

1984 JANUARY 30

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Monday, 1984 January 30 at 19:00 h.

PRESENT: Mayor W.A. Lewarne (In the Chair)
Alderman D.N. Brown
Alderman D.P. Drummond
Alderman A.H. Emmott
Alderman D.A. Lawson
Alderman G.H.F. McLean
Alderman E. Nikolai
Alderman L.A. Rankin
Alderman V.V. Stusiak

STAFF: Mr. M.J. Shelley, Municipal Manager
Mr. J.E. Fleming, Director Administrative and Community Services
Mr. W.C. Sinclair, Assistant Director Engineering, Works
Mr. A.L. Parr, Director Planning and Building Inspection
Mr. J.G. Plesha, Administrative Assistant to Manager
Mr. C.A. Turpin, Deputy Municipal Clerk
Mr. R.D. Seath, Municipal Clerk's Assistant

M I N U T E S

(a) The minutes of the regular Council Meeting and Caucus Meeting 'In Camera' held on 1984 January 23 came forward for adoption.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN NIKOLAI:

"THAT the minutes of the regular Council Meeting and Caucus Meeting 'In Camera' held on 1984 January 23 be now adopted."

Alderman Drummond referred to the following two motions recorded on pages 12 and 13 of the minutes of the regular Council Meeting held on 1984 January 23:

"THAT the approximately two (2) acres of the Texaco Tank Farm lands as described in figure 1, page 113 of the 1983 September 12 Council agenda, Item 04 of Municipal Manager's Report No. 55, 1983 September 12 of the area designed for expansion be rezoned as parkland."

and

"THAT the aforementioned motion as moved by Alderman Drummond and seconded by Alderman Rankin 'That the approximately two (2) acres of the Texaco Tank Farm lands as described in figure 1, page 113 of the 1983 September 12 Council agenda, Item 04 of Municipal Manager's Report No. 55, 1983 September 12 of the area designed for expansion be rezoned as parkland;' be now referred to the Municipal Manager to report back to Council on the legal ramifications and other possible considerations resulting from the proposed rezoning."

Alderman Drummond as mover of these motions, requested that the words "of the 1983 September 12 Council agenda" be deleted with the effect that the motions will now read as follows:

"THAT the approximately two (2) acres of the Texaco Tank Farm lands as described in figure 1, page 113, Item 04 of Municipal Manager's Report No. 55, 1983 September 12 of the area designed for expansion be rezoned as parkland."

and

"THAT the aforementioned motion as moved by Alderman Drummond and seconded by Alderman Rankin 'That the approximately two (2) acres of the Texaco Tank Farm lands as described in figure 1, page 113, Item 04 of Municipal Manager's Report No. 55, 1983 September 12 of the area designed for expansion be rezoned as parkland;' be now referred to the Municipal Manager to report back to Council on the legal ramifications and other possible considerations resulting from the proposed rezoning."

It was agreed that the minutes of the regular Council Meeting and Caucus Meeting "In Camera" held on 1984 January 23 would be amended accordingly.

A vote was then taken on the original motion as moved by Alderman McLean and seconded by Alderman Nikolai, "THAT the minutes of the regular Council Meeting and Caucus Meeting 'In Camera' held on 1984 January 23 be now adopted", AS AMENDED, and same was CARRIED UNANIMOUSLY.

MOVED BY ALDERMAN LAWSON:
SECONDED BY ALDERMAN STUSIAK:

"THAT the presentation of the delegation, Ms. Barbara Gudmundson, as presented to Council at the regular Council Meeting held on 1984 January 23 be now referred to the Planning and Building Inspection Department."

CARRIED UNANIMOUSLY

B Y L A W S

#8092 5955 Kingsway

RZ #40/83

Consideration and Third Reading:

MOVED BY ALDERMAN NIKOLAI:
SECONDED BY ALDERMAN McLEAN:

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

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 41, 1983'

#8092

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN NIKOLAI:
SECONDED BY ALDERMAN McLEAN:

"THAT the Committee now rise and report the bylaw complete."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN NIKOLAI:
SECONDED BY ALDERMAN McLEAN:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN NIKOLAI:
SECONDED BY ALDERMAN McLEAN:

"THAT

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 41, 1983'

#8092

be now read a third time."

CARRIED UNANIMOUSLY

1984 January 30

Reconsideration and Final Adoption:

#7693	7576, 7594 Elwell Street	RZ #91/80
#8108	5976 Sprott Street	RZ #46/83

MOVED BY ALDERMAN NIKOLAI:
SECONDED BY ALDERMAN McLEAN:

"THAT

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 42, 1981'	#7693
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 51, 1983'	#8108
'Burnaby Local Improvement Construction Bylaw No. 1, 1984'	#8155

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

CARRIED
OPPOSED: ALDERMAN DRUMMOND TO BYLAW #7693
MAYOR LEWARNE, ALDERMEN BROWN,
McLEAN AND NIKOLAI TO
BYLAW #8108

CORRESPONDENCE AND PETITIONS

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN McLEAN:

"THAT all of the following listed items of correspondence be received and those items of the Municipal Manager's Report No. 07, 1984 January 30 which pertain thereto be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

- (a) Province of British Columbia, Ministry
of Municipal Affairs, Minister
1984 January 17, Re: Sewerage Assistance
payment for 1983.

A letter dated 1984 January 17 was received enclosing a Province of British Columbia cheque in the amount of \$811,843.26, representing the final Sewerage Assistance payment for 1983 pursuant to Part XI of the Revenue Sharing Act Regulations.

- (b) Anwar Shivji, Stride Avenue Store,
1984 January 20, Re: 6944 Stride Avenue
loss of income - Stride Avenue closed
for six months.

An undated letter was received from the Stride Avenue Store requesting compensation from the municipality for the loss of income to the store that will result from the temporary closure of Stride Avenue.

His Worship, Mayor Lewarne, advised that the Director Engineering is preparing a report in response to this item of correspondence which will be submitted to Council at the regular Council Meeting to be held on 1984 February 06.

1984 January 30

- (c) Province of British Columbia, Ministry of Finance, Minister, 1984 January 12,
Re: Taxation of incomplete improvements.

A letter dated 1984 January 12 was received from the Minister of Finance advising that a decision has recently been made by the Provincial Government to introduce legislation at the next sitting of the Legislature which will make it clear that incomplete improvements are subject to assessment and property tax. The legislation will allow values associated with such properties to be added to the 1984 assessment roll.

The Minister further advised that the Provincial Government has decided to make some changes to the Assessment Amendment Act. One of these changes provides for the appeal of assessments in either the first or second year of the two year cycle.

The press release announcing these decisions of the Provincial Government was attached to this item of correspondence.

- (d) Province of British Columbia, Ministry of Municipal Affairs, Deputy Minister, 1984 January 19, Re: 1983 grant-in-lieu of taxes.

A letter dated 1984 January 19 was received enclosing a Province of British Columbia cheque in the amount of \$4,322.03 representing payment of the balance owing to the municipality for the 1983 grant-in-lieu of taxes as outlined in the letter from the Minister dated 1984 January 05.

- (e) Canadian Transport Commission, Railway Transport Committee, Secretary, 1984 January 10, Re: Public Hearing regarding safety of operation of trains in vicinity of Trans Mountain Oil Pipeline Company Westridge Terminal.

A notice of Public Hearing was received from the Canadian Transport Commission advising that the Railway Transport Committee has decided to hold a Public Hearing to consider oral evidence and submissions from interested parties regarding, generally, the safety of the operation of trains in the vicinity of the Trans Mountain Pipeline Company Westridge Terminal at mileage 121 of the Canadian Pacific Limited Cascade Division, Burnaby, B.C. The Hearing will commence at 10:00 h on Tuesday, 1984 February 14.

Item 11, Municipal Manager's Report No. 07, 1984 January 30 was brought forward for consideration at this time.

The Municipal Manager submitted a report advising that a report released by the Vancouver Regional Office of the Canadian Transport Commission (CTC) in the summer of 1982 recommended that certain actions be taken to improve the safety of operations at the Westridge Terminal. Trans Mountain Oil Pipeline Company subsequently maintained that it could not finance the work as recommended in the report. The matter is still not concluded, and the CTC has scheduled a Public Hearing to take place in the Burnaby Council Chamber on 1984 February 14, 15 and 16. The report went on to provide Council with the background information and chronological summary of major events that have taken place with respect to this matter.

The Municipal Manager recommended:

- (1) THAT this report be received for information purposes.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN BROWN:

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

CARRIED UNANIMOUSLY

1984 January 30

- (f) Burnaby Public Library Board, Vice-Chairman, 1984 January 23,
Re: Touring branch libraries -
Saturday, 1984 March 10

A letter dated 1984 January 23 was received inviting Council to join the Library Board in touring the branch libraries in the municipality on Saturday, 1984 March 10.

All members of Council indicated that they will be attending the tour of the branch libraries.

- (g) Rick Bennett, 1984 January 24,
Re: Lack of complaints regarding
Mountain Shadow Inn on Barnet Board

A letter dated 1984 January 24 was received expressing the writer's comments and concerns with respect to activities that are now occurring in the neighbourhood adjacent to the Mountain Shadow Inn.

- (h) World University Service of Canada,
1984 January 19, Re: Canadian Mayors
to visit India.

A press release dated 1984 January 19 was received advising that the mayors of six Canadian cities have been invited to India from 1984 February 20 to 1984 March 03 to participate in a workshop and roundtable organized by the Urban Development Institute of Bombay. His Worship, Mayor Lewarne, was one of the mayors invited to travel to India for the workshop.

His Worship, Mayor Lewarne, advised that the workshop has now been cancelled and therefore he will not be travelling to India as previously planned.

R E P O R T S

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN BROWN:

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

CARRIED UNANIMOUSLY

- (a) Municipal Clerk's Certificate of Sufficiency covering lane bounded by Walker Avenue to the North and East of Sperling Avenue - 5986, 6012, 6048 and 6088 Sperling Avenue.

The Municipal Clerk submitted a Certificate of Sufficiency advising that the petition of Mr. S.B. Peach and others requesting the construction and paving of the lane bounded by Walker Avenue to the north and immediately east of Sperling Avenue with the extension westerly of the south property line of Lot 278 Except Plan 47632, District Lot 92, Plan 38840 (6059 Walker Avenue) is sufficient.

The Municipal Clerk recommended:

- (1) THAT Council receive the Municipal Clerk's Certificate of Sufficiency covering the lane bounded by Walker Avenue to the north and immediately east of Sperling Avenue with the extension westerly of the south property line of Lot 278 Except Plan 47632, District Lot 92, Plan 38840 (6059 Walker Avenue).
- (2) THAT Council direct the Director Engineering to prepare a project estimate.
- (3) THAT Council direct the Local Improvement Assessor to assess the project.

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- (4) THAT Council direct the Director Finance to prepare a cost report under Section 662 of the Municipal Act.
- (5) THAT on receipt of the cost report, the Municipal Solicitor be authorized to prepare a Local Improvement Construction Bylaw for this project.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN BROWN:

"THAT the recommendation of the Municipal Clerk be adopted."

CARRIED UNANIMOUSLY

- (b) The Municipal Manager presented Report No. 07, 1984 January 30 on the matters listed following as Items 01 to 11 either providing the information shown or recommending the courses of action indicated for the reasons given:

1. Retirement - Mr. Daniel Boettcher

The Municipal Manager submitted a report from the Personnel Director advising that Mr. Daniel Boettcher will be retiring from employment with the Corporation on 1984 January 31 after 30 years of service.

The Municipal Manager recommended:

- (1) THAT the Mayor, on behalf of Council, send to Mr. Boettcher a letter of appreciation for his many years of loyal and dedicated service to the municipality.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN McLEAN:

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

CARRIED UNANIMOUSLY

2. Retirement - Mr. Frank Kusch

The Municipal Manager submitted a report from the Personnel Director advising that Mr. Frank Kusch will be retiring from employment with the Corporation on 1984 January 31 after nearly 39 years of service.

The Municipal Manager recommended:

- (1) THAT the Mayor, on behalf of Council, send to Mr. Kusch a letter of appreciation for his many years of loyal and dedicated service to the municipality.

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN BROWN:

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

CARRIED UNANIMOUSLY

3. Rezoning Application #76/83
Lot 2, D.L. 99, Plan 23507
4509 Victory Street (Jassal)

The Municipal Manager submitted a report from the Director Planning and Building Inspection advising that notwithstanding the negative recommendation of the Planning and Building Inspection Department as outlined in the rezoning report considered on 1984 January 23, Council determined to advance the subject application to a Public Hearing. Pursuant to the policy of Council regarding the processing of rezoning applications, it is necessary to establish the prerequisite conditions of rezoning associated with the subject application and instruct that a bylaw be prepared and advanced accordingly.

The Municipal Manager recommended:

- (1) THAT a rezoning bylaw to cover the above referenced rezoning application be prepared and advanced to First Reading on 1984 February 06 and to a Public Hearing on 1984 February 21 at 19:30 h, and that the following be established as prerequisites to the completion of rezoning:
 - (a) The satisfaction of all necessary subdivision requirements.
 - (b) The submission of a Neighbourhood Parkland Acquisition Charge of \$933.00 per unit.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN NIKOLAI:

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

CARRIED
OPPOSED: ALDERMEN BROWN, DRUMMOND AND
McLEAN

4. Rezoning Application #82/83
Lot E, Block 11, D.L. 29, Plan 7356,
Exc. Pl. 9764, Expl. Pl. 17453
7534 - 12th Avenue (Lindsay)

The Municipal Manager submitted a report from the Director Planning and Building Inspection advising that notwithstanding the negative recommendation of the Planning and Building Inspection Department as outlined in the rezoning report considered on 1984 January 23, Council determined to advance the subject application to a Public Hearing. Pursuant to the policy of Council regarding the processing of rezoning applications, it is necessary to establish the prerequisite conditions of rezoning associated with the subject application and instruct that a bylaw be prepared and advanced accordingly.

The Municipal Manager recommended:

- (1) THAT a rezoning bylaw to cover the above referenced rezoning application be prepared and advanced to First Reading on 1984 February 06 and to a Public Hearing on 1984 February 21 at 19:30 h, and that the following be established as prerequisites to the completion of rezoning:
 - (a) The satisfaction of all necessary subdivision requirements.
 - (b) The submission of a Neighbourhood Parkland Acquisition Charge of \$933.00 per unit.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN NIKOLAI:

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

CARRIED
OPPOSED: ALDERMEN BROWN, DRUMMOND AND
McLEAN

5. Hart Mansion Restaurant Proposal Call
5055 Sperling Avenue

The Municipal Manager submitted a report from the Director Planning and Building Inspection describing and reviewing the submissions received in response to the restaurant proposal call for the Hart Mansion located at 5055 Sperling Avenue.

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Authority is sought from Council to work with TDAC Management Corporation in detailing a conceptual design plan for the project together with the terms and conditions of a lease agreement subject to receipt of financial capability to undertake the project. It is proposed to submit the additional information to Council for its consideration by 1984 March 26.

The Municipal Manager recommended:

- (1) THAT Municipal staff be authorized to work with TDAC Management Corporation to refine and amplify their restaurant proposal for the Hart Mansion subject to receipt of proof of financial capability to undertake the project.
- (2) THAT proof of financial capability to undertake the project be received from TDAC Management Corporation by 1984 February 14.
- (3) THAT a further report be submitted to Council by 1984 March 26 incorporating a conceptual design plan for the project and details on the terms and conditions of a lease agreement.
- (4) THAT a copy of this report be forwarded to the Parks and Recreation Commission for its information.
- (5) THAT a copy of this report be forwarded to The Commonwealth Caribbean Club of British Columbia and to The Canadiana Costume Society of B.C. and Western Canada.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN BROWN:

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

CARRIED UNANIMOUSLY

6. Endorsement of Decisions of Council "In Camera"
1984 January 16

The Municipal Manager submitted a report from the Municipal Clerk regarding decisions that had been taken at a Caucus Meeting "In Camera" held on 1984 January 16 respecting the following items:

- 1) George Derby Hospital Lands - Lis Pendens;
- 2) Status of Phase 2 and 3 Acquisitions West-Sells Park;
- 3) Exempt Staff Committee of Council, 1984 January 09, Re: Job Evaluation of Positions of Director Administrative and Community Services and Director Recreation and Cultural Services;
- 4) Exempt Staff Committee of Council, 1984 January 10, Re: Criteria Comparisons to be Utilized in Formulating the 1984 Salary Policy Line Recommendations for Senior Exempt Staff and Executive Staff;
- 5) Exempt Staff Committee of Council, 1984 January 10, Re: Management Committee Members' Performance Appraisals for Effect on 1984 January 01;
- 6) Exempt Staff Committee of Council, 1984 January 10, Re: Performance Appraisal of the Municipal Manager for Effect on 1984 January 01;
- 7) Effect of the Vancouver Firefighters' Contract Arbitration Award will have on the Burnaby Fire Department 1984 Annual Budget.

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The Municipal Manager recommended:

- (1) THAT Council endorse at an "open" Council Meeting the decisions that have been taken by Council at a Caucus Meeting "In Camera" 1984 January 16 as enumerated in the Municipal Clerk's report.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

7. Appointment of Municipal Clerk Designate

The Municipal Manager submitted a report from the Director Administrative and Community Services recommending the appointment of a Municipal Clerk designate.

The Municipal Manager recommended:

- (1) THAT Mr. Charles A. Turpin be appointed Municipal Clerk Designate for The Corporation of the District of Burnaby, such appointment to take full effect on the retirement of the incumbent Municipal Clerk at a compa-ratio to be set by the Director Administrative and Community Services, and approved by the Municipal Manager in the normal fashion.

MOVED BY ALDERMAN NIKOLAI:

SECONDED BY ALDERMAN BROWN:

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

CARRIED UNANIMOUSLY

8. Work Order Numbers 60-14-001 and 60-14-076

The Municipal Manager submitted a report from the Director Engineering regarding the cost of installing a fire preemption signal control device at Brighton Street and Loughheed Highway including installation of service duct between Brighton Fire Hall and signal control on Loughheed Highway and further to purchase six automatic electro-mechanical traffic counters. The total cost of the purchases and the work to be performed is \$41,000.00.

The Municipal Manager recommended:

- (1) THAT Work Order Nos. 60-14-001 and 60-14-076 be approved.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN BROWN:

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

CARRIED UNANIMOUSLY

9. 1984 Planning Grant Application

The Municipal Manager submitted a report from the Director Planning and Building Inspection advising that the recommendations as contained in the report as submitted to Council for adoption are part of the application procedure for a 1984 Planning Grant. The application requests funding assistance for the first phase (1984) of a two part Official Plan preparation process. The completion of Phase One will be followed by the actual drafting of the Official Plan and its subsequent review and adoption during 1985.

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The Municipal Manager recommended:

- (1) THAT an application be submitted under the 1984 Planning Grant Program for the 1984 portion of the Official Plan preparation as outlined in Appendices I and II within the report.
- (2) THAT the Planning and Building Inspection Department be authorized to pursue the submission of the required application to the Ministry of Municipal Affairs.

MOVED BY ALDERMAN BROWN:

SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

10. Boundary Road Construction

The Municipal Manager submitted a report from the Director Engineering advising that the section of Boundary Road between Kingsway and Imperial was to be a Revenue Sharing Fund project with the cost shared between the Province 50%, the City of Vancouver 25% and Burnaby 25% but the original application was rejected by the Province because of lack of funds. The City of Vancouver (acting as Project Managers) appealed the Provincial decision with a request that surplus funds from Revenue Sharing Projects in Vancouver be transferred to this project. The Province approved the funds transfer on the condition that the transferred funds would retain their original expiry dates of 1984 March 31.

The Municipal Manager recommended:

- (1) THAT the Municipal Solicitor be directed to bring forward a bylaw for Council's consideration to authorize ratification of the Agreement between the City of Vancouver and the Corporation of the District of Burnaby for the construction and maintenance of Boundary Road between Kingsway and Imperial.
- (2) THAT the Municipal Solicitor be directed to bring forward a Capital Works Machinery and Equipment Reserve Fund bylaw in the amount of \$610,000 being Burnaby's estimated share of the construction cost of Boundary Road between Kingsway and Imperial.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN BROWN:

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

CARRIED UNANIMOUSLY

11. Canadian Transport Commission Hearing on the Railroad Transport of Dangerous Goods/Operations at Trans Mountain Oil Pipeline Co. Ltd.'s Westridge Terminal

This item was dealt with previously in the meeting in conjunction with item 3.(e) under Correspondence and Petitions.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN McLEAN:

"THAT the Committee now rise and report."

CARRIED UNANIMOUSLY

The Council reconvened.

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MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN BROWN:

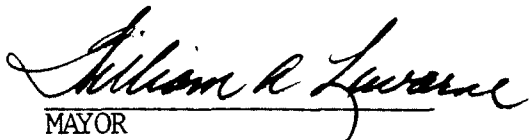
"THAT this regular Council Meeting do now adjourn."


CARRIED UNANIMOUSLY

The regular Council Meeting adjourned at 20:06 h.

Confirmed:

Certified Correct:


MAYOR


DEPUTY MUNICIPAL CLERK