

1998 AUGUST 10

A regular meeting of the City Council was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Monday, 1998 August 10 at 7:00 p.m..

PRESENT: His Worship Mayor D.P. Drummond, In the Chair
Councillor D.R. Corrigan
Councillor D.G. Evans
Councillor D.N. Johnston
Councillor D.A. Lawson
Councillor L.A. Rankin
Councillor C.M.H. Redman
Councillor N.M. Volkow
Councillor J. Young

STAFF: Mr. R.H. Moncur, City Manager
Mr. C.A. Turpin, Deputy City Manager (Corporate Services)
Mr. G. Harvie, Deputy City Manager (Corp. Labour Relations)
Mr. L. Chu, Deputy Director Engineering
Mrs. D. Jorgensen, Deputy Treasurer
Ms. K. Friars, Director Parks, Recreation & Cultural Services
Mr. J. Belhouse, Deputy Director Planning & Building
Mr. B. Rose, City Solicitor
Ms. M. Pasqua, Deputy City Clerk
Ms. G. McCaskie, Administrative Officer I

1. MINUTES

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR YOUNG:

"**THAT** the minutes of the regular Council Meeting and Caucus Meeting "In Camera" held on 1998 July 27 be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR LAWSON:

"**THAT** the minutes of the Public Hearing (Zoning) held 1998 July 28 be adopted."

CARRIED UNANIMOUSLY

2. DELEGATIONS

The following wrote requesting an audience with Council:

- a) Brian C.W. Barber, 1998 July 21
Re: RZ #59/97 Cameron Street
Lougheed Town Center
Speaker: Brian Barber
- b) Ronald W. Bates, 1998 August 05
Re: Lakefield Bike Path Implications
Speaker: Ronald Bates

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR LAWSON:

"**THAT** the delegations be heard."

CARRIED UNANIMOUSLY

- a) The delegation withdrew his request to appear before Council prior to the Council meeting.
- b) The delegation was not present at the Council meeting at this time.

3. CORRESPONDENCE AND PETITIONS

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR YOUNG:

"**THAT** all of the following listed items of correspondence be received and those items of the City Manager's Report No. 21, 1998 August 10 which pertain thereto be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

His Worship, Mayor D.P. Drummond read the following items of correspondence:

- a) Gwen Johnston, 1998 June 19
Re: Residential Vandalism and Harassment

A letter was received from Gwen Johnston concerning a problem alleyway directly behind her residence located at 720 Kensington Avenue. The writer

advises she has been a victim of vandalism and harassment.

The Director Planning and Building is preparing a report in response to this item of correspondence for the August 24 Council meeting.

- b) A.H. Pinkerton, Undated
Re: Loss of views by overgrown trees and hedges

A letter was received from A.H. Pinkerton complaining about a loss of view as a result of overgrown trees and hedges.

The Director Planning and Building is preparing a report in response to this item of correspondence for the August 24 Council meeting.

- c) Lee Rachar, 1998 July 23
Re: Local Improvement Project (Oxford St.
Madison Ave. to Rosser Ave.)

A letter was received from Lee Rachar discussing issues pertaining to Local Improvement Project #98-019, Oxford Street from Madison Avenue to Rosser Avenue.

The Director Planning and Building is preparing a report in response to this item of correspondence for the August 24 Council meeting.

- d) Svend Robinson, MP Burnaby Douglas
1998 July 24
Re: Concern regarding inadequate response
system at Chevron Refinery

A letter was received from Svend Robinson, M.P. Burnaby Douglas enclosing a copy of his recent letter to Chevron Refinery regarding the July 3rd incident at the Refinery and the inadequate response to these circumstances.

- e) Don and Betty Balzer, 1998 July 24
Re: Concerns relating to Southpoint Drive
becoming a truck route

A letter was received from Don and Betty Balzer expressing concerns regarding Southpoint Drive becoming a truck route.

- f) Don and Betty Balzer and Petitioners
1998 July
Re: Southpoint Drive Truck Route

A petition/letter was received containing the signatures of 40 residents protesting the designation of Southpoint Drive as a truck route.

- g) President, UBCM, 1998 July 31
Re: Legislation recognition finally achieved

A letter was received from the UBCM President advising that Bill 31 - the Local Government Statutes Amendment Act was approved by the B.C. Legislature and will be proclaimed law sometime this fall.

- h) Vice President, Vancouver Area Cycling
Coalition, 1998 July 28
Re: Incorporating Bike route in proposed
SkyTrain extension Right of Way

A letter was received from the Vice President of Vancouver Area Cycling Coalition requesting Council give consideration to incorporating a bicycle route into the proposed extension of the SkyTrain from Columbia Street Station in New Westminster to Lougheed Mall.

- i) Allen Hutton, 1998 July 31
Re: Vehicles on property

A letter was received from Allen Hutton regarding vehicles on his property.

A staff note advises that on April 14th, the Licence Office received a complaint of a large truck being parked at 7304 - 14th Avenue. The property is co-owned by Mr. Hutton. The transport truck and trailer parked in the front and side yards of this property are contrary to the provisions of the Zoning Bylaw which allows one commercial vehicle of less than 4,500 kg. G.V.W. to be parked in the rear yard. Mr. Hutton has been advised of the bylaw requirements and to date, has been unwilling to comply.

- j) Chair, Public Consultation, Rapid Transit Project
1998 July 31
Re: Neighbourhood Consultation Program

A letter was received from the Chair of Public Consultation, Rapid Transit Project seeking input and support from Council in the public consultation process.

- k) President, Canadian Home Builders' Association
1998 July 17
Re: Regulatory impact on housing

A letter was received from the Chair of the Canadian Home Builders' Association urging Council to send a strong message to the Provincial Government that home ownership is one of the most important values in our society and urge them to reconsider their actions regarding the legislation dealing with labour code amendments which will increase the cost of housing significantly and put home ownership out of the reach of many residents.

- l) Minister, Ministry of Municipal Affairs
1998 July 30
Re: Bill 50, Miscellaneous Statutes Amendment Act
-allow prohibition of smoking in restaurants

A letter was received from the Minister of Municipal Affairs responding to Council's motion requesting an amendment to the Municipal Act permitting municipalities to prohibit smoking in restaurants. The Minister advises that on Friday, July 17th, an amendment was introduced in Bill 50 which will allow municipalities to prohibit smoking in restaurants.

- m) Remembrance Day Coordinator, 1998 July 01
Re: Royal Canadian Legion Poppy Campaign 1998

A letter was received from the Remembrance Day Coordinator requesting permission to canvass for orders of Poppy Wreaths during the week of November 01 to 10 and to conduct Tag Days on November 5th, 6th and 7th.

A staff note advises there are no other commitments for the requested Tag Day dates.

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR JOHNSTON:

"THAT permission be granted for the Royal Canadian Legion to conduct a canvass for orders of poppy wreaths during the week of November 01 to November 10, 1998 and to conduct Tag Days on November 05, 06 and 07, 1998."

CARRIED UNANIMOUSLY

- n) Maurie and Sharon Musgrove
1998 August 04
Re: Proposed Bicycle Path

A letter was received from Maurie and Sharon Musgrove requesting the plans for the Lakefield Bicycle Path do not increase noise or pollution emission as a result of the removal of trees and vegetation.

- o) General President, Burnaby Civic Employee
Union, 1998 August 05
Re: 1998 United Way Loaned Representative Program

A letter was received from the General President, Burnaby Civic Employees Union regarding the 1998 United Way Loaned Representative Program.

His Worship, Mayor Drummond announced the arrival of the delegation. Council agreed to allow the delegation to make his presentation to Council at this time.

- b) Ronald W. Bates, 1998 August 05
Re: Lakefield Bike Path Implications
Speaker: Ronald Bates

Mr. Ronald Bates, 5850 Baffin Place, Burnaby appeared before Council accompanied by **Karen Wristen**, Senior Counsel and **John Werring**, Staff Scientist, both from the Sierra Legal Defense Fund. Mr. Bates indicated that his purpose for appearing before Council was to discuss matters pertaining to process regarding the proposed Lakefield Bike Path.

Mr. John Werring, Staff Scientist for Sierra Legal Defense Fund advised that traps had been set in the stream in order to identify the types of fish habitat and, at 2 p.m. today he reported finding cutthroat trout. The fish traps were set in compliance with a permit from the Department of Fisheries and Oceans and as a result of the testing, Mr. Werring estimated that the whole package of streams in the immediate area constitutes an important source of nutrients for the fish habitat found in the stream.

Ms. Karen Wristen, Senior Counsel for Sierra Legal Defense Fund addressed Council advising that permission will be required from the Department of Fisheries and Oceans in order to construct the proposed Lakefield Bike Path. Ms. Wristen further noted that Council's record on environmental issues has not gone unnoticed and commended Council for their good track record.

Mr. Ronald Bates addressed Council and commended local residents and Council for the time that has been taken to discuss and review all issues pertaining to the preservation of Lubbock's Woods and the streams. Mr. Bates requested that Council attempt to address the conflicts, work together with the local residents and seek a compromise acceptable to both parties. Mr. Bates noted that the area residents do indeed recognize the need for a bike route and that the proposal is not being challenged. However, the residents feel that there must be a compromise in terms of the size of the footprint path that will travel through Lubbock's Woods.

Mr. Harry Karmitsa, 5841 Bayview Circle appeared before Council and enquired if there has been an evaluation of the environment and upstream habitat in Lubbock's Woods to determine whether or not there are any other barriers or impediments to fish. Mr. Karmitsa suggested that this type of assessment would take a considerable amount of time and requested that Council withhold any decision or project on the Lakefield Bike Path project until such time as the assessment has been completed.

Councillor Rankin retired from the Council Chamber at 7:52 p.m.

Councillor Rankin returned to the Council Chamber at 7:56 p.m. and took his place at the Council table.

Councillor Corrigan retired from the Council Chamber at 8:00 p.m.

Councillor Corrigan returned to the Council Chamber at 8:04 p.m. and took his place at the Council table.

Council then resumed the regular order of business on the Council agenda.

Arising from consideration of correspondence Item 3(o) from the Burnaby Civic Employee Union, Councillor Evans was given leave by Council to introduce the following motion:

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT the City provide a United Way Loaned Representative to work on the United Way Campaign this fall."

CARRIED UNANIMOUSLY

Councillor Young retired from the Council Chamber at 8:20 p.m.

Councillor Young returned to the Council Chamber at 8:24 p.m. and took his place at the Council table.

Arising from consideration of correspondence Item 3(l) from the Minister of Municipal Affairs, Councillor Rankin was given leave by Council to introduce the following motion:

MOVED BY COUNCILLOR RANKIN:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT a letter of thanks be sent to the Minister of Municipal Affairs for moving so promptly to rectify the problem created in the Provincial Court and further, that a copy of the letter be sent to Burnaby MLA's and Penny Priddy, Minister of Health."

CARRIED UNANIMOUSLY

Council also requested that special thanks go to MLA Fred Randall for his persistent and dedicated efforts.

Arising from consideration of correspondence Item 3(k) from the Canadian Home Builders Association, Councillor Rankin was given leave by Council to introduce the following motion:

MOVED BY COUNCILLOR RANKIN:

SECONDED BY COUNCILLOR LAWSON:

"THAT this item of correspondence be **REFERRED** to the Community Planning and Housing Committee for analysis and review."

CARRIED UNANIMOUSLY

Arising from consideration of correspondence Item 3(h) from the Vancouver Area Cycling Coalition, Councillor Rankin was given leave by Council to introduce the following motion:

MOVED BY COUNCILLOR RANKIN:

SECONDED BY COUNCILLOR YOUNG:

"THAT this item of correspondence be **REFERRED** to the Bicycle Advisory Committee."

CARRIED UNANIMOUSLY

Item 5, City Managers Report No. 21, 1998 August 10 was brought forward for consideration at this time.

5. BURNABY SMOKING REGULATION BYLAW 1996

The City Manager submitted a report from the City Solicitor updating Council on recent legislation affecting the Burnaby Smoking Regulation Bylaw. Staff advised that on July 30, 1998 Royal Assent was given to Bill 50, Miscellaneous Statutes Amendment Act No. 3, 1998. This Act amends both the Municipal Act and the Municipalities Enabling and Validating Act No. 2 on matters relating to the regulation by Municipalities of smoking tobacco. The effect of the legislation is not only to give Municipalities the power to enact prohibitory smoking bylaws but, in the case of the City of Burnaby, to retroactively validate the Burnaby Smoking Regulation Bylaw and legislatively overrule the Provincial Court judgement that declared it invalid.

The City Manager recommended:

1. **THAT** Council receive this report for information.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR EVANS:

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

CARRIED UNANIMOUSLY

Councillor Volkow retired from the Council Chamber at 8:43 p.m.

Councillor Rankin retired from the Council Chamber at 8:44 p.m.

Councillor Rankin returned to the Council Chamber at 8:45 p.m. and took his place at the Council table.

Councillor Johnston retired from the Council Chamber at 8:45 p.m.

Councillor Corrigan retired from the Council Chamber at 8:46 p.m.

Councillor Johnston returned to the Council Chamber at 8:50 p.m. and took his place at the Council table.

Councillors Corrigan and Volkow returned to the Council Chamber at 8:55 p.m. and took their places at the Council table.

Councillor Redman retired from the Council Chamber at 8:55 p.m.

Arising from consideration of correspondence Item 3(j) from the Chair of the Rapid Transit Project, Councillor Lawson was given leave by Council to introduce the following motion:

MOVED BY COUNCILLOR LAWSON:

SECONDED BY COUNCILLOR JOHNSTON:

"**THAT** staff prepare a report summarizing the consequences of the proposed neighbourhood public process and indicate what role the City should play in this process."

CARRIED UNANIMOUSLY

Arising from consideration of correspondence Item 3(g) from the President of the UBCM, Councillor Lawson was given leave by Council to introduce the following motion:

MOVED BY COUNCILLOR LAWSON:

SECONDED BY COUNCILLOR YOUNG:

"**THAT** staff prepare a report to address Bill 31."

CARRIED UNANIMOUSLY

4. REPORTS

MOVED BY COUNCILLOR CORRIGAN :

SECONDED BY COUNCILLOR EVANS:

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

CARRIED UNANIMOUSLY

- a) City Clerk
Re: Certificate of Sufficiency

The City Clerk submitted a Certificate of Sufficiency for the 1999 Local Improvement Roadworks Program and the 1998 Local Improvement Speed Hump Program.

The City Clerk recommended:

1. THAT Council receive the City Clerk's Certificate of Sufficiency covering the 1999 Local Improvement Roadworks Program and the 1998 Local Improvement Speed Hump Program.
2. THAT the Director Finance prepare a cost report under Section 635 of the Municipal Act for each of the successful projects.
3. THAT on receipt of the cost report, the City Solicitor prepare Local Improvement Construction Bylaws for each of the successful projects.

MOVED BY COUNCILLOR CORRIGAN:

SECONDED BY COUNCILLOR EVANS:

"THAT the recommendations of the City Clerk be adopted."

CARRIED UNANIMOUSLY

- b) Traffic and Transportation Committee
(Transportation and Transit Division)
Re: #28 Bus Rerouting

The Traffic and Transportation Committee (Transportation and Transit Division) submitted a report discussing and recommending the rerouting of the No. 28 Bus Route.

The Traffic and Transportation Committee (Transportation and Transit Division) recommended:

1. THAT Council approve the rerouting of the No. 28 bus route as outlined in section 2.0 of this report.

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR YOUNG:

"THAT the recommendation of the Traffic and Transportation Committee (Transportation and Transit Division) be adopted."

Councillor Lawson retired from the Council chamber at 9:01 p.m.

MOVED BY COUNCILLOR RANKIN:
SECONDED BY COUNCILLOR YOUNG:

"THAT the report be **REFERRED** back to The Traffic and Transportation Committee (Transportation and Transit Division) for further review."

CARRIED UNANIMOUSLY

- c) Family Court and Youth Justice Committee
Re: 1998 Provincial Conference of Family Court
_____ and Youth Justice Committees

The Family Court and Youth Justice Committee submitted a report expressing an interest in attending the 1998 Provincial Conference in Prince George from October 02 - 04 at an estimated cost of \$1,700.00. The Committee felt that the knowledge gained by attending the Conference will be beneficial in terms of promoting awareness of issues facing Family Court and Youth Justice Committees.

The Family Court and Youth Justice Committee recommended:

1. THAT up to two (2) members of the Family Court and Youth Justice Committee be appointed as delegates of Council for the purpose of attending the 1998 Provincial Conference of Family Court and Youth Justice Committees in Prince George.

MOVED BY COUNCILLOR REDMAN:
SECONDED BY COUNCILLOR YOUNG:

"THAT the recommendation of the Family Court and Youth Justice Committee be adopted."

CARRIED UNANIMOUSLY

- d) Executive Committee of Council
Re: Burnaby Oakeys 84 Girls Fastpitch Softball Team

The Executive Committee of Council submitted a report advising that the Burnaby Oakeys 84 Girls Fastpitch Softball Team is requesting a grant to assist with travel expenses to the Western Canadian Championship Tournament in Winnipeg.

The Executive Committee of Council recommended:

1. THAT a grant in the amount of \$1,250 (\$125.00 x 10 players) be awarded to Burnaby Oakeys 84 Girls Fastpitch Softball Team to assist with travel expenses to the Western Canadian Championship Tournament in Winnipeg, Manitoba from 1998 July 30 to August 03.

MOVED BY COUNCILLOR CORRIGAN :

SECONDED BY COUNCILLOR JOHNSTON:

"THAT the recommendation of the Executive Committee of Council be adopted."

CARRIED UNANIMOUSLY

Council noted that the Burnaby Oakeys 84 Girls Fastpitch Softball Team was successful in winning the Western Canadian Championship.

- d) i) Civic Development Committee
Re: Burnaby Lake Sports Complex-West

The Civic Development Committee submitted a report requesting authorization to execute a consulting agreement with the firm of D.A. Hogan and Associates for the design of three synthetic sports fields at the Burnaby Lake Sports Complex - West. The Committee advised that this firm possesses the required depth of experience and knowledge in the construction of synthetic fields and that the fee submitted by the firm is competitive with other submissions and is considered reasonable for the scope of the work to be undertaken.

The Civic Development Committee recommended:

1. THAT Council authorize staff to pursue the execution of a consulting agreement in the amount of \$125,750.00 (plus GST at 7%) for the detailed design of the synthetic sports fields based on the proposal received from D.A. Hogan & Associates.

MOVED BY COUNCILLOR CORRIGAN:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT the recommendation of the Civic Development Committee be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR VOLKOW:
SECONDED BY COUNCILLOR YOUNG:

"THAT this Council meeting do now recess."

CARRIED UNANIMOUSLY

The Council meeting recessed at 9:07 p.m.

MOVED BY COUNCILLOR LAWSON:
SECONDED BY COUNCILLOR JOHNSTON:

"THAT the Council meeting now reconvene."

CARRIED UNANIMOUSLY

The Council meeting reconvened at 9:20 p.m. with Councillors Corrigan, Rankin, Redman and Young absent.

The City Manager presented Report No. 21, 1998 August 10 on the matters listed following as Items 01 to 13 either providing the information shown or recommending the courses of action indicated for the reasons given:

1. 3887 Piper Avenue
Burnaby, B.C.
North 1/2 Lot 4, Block 4, DL 42, Plan 9505

The City Manager submitted a report from the Director Planning and Building requesting authority to direct the City Clerk to file a notice in the Land Title Office pursuant to section 700(1)(b) of the Municipal Act with respect to a property observed to be in contravention of City Bylaws at 3887 Piper Avenue.

The City Manager recommended:

1. THAT Council direct the City Clerk to file a Notice in the Land Title Office stating that:
 - a) A resolution relating to the land at 3887 Piper Avenue, Burnaby, B.C. has been made under Section 700 (1) (b) of the Municipal Act, and

- b) Further information respecting the resolution may be inspected at the office of the City Clerk, City of Burnaby, B.C.
- 2. THAT a copy of this report be sent to Andrea L. Cheung, 3887 Piper Avenue, Burnaby, B.C. V5A 3B2.

MOVED BY COUNCILLOR LAWSON:

SECONDED BY COUNCILLOR JOHNSTON:

"**THAT** this report be now **TABLED**."

CARRIED UNANIMOUSLY

The report was tabled in order to provide a delegation the opportunity to appear before Council.

- 2. Parking Lot Lease - 4581 Pender Street
Lots 20 and 21, Blk 9, DL 122, Plan 1308

The City Manager submitted a report from the City Solicitor seeking Council's authority to post for lease the parking lot at 4581 Pender Street.

The City Manager recommended:

- 1. THAT Council authorize the posting for lease of the subject property as further outlined in this report.

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR RANKIN:

"**THAT** the recommendation of the City Manager be adopted."

Councillors Rankin and Redman returned to the Council Chamber at 9:21 p.m. and took their places at the Council table.

Councillors Corrigan and Young returned to the Council Chamber at 9:23 p.m. and took their places at the Council table.

MOVED BY COUNCILLOR REDMAN:
SECONDED BY COUNCILLOR JOHNSTON:

"**THAT** the report on the parking lot lease be **REFERRED** back to staff to respond to the questions raised by Council."

CARRIED UNANIMOUSLY

Council requested staff to evaluate a sharing option for the parking lot between McDonald's Restaurant and other local businesses, and further, that staff determine if there is a need for additional public parking in the area.

3. Subdivision Reference #51/97
Road Closure Reference #12/97
X-Reference Rezoning #98-4
Burnaby Lake Sports Complex - West Project

The City Manager submitted a report from the Approving Officer seeking Council authority to dedicate a portion of City owned property at 6381 Laurel Street for road purposes.

The City Manager recommended:

1. THAT Council authorize dedication of a portion of 6381 Laurel Street to accommodate road construction within the Burnaby Lake Sports Complex - West Project, as more particularly outlined in this report.
2. THAT Council authorize the City Surveyor to prepare the necessary road dedication plan.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR LAWSON:

"**THAT** the recommendations of the City Manager be adopted."

CARRIED UNANIMOUSLY

4. Fire Department 2nd Quarter Report 1998

The City Manager submitted a report from the Fire Chief providing information relating to the Fire Departments activities for the second quarter of 1998.

The City Manager recommended:

1. THAT this report be received for information purposes.

MOVED BY COUNCILLOR CORRIGAN:

SECONDED BY COUNCILLOR YOUNG:

"**THAT** the recommendation of the City Manager be adopted."

CARRIED UNANIMOUSLY

5. Burnaby Smoking Regulation Bylaw 1996

This item was dealt with previously in the meeting in conjunction with correspondence.

6. Response to Council enquiry regarding the
C2 Community Commercial District

The City Manager submitted a report from the Director Planning and Building responding to a Council motion regarding the method of height measurement proposed for the C2 District. The report concludes by advising that the proposed height measurement method addresses the C2 properties which have steep slopes and would permit heights of two storeys at the front of a building on the steepest sloping C2 district properties, only three of which have been identified. The proposed amendment will ensure that buildings constructed on steep slopes do not exceed three storeys, particularly at the rear of the building, which will ensure that C2 buildings do not dominate adjacent residential neighbourhoods.

The City Manager recommended:

1. **THAT** this report be received for information purposes.

MOVED BY COUNCILLOR CORRIGAN:

SECONDED BY COUNCILLOR EVANS:

"**THAT** the recommendation of the City Manager be adopted."

CARRIED UNANIMOUSLY

7. Byrne Creek - Fish Kill on 1998 July 26

The City Manager submitted a report from the Director Engineering providing information regarding the recent fish kill in Byrne Creek and seeking approval of the proposed Community meeting with the Byrne Creek Watershed residents on Wednesday, 1998 August 19.

Staff advised that the illegal discharge of a toxic substance into Byrne Creek on July 25 has created a detrimental effect on the fish population in the Creek and destroyed much hard work done by Community volunteers over the years. Staff, in consultation with Burnaby Streamkeepers and the Vancouver Angling and Game Association are proposing two events - Community Meeting and Special Fish Release to be held on August 19 and September 27, respectively. Both events would provide an excellent opportunity to invite the public to participate in the overall effort of preserving and protecting Burnaby's urban streams.

The City Manager recommended:

1. **THAT** Council approve the proposed community meeting outlined in this report and;
2. **THAT** copies of this report be sent to:

Fred Randall, MLA Burnaby - Edmonds
Joan Sawicki, MLA Burnaby - Willingdon
Elmer Rudolph, Burnaby Streamkeeper
Ken Glover, Vancouver Angling and Game Association

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR LAWSON:

"**THAT** the recommendations of the City Manager be adopted."

CARRIED UNANIMOUSLY

Arising from consideration of the report, Councillor Evans was given leave by Council to introduce the following motion:

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR LAWSON:

"**THAT** staff prepare an emergency resolution to the UBCM providing for an increase in penalties that are prescribed for municipalities in the event of chemical or toxic material dumping offences; and further, that a copy of the resolution be forwarded to the Federal and Provincial Ministers of Environment."

CARRIED UNANIMOUSLY

Further arising from consideration of the report, Councillor Young was given leave by Council to introduce the following motion:

MOVED BY COUNCILLOR YOUNG:

SECONDED BY COUNCILLOR EVANS:

"**THAT** staff report on the feasibility and advisability of offering a reward for those who help find the perpetrators in toxic dumping offences."

CARRIED UNANIMOUSLY

8. Rezoning Reference #46/97
5698 Hastings Street
Mixed Residential and Retail Development

The City Manager submitted a report from the Director Planning and Building providing information on the configuration of underground commercial parking stalls in the plans for rezoning reference #46/97, 5698 Hastings Street.

The City Manager recommended:

1. **THAT** this report be received by Council for information purposes.

MOVED BY COUNCILLOR LAWSON:

SECONDED BY COUNCILLOR CORRIGAN:

"**THAT** the recommendation of the City Manager be adopted."

CARRIED UNANIMOUSLY

9. Partial Road Closure for Special Event

The City Manager submitted a report from the Director Engineering seeking approval for a "Get in Line, Get in Motion Rollathon" for cancer.

The City Manager recommended:

1. **THAT** Council approve road closure as discussed in this report.
2. **THAT** the coordinator of the event, John Deveaux, 1076 Walalee Drive, Delta, B.C. V4M 2L8 be sent a copy of this report.
3. **THAT** a copy of this report be sent to Lorna Leslie, Ministry of Transportation and Highways, #200 - 1065 Columbia Street, New Westminster, B.C. V3M 6H7.

MOVED BY COUNCILLOR YOUNG:

SECONDED BY COUNCILLOR LAWSON:

"**THAT** the recommendations of the City Manager be adopted."

CARRIED UNANIMOUSLY

10. B.C. Transportation Financing Authority (BCTFA)
High Occupancy Vehicle Program: Willingdon
HOV/Bus Lane Project

The City Manager submitted a report from the Director Planning and Building requesting Council approval to cost-share with the B.C. Transportation Financing Authority (BCTFA), a planning study of the Willingdon HOV/Bus Lane Project. Staff advised that Council transportation policy, as embodied in the Burnaby Transportation Plan, supports the concept of HOV facilities. With regard to specific projects, the development of the Willingdon transportation corridor between Metrotown, Brentwood, the Hastings Street commercial area (and possibly further north to a future WCE station) as a major transit corridor and urban trail facility is a necessary component of the City's plans to link the growing town centres in Burnaby with high capacity transit service and improved bicycle/pedestrian facilities. Although the BCTFA has not responded positively to Burnaby's request to cover 100% of the estimated \$50,000.00 cost of the planning studies, it is recommended that Council consider funding 50% of the studies based on the rationale that Willingdon is currently a municipal road that is not part of the main

road network and thus not eligible for GVTA funding. From this perspective, the opportunity to receive 50% cost-sharing for the necessary planning studies to advance this HOV project to a point where it could be implemented in 1999 with greater funding from the BCTFA and GVTA, can be considered a worthwhile and cost-effective expenditure of City funds for an environmentally sound transportation future for Burnaby.

The City Manager recommended:

1. **THAT** a Capital Reserves Expenditure Bylaw in the amount of \$50,000 (inclusive of 7% GST) be brought down to finance the planning study for the Willingdon HOV/bus lane.
2. **THAT** copies of this report be forwarded to L. Holowachuck, Director, Highway Planning, BCTFA, W. Lambert, Director, Transportation Planning, BC Transit and D. Harvey, Director, Campus Development, BCIT.

MOVED BY COUNCILLOR YOUNG:

SECONDED BY COUNCILLOR EVANS:

"**THAT** the recommendations of the City Manager be adopted."

MOVED BY COUNCILLOR CORRIGAN:

SECONDED BY COUNCILLOR LAWSON:

"**THAT** the report be **REFERRED** back to staff to discuss with the GVTA, or alternatively, seek funding for the project from the BCTFA and then pursue funding in return from the GVTA."

DEFEATED

OPPOSED: COUNCILLORS EVANS, JOHNSTON,
LAWSON, RANKIN, REDMAN,
VOLKOW AND YOUNG

A vote was then taken on the motion as moved by Councillor Young and seconded by Councillor Evans being, "THAT the recommendations of the City Manager be adopted", and same was **CARRIED** with Councillor Corrigan **OPPOSED**.

11. Recreational Cycling in Parks

The City Manager submitted a report from the Director Parks, Recreation and Cultural Services requesting authority for an amendment of the Burnaby Parks Regulation Bylaw 1979 to allow cycling in all parks, to require cyclists to wear safety helmets, to authorize the City Solicitor to prepare a Parks Bicycle Bylaw and to forward a copy of this report to the Bicycle Committee.

The report concludes by advising that allowing cycling on trails and pathways in all parks is a positive, proactive policy that responds to the increased popularity and demand for recreational cycling opportunities. In allowing cycling on trails and pathways in all parks, children and youth would be permitted to cycle in a safe environment, and access to facilities by bicycle through parks would be allowed. Staff indicate that this policy legitimizes the way that the public is currently using the park system. It is anticipated that there will not be a significant increase in use, and that permitting cycling in parks will be compatible with other uses. A progressive implementation program is proposed to help phase in the proposal.

The City Manager recommended:

1. **THAT** Council authorize an amendment of the Burnaby Parks Regulation Bylaw 1979, Section 44, to delete the words "or bicycle", to allow cycling in all parks.
2. **THAT** the City Solicitor be authorized to prepare a Parks Bicycle Bylaw which will allow cycling in all parks except: off the trails and pathways, or where prohibited by signage.
3. **THAT** the Parks Bicycle Bylaw require that cyclists wear safety helmets while cycling in all areas under jurisdiction of the Parks and Recreation Commission, subject to a \$25 fine, with fines of \$75 for other Bylaw infractions.

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR JOHNSTON:

"**THAT** the recommendations of the City Manager be adopted."

His Worship, Mayor Drummond retired from the Council Chamber at 10:06 p.m.

Acting Mayor, Councillor Redman assumed the Chair.

His Worship, Mayor Drummond returned to the Council Chamber at 10:10 p.m. and resumed the Chair.

Councillor Corrigan retired from the Council Chamber at 10:32 p.m. and did not return.

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT this Council meeting do now proceed past 10:30 p.m."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR LAWSON:

SECONDED BY COUNCILLOR VOLKOW:

"THAT this report be **REFERRED** back to the Parks and Recreation Commission for consideration of the issues raised by Council, including process and policing."

CARRIED UNANIMOUSLY

12. Northeast Secondary School
Rezoning Reference #98-9

The City Manager submitted a report from the Director Planning and Building providing information in response to questions raised at the Council meeting on 1998 July 27 concerning rezoning reference #98-9, Northeast Secondary School.

The City Manager recommended:

1. THAT this report be received for information.

MOVED BY COUNCILLOR LAWSON:

SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

13. Rezoning Reference No. 98-22
Car Wash, Commercial Building and Parking Lot

The City Manager submitted a report from the Director Planning and Building seeking authority to forward rezoning reference #98-22, 6137 Hastings Street to a Public Hearing on 1998 August 25.

The City Manager recommended:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 1998 August 10 and to a Public Hearing on 1998 August 25 at 7:30 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development.
 - b) The deposit of sufficient monies to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design. One of the conditions for the release of occupancy permits will be the completion of all requisite services.
 - c) The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
 - d) The submission of an undertaking to remove all existing improvements from the site within six months of the rezoning being effected but not prior to Third Reading of the Bylaw. In the event that existing improvements on the site are vacant and considered to be unsafe, unstable, and a hazard to life, the Fire Prevention Division may recommend immediate demolition of such improvements and removal of the resultant debris prior to Third Reading.
 - e) The dedication of any rights-of-way deemed requisite.
 - f) The deposit of the applicable GVS&DD sewerage charge.

- g) The provision of facilities for cyclists.

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR YOUNG:

"**THAT** the recommendations of the City Manager be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR YOUNG:

"**THAT** the Committee now rise and report."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR YOUNG:

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

CARRIED UNANIMOUSLY

5. TABLED MATTERS

- a) 1997/98 Cycling Network Program
Lakefield Bicycle Route

Council chose not to lift this item from the table at this time.

6. BYLAWS

FIRST READING

#10789	5698 Hastings Street	REZ 46/97
#10790	6250 Loughheed Highway	REZ 98-18
#10791	3500 Gilmore Way	REZ 98-20
#10792	4225 Kincaid Street	REZ 98-21

#10793 6137 Hastings Street

REZ 98-22

MOVED BY COUNCILLOR VOLKOW:
SECONDED BY COUNCILLOR JOHNSTON:

"THAT

Burnaby Zoning Bylaw 1965, Amendment #10789
Bylaw No. 37, 1998

Burnaby Zoning Bylaw 1965, Amendment #10790
Bylaw No. 38, 1998

Burnaby Zoning Bylaw 1965, Amendment #10791
Bylaw No. 39, 1998

Burnaby Zoning Bylaw 1965, Amendment #10792
Bylaw No. 40, 1998

Burnaby Zoning Bylaw 1965, Amendment #10793
Bylaw No. 41, 1998

Burnaby Zoning Bylaw 1965, Amendment #10795
Bylaw No. 42, 1998

Burnaby Zoning Bylaw 1965, Amendment #10796
Bylaw No. 43, 1998

be now introduced and read a first time."

CARRIED
OPPOSED: COUNCILLORS YOUNG AND
LAWSON TO BYLAW #10791

FIRST, SECOND AND THIRD READING

MOVED BY COUNCILLOR VOLKOW:
SECONDED BY COUNCILLOR JOHNSTON:

"THAT

Burnaby Capital Works, Machinery and Equipment #10794
Reserve Fund Expenditure Bylaw No. 21, 1998

be now introduced and read three times."

CARRIED UNANIMOUSLY

SECOND READING:

#10780 5501/11/31/51, 5647 Frances St., 480/1, REZ 98-17
515/36, 48/60 Ellesmere Ave., 481, 521/35
Holdom Ave.

MOVED BY COUNCILLOR VOLKOW:
SECONDED BY COUNCILLOR JOHNSTON:

"THAT

Burnaby Zoning Bylaw 1965, Amendment #10780
Bylaw No. 36, 1998

be now read a second time."

DEFEATED
OPPOSED: COUNCILLORS EVANS,
JOHNSTON, LAWSON,
REDMAN, VOLKOW
AND YOUNG

#10779 7543 and 7585 Kingsway REZ 55/97

MOVED BY COUNCILLOR VOLKOW:
SECONDED BY COUNCILLOR JOHNSTON:

"THAT

Burnaby Zoning Bylaw 1965, Amendment #10779
Bylaw No. 35, 1998

be now read a second time."

CARRIED UNANIMOUSLY

RECONSIDERATION AND FINAL ADOPTION:

MOVED BY COUNCILLOR VOLKOW :

SECONDED BY COUNCILLOR JOHNSTON:

"THAT

Burnaby Highway Exchange Bylaw No. 5, 1998	#10781
Burnaby Council Indemnity Bylaw 1998	#10785
Burnaby Capital Works, Machinery and Equipment Reserve Fund Expenditure Bylaw No. 19, 1998	#10786
Burnaby Capital Works, Machinery and Equipment Reserve Fund Expenditure Bylaw No. 20, 1998	#10787

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

CARRIED UNANIMOUSLY

7. NEW BUSINESS

Councillor Young

Councillor Young advised that staff are in receipt of a late request for permission to conduct a fireworks demonstration on 1998 August 13 at 10 a.m. at Bridge Studios. Councillor Young advised that the Fire Chief has indicated that there is adequate insurance in place, a trained professional will be supervising the demonstration and all other requirements will be met.

MOVED BY COUNCILLOR YOUNG:

SECONDED BY COUNCILLOR EVANS:

"THAT the request to discharge high hazard fireworks at Bridge Studios on August 13th be approved and that Mystical Fireworks, Abbotsford, B.C. be so informed."

CARRIED UNANIMOUSLY

Councillor Lawson

Councillor Lawson advised that Council members are in receipt of a letter from Mr. Pat Gillan regarding the Buckingham/Sperling barrier.

Councillor Rankin retired from the Council Chamber at 11:00 p.m. and did not return to the Council meeting.

MOVED BY COUNCILLOR LAWSON:
SECONDED BY COUNCILLOR YOUNG:

"THAT the letter from Mr. Pat Gillan be **REFERRED** to staff for action and report back to Council."

CARRIED UNANIMOUSLY

Councillor Lawson further advised that, during the recent trip to Kushiro Japan, Council members had met with Mr. Toko, the native carver responsible, for the wood carvings on Burnaby Mountain, who provided extra copies of a brochure on their national park to distribute to those Council members who were unable to make the trip.

Further, Councillor Lawson advised that she had the opportunity to visit a Nature Conservation Lake surrounded on three sides by the city of Kushiro. Councillor Lawson advised that there is an annual maintenance program of dredging this lake and therefore thought it might be useful to get a copy of all of the information for Burnaby staff. Councillor Lawson advised that the information is in Japanese, but suggested that an interpreter translate the material into English for the benefit of staff.

In concluding her report, Councillor Lawson advised that Council members had the opportunity to visit the Kushiro marsh which is 18,000 hectares in size which is much larger than Burnaby Lake Regional Park. Councillor Lawson indicated that the Japanese people do celebrate nature and are proud of the fact that there have been 170 species of birds identified in comparison to 212 species which have been identified at Burnaby Lake Regional Park.

8. INQUIRIES

There were no inquiries brought before Council at this time.

9. ADJOURNMENT

MOVED BY COUNCILLOR EVANS :
SECONDED BY COUNCILLOR JOHNSTON:

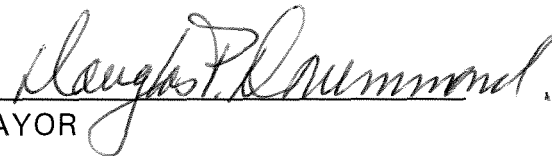
"**THAT** this regular Council Meeting do now adjourn."

CARRIED UNANIMOUSLY

The regular Council Meeting adjourned at 11:05 p.m.

Confirmed:

Certified Correct:


MAYOR


for DEPUTY CITY CLERK