



**MINUTES – VICTORIA CITY COUNCIL
SPECIAL MEETING OF THURSDAY, JANUARY 07, 2010, AT 12:10 NOON**

PLACE OF MEETING: Council Chambers, City Hall

PRESENT: Mayor Fortin in the Chair and Councillors Chandler, Coleman, Hunter, Lucas, Luton, Madoff, Thornton-Joe and Young

APPROVAL OF AGENDA

It was moved by Councillor Chandler, seconded by Councillor Thornton-Joe, that the agenda be approved. Carried

UNFINISHED BUSINESS

1. Report on Alternative Approval Process for Loan Authorization (Johnson Street Bridge) Bylaw – No. 09-057

A report dated January 6, 2010 from the Corporate Administrator was received regarding the Alternative Approval Process – Loan Authorization Bylaw 09-057. Council initiated an Alternative Approval Process (AAP) for Loan Authorization Bylaw No. 09-057 on November 21, 2009, which ended at 4:30 p.m. on Monday, January 4, 2010. An AAP enables persons who are eligible electors of the municipality to petition their Council not to proceed with adopting a bylaw without holding a referendum. In this instance, if the City received at least 6,343 valid elector response forms by the deadline, then the Council could not adopt the bylaw without first receiving the assent of the electors through referendum.

There were 9,872 valid elector response forms received for the AAP. Council must not adopt Loan Authorization Bylaw No. 09-057 without first holding a referendum to receive the assent of the electors to the bylaw.

Should Council wish to proceed to referendum for Loan Authorization Bylaw No. 09-057, then Council must set a date for General Voting Day, which must be a Saturday within 80 days of the January 4, 2010 deadline for the AAP. Saturday, March 6, 2010 is the recommended date for General Voting Day. This date is recommended to reduce any potential conflict with School District 61's Spring Break, which commences Friday, March 5, 2010 for a two week period.

Councillor Madoff said that she would like to suggest that Council not adopt bylaw No. 09-057 and move ahead with a referendum later. Even though Council feels replacement is the right sustainable decision, Council has heard the wishes of the public that there is a lot of information they are asking for. Can we provide it in a thorough and timely period and then hold the referendum?

Robert Woodland (Corporate Administrator): If Council continues to use borrowing then staff would have to draft a similar loan bylaw and it would be referred to the Inspector of Municipalities for review and approval and staff would advise that Council move the new bylaw directly to referendum in order to comply with legislation.

Mayor Fortin said that the proposal is to provide more information to the public and then set a date for the referendum.

Councillor Luton said that he would support Councillor Madoff's suggestion of holding a referendum, but not within the 80 day period. Council has been given a clear indication from the community that the replacement of the Johnson Street Bridge was rushed. At the start of the process, critics wanted more information but that changed over the campaign to what they value. Since the initial assessment report was received by Council and the decision made to replace the bridge, he has not been sitting still, he has been doing his own research on the issues involved and on the decision making process. Nothing in his research has convinced him that Council made the wrong decision at the beginning. He is concerned about the potential liability the City would face if the bridge were to collapse or remain open/closed for a certain period. The Ohio Strauss Bridge was closed for two years when they chose refurbishment, but there were no off-the-shelf replacement parts and they had to remanufacture them. Ultimately the AAP doesn't change the condition of the bridge; there are seismic, mechanical and electrical problems with the bridge that must be addressed. There are no fixes for the current bridge that will provide a satisfactory level of service for the City's transportation system we want in the future. We cannot look at the bridge in isolation from its function. It is failing to provide to a sustainable transportation system and it will continue to fail as we move into the future. If we preserve what we have, then the traffic will look no different in 20-30 years with too many trucks and cars coming into the downtown. Council should do the homework that the citizens have asked be done.

Councillor Chandler asked if Council chose not to proceed to a referendum within 80 days, but chose the option of holding a referendum later in the year, is there an option on the wording and to what extent?

Robert Woodland: The question must be clear and unequivocal and should be a "yes" "no" type of answer that authorizes a specific purpose.

Councillor Chandler said that this process has engaged the citizens and she believes that they trust Council has moved forward to make a sustainable decision and she believes. She will support Councillor Madoff's suggestion given the fact that there has been a lot of contention based on the time constraints and that Council does its due diligence. Council did extend the due date for the AAP for holiday season as they wanted to see the process respected. The AAP is not perfect and we did the best we could. Hopefully this will strengthen the community and avoid the "us and them" scenario. We want to see the best outcome for the City of Victoria for now and for generations to come.

Councillor Lucas said that as imperfect as the AAP is, there is no doubt through the results that the community would like more say on refurbishment. He is convinced that Council made the right and reasonable decision based on the information they had which has been supplemented by others and johnstonstreetbridge.org. None of us are in the bridge building business, but we want to do the best for the community. There will be more information coming forward and Council is committed to doing their best. He agrees the process should be slowed down now and to reflect on the mood of the residents. This will allow Council to seek out other funding partners to have the least impact on the economy, residents and the downtown core. He asked what the state of the Federal funding would be if the project was put on hold.

Mayor Fortin said that the Federal Government has committed to \$21 million for a new bridge to be completed by 2016; any other use would require a new application and a new assessment.

Councillor Lucas said that he has some concerns about slowing down the project as he is concerned about the liability of the bridge to residents. He would like to ask Engineering to provide a report about short-term maintenance and associated costs that could be done while we go through this process. A possible date that could be considered would be include it as part of the 2011 municipal election to reduce the cost.

Councillor Young said that he agrees with Councillor Madoff's suggestion that we are not yet ready to go to referendum. There is work that has to be done before we go to referendum and that was the message from the AAP; the public needs more information about this project and we should do everything we can to get the information to them. Council must also re-engage with the public on this project. He also agrees with Councillor Lucas, that Council should go back to funding partners and the Federal Government and say to them we are now looking at alternatives and are they prepared to participate as they were on the new bridge and a letter should be sent off immediately, Council should also go back to the CRD and see if they would support and if there are Provincial Grant Funds available for repairs of the rail bridge, which is a separate project including additional pedestrian amenities which would be part of the refurbishment process. Council must re-engage with the public and the technical experts to discuss with them what they want with a new bridge. The major issue is what people's views are of a new bridge vs. the old bridge. Some like the old and want to preserve it, even if it more costly than a new one and some would prefer a new bridge no matter the cost. If we can tell people how much it costs, then the people can make a judgement on how much it is worth to them to improve the level of service. We must also provide technical information to the public so they can make the decision if the bridge should be repaired or replaced. Delcan did not provide detailed cost estimates, but gave an order of magnitude. We need to have a second look at the issues of technology and repairs and then ask question about add-ons to increase level of service of the bridge. We are not ready to make a decision on a referendum question yet and he is not sure what the question will be. Council has to get as much feedback as we can.

Councillor Coleman said that this has been a fascinating process. When the AAP started is seemed awkward and unworkable, so he would like to give credit to those that got petitions signed and showed that it worked. Slowing the process down now makes some sense. He is aware it is an emotional issue as it talks about what the vision of community is. He is sorry for staff who took unwarranted shots on their professional and ethical views. They have worked hard on behalf of the City of Victoria and the region and it has been difficult. This is the right process to slow down and come back with the referendum question at a later date and it will be critical in its wording. He thinks waiting for 2011 is too late.

Councillor Thornton-Joe congratulated the group for doing the work of getting the number of petitions and thanks to staff for their presentations when needed. What she has heard is that the decision was rushed and the public didn't have time to understand how Council came to their decision and wanted more answers. Council attended many meetings and read many reports about the issue and she feels she made the best decision on the information she had. Council has heard we need to slow down and ask more questions and get more answers.

Councillor Hunter said that she also supports the suggestion. She would like to compliment those involved in the AAP as it has proven itself. She would also like to compliment Ross Crockford for his respectful approach to this issue. He was courteous and respectful of Council's decisions even though he was opposed to them. She hopes that his behaviour will send a message to others who oppose Council on other issues; you can be successful if you are respectful. On the message of the AAP, it is still unclear to her on what it was. She does not know if the public didn't like the process, the option of replacement or spending the \$42 million. This is a regional asset and that the Provincial Government can spend money elsewhere but not on the capital city is frustrating. She is not convinced that Council made the wrong decision, but through the process the discussions will continue. She hopes that during the discussions leading up to referendum, the public will understand that Council is acting in the best interest of the public.

Mayor Fortin said that the funding application process was made based on the decision of which way to proceed on the Johnson Street Bridge. Council must go through all the questions and understand them and make the best most sustainable decision and that is what is put forward to the public. Council is asking to borrow \$42 million for a new bridge and the public is asking Council to take more time and provide more information. There are many reasons why the people signed the forms: the cost of the project, that Council is proposing a new bridge, they would like the current bridge repaired, etc. They have said that they want a referendum and Council will have one. He would like to recognize the work of the citizens that who worked on the AAP, that it shows that the process does work.

Motion:

It was moved by Councillor Madoff, seconded by Councillor Lucas, that Council agrees that:

1. The assent process for *Loan Authorization (Johnson Street Bridge) Bylaw – No. 09-057* has ended;
2. Any further project related to the Johnson Street Bridge will be put forward to referendum;
3. Staff be directed to look at timelines for holding a referendum in relation to the Johnson Street Bridge;
4. Staff be directed to provide new information to Council, and the public, with respect to replacement or refurbishment of the Johnson Street Bridge; and
5. Council engage the public on options for replacement or refurbishment of the Johnson Street Bridge.

Councillor Young said that he supports closing the door on the current bylaw, but Council has to keep an open minded on what the public engagement will be. Council's job is not to convince the public that we are right, we need to ask the question on what we should be doing and engage the public in a meaningful way. He feels that it would be meaningful to go back to the Federal Government and ask if they are prepared to continue funding the project if the decision is to refurbish the bridge.

Councillor Lucas suggested that if borrowing is not required for the proposal, would we still need to hold a referendum?

Mayor Fortin said that we will have to go to referendum matter what Council's decision is, as the public has requested that.

Carried

ADJOURNMENT

It was moved by Councillor Madoff, seconded by Councillor Lucas, that the Council meeting adjourn.
Time: 1:25 p.m.

Carried

CERTIFIED CORRECT:

CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA