeting of Council held January 24, 2019.

*Motion carried.*

## DELEGATION

**Claire Salvador, Senior Consultation Analyst, Ecosystems Management Branch, Fisheries and Oceans Canada, on Behalf of Small Craft Harbours**

### **Ladysmith Harbour Long Term Planning**

Claire Salvador, on behalf of Small Craft Harbours, made a presentation to Council regarding a proposed loading wharf construction project in Ladysmith Harbour. She provided a background to Council of the National Small Craft Harbours Program and their relationship to the Harbour Authorities, noting that Small Craft Harbours liaise with the Harbour Authority and the Stz'uminus First Nation to determine the priorities of the harbour. The current timber wharf is subject to substructure problems and a long term planning solution would be to replace it. The new loading

wharf would not affect the boat launch, but in order to proceed, Small Craft Harbours would need the Town to agree to make changes to their water lot boundaries.

Ms. Salvador responded to Council's questions regarding the Waterfront Area Plan, the Ladysmith Harbour Authority (Ladysmith Fishermen's Association), the timeline and scope of the proposed project, and the effects of the project on traffic management and the parking lot. Council thanked Ms. Salvador for her presentation.

**CS 2019-047**

*Moved and seconded:*

That Council refer to staff for consideration the request by Small Craft Harbour to make changes to the water lot boundaries in order to construct a new loading wharf, and to return to Council with recommendations.

*Motion carried.*

**Richard Huggins, Ladysmith Chapter of Cowichan Trail Stewardship**

**Sustainable Trail Development**

Richard Huggins, Tara Pollock, Matt Grossnickle and Ryan McDonald made a presentation to Council regarding the Cowichan Trail Stewardship Society Ladysmith Chapter's goals to partner with the Town in order to develop and promote trails in Ladysmith. They noted that their plans include developing low cost recreation that will not only interest a younger demographic, but will also significantly impact the economic development of the Town.

Council thanked the team for their presentation.

**CS 2019-048**

*Moved and seconded:*

That Council refer to staff and the Parks, Recreation and Culture Advisory Committee the proposal by the Cowichan Trail Stewardship Society Ladysmith Chapter to partner with the Town to develop and promote trails in Ladysmith, and to return to Council with recommendations.

*Motion carried.*

**Rosalie Sawrie, Social Planning Cowichan**

**Ladysmith Age-Friendly/Walkability Project**

Rosalie Sawrie made a presentation to Council regarding the Ladysmith Age-Friendly/Walkability Project. She reviewed the goals of the project, the methods the team used to gather information and engage the public, and the feedback received from the community. She provided Council with accessibility, scooter,

transportation, social participation, communication, affordability and capital project recommendations, and noted an overwhelming response from the public for the need for public washrooms downtown.

Council thanked Ms. Sawrie for her thorough presentation.

CS 2019-049

*Moved and seconded:*

That Council refer to staff for consideration and investigation the Ladysmith Age-Friendly/Walkability Project, and direct staff to return to Council with recommendations.

*Motion carried.*

## PROCLAMATIONS

Acting Mayor Paterson noted that Mayor Stone has proclaimed the week of February 18 - 24, 2019 as "Heritage Week" in the Town of Ladysmith and encouraged all residents to embrace, explore and enjoy our enduring heritage.

C. Postings, E. Anderson and G. Goodall left the meeting at 8:11 p.m.

## DEVELOPMENT APPLICATIONS

**Development Permit Application 3060-18-21: 333 Symonds Street**

**Subject Property: Lot 8, Block 79 of an unnumbered portion of Oyster District, Plan 703A**

*Moved and seconded:*

CS 2019-050

That Council:

1. Issue DP 3060-18-21 to permit the issuance of a building permit for the construction of a two storey coach house on Lot 8, Block 79 of an unnumbered portion of Oyster District, Plan 703A (333 Symonds Street).
2. Authorize the Mayor and Corporate Officer to sign DP 3060-18-21.

*Motion carried.*

**Development Variance Permit 3090-18-03: 359 Chemainus Road**  
**Subject Property: Lot 8, District Lot 42, Oyster District, Plan 3223**

*Moved and seconded:*

CS 2019-051

That Council:

1. Issue Development Variance Permit 3090-18-03 to vary the front and side parcel line setbacks, the setback from the sea, the height of a retaining wall, and the height of a dwelling at 359 Chemainus Road.
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-18-03.
3. Direct staff to remove Development Permit 93-14 from the

Certificate of Title on Lot 8, District Lot 42, Oyster District, Plan 3223 (359 Chemainus Road) as this permit is no longer relevant for the property.

*Motion carried.*

**Development Variance Permit 3090-18-04: 517 Baden-Powell Street**

**Subject Property: Parcel A (DD 701N) of Lot 6, Block 121, District Lot 56, Oyster District, Plan 703A**

*Moved and seconded:*

CS 2019-052

That Council:

1. Issue Development Variance Permit 3090-18-04 to vary the front and interior side parcel line setbacks, and the maximum parcel coverage for a dwelling at 517 Baden-Powell Street, subject to the owner removing the shipping container from the property prior to issuance of the building permit.
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-18-04.

*Motion carried.*

**OCP & Zoning Bylaw Amendment Application 3360-19-01: 379 Davis Road**

**Subject Property: Lot A, District Lot 43, Oyster District, Plan VIP69091**

*Moved and seconded:*

CS 2019-053

That Council:

1. Having considered the application (3360-19-01) to amend:
  - a) The Official Community Plan by designating 379 Davis Road from “General Commercial” to “Single Family Residential” and by removing “Development Permit Area 3 – Commercial” from 379 Davis Road; and
  - b) The Zoning Bylaw by rezoning 379 Davis Road from “Shopping Centre Commercial (C-5)” to “Single Dwelling Residential (R-1)” and by removing the 379 Davis Road site specific regulation in the C-5 Zone; and
2. Having given consideration to s.475 of the Local Government Act (consultation during OCP development), direct staff to refer the OCP amendment application 3360-19-01 to the Stz’uminus First Nation, pursuant to the Town’s Memorandum of Understanding;
3. Direct staff to commence the preparation of the Official Community Plan (OCP) amendment bylaw and Zoning Bylaw amendment bylaw for application 3360-19-01; and
4. Approve of the discharge of Covenant CA1262671 from the

title of Lot A, District Lot 43, Oyster District, Plan VIP69091, and authorize the Mayor and Corporate Officer to execute the discharge document for Covenant CA1262671, if and when the proposal to rezone 379 Davis Road to R-1 is approved.

*Motion carried.*

M. Gregory left the meeting and G. Goodall returned to the meeting at 8:26 p.m.

## **BYLAWS - OFFICIAL COMMUNITY PLAN AND ZONING**

CS 2019-054

### **Bylaw 1985 - Zoning Bylaw Amendments 2018**

*Moved and seconded:*

That Council:

1. Proceed with third reading of Bylaw 1985, cited as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.22) 2018, No. 1985"; and
2. Direct staff to refer Bylaw 1985 to the Ministry of Transportation and Infrastructure, pursuant to the Transportation Act.

*Motion carried.*

E. Anderson returned to the meeting at 8:28 p.m.

## **COMMITTEE REPORTS**

CS 2019-055

### **Recommendations from the Protective Services Committee**

*Moved and seconded:*

That Council table the recommendation from the Protective Services Committee to appoint a Youth Services Representative to the Protective Services Committee until Terms of Reference for the Protective Services Committee have been developed and adopted.

*Motion carried.*

## **REPORTS**

CS 2019-056

### **441 Parkhill Terrace**

*Moved and seconded:*

That Council:

- 1) Approve the request from the owner of 441 Parkhill Terrace for an extension to the clean-up deadline from December 31, 2018 to February 28, 2019; and
- 2) Direct that the work authorized on November 19, 2018 (CS 2018-443) be carried out by the Town or its contractors, if the Owner is in default following the February 28, 2019 extension deadline.

*Motion carried.*



**Adjustments to Water Billing Accounts**

CS 2019-057

*Moved and seconded:*

That Council approve adjusting the water billing due to leaks for the property account #1052024 for \$4,392.21.

*Motion carried.*

Council recommended that staff bring the issue of adjustments to water billing accounts to an upcoming Municipal Services Committee meeting for discussion.

**BYLAWS**

**Town of Ladysmith Inter-Community Business Licence 2013, No. 1839, Amendment Bylaw 2019, No. 1991**

CS 2019-058

*Moved and seconded:*

That Council adopt "Town of Ladysmith Inter-Community Business Licence 2013, No. 1839, Amendment Bylaw 2019, No. 1991".

*Motion carried.*

G. Goodall and F. Adams left the meeting at 8:40 p.m.

**UNFINISHED BUSINESS**

**Association of Vancouver Island and Coastal Communities**

*Moved and seconded:*

That Council direct staff to draft a resolution for submission to the Association of Vancouver Island and Coastal Communities, calling on the Federal Government to reduce or eliminate taxes on material used for the creation of affordable houses.

*Motion carried.*

**QUESTION PERIOD  
ADJOURNMENT**

There were no questions from the public.

CS 2019-059

*Moved and seconded:*

That this Regular Meeting of Council adjourn at 8:45 p.m.

*Motion carried.*

CERTIFIED CORRECT:

\_\_\_\_\_  
Deputy Mayor (D. Paterson)

\_\_\_\_\_  
Corporate Officer (J. Winter)



175 Ingram Street  
Duncan, BC V9L 1N8  
www.cvrd.bc.ca

Office: 250.746.2500  
Fax: 250.746.2513  
Toll Free: 1.800.665.3955

October 16, 2018

File No.: Bylaw No. 4237

via email:  
jwinter@ladysmith.ca

Town of Ladysmith  
PO Box 220, Stn Main  
LADYSMITH BC V9G 1A2

**Attention: Joanna Winter, Manager Legislative Services/Corporate Officer**

Dear Ms. Winter:

**Re: "CVRD Bylaw No. 4237 – Transit Service Amendment Bylaw, 2018"**

The Board of Directors, at their meeting of October 10, 2018, granted first three readings to the attached Transit Service Amendment Bylaw.

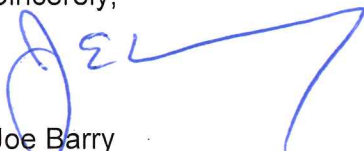
If adopted by the Board, Bylaw No. 4237 will add the Town of Ladysmith as a Commuter Transit Service participating area; change the apportionment of costs for the Commuter Transit Service to assessment based; remove out of date apportionment calculations; and update the language in the whereas clauses.

In order to consider adoption of Bylaw No. 4237, written consent must be obtained from at least 2/3 of the service area participants. Accordingly, the CVRD requests that the following resolution be considered and adopted by Council:

***That the Town of Ladysmith consents to the adoption of "CVRD Bylaw No. 4237 – Transit Service Amendment Bylaw, 2018".***

Please do not hesitate to contact the undersigned should you have any questions regarding this process.

Sincerely,



Joe Barry  
Corporate Secretary

td  
Enclosures

pc: Natalie Wehner, Manager, Finance Division  
Jim Wakeham, Manager, Facilities & Transit Division



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4237

#### A Bylaw to Amend Transit Service Establishment Bylaw No. 1450

---

**WHEREAS** the Board of the Cowichan Valley Regional District established the *Cowichan Valley Regional Transit System* under the provisions of Bylaw No. 1450, cited as "CVRD Bylaw No. 1450 - Transit Service Establishment Bylaw, 1993";

**AND WHEREAS** the Board deems it desirable to add the Town of Ladysmith as a Commuter Transit Service participating area; change the apportionment of costs for the Commuter Transit Service to assessment based; remove out of date apportionment calculations; and to update the language in the whereas clauses;

**AND WHEREAS**, pursuant to Section 349 of the *Local Government Act*, consent for adoption of this bylaw has been received from at least 2/3 of the participants;

**NOW THEREFORE** the Board of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 4237 – Transit Service Amendment Bylaw, 2018**".

2. **AMENDMENTS**

1. The five WHEREAS clauses are hereby deleted and replaced with the following:

WHEREAS pursuant to Sections 332 and 338 of the *Local Government Act*, a Regional District may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish and operate a transit service and a commuter transit service;

2. Section 6 of Bylaw No. 1450 is hereby deleted and replaced with the following:

6. The annual cost of providing the service established under Section 2 shall be recovered by:
- Property value taxes requisitioned and collected on the basis of the converted value of land and improvements within the service area.
  - Revenues raised by other means authorized by the *Local Government Act*, or any other *Act*.

3. Section 7 of Bylaw No. 1450 is hereby deleted and replaced with the following:

7. A Commuter Transit Service is hereby established between the Cowichan Valley Regional District and the Greater Victoria metropolitan area in partnership with the Victoria Regional Transit System and BC Transit and with City of Duncan, Town of Ladysmith, Town of Lake Cowichan, District of North Cowichan, and Electoral Areas A – Mill Bay/Malahat, B – Shawnigan Lake, C – Cobble Hill, D – Cowichan Bay, E – Cowichan Station/Sahtlam/Glenora, F – Cowichan Lake South/Skutz Falls, and I – Youbou/Meade Creek as participating areas.

4. Section 8 of Bylaw No. 1450 is hereby deleted and replaced with the following:

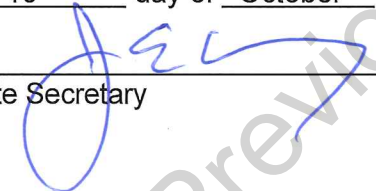
8. The annual cost of providing the service established under Section 7 shall be recovered by:  
a) Property value taxes requisitioned and collected on the basis of the converted value of land and improvements within the service area.  
b) Revenues raised by other means authorized by the *Local Government Act*, or any other *Act*.

READ A FIRST TIME this 10<sup>th</sup> day of October 2018.

READ A SECOND TIME this 10<sup>th</sup> day of October 2018.

READ A THIRD TIME this 10<sup>th</sup> day of October 2018.

I hereby certify this to be a true and correct copy of Bylaw No. 4237 as given Third Reading on the 10<sup>th</sup> day of October, 2018.

  
\_\_\_\_\_  
Corporate Secretary

OCTOBER 12, 2018  
\_\_\_\_\_  
Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary

**STAFF REPORT TO COUNCIL**

From: Geoff Goodall, Director of Infrastructure Services  
Meeting Date: February 11, 2019  
File No:  
RE: **GILL ROAD LIFT STATION – TENDER AWARD**

---

**RECOMMENDATION:**

That Council:

1. Reject the lowest tender for the Gill Road Lift Station improvements due to material non-compliance with the Invitation to Tender;
2. Award the contract for the Gill Road Lift Station improvements to Ecklundson Construction for \$417,820 plus applicable taxes; and
3. Increase the capital budget for the Gill Road Lift Station improvements by \$200,000, with funds to come from Sewer Reserves.

**PURPOSE:**

The purpose of this report is to seek Council authorization to award the contract for improvements to the Gill Road Lift Station, in accordance with the Town of Ladysmith Purchasing Policy.

**PREVIOUS COUNCIL DIRECTION**

The Gill Road Lift Station improvement project was included in the 2019 capital plan and budget.

**INTRODUCTION/BACKGROUND:**

The original invitation to tender for Gill Road lift station was issued in August 2018, with two submissions received. However, the tender was cancelled because the lowest bidder was not able to meet the terms of Contract in the Instructions to Tenderers (ITT), and the price submitted by the other bidder was substantially over the budget.

The Gill Road tender was reissued in December 2018, with a closing date in January 2019. Again, the Town received two bids. The following summarizes the cost of the two bids excluding GST.

- |                                 |           |
|---------------------------------|-----------|
| • Ecklundson Construction       | \$417,820 |
| • David Stalker Excavating Ltd. | \$267,509 |

After evaluation of the two tenders it was found that the David Stalker Excavating tender likely does not substantially comply with the ITT and should therefore not be considered. The non-compliance of the David Stalker Excavating Ltd. tender results from submitting a schedule that indicates significant works will be completed beyond the completion date specified in the ITT.

The second lowest bid is \$200,000 over the original \$275,000 that remains in the project budget. Staff are recommending that Council amend the budget for this project and award the contract to Ecklundson Construction, based on the experience with the previous two bids.

Council could choose to cancel the tender and reissue it, however, this is not recommended.

Under Canadian tender law, the Town does not have the ability to negotiate a lower price with any bidder, to ensure fairness and equity for all bidders.

**ALTERNATIVES:**

Council can choose to cancel this tender and reissue it, however this is not recommended as this would be the second time this would have been done and staff need to move forward to get this project complete.

**FINANCIAL IMPLICATIONS:**

The existing balance in the account for this project is \$275,000. In order to award to the qualifying bid, an additional \$200,000 will need to be allocated to the project. This money will be allocated from Sewer Reserves where there are sufficient funds to cover this amount.

**LEGAL IMPLICATIONS:**

Staff's recommendation not to accept the non-compliant bid provided by David Stalker Excavating Ltd. is considered by staff to provide the least legal risk to the municipality.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

N/A

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Infrastructure Services oversees the project; Financial Services manages the budget, and Corporate Services is responsible for ensuring the tendering process is adhered to.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

- |   |  |
|---|--|
| <input type="checkbox"/> Complete Community Land Use          | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings                      | <input type="checkbox"/> Multi-Use Landscapes      |
| <input checked="" type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems        |
| <input type="checkbox"/> Healthy Community                    | <input type="checkbox"/> Local, Diverse Economy    |



Not Applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- Employment & Tax Diversity
- Watershed Protection & Water Management
- Communications & Engagement

- Natural & Built Infrastructure
- Partnerships
- Not Applicable

**SUMMARY:**

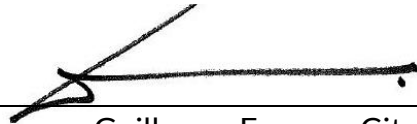
- Staff believe that the lowest bid received in the Gill Road Lift Station tender is substantially non-compliant with the Invitation to Tender documents, and recommend awarding the contract to the second bidder.
- The second bid is over the original budgeted cost for the construction, so Council is requested to increase the project budget by \$200,000, with the funds to come from Sewer Reserves.



\_\_\_\_\_  
Geoff Goodall, Director of Infrastructure Services

\_\_\_\_\_  
February 6, 2019

I concur with the recommendation.



\_\_\_\_\_  
Guillermo Ferrero, City Manager