

2006 AUGUST 28

An 'Open' meeting of the City Council was held in the Council Committee Room, City Hall, 4949 Canada Way, Burnaby, B.C. on Monday, 2006 August 28 at 6:30 p.m. followed immediately by a 'Closed' meeting from which the public was excluded. At the conclusion of the 'Closed' meeting, the 'Open' meeting was reconvened at 7:00 p.m. in the Council Chamber.

PRESENT: His Worship, Mayor D.R. Corrigan, In the Chair
Councillor G. Begin
Councillor S. Dhaliwal
Councillor G. Evans
Councillor D. Johnston
Councillor C. Jordan
Councillor N.M. Volkow

ABSENT: Councillor P. Calendino
Councillor L.A. Rankin

STAFF: Mr. R.H. Moncur, City Manager
Mr. C. Turpin, Deputy City Manager
Mr. W.C. Sinclair, Director Engineering
Mr. R. Earle, Director Finance
Mr. B. Luksun, Deputy Director Planning & Building
Ms. K. Friars, Director Parks, Recreation & Cultural Services
Ms. A.R. Skipsey, Deputy City Clerk
Mr. Sid Cleave, Administrative Officer I

MOVED BY COUNCILLOR DHALIWAL:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT the 'Open' Council meeting do now reconvene."

CARRIED UNANIMOUSLY

The 'Open' Council meeting reconvened in the Council Chamber at 7:00 p.m. with Councillors Calendino and Rankin absent.

PROCLAMATIONS

His Worship, Mayor Derek R. Corrigan, proclaimed Sunday, 2006 September 1st as "*Taiwan Cultural Centre Day*" in the City of Burnaby.

His Worship, Mayor Derek R. Corrigan, proclaimed Sunday, 2006 September 3rd as "*Tzu Chi Day*" in the City of Burnaby.

His Worship, Mayor Derek R. Corrigan, proclaimed the month of 2006 September as "***Terry Fox Month***" in the City of Burnaby.

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

**Edmonds Town Centre Business & Community Association
Appreciation to Burnaby Council regarding
Spirit of Edmonds Car Show and Street Festival
Presenter: Dave Fairhall, President, ETCB&C Association**

Mr. Dave Fairhall appeared before Council, on behalf of the Edmonds Town Centre Business and Community Association, to make a presentation to Council in recognition of Mayor, Council and City Staff being so supportive of their "*1st Annual*" Spirit of Edmonds Car Show and Street Festival which took place on 2006 July 30th. Mr. Fairhall presented Mayor Derek R. Corrigan with a framed print in commemoration of the event.

1. MINUTES

MOVED BY COUNCILLOR BEGIN:

SECONDED BY COUNCILLOR VOLKOW:

"THAT the minutes of the 'Open' Council meeting held on 2006 August 21 be now adopted."

CARRIED UNANIMOUSLY

2. DELEGATIONS

The following wrote requesting an audience with Council:

- A) President & CEO, Vancouver Coast & Mountains, Tourism BC, 2006 April 26,
Re: Important role of tourism in local Economy and how we can work together
Speaker: Kevan J. Ridgway, President & CEO

- B) Brent Shaw, President, Mavericks Sports Cabaret, 2006 August 09
Re: Rezoning Application for 4801 Kingsway
Speaker: Brent Shaw

- C) David Price, 2006 August 28
Re: Unsightly Premises

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR JORDAN:

"THAT the delegations be heard."

CARRIED UNANIMOUSLY

- A) **Mr. Kevan J. Ridgway**, President & CEO, and **Ms. Shawna Deagle**, Director Community Relations, Vancouver, Coast & Mountains Tourism Region appeared before Council to present an overview of the tourism industry in the Province of B.C. through video presentation. Mr. Ridgway highlighted statistics on visitor volumes and revenues as well as conversion studies which included statistics on the average length of stay, party size and expenditures per person per day.

The speaker provided background information on the regional destination marketing organization Vancouver, Coast & Mountain Tourism Region. The organization is contracted by Tourism B.C. to deliver cooperative marketing campaigns aimed at moving people through the province and encouraging overnight stays. The delegation advised they support communities in efforts to develop and market tourism noting that they are currently working with Tourism Burnaby with steps to build a tourism marketing plan for Burnaby.

- B) **Mr. Brent Shaw** was unable to attend the Council meeting and has been rescheduled to appear before Council on 2006 September 18.
- C) **Mr. David Price**, 6925 Mandy Avenue, Burnaby appeared before Council to request Council rescind their motion which authorized City staff to enter his property to remove and dispose of the accumulations of materials. Mr. Price also addressed the deadline of August 31, as set out in Manager's Report, Item 09, to get his property into compliance with the City's Unsightly Premises Bylaw. The speaker advised he has a new contact from the City's Licence Department and he is now aware of what has to be removed, however, two months is not a reasonable amount of time to complete the work.

Arising from the delegate's presentation, Council requested the delegate continue to work with staff to remove and dispose of the accumulations of materials. Council noted that staff will use their discretion regarding his progress asking that significant progress be made by the end of the month and for full compliance with Burnaby's Unsightly Premises Bylaw on or before the end of September.

3. REPORTS

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

- A) The City Manager presented a report dated 2006 August 28 on the matters listed following as Items 01 to 10 either providing the information shown or recommending the courses of action indicated for the reasons given:

1. 2006 Access Improvements To City Facilities

The City Manager submitted a report from the Director Planning and Building seeking Council approval for a Capital Expenditure Bylaw to be brought down to finance accessibility improvements at various City facilities in 2006. The Burnaby Access Advisory Committee, in conjunction with contacts from various City departments, propose improvements at Eileen Dailly Leisure Pool, C.G. Brown Pool, Shadbolt Centre, various City playgrounds and the main detachment of the RCMP.

The City Manager recommended:

1. THAT a Capital Expenditure Bylaw in the amount of \$50,000 (inclusive of 6% GST) be brought forward to finance accessibility improvements at various City facilities in 2006, as outlined in Section 2.0 and 3.0 of this report.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR DHALIWAL:

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

CARRIED UNANIMOUSLY

2. **Kingsway-Edmonds Mixed-Use, High-Rise Residential,
Public Library – Site Servicing
City Cost Share – Rezoning Reference #05-13**

The City Manager submitted a report from the Director Planning and Building seeking Council approval for the City cost share contribution towards the servicing for the subdivision creating the three (3) parcels included in the subject rezoning proposal. A subdivision and rezoning are being pursued to create two parcels to be sold by the City (Lot 1a for a mixed-use commercial/high-rise residential development, and Lot 2 for a high-rise residential development. The third lot (Lot 1b) is to be retained by the City for a new public library.

The City Manager recommended:

1. THAT Council authorize an expenditure not to exceed \$690,000 (inclusive of 6% GST) for the City share of costs for servicing of the subject sites, as outlined in this report.

2. THAT Council authorize the preparation of a cost sharing agreement with Bosa Properties (Edmonds) Inc. not to exceed \$648,000 (inclusive of 6% GST and contingency) for the City's share of servicing of the subject sites, as outlined in this report.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

**3. Rezoning Reference #06-36
Proposed Child Care Facility
at 7312 Magnolia Terrace**

The City Manager submitted a report from the Director Planning and Building seeking Council authorization to forward this application to a Public Hearing on 2006 September 26. The purpose of the proposed rezoning bylaw amendment is to permit the operation of a child care facility within a commercial tenant space within a small, mixed-use building on the site. The C1 District will be retained as part of the underlying zoning of the CD District zoning so the building can revert back to C1 uses should the child care facility cease operations in the future.

The City Manager recommended:

1. THAT a Rezoning Bylaw be prepared and advanced to First Reading on 2006 September 11 and to a Public Hearing on 2006 September 26 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. Compliance with all requirements of the Fraser Health Authority, including the applicable sections of the Child Care Licensing regulation of the *Community Care and Assisted Living Act*.

MOVED BY COUNCILLOR BEGIN:
SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

**4. Rezoning Reference #05-70
4801 Kingsway, Proposed Licensee Retail Store (LRS)
Metrotown Development Plan**

The City Manager submitted a report from the Director Planning and Building recommending Council reject a proposed Licensee Retail Store (LRS) at the Centrepointe development at 4801 Kingsway in the Metrotown area. The rezoning request to establish an LRS outlet on the subject site is inconsistent with adopted Council policy pertaining to the approval of new LRS's insofar as an LDB Signature Store has yet to be established in both the Metrotown Town Centre and the Big Bend area of Burnaby. Given this fundamental inconsistency with the adopted Liquor Store Framework for Burnaby, staff is recommending that the subject rezoning request be rejected.

The City Manager recommended:

1. THAT Council reject this rezoning request.
2. THAT copies of this report be sent to the rezoning applicant, the property owner, and to the General Manager, Liquor Control and Licensing Branch.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR JORDAN:

"THAT Item 04, Manager's Reports of the Open Council meeting 2006 August 28 be now **TABLED.**"

CARRIED UNANIMOUSLY

This report was TABLED until the 2006 September 18 Open Council meeting in order to provide an opportunity for the delegation from Mr. Brent Shaw, Mavericks Sports Cabaret to appear before Council.

**5. Road Closure Reference #98-4
Closure of Portion Of Lane Allowances Adjacent 5080 and 5090
Dover Street and Closure of Arrow Street for Consolidation with
6037 Royal Oak Avenue**

The City Manager submitted a report from the Director Planning and Building seeking Council authority to prepare the introduction of a Highway Closure Bylaw and to have Council repeal Highway Exchange Bylaw No.5, 1999 Bylaw No.10898.

The City Manager recommended:

1. THAT Council repeal Bylaw No. 10898 (Burnaby Highway Exchange Bylaw No. 5, 1999.
2. THAT Council authorize the introduction of a Highway Closure Bylaw for the closure of a portion of lane allowances adjacent 5080 and 5090 Dover Street and closure of Arrow Street road allowance for consolidation with 6037 Royal Oak Avenue as outlined in this report.
3. THAT a copy of this report be forwarded to Mr. Greg Frank, Secretary-Treasurer, Burnaby School District.

MOVED BY COUNCILLOR BEGIN:

SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

**6. 8098 – 12th Avenue, Burnaby, B.C.
Lot 19, D.L. 27, Plan No. 697, Group 1, N.W.D.**

The City Manager submitted a report from the Director Planning and Building having Council direct the City Clerk to file a Notice in the Land Title Office pursuant to Section 57 of the Community Charter with respect to a property observed to be in contravention of the City Bylaws. Inspections by Building, Licence and Fire Department staff determined that the subject building, which City records show as consisting of a food market and warehouse with living quarters at the rear, has been altered throughout and is now used as a multi-tenant rooming house. Recognizing the potential costs to bring the building into compliance with City bylaws, the owner's representatives suggested the property owner may attempt to sell the property. The filing of a note against Land Title will ensure that potential purchasers are informed that this property is in contravention of City Bylaws.

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 8098–12th Avenue, Burnaby, B.C. has been made under Section 57 of the Community Charter ;
and

- b) Further information respecting the resolution may be inspected at the offices of the City Clerk, City of Burnaby.

2. THAT a copy of this report be sent to the following owner:

- a) Yen Chen Chen
8098 – 12th Avenue
Burnaby, B.C. – V3N 2L1

MOVED BY COUNCILLOR BEGIN:

SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

**7. Building Permit Tabulation Report No.08
From 2006 July 10 to 2006 August 06**

The City Manager submitted a report from the Director Planning and Building providing Council permits that have been issued for the subject period.

The City Manager recommended:

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

MOVED BY COUNCILLOR BEGIN:

SECONDED BY COUNCILLOR DHALIWAL:

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

CARRIED UNANIMOUSLY

8. Norland Avenue Rehabilitation – Phase II

The City Manager submitted a report from the Director Finance seeking Council approval to award a contract for the road reconstruction of a 265 meter long section on Norland Avenue including storm, sanitary and water service connections, and new drainage facilities.

The City Manager recommended:

- 1. THAT a contract be awarded to the lowest bidder, Jack Cewe Ltd., for the complete road reconstruction of a 265 meter long section on Norland Avenue of storm, sanitary and water service connections and new drainage facilities for a total cost of \$938,736.00 with final payment based on actual quantities and unit prices tendered.

MOVED BY COUNCILLOR VOLKOW:
SECONDED BY COUNCILLOR JOHNSTON:

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

CARRIED UNANIMOUSLY

9. 6925 Mandy Avenue – Unsightly And Overgrown Property

The City Manager submitted a report from the Director Finance providing information requested by Council on the property at 6925 Mandy Avenue deemed to be in contravention of the City's Unsightly Premises Bylaw. A staff inspection of the property concludes there is some visible progress, however, the property is not yet in compliance.

The City Manager recommended:

1. THAT Council receive this report for informational purposes.

MOVED BY COUNCILLOR BEGIN:
SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

10. Work Orders

The City Manager submitted a report from the Director Engineering seeking Council approval of a capital work order 60-30-126: Boundary Road Sanitary Lift Station.

The City Manager recommended:

1. THAT the work order, as more specifically referred to in this report, be approved.

MOVED BY COUNCILLOR BEGIN:
SECONDED BY COUNCILLOR JORDAN:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR DHALIWAL:
SECONDED BY COUNCILLOR JORDAN:

"THAT the Committee now rise and report."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY COUNCILLOR JORDAN:
SECONDED BY COUNCILLOR JOHNSTON:

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

CARRIED UNANIMOUSLY

5. BYLAWS

FIRST, SECOND AND THIRD READING:

MOVED BY COUNCILLOR JORDAN:
SECONDED BY COUNCILLOR JOHNSTON:

"THAT

Burnaby Highway Closure Bylaw No.5, 2006 #12136

Burnaby Capital Works, Machinery and Equipment #12137
Reserve Fund Expenditure Bylaw No. 28, 2006

be now introduced and read three times."

CARRIED UNANIMOUSLY

CONSIDERATION AND THIRD READING:

#12026 7985 North Fraser Way REZ #05-16

#12053 7880 18th Avenue and 7417 Sixth Street REZ #05-53
and 8255, 8355 & 8360 Wiggins Street

MOVED BY COUNCILLOR JORDAN:
SECONDED BY COUNCILLOR VOLKOW:

"THAT

Burnaby Zoning Bylaw 1965, Amendment #12026
Bylaw No. 61, 2005

Burnaby Zoning Bylaw 1965, Amendment
Bylaw No. 6, 2006

#12053

be now read a third time."

CARRIED UNANIMOUSLY

RECONSIDERATION AND FINAL ADOPTION:

#12019 7038/60/76/94/7114/34/50 Walker Avenue;
7301 Kingsway; 7321 Edmonds Street REZ #05-13

#12063 9188 & 9222 University Crescent REZ #05-66

MOVED BY COUNCILLOR JORDAN:
SECONDED BY COUNCILLOR JOHNSTON:

"THAT

Burnaby Zoning Bylaw 1965, Amendment #12019
Bylaw No. 54, 2005

Burnaby Zoning Bylaw 1965, Amendment #12063
Bylaw No. 10, 2006

Burnaby Capital Works, Machinery and Equipment #12126
Reserve Fund Expenditure Bylaw No. 22, 2006

Burnaby Capital Works, Machinery and Equipment #12135
Reserve Fund Expenditure Bylaw No. 27, 2006

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

CARRIED UNANIMOUSLY

6. NEW BUSINESS

There were no items of new business brought before Council at this time.

7. INQUIRIES

Councillor Evans

Councillor Evans referred to the proposed expansion of the tank farm on Burnaby Mountain now owned by Kinder Morgan and noted that he has encountered an adverse reaction from people in the area. Councillor Evans inquired as to whether or not the forthcoming report from staff will include information on how the City can restrict future growth of the tank farm.

Staff advised it will be a full report containing all relevant information related to the City's position on this matter.

Councillor Begin

Councillor Begin noted Fall is approaching and inquired as to where the Social Issues Committee was with regard to the homeless situation, specifically whether or not the same facility as last year will be available and how information on the location will be disseminated.

Councillor Jordan, Chair, Community Development Committee, advised information will be forthcoming on the status of the homeless shelter. Councillor Jordan also noted that an announcement on the housing strategy from BC Housing is imminent and will impact the financing of all housing in the Province.

Councillor Dhaliwal

Councillor Dhaliwal referred to an item of correspondence addressed to Mayor Corrigan from the Dean of the Faculty of Education at Simon Fraser University expressing their concern about the increased publicity given to the BC Elementary School Report Card prepared by the Fraser Institute. The Report Card rates and ranks elementary schools, which SFU and other stakeholders in the Province believe is inappropriate and potentially damaging. The correspondence, which was circulated to all of the members of Council and the Burnaby School Board, included a report on the matter entitled "Cautions About Rating BC's Schools". Councillor Dhaliwal inquired as to whether or not the City had received a response from the School Board.

Arising from consideration of the inquiry, Council requested the City obtain a response on this matter from the Burnaby School Board.

8. ADJOURNMENT

MOVED BY COUNCILLOR BEGIN:

SECONDED BY COUNCILLOR JORDAN:


"THAT this 'Open' Council Meeting do now adjourn."

CARRIED UNANIMOUSLY

The 'Open' Council Meeting adjourned at 8:07 p.m.

Confirmed:

Certified Correct:


MAYOR


DEPUTY CITY CLERK