



25. 3. 2004

REPORT OF THE MAYOR

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. CATHEDRAL SQUARE COMPLETION APPOINTMENT OF COUNCIL SUBCOMMITTEE

The purpose of this report is to propose to the Council that a Subcommittee be formed to progress Stage V of the Cathedral Square project.

Councillors will have seen the media publicity regarding the meeting of the Sustainable Transport and Utilities Committee held on Tuesday 16 March 2004.

I understand that advice was given to the Committee that it did not have the power to alter or revoke the resolution that it had passed at its February 2004 meeting. That resolution was the subject of a deputation at the meeting of the full Council on Thursday 26 February 2004 and the Council resolved that those making the deputation be heard by the Sustainable Transport and Utilities Committee.

It was certainly my understanding that the Committee would hear those who made the deputation to the Council on the basis that if the Committee was persuaded as to the merits of their arguments, then the Committee would be able to make any changes to its February resolution that it wished to do so. I was surprised when I read that the advice to the Committee was that it did not have the power to do that.

The Council had previously resolved on 12 December 2002 with respect to the Stage V completion work:

“That design work for the north-west quadrant be implemented, with a completion date of no later than 30 June 2003” and “... that the (final design) be implemented by the Property and Major Projects Committee and “... that details of the traffic engineering first be approved by the Sustainable Transport and Utilities Committee.”

So the role of the Sustainable Transport and Utilities Committee was to approve details of traffic engineering. It was not a situation where the Committee was being authorised to enter into contract, or where its decision would alter the rights of third parties from the time that decision was made. As was seen at the February Council meeting, the Committee in any event, needed the support of the Council to pass a resolution under the Traffic and Parking Bylaw 1991 so as to be able to give effect to its February 2004 resolution.

However, in my view, the fact that the Committee had reached a view on traffic engineering details at the February meeting, did not prevent it from reaching a different view at the March meeting, if it was persuaded to do so after hearing the representations from those who made the deputation to the Council. I believe in this case the Committee unnecessarily inhibited discussion of the merits of those options and that to date no real discussion had been made by the Committee since hearing that deputation.

Under Standing Order 2.18.17 the Council may, on a recommendation contained in a report from me, revoke in whole or in part, any resolution previously passed by the Council or a committee, provided two clear days notice of such a recommendation is given before the Council meeting.

I recommend that the Council rescind its resolution of 12 December 2002 whereby implementation of detailed design and construction would pass to the Property and Major Projects Committee and that details of traffic engineering be approved by the Sustainable Transport and Utilities Committee. Further, the Council should rescind the resolution of the Sustainable Transport and Utilities Committee meeting of 10 February 2004 that the one way (east bound) meandering road as amended (including changes to Worcester Street) be adopted.

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To progress this matter, bearing in mind that it is designed to have the work carried out in the next construction season, I would recommend that the Council appoint a Cathedral Square Completion Subcommittee comprising Councillors Wright, Anderton, Sheriff, Williams and myself to progress this matter, complete discussions with those who wish to be heard on the matter, and also to oversee the detailed design and construction which would have been carried out by the Property and Major Projects Committee.

I believe that this is the only way that the Council can be sure, as can interested parties outside the Council, that all of the issues are fairly considered before final decisions are made on the Stage V of Cathedral Square project.

I would anticipate that the terms of reference of this Subcommittee would be:

- (a) Approve the details of traffic engineering relating to the Stage V project;
- (b) Authorise the detailed design and budget of that project; and
- (c) Oversee on behalf of the Council the implementation of construction of the project.

- Recommendation:**
1. That the Council resolution of 12 December 2002 referred to above and that resolution no 1 as set out in item 16 of the report of the Sustainable Transport and Utilities Committee to the Council meeting of 26 February 2004 be rescinded.
 2. That the Council appoint a Cathedral Square Completion Subcommittee, being a subcommittee of the Council, comprising the Mayor and Councillors Wright, Anderton, Sheriff, Williams as members of that Subcommittee.
 3. That the Subcommittee be authorised to approve details of traffic engineering for Stage V of the Cathedral Square project and to authorise the implementation of detailed design and construction.
 4. That the Cathedral Square Completion Subcommittee be authorised to complete all other design elements required to finalise the Cathedral Square project.
 5. That the terms of reference of the Subcommittee be as set out above.

CONSIDERED THIS 25TH DAY OF MARCH 2004

MAYOR