

JANUARY 12, 1976

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Monday, January 12, 1976, commencing at 7:00 P.M.

PRESENT:

Mayor T.W. Constable, in the Chair
Alderman G.D. Ast
Alderman D.P. Drummond
Alderman B.M. Gunn
Alderman D.A. Lawson
Alderman G.H.F. McLean
Alderman F.G. Randall
Alderman V.V. Stusiak

ABSENT:

Alderman A.H. Emmott

STAFF:

Mr. M.J. Shelley, Municipal Manager
Mr. E.E. Olson, Municipal Engineer
Mr. A.L. Parr, Director of Planning
Mr. J. Plesha, Administrative Assistant to Manager
Mr. R.W. Watson, Deputy Municipal Clerk
Mr. B.D. Leche, Municipal Clerk's Assistant

M I N U T E S

The Minutes of the Council Meeting held on December 29, 1975, came forward for adoption.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"That the Minutes of the Council Meeting held on December 29, 1975, be now adopted."

CARRIED UNANIMOUSLY

The Minutes of the Inaugural Meeting of Council held on January 5, 1976, came forward for adoption.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"That the Minutes of the Inaugural Meeting of Council held on January 5, 1976, be now adopted."

CARRIED UNANIMOUSLY

D E L E G A T I O N S

The following wrote requesting an audience with Council:

- (a) Mr. D.M. Herd, on behalf of Kask Bros. Ready Mixed Concrete Ltd.
Re: Proposed Underground Aggregate Conveyor.
- (b) Mr. Robert MacFarlane, 6565 Marlborough Avenue.
Re: 27 Condominium Units, 2000 Block Springer Avenue.
- (c) Mr. Vern Delgatty, 1645 West 7th Avenue, Vancouver, B.C.
Re: Kaymar-Suncrest Ravine Erosion.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"That the delegations be heard."

CARRIED UNANIMOUSLY

Mr. D.M. Herd, speaking on behalf of Kask Bros. Ready Mixed Concrete Ltd. noted that Kask Bros. have a water lot lease which they have for twenty years. Three years of the lease have elapsed leaving a balance of 17 years still to go. Mr. Herd could not see the possibility of the Parks and Recreation Commission developing that portion of the proposed park for some considerable time and he was of the opinion that the proposed conveyor could be compatible with the proposed parks development. There did not seem to be any reason why both the public and Kask Bros. cannot both enjoy that portion of the property in question. Mr. Herd noted that Kask Bros. had been in business on this site for forty years and had been taxpayers in Burnaby for that length of time. Mr. Herd suggested that Council consider at least a five year easement to accommodate the conveyor with possibly an option for a further five years, should circumstances permit. Council would maintain full control of the situation. As far as noise is concerned, Mr. Herd pointed out that Kask Bros. would be obliged to comply with the very stringent regulations of the Burnaby Noise By-law and noise should not be a factor. In concluding his remarks, Mr. Herd requested that Council most earnestly consider Kask Bros. request for a minimum five year easement to facilitate the construction of the conveyor as proposed by Kask Bros. Ready Mixed Concrete Ltd.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

"That Item 19, Manager's Report No. 70, 1975 be now lifted from the table."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN GUNN:

SECONDED BY ALDERMAN RANDALL:

"That Recommendation No. 3, Item 19, Municipal Manager's Report No. 70, 1975, be tabled for consideration later this evening in conjunction with Item 16, Municipal Manager's Report No. 1, 1976."

CARRIED UNANIMOUSLY

The following motion was then before Council for consideration.

MOVED BY ALDERMAN GUNN:

SECONDED BY ALDERMAN AST:

"That Recommendation No. 1, Item 19, Municipal Manager's Report No. 70, 1975, be adopted."

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MCLEAN:

"That further consideration of this matter be tabled until such time as the new Minister of Recreation and Conservation reaffirms his Department's position with regard to the compatibility of the proposed industrial use with that of the planned park use of the site in question."

FOR: Aldermen Lawson, McLean and Stusiak

OPPOSED: Mayor Constable, Aldermen Ast, Drummond, Gunn and Randall.

MOTION DEFEATED.

A vote was then taken on the original motion as moved by Alderman Gunn and Seconded by Alderman Ast, "That Recommendation No. 1, Item 19, Municipal Manager's Report No. 70, 1975, be adopted."

FOR: Mayor Constable, Aldermen Ast, Drummond, Gunn, Randall

OPPOSED: Aldermen Lawson, McLean, Stusiak.

MOTION CARRIED.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN LAWSON:

"That a Committee of Council be struck to meet on the Kask Bros. Ready Mixed Concrete Ltd. site to review the proposed area development."

** See Minutes of January 19, 1976 for corrected motion.

FOR: Aldermen Ast, Drummond, Lawson

OPPOSED: Aldermen Gunn, McLean, Randall, and Stusiak.

MOTION DEFEATED

Mr. Robert MacFarlane, then spoke on the subject of the 27 condominium units in the 2000 Block Springer Avenue. Mr. MacFarlane drew specific attention to Paragraph 2 of the latest report of the Director of Planning on this subject (Item 14, Municipal Manager's Report No. 1, 1976) where it was noted that the Chief Building Inspector has confirmed that the buildings were constructed with separate services for each unit in the customary way in which condominium units are served. Moreover, each dwelling unit is described with its own particular street number address as is customary with condominium units. However as previously mentioned, the building has been occupied on a rental basis prior to being strata titled, hence it is a conversion under the Strata Titles Act.

Mr. MacFarlane produced copies of the building permits issued at the time of construction which showed the development as a condominium. Mr. MacFarlane was of the opinion that what was being considered now was not a conversion. However, this development was conceived as a condominium, building permits were issued on that basis, and the development actually constructed as a condominium. Therefore, in Mr. MacFarlane's opinion, this could not, in any way, be construed as a conversion at this time.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN STUSIAK:

"That the subject matter be now lifted from the table."

CARRIED UNANIMOUSLY

The following motion was then before Council for consideration:

"MOVED BY ALDERMAN EMMOTT:

SECONDED BY ALDERMAN MERCIER:

That the necessary permission be granted to confirm the creation of 27 townhouse condominiums on the site, subject to the buildings meeting the guidelines of the requirements of the Planning Department as they apply to condominiums and that there would be sufficient guarantee that the requirements of the Building Department be met."

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN STUSIAK:

"That Item 14, Municipal Manager's Report No.1, 1976, pertaining to this subject be brought forward for consideration at this time.

CARRIED UNANIMOUSLY

The following is the substance of that report:

At the Council meeting December 29, 1975, Council gave further consideration to a tabled matter relating to a request for strata titling of the subject townhouse development. At that time, certain questions arose concerning the matter of building department inspections of the project and particularly the question of parking garages that have apparently been converted to other uses.

For information, the Chief Building Inspector has confirmed that the buildings were constructed with separate services for each unit in the customary way in which condominium units are served. Moreover, each dwelling unit is described with its own particular street number address, as is customary for condominium units. However, as previously mentioned, the building has been occupied on a rental basis prior to being strata-titled, hence it is a conversion under the Strata Titles Act.

With reference to the building inspection question, the Building Inspector has examined his file and advises that normal progress inspections took place during the construction process, dating from December 7, 1972. Objections were noted in the usual fashion where necessary, and many of the required corrections were made. There remain outstanding, however, certain unresolved objections relating to plumbing installation and non-completion of landscaping works. Additionally, on the January 10, 1973 inspection and subsequent visits to the site, the inspector has noted that several of the basement garage units have apparently been converted to other uses, commencing with 2028 Springer Avenue. As these problems have not been rectified, Final Inspection approval has not been forthcoming, and Certificates of Occupancy have not been issued.

On a follow-up visit on May 7, 1974, the inspector has noted the statements of Mr. Rosengren, the builder, on the subject of the evident conversions, as follows:

"Spoke to Mr. K. Rosengren. He advised me that about 50% of the sixteen garages were being used as Recreation Room, Hobby Room and Storage Rooms. It was entirely up to the tenants how they would make use of the premises. All the units are rental units."

Although certain improvements in the landscaping were made in subsequent months in an effort to bring the work up to the standard called for in the approved plans, site work and the other matters have not been satisfactorily completed, and there has not been any apparent effort to restore the parking facilities as required by the approved plans.

On January 22, 1975, in response to a telephone request from the resident manageress, a further inspection visit was made. However, of several units to which the inspector sought entry, only one unit was opened for inspection, and it was not possible to conduct the inspections. In telephone conversation the following day, the problem was relayed to Mr. MacFarlane, in that certain discrepancies still remained and it had not been possible to gain entry to finally inspect. Mr. MacFarlane indicated that he would arrange for access to be secured, and the matter was left with him. To date these arrangements have not been made, and we have no indication that outstanding plumbing objections have been rectified, nor had the opportunity to determine conclusively from inside inspection the extent of the conversion of garage units to other uses, or actions taken to restore the parking.

While Mr. Rosengren suggests that the tenants' actions in this regard are beyond his control, it is noted that this is a rental situation, and the landlord customarily retains full jurisdiction over alterations made to his property. Further, the Building Inspector advises that the conversion of a space use requires specific building permit approval, and, in an instance such as this, also requires Preliminary Plan Approval.

In summary, the owner continues to have an obligation to rectify the problems that have been identified to complete the project in accordance with the approved plans (including the provision of all designated parking garages), and to make suitable arrangements for the Final Inspection to be carried out. Unless and until this is accomplished, the project will not be approved, and the occupancy certificates will not be forthcoming.

Finally, the Planning Department would reiterate that as a previously occupied rental project, the present request for strata-titling is classed as a conversion, which is subject to the current Council policy. However, should the Council choose to consider an application for conversion in this instance, an exemption from the moratorium would have to be granted, and the applicant directed to make the necessary application for staff review and detailed report to Council.

It is hoped this will satisfactorily answer Council's questions on the matter.

**MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN MCLEAN:**

"That further consideration of this matter be tabled until such time as all conditions required by the Planning and Building Departments have been met."

**FOR: Aldermen Drummond, Lawson,
McLean and Stusiak.**

**OPPOSED: Mayor Constable, Aldermen Ast,
Gunn, Randall.**

The votes being equal for and against the question, the motion was declared negative and said motion was defeated.

**MOVED BY ALDERMAN LAWSON:
SECONDED BY ALDERMAN STUSIAK:**

"That Item 14, Municipal Manager's Report No. 1, 1976, be received for information purposes."

** See Minutes of January 19, 1976
for corrected motion

CARRIED UNANIMOUSLY

Mr. Vern Delgatty, 4012 Carson Street, Then addressed Council on the subject of erosion in the Kaymar-Suncrest Ravine. The following is the text of Mr. Delgatty's submission:

I regret that I was unable to discuss implementation of ravine erosion solutions as part of the Rukus delegation of December 29, 1975 Council meeting. It is obvious that Council is aware of the problem being two fold; The first being retrogression of ravine banks and the second being, the primary problem of bank gouging and dropping of creek invert elevation resulting from the policy of concentrating storm run-off into what has been a natural water course. The prime motivation by area residents is action, and I must commend this Council for proceeding quickly with discussions towards rectifying the situation. You are no doubt aware of residents' extreme concern for action on the part of Burnaby Council to do something even if it is to implement engineering department recommendations which we understand would enclose all visible water flows and may cause possible ecological damage. However, if there can be found a solution which implements engineering recommendations while maintaining a year-round controlled natural water flow together with a natural growth restabilization program for the ravine sides, the community, Municipal Hall, and Parks & Recreation Commission will be better for it in the long run.

It is toward this end that I have conducted research and to which I would like to address my report to be given in Council.

The following report on erosion in the above mentioned ravine concerns the analysis of various consultant reports on preservation and restoration of ravine areas towards making recommendations commencing in 1976.

The Burnaby Engineering Department together with Golder Brawner Associates, Engineering Consultants, have proposed alternative solutions to rectifying the problem and have dealt mainly with engineering solutions of piping water, raising invert elevations, and replacing soil in erosion areas. This has led to questions as to the cost of such construction together with the length of time required prior to correcting bank retrogression problems. It is evident that further retrogression may occur within the next few months and therefore it is of primary importance to firstly, respond as per sketch #2. Future restoration plans of the banks should also be considered at this time so that the scheduling and long-range planning of the ravine be established in a logical sequence.

The input of this report with the following sketches and recommendations has come from a general contractor in storm sewer drainage, various discussions with Golder Brawner Associates, site investigation and reports from landscape architect who has dealt with similar erosion problems on the north shore as a consultant for private, corporate, and municipal clients, together with my review of the problem area over the past 8 years. When I first moved into the area the creek water was drinkable, fish were in the creek, and there was evidence of salmon spawning. Much has changed since then, however, I still believe that restoration of the area together with preservation of a year-round surface water flow can be developed without additional major expense to the Municipality.

Many of the residents are very interested in retaining a smaller controlled flowing creek if at all possible. In reviewing this with Rukus delegate spokesman Fred Webster, indications were that signers of the petition want to "preserve the natural beauty of the ravine, with a creek if possible". I would state that the three areas of concern as outlined in the following sketches are curtailment of erosion, preservation of the ravine with storm piping and a natural creek on the surface, and restoration of the side slopes.

In GolderBrawner Associates report it has been mentioned that alternatives #3 and #4, which would provide for a small surface creek would be more expensive than alternative #1, which is a pipe with catchbasins. I would submit that the raising of the invert elevations by 8' to 10', the inclusion of a 4' rather than a 6' diameter pipe together with natural rock course surface drainage, which would be terraced to alleviate future erosion problems would be similar in cost to alternative #1. I have been informed that the construction cost of a 6' diameter concrete culvert is approximately \$200 per lineal foot, whereas

a 4' diameter culvert would cost approximately \$125 per lineal foot to install. If it is a matter of financing to save the beauty of the creek together with restoration for future generations, I would suggest the enclosed alternative solution to that of rerouting storm waters.

Further details will be explained in my verbal discussion with Council.

With the aid of sketches attached to his written submission, Mr. Delgatty then proceeded to explain his proposals in greater detail and reviewed the ravine and its characteristics from its source south of Rumble Street to Marine Drive and submitted several recommendations as to methods by which the problems presently being encountered could be overcome.

Council was advised that a Staff report on this subject would be available for consideration on January 19, 1976, and further consideration of the matter was deferred until that time.

BY - LAWS

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

"That:

- "BURNABY HIGHWAY EXCHANGE BY-LAW NO. 5, 1975" - #6788
- "BURNABY ROAD CLOSING BY-LAW NO. 3, 1967, Repeal - #6789
- By-law 1975."

be now introduced and that Council resolve itself into a Committee of the Whole to consider and report on the By-laws."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

"That the Committee now rise and report the By-laws complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN GUNN:
"That:

- "BURNABY HIGHWAY EXCHANGE BY-LAW NO. 5, 1975" - #6788
- "BURNABY ROAD CLOSING BY-LAW NO. 3, 1967, Repeal By-law 1975" - #6789

be now read three times."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN:
SECONDED BY ALDERMAN STUSIAK:

"That Item 8, Municipal Manager's Report No. 1, 1976, be brought forward for consideration at this time. The following are the recommendations contained in that report:

1. That the following prerequisite be rescinded:

"That construction, to full municipal standards, of the public pedestrian walkway through the subject site.";

2. That the following prerequisite be adopted:

"The completion to an acceptable standard of the existing asphalt walkway in the southerly portion of the property, and the granting of the necessary walkway easement on the understanding that this acceptance is not construed as a precedent or as signifying any change in the Municipal standard, and that a clause will be included in the easement agreement providing that the walkway will be reconstructed by the owner of the property and at his expense, when and as the Municipality advises that replacement is necessary";

3. That Council approve of the substitution of a realigned easement as required to replace the existing right-of-way.

4. That Rezoning Reference #84A/69 be now advanced to Third Reading, with Final Adoption to follow upon satisfactory completion of the amended Prerequisite Condition #2.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN AST:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN AST:

"That the Council do now resolve itself into a Committee of the Whole to consider and report on:

- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 21, 1975" - #6673

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN AST:

"That the Council do now rise and report the By-law complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN GUNN:

"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

"That "Burnaby Zoning By-law 1965, Amendment By-law No. 21, 1975" #6673 be now read a third time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALLERMAN STUSIAK:

"That:

"BURNABY SEWER CHARGE BY-LAW 1961, AMENDMENT BY-LAW No. 2, 1975" - # 6767

"BURNABY ZONING BY-LAW 1961, AMENDMENT BY-LAW No. 55, 1975" - # 6779

"BURNABY TAX ABATEMENT BY-LAW 1975" - # 6790

"BURNABY AUTOMATIC VENDING MACHINE BY-LAW 1946, AMENDMENT BY-LAW 1975" - # 6791

"BURNABY TRADES LICENCE BY-LAW 1950, AMENDMENT BY-LAW 1975" - # 6792

"BURNABY CAB AND COMMERCIAL VEHICLE BY-LAW 1951, AMENDMENT BY-LAW 1975" - # 6793

"BURNABY MUNICIPAL HALL PARKING REGULATION BY-LAW 1975, AMENDMENT BY-LAW 1975" - # 6794

"BURNABY PLUMBING BY-LAW 1973, AMENDMENT BY-LAW No. 4, 1975" - # 6795

be now reconsidered and finally adopted, signed by the Mayor and the Clerk and the Corporate Seal affixed thereto."

CARRIED UNANIMOUSLY

C O R R E S P O N D E N C E A N D P E T I T I O N S

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"That all of the following listed items of correspondence be received and those items of the Municipal Manager's Report No. 1, 1976, which pertain thereto be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

(a) South Burnaby Men's Club.
Re: Annual Tag Days

A letter under date of December 23, 1975, was received requesting Council authority for the South Burnaby Men's Club to hold their annual tag days in the southern part of the Municipality.

1st preference - Friday evening March 5, 1976
All day Saturday, March 6, 1976

2nd preference - Friday evening March 12, 1976
All day Saturday, March 13, 1976

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MCLEAN:

"That the South Burnaby Men's Club be authorized to hold their annual Tag Days on March 5 and 6, 1976, as requested."

CARRIED UNANIMOUSLY

(b) Mary Knox, President, Social Planning and Review Council of British Columbia.
Re: Housing for the Handicapped.

A letter dated December 22, 1975, was received thanking Council for the thoughtful reception received by the Social Planning and Review Council

of British Columbia at the Public Hearing on December 16, 1975. Enclosed for Council's information was a copy of the Vancouver City By-law, Central Housing and Mortgage book on Housing for the Handicapped, and a brochure for Social Planning and Review Council of British Columbia's film "ACCESS". The hope was expressed that the Burnaby Planning Department will call on the members of Panel's Housing Committee and the Council staff when preparing the policy statement on architectural accessibility.

Item 13, Municipal Manager's Report No. 1, 1976, pertaining to this subject, was brought forward for consideration at this time.

It was recommended:

1. That a copy of the Chief Building Inspector's report on this subject be forwarded to the Greater Vancouver Regional District with a request that the District's Housing Committee be made aware of the extent of the provision for the physically handicapped within the current Provincial Building Regulations and that any departure thought to be desirable from those Regulations be pursued by the Committee with the Associate Committee of the National Building Code in Ottawa.
2. That a copy of this report be forwarded to Mary Knox, President, Social Planning and Review Council.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN RANDALL:

"That the Planning Department have information material consistent with the desires of the Social Planning and Review Council for presentation to developers when making applications and to indicate that this Council is sympathetic to the concepts as set forth by the Social Planning and Review Council and that a report showing the type of information proposed by submitted to Municipal Council prior to release to developers and other interested parties."

CARRIED UNANIMOUSLY

(c) Mr. and Mrs. W.F. Reed

Re: Large Increase in Licence Fees for Male Dogs

A letter under date of December 20, 1975, was received strongly protesting the large increase in licence fees for male unneutered dogs from \$11.00 to \$21.00.

Item 12, Municipal Manager's Report No. 1, 1976, pertaining to this subject, was brought forward for consideration at this time.

The following is the substance of that report:

Appearing on the Council agenda for 12 January 1976 is a petition from residents of the North Burnaby area requesting that the \$21.00 fee for unneutered male dogs be reduced to \$6.00.

Also appearing on the agenda is a letter from Mr. and Mrs. W.F. Reed, 7556 Davies Street, Burnaby, protesting the \$21.00 fee for unneutered male dogs.

This report is in response to both protests.

For many years, it has been the practice of most cities and municipalities to favour the owner of a spayed female dog with a reduced licence fee. The Corporation has followed this practice for at least the past 20 years.

In 1974 a study of the increasing problems of animal control was initiated. The study pointed to the need for a comprehensive control program comprised of educational material for pet owners and prospective pet owners, consistent enforcement

of by-law provisions for dogs unlawfully at large, and methods to control pet population growth, particularly dogs.

In keeping with the conclusions developed in the study, the Burnaby Dog Tax & Pound & Animal Regulation By-law was amended, effective 1 January 1975, to provide:

1. Leash law: every dog on a highway or public place shall be on a leash.
2. Female dog licence: increased from \$10.00 to \$21.00
3. Male dog licence: 1975 - increased from \$5.00 to \$11.00
1976 - \$21.00
4. Neutered male dog and spayed female dog licences increased from \$5.00 to \$6.00. The new category of neutered male dog was introduced in consideration of the pet population growth.
5. Violation tickets: the issuance of an information and summons in ticket form to the owner of a dog running at large. Penalty: \$15.00 for a licenced dog and \$30.00 for an unlicenced dog.
6. Impounding fees: increased from \$10.00 to \$15.00 for a licenced dog and from \$15.00 to \$30.00 for an unlicenced dog.

Additionally, the brochure "You, Your Pet and the Community" was distributed to every household in the Municipality. This brochure provided information on selecting a pet, its care and control, costs and responsibilities of ownership.

In March 1975, the S.P.C.A. introduced "Operation Tattoo" which provides permanent identification of a dog's owner through a number tattooed on the underside of a dog's ear. Tattooing is performed at the animal shelter and details of ownership are filed at the S.P.C.A.'s regional office in Vancouver. This information is available 24 hours a day.

On 8 December 1975 Council approved a grant in the amount of \$17,500.00 to assist the S.P.C.A. in constructing a low cost spaying and neutering clinic. The building is presently under construction at the site of their regional office, 1205 East 7th Avenue, Vancouver, and is scheduled for completion on 26 April 1976. This clinic should play a major role in controlling pet population growth by reducing unwanted litters of puppies.

The increase of \$11.00 for a female dog licence and the introduction of an equal cost male dog licence was initiated as an incentive to encourage dog owners to have their dogs sterilized.

The number of neutered male dogs licenced in 1975 was 544. It is too early to make an assessment for 1976 but many of the new licence applications are accompanied by a veterinarian's neutering certificate bearing a recent date.

With respect to Mr. and Mrs. Reed's statement concerning notification of the 1975 \$10.00 increase for a male dog licence, Council's 1974 decision to create a male dog licence at a cost equal to the female dog licence fee of \$21.00 included direction to introduce the increased fee over a two year period - \$6.00 in 1975 and \$10.00 in 1976.

The amending by-law, establishing the 1976 fee, was adopted by Council on 24 November 1975. During the early part of December 1975, a brochure setting out dog licence fees, impounding fees, by-law requirements for dog control and an application form, was delivered to every household in the Municipality. Combined with this brochure was the pertinent information and application form for a bicycle licence.

With respect to the statement concerning dogs running at large, and the absence of any indication that the S.P.C.A. is patrolling in the area of the 7500 block Davies Street, the Pound records reveal that from September to December 1975, in the area bounded by Canada Way to Kingsway, 10th Avenue to 18th Avenue, 35 complaints were registered. The resulting patrols impounded 38 dogs, issued several written and verbal warning notices, and during December three violation tickets were issued.

It is not administratively practical to establish a fee schedule that would give consideration to every individual's personal circumstances. The alternative is for every dog owner to seriously consider sterilization of his dog.

16 In my opinion, the Corporation's animal control program is one of the most progressive and comprehensive to be found anywhere.

It was recommended:

1. That the \$21.00 fee for unneutered dog licences be retained;
2. That Mr. and Mrs. Reed and the petitioners receive a copy of this report.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

- (d) Mr. Brian Walker, 4346 Pandora Street, and others,
Re: All Male Dogs be Licenced at \$6.00

An undated petition was received from Mr. Brian Walker and 13 other citizens of the Municipality requesting that licences for all male dogs be \$6.00.

This item was dealt with previously in the meeting as Item (c) under Correspondence and Petitions.

- (e) Mrs. Pansy E. Geiger, 350 South Springer Avenue
Re: Accident Sustained on Springer Avenue Between 350
South Springer Avenue and Capitol Drive

A letter dated January 1, 1976, was received concerning an accident involving injury to the correspondent which occurred on South Springer Avenue shortly before Christmas. Mrs. Geiger suggested that some form of cleats be installed at the edge of the roadway to provide safer passage for pedestrians during periods of slippery road conditions.

Council was advised that a Staff report on this subject would be available for consideration at January 19, 1976, meeting of Council and further consideration of the matter was deferred until that time.

- (f) Block Bros. Realty Ltd.
Re: Subdivision Reference No. 115/75.

A letter under date of January 8, 1976, was received concerning road allowances in the subject subdivision.

Council was advised that a Staff report on this subject would be available for consideration at the January 19, 1976, meeting of Council and further consideration of the matter was deferred until that time.

T A B L E D M A T T E R S

- (a) Letter dated October 24, 1975, from the Port of Vancouver
Re: Kask Bros. Ready Mixed Concrete Ltd. - Proposed Underground
Aggregate Conveyor.

This matter was dealt with previously in the meeting as Item 2(a) under Delegations.

- (b) Mr. Kenneth Rosengren, December 9, 1975
Re: 27 Townhouse Condominiums - 2000 Block Springer Avenue

This item was dealt with previously in the meeting as Item 2(b) under Delegations.

- (c) 1976 Provisional Budget.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MCLEAN:

"That the 1976 Provisional Budget be now lifted from the table."

CARRIED UNANIMOUSLY

The following are the recommendations of the Municipal Manager as adopted at the December 1, 1975 meeting of Council, relating to this matter:

1. That the Recast Budget be received, approved, and the necessary By-law be brought forward.

2. That \$900,000.00 be allocated to the Corporation's reserve for capital works;
3. That \$500,000.00 be allocated to the Corporation's reserves for vehicle and equipment replacement;
4. That the 1976 Provisional Budget as presented be received, considered, and referred to the 1976 Council for further consideration;
5. That the Municipal Manager be directed to further review all budgets, including those under the control of the Library Board and the Parks and Recreation Commission, and in consultation with the Department Heads and the Library Board and the Parks and Recreation Commission, make whatever adjustments necessary to effect economy, and to recommend the areas of service in which reductions may become necessary to bring the mill rate down to acceptable levels.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MCLEAN:

"That the 1976 Provisional Budget be adopted together with the two following recommendations:

1. That the Municipal Manager determine at the earliest possible time those possible revenues and expenditures relating to other levels of government.
2. That the Municipal Manager contact the Federal Government to obtain assurance that the police cost increase will not exceed the 10% Federal guidelines as related to equal numbers of police personnel."

** See Minutes of January 19, 1976 CARRIED UNANIMOUSLY
for corrected motion

The Council recessed at 9:05 P.M.

The Council reconvened at 9:20 P.M. with all members of Council present.

ENQUIRIES

Alderman McLean

Alderman McLean noted that two months ago he had requested a report on a Court Case the Municipality had with reference to the 3700 Block on Eton Street. To date no report has been received and Alderman McLean requested the matter be expedited.

Alderman Ast

Alderman Ast reported that he had noticed considerable construction activity being carried on at the Gulf Oil Refinery Site and requested information on this activity.

Alderman Stusiak

Alderman Stusiak noted that the parking arrangements at the Burnaby General Hospital seemed to provide priority for staff parking over that of the requirements of the General Public. He requested that this matter be investigated and a report submitted.

On a second question by Alderman Stusiak, The Director of Planning advised that he anticipated a report on Comprehensive Development rezoning would be available on January 26, 1976.

Alderman Randall

On a question by Alderman Randall concerning the installation of traffic signals at Sprott Street and Kensington Avenue, the Municipal Engineer advised that while the installation of a traffic signal at this point would normally be the responsibility of the Department of Highways, the Municipality had

been requested to provide for the installation. The usual cost sharing formula would apply. It was expected that the light would be installed in the near future.

On a second question by Alderman Randall concerning truck traffic on Douglas Road, the Municipal Engineer advised that a report on this subject would be forthcoming to Council in the near future.

Alderman McLean

Alderman McLean noted that certain commitments had been made in the past regarding the provision of an overpass of the Canadian Pacific Railway Tracks in the area of the proposed Burrard Inlet Park and requested information on what action could be taken to revive this proposed overpass which was for vehicles.

On a further question from Alderman McLean as to why the Canadian Federation of Mayors and Municipalities were holding their 1976 convention in Vancouver rather than in Penticton, His Worship, the Mayor, advised that the host city was required to put up \$50,000.00 and the City of Penticton were apparently not willing to meet the commitment.

Alderman Gunn

On a question of Alderman Gunn concerning land slides at the bottom of Penzance Drive, the Municipal Engineer advised that the soil consultants who had done most of the work in that area from Chevron Canada Ltd. had presented a draft report on this subject to the Engineering Department. A report to Council will be forthcoming but in the meantime it could be reported that there would be no municipal liability for what has happened and that, in the consultant's opinion, most of it was caused by the people concerned. However, the consultant has made certain statements concerning the uplying lands on Capital Hill and he is of the opinion that they are not in any immediate danger of having a problem or slide extending up into that area.

R E P O R T S

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MCLEAN:

"That Council do now resolve itself into a Committee of the Whole."

CARRIED UNANIMOUSLY

- (a) His Worship, Mayor Constable
- Re: Travel beyond the Municipality

His Worship, Mayor Constable, submitted a report in which it was noted that it was usual for Council each year to authorize the Mayor to undertake any business of the Corporation deemed necessary during the current year, which will involve travel beyond the Municipality, on the basis that he will be entitled to the normal allowances for such trips.

It was recommended that this authorization be made for the year 1976.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"That the recommendation of the Mayor be adopted."

CARRIED UNANIMOUSLY

- (b) His Worship, Mayor Constable
- Re: Appointments to the Family Division Committee

His Worship, Mayor Constable, submitted a report in which it was recommended that:

Mrs. Marguerite Dixon, Planning Division, United Community Way
(Burnaby Division), and

Mr. Edward L. Coughlin, former Human Resources Administrator
for the Municipality of Burnaby

be appointed to the Burnaby Family Division Committee.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LAWSON:

"That the recommendations of the Mayor be adopted."

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LAWSON:

"That the recommendations of the Mayor be adopted."

CARRIED UNANIMOUSLY

(c) The Municipal Manager presented Report No. 1, 1976, on the matters listed following as Items (1) to (17) either providing the information shown or recommending the courses of action indicated for the reasons given:

(1) Royal Canadian Mounted Police Monthly Report.

The Municipal Manager submitted the Monthly Report of the Officer in Charge, Burnaby Detachment, Royal Canadian Mounted Police, covering the policing of the Municipality for the month of November, 1975.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN STUSIAK:

"That the report of the Municipal Manager be received for information purposes."

CARRIED UNANIMOUSLY

(2) Building Department Report.

The Municipal Manager presented the report of the Chief Building Inspector covering the operation of his Department from December 1, 1975 to December 31, 1975.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN LAWSON:

"That the report of the Municipal Manager be received for information purposes."

CARRIED UNANIMOUSLY

(3) Filling in the Ravine Adjacent to 4958 Portland Street.

The Municipal Manager presented the following report of the Municipal Engineer:
The problem of filling the above ravine has a considerable history and goes back for several years.

In April 1975 the owners of the above property, Mr. & Mrs. Soper, applied for a permit to fill that portion of the ravine on the east side of their property. This permit was refused after the site was examined by Mr. G. Mullis and Mr. M. Ross of the Engineering Department. At this time it was found that there was evidence of slipping and the fill that had been placed on the side of the ravine was in an unstable condition and could be dangerous to any children who might venture to play in this area. Any further filling on this side of the ravine would aggravate the situation and the additional loading could possibly cause a major slip.

Recently there has been evidence that fill is again being dumped and while we do not know who dumped this material we have, today, written once more to Mr. & Mrs. Soper reminding them of our previous decision and stating that the Municipality will not be responsible for any damage to persons or property caused by this illegal filling operation.

This is for the information of Council.

SECONDED BY ALDERMAN MCLEAN:

"That the report of the Municipal Manager be received for information purposes."

CARRIED UNANIMOUSLY

(4) Business Tax Assessment Roll.

The Municipal Manager submitted the following report of the Area Assessor regarding the Business Tax Roll.

The 1976 Business Tax Assessment Roll is now complete and notices of assessment were mailed on December 11, 1975. The total assessed rental value of the Roll is \$49,406,705, an increase of approximately 9.3 million over the year 1975. This increase consists of 5.9 million for increased rental values and 3.4 million is due to new construction.

There are 2,905 accounts in the 1976 Roll, which is an increase of 183 over the 1975 assessment roll.

The amount of tax collectable at the rate of 7½% is \$3,705,502 which is subject to decisions of the Local Court of Revision.

When the estimated licence credits of \$302,450 are deducted, the expected revenue from Business Tax would be approximately \$3,403,052.

This is for the information of Council and to remind them that the Local Court of Revision to consider appeals against the Business Tax Assessment Roll is scheduled to be held in the Council Chambers at 10:00 a.m. on Thursday, January 15, 1976.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN STUSIAK:

"That the report of the Municipal Manager be received for information purposes."

CARRIED UNANIMOUSLY

(5) Royal Canadian Mounted Police Contract.

The Municipal Manager submitted the following report of the Municipal Treasurer concerning the Royal Canadian Mounted Police Contract.

On receiving Item 17, Manager's Report No. 83 on 29 December 1975, Council asked for an explanation of the figure of \$3,699,935 shown for 1976, particularly in comparison with the Provisional Budget figure of \$3,445,000.

The Provisional Budget figure was made up as follows:

January - March 1976:

3/12 x 5 x \$11,342	(50% of the 1975 estimated cost per man)	\$ 14,178	
3/12 x 182 x \$17,013	(75% of the 1975 estimated cost per man)	<u>774,092</u>	\$ 788,270

April - December 1976:

9/12 x 5 x \$12,476	(1975 estimated figure increased by 10%)	46,785	
9/12 x 186 x \$18,715	(1975 estimated figure increased by 10%)	<u>2,610,742</u>	<u>2,657,527</u>
			<u>\$ 3,445,797</u>

The U.B.C.M. letter of 11 December 1975 states:

"All municipalities over 25,000 population will have their R.C.M.P. cost base calculated on the actual R.C.M.P. cost experience in their municipality for the immediately preceding year. The basis for calculation for the 12 months beginning April 1, 1976 varies between those larger municipalities but is estimated to be approximately:
Burnaby - \$26,623."

The calculations show:

January - March 1976:

3/12 x 5 x \$11,342	(50% of the 1975 estimated cost per man)	\$ 14,178	
3/12 x 182 x \$17,013	(75% of the 1975 estimated cost per man)	<u>774,092</u>	\$ 788,270

April - December 1976:

9/12 x 5 x 52% of \$26,623		51,915	
9/12 x 186 x 77% of \$26,623		<u>2,859,750</u>	<u>2,911,665</u>
			<u>\$ 3,699,935</u>

In other words, the Provisional Budget for 1976 is short \$245,935.

To confound the issue further, we are in receipt of a communication from the O. i/c, Burnaby Detachment, that his head office is suggesting that we use \$27,166 as the figure for calculating 1976 costs. If we do so, the budget should be increased by a further \$58,233. However, the figure supplied the O. i/c may not be the official figure we will eventually be supplied with. The official figure, when given, will be the figure to be charged the Municipality in the period 1 April 1976 to 31 March 1977.

In this respect, it should be noted that until a few years ago, at the end of each fiscal year the R.C.M.P. used to bill the municipalities retroactively for any increases in costs. This naturally played havoc with municipal budgets and the practice was dropped.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN RANDALL:

"That the report of the Municipal Manager be received for information purposes."

CARRIED UNANIMOUSLY

(6) Authority for Execution of Legal Documents.

It was recommended that Council pass the following resolutions which would become effective immediately upon their passage:

1. "The Municipal Council does hereby authorize the acquisition in 1976 of all easements and rights-of-way required for municipal purposes and the payment of compensation therefor not exceeding \$100 in each case"; and
2. "The Municipal Council does hereby authorize the execution of all documents in 1976 that pertain to the release or cancellation of ancillary rights where in the opinion of the Engineering Department such rights are no longer required"; and
3. "The Municipal Council does hereby authorize the Mayor and Municipal Clerk to execute documents on behalf of the Corporation, and the Engineer to sign letters, without reference to Council, pertaining to encroachment of easements and road allowances, and reduction of easement widths, for 1976"; and
4. "The Municipal Council does hereby authorize the Mayor and Municipal Clerk, pursuant to Section 24A of the Land Registry Act, to execute documents on behalf of the Corporation, without reference to Council, pertaining to the following restrictive covenant, for 1976:

Limitation of building elevations due to:

- a. Sewer depth
- b. Topography
- c. Access
- d. Land subject to flooding."

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

- (7) Application for Strata Title Approval on an Existing Duplex
Lot 9 Ex West 50', Block N, D.L. 127 W3/4
5411/13 Union Street. - STA 5/75

It was recommended that the subject application for Strata Titling be granted approval by Council and that the following be established as prerequisites to the completion of Strata Titling.

1. The fulfillment of Sections 6.1 through 6.7 of the Guidelines for Duplex Condominiums and Conversions.
2. The dedication of the northerly 10 feet of the subject property for future lane development.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN STUSIAK:

"That the recommendations of the Municipal Manager be adopted."

CARRIED

OPPOSED: Alderman Gunn

- (8) Amendment to Rezoning Reference #84A/69
Lougheed Village Project at 9501 Erickson Drive

This item was dealt with previously in the meeting as Item 3(c) under By-laws.

- (9) Engineer's Special Estimates.

It was recommended that the Special Estimates of the Municipal Engineer in the total amount of \$202,500.00 as detailed in the report received by approved.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN GUNN:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

- (10) Proposals for Inspection of Storm Sewer Construction By-law 6706.

It was recommended that the services of R.F. Binnie Limited be retained for inspection of Storm Sewer Construction - By-law 6706 - in accordance with the proposal as outlined in the Engineer's letter dated December 8, 1975, and R.F. Binnie Ltd.'s letter dated December 31, 1975.

MOVED BY ALDERMAN DRUMMOND:

SECONDED BY ALDERMAN STUSIAK:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

- (11) Topsoil from Dunhill Project
South Side of Government Street at Bell Avenue.

The Municipal Manager presented the following report of the Municipal Engineer on the above subject:

At the Council meeting, 29 December, 1975, Manager's Supplementary Item No. 24 was approved to expend an estimated \$7,000 to load, haul and store approximately 3,000 cubic yards of topsoil which was to be made available at the above-named development.

Both Parks & Recreation and Engineering staff have subsequently carefully examined the soil in question and find that rather than being "topsoil" the material is, in fact, a stripped overburden with a proportion of roots, stones and other extraneous material contained therein. The Parks & Recreation Administrator advises that he quite often has this quality material delivered to his nursery site for screening at no cost for delivery and accordingly has no use for this material considering the cost of loading and hauling it to the nursery site.

From the Engineering point of view the overburden soil is not at all suitable for boulevard dressing in connection with Local Improvement projects as property owners require a high standard of topsoil when restoring boulevards disrupted during curb or sidewalk construction.

Upon being advised of these facts, the developer at his own expense is now loading and hauling the material to a Park/School storage site at Government and Austin. We are pleased to report that the Corporation will be receiving the material at no cost and will not be required to expend any of the \$7,000 authorized on the 29 December, 1975.

This is for the information of Council.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN MCLEAN:

"That the report of the Municipal Manager be received for information purposes."

CARRIED UNANIMOUSLY

(12) Dog Licence Fees.

This item was dealt with previously in the meeting as Items 4(c) and (d) under Correspondence and Petitions.

(13) Letter dated December 22, 1975, from Mary Knox,
Social Planning and Review Council of British Columbia
Handicapped Persons and Project 200

This item was dealt with previously in the meeting as Item 4(b) under Correspondence and Petitions.

(14) Request for Condominium Conversion
27 Townhouses
Springer Avenue/Broadway/Lougheed

This item was dealt with previously in the meeting as Item 2(b) under Delegations.

(15) Fire Department Manpower Planning - 1976

It was recommended:

1. THAT the Corporation approve an increase in the Firefighting Division manpower strength from 175 to 181 men, or an increase of 6 men.
2. THAT 5 of these 6 additional men be obtained by the release of firefighters from the Dispatch Room to be replaced by Radio Dispatchers - Emergency Services as soon as possible in 1976.
3. THAT the short-fall of 1 man under Recommendations 1 and 2, plus an additional 2 men to replace the 2 retirees, for a total of 3 additional men, be recruited and added to the firefighting strength as soon as possible.
4. THAT the Corporation's negotiating representatives attempt to achieve greater flexibility for the Fire Department in the methods of allowing time off or compensating for time off in cash so that costly manpower surpluses, as well as overtime, are minimized, and platoon "on duty" strength is maintained.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN GUNN:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(16) Lease of Kapoor Property - Noble Towing Ltd. and
Kask Bros. Ready Mixed Concrete Ltd.

It was recommended:

1. THAT Noble Towing Ltd. and Kask Brothers Ready Mixed Concrete Ltd. be permitted continued short term use of the subject rental areas on a month to month basis until such time as their relocation arrangements are finalized, or alternatively, when the Municipality requires the removal of their operations for park improvement purposes, whichever occurs first; and
2. THAT the Municipal Manager be authorized to renew or terminate the monthly rental agreements as required; and
3. THAT the lease to Kask Bros. Ready Mixed Concrete Ltd. be renewed at a rate of \$0.446 per sq. ft. per annum for on-shore land, and \$0.045 per sq. ft. per annum for water area being used, with the lease area to be determined by survey to delineate actual area being used; and
4. THAT the lease to Noble Towing Ltd. be renewed at a rate of \$0.045 per sq. ft. per annum, based on an area of 41.08 acres or 1,789,445 sq. ft. x \$0.045 per sq. ft. per annum = \$80,525.00 or \$6,710.00 per month.
5. THAT the Municipal Manager be authorized to meet with representatives of Kask Brothers Ready Mixed Concrete Ltd. and Noble Towing Ltd. to determine precise dates that would allow them to vacate their respective rental areas in the shortest possible time; and
6. That a copy of this report be sent to the Parks and Recreation Commission.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN GUNN:

"That Item 18, Municipal Manager's Report No. 1, 1976, pertaining to this same subject be brought forward at this time."

CARRIED UNANIMOUSLY

The following is the recommendation contained in that report:

"That March 1, 1976, be established as the effective date for the increased lease rates as designated in Item 16, Recommendations 3 and 4, and that if the increased rates are unacceptable to the firms involved, that the related properties be vacated as of February 29, 1976."

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN GUNN:

"That the recommendations of the Municipal Manager as contained in Items 16 and 18 of his Report No. 1, 1976, be adopted."

It was agreed that a separate vote would be taken on the recommendations contained in Items 16 and 18, Municipal Manager's Report No. 1, 1976."

A vote was then taken on Recommendations 1 to 6 contained in Item 16, Municipal Manager's Report No. 1, 1976, and CARRIED with Aldermen Lawson, McLean and Stusiak opposed to Recommendation No. 4.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN MCLEAN:

"That the recommendation contained in Item 18, Municipal Manager's Report No. 1, 1976, be amended so as to provide for 50% of the proposed increase in the lease rate to be effective March 1, 1976, and for the remaining 50% of the proposed increase in the lease rate to be effective June 1, 1976."

FOR: Aldermen Lawson and McLean

OPPOSED: Mayor Constable, Aldermen Ast, Drummond, Gunn, Randall, Stusiak.

MOTION DEFEATED.

A vote was then taken on the recommendation contained in Item 18, Municipal Manager's Report No. 1, 1976, and it was CARRIED with Aldermen Lawson and McLean opposed.

(17) Texaco Canada Ltd. Purchase Agreement.

On April 21, 1975, Council passed the following motion with respect to the acquisition of property along Burrard Inlet from Texaco Canada Limited:

"THAT the subject property be purchased for the sum of \$1,100,000 subject to the following conditions:

- a. The Municipality undertake all surveys and legal work required to effect this transaction.
- b. The Municipality provide a suitable security fence on the perimeter of Texaco's property wherever it adjoins the Park Area.
- c. A mutually acceptable agreement covering the conditions set forth in the Company's letter of February 11, 1975."

At its meeting of July 7, 1975 Council was advised that the Board of Directors of Texaco Canada Ltd. had approved the sale of the subject property to the Municipality and that a report requesting Council's approval to execute the related agreement would be forthcoming in due course.

A mutually acceptable agreement covering the conditions of sale for this acquisition has been prepared (see attached on Council Members' reports only) and approved by both parties. In order to help expedite completion of this transaction, the agreement was executed by the Mayor and the Clerk on December 30, 1975 and forwarded to Texaco Canada Ltd. for their documentation.

Under the terms of the agreement, the following principle conditions apply:

1. Burnaby agrees to undertake all surveys and legal work required to effect the transaction. The necessary survey work has now been completed by the Municipality.
2. Burnaby is to provide a wire mesh security fence on the perimeter of Texaco's property on those unfenced areas abutting the park area. This fence is to become the property of Texaco who will assume responsibility for its maintenance. No monies has or will be spent on this item prior to the formal execution of the transaction agreement. Preliminary estimates indicate that the cost of constructing this facility will be approximately \$6,500.
3. Texaco is to obtain a series of specified easements, outlined in the agreement, necessary for their access or protection of accessory dock facilities.
4. Burnaby is to obtain access privileges over the level crossing granted to Texaco by the C. P. R..
5. Burnaby agrees to grant to Texaco a restrictive covenant to affect that portion of Lot 7 to be acquired by the Municipality immediately adjoining the 2 acre parcel retained by Texaco. This restrictive covenant is to restrict the development of structures that would conflict with the setback regulations required for the potential installation of additional tankage on the 2 acre portion of Lot 7. It should be emphasized however that the granting of this covenant in no way constitutes a Municipal commitment towards the approval of any future application for additional tank storage facilities.
6. Texaco is to grant to Burnaby a first right to purchase in the event that Texaco desires to sell all or a portion of Lot 7 retained by it.

The closing date now specified in paragraph 16 as December 31, 1975 has been changed to January 31, 1976 to permit adequate time for final execution.

The Staff Technical Committee coordinating the preparation of the subject purchase agreement is satisfied with the terms contained within the agreement and would recommend that Council ratify the action taken by the Committee in having the agreement executed by the appropriate Municipal representatives.

The Municipality's Signing Officers executed the agreement, as requested by Texaco, on December 30, 1975. Although the normal procedure is to acquire Council's approval before agreements are executed, in this case it was decided to simply seek Council's ratification of the action taken after the fact because the firm urgently needed to have the execution completed in 1975 (Council approved the basic terms of acquisition in April, 1975; execution of the agreement on December 31 was therefore considered appropriate under the special circumstances that prevailed on that date).

There will be no conveyance of money and no work performed on the fence until such time that the agreement is executed by Texaco.

It was recommended:

1. That Council ratify the action taken by the Staff Technical Committee in having the subject purchase agreement executed by the appropriate Municipal representatives;
2. That Council authorize the necessary expenditure of funds for the construction of the wire mesh security fence as described in Clause 3 of the agreement.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN DRUMMOND:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN RANDALL:

SECONDED BY ALDERMAN GUNN:

"That the Planning Department bring forward a report on the feasibility and advisability of dedicating all lands owned by the Municipality in the Burrard Inlet Marine Park complex as dedicated park lands."

CARRIED UNANIMOUSLY

(18) Lease of Kapoor Property - Noble Towing Ltd. and Kask Bros.
Ready Mixed Concrete Ltd.

This item was dealt with previously in the meeting in conjunction with Item 16, Municipal Manager's Report No. 1, 1976.

NEW BUSINESS

MOVED BY ALDERMAN GUNN:

SECONDED BY ALDERMAN STUSIAK:

"That Item 2, Municipal Manager's Report No. 83, 1975, (Page 18, Council Minutes dated December 29, 1975) concerning proposed demolition of Municipal property, Lot "C", Block 2, D.L. 162, Plan 18927, 8655 Royal Oak Avenue, be brought back for reconsideration at this time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN GUNN:

SECONDED BY ALDERMAN AST:

"That Recommendation No. 1, Item 2, Municipal Manager's Report No. 83, 1975, "That the tenancy of the subject dwelling be terminated in accordance with Section 20 of the Landlord and Tenant Act" be deleted."

FOR: Alderman Gunn

OPPOSED: Mayor Constable, Aldermen Ast, Drummond, Lawson, McLean, Randall, Stusiak

MOTION DEFEATED.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MCLEAN:

"That Recommendation No. 2, Item 2, Municipal Manager's Report No. 83, 1975,
"That the subject dwelling be subsequently demolished" be deleted."

CARRIED

OPPOSED: Alderman Lawson

A vote was then taken on the original motion, as amended, and,

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN GUNN:

SECONDED BY ALDERMAN DRUMMOND:

"That a special meeting of Council be held on Thursday, January 22, 1976, at
3:30 P.M. to review and consider the 1976 Provisional Budget."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN GUNN:

"That the Committee do now rise and report."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN AST:

"That Council now resolve itself into a Committee of the Whole "In Camera"."

CARRIED UNANIMOUSLY