

2007 JANUARY 15

An 'Open' meeting of the City Council was held in the Council Committee Room, City Hall, 4949 Canada Way, Burnaby, B.C. on Monday, 2007 January 15 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 P. Calendino
Councillor S. Dhaliwal
Councillor G. Evans
Councillor D. Johnston
Councillor C. Jordan
Councillor L.A. Rankin
Councillor N.M. Volkow

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

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.

1. MINUTES

MOVED BY COUNCILLOR CALENDINO:
SECONDED BY COUNCILLOR JORDAN:

"THAT the minutes of the 'Open' Council meeting held on 2006 January 08 be now adopted."

CARRIED UNANIMOUSLY

2. DELEGATION

- A) M. Kaustinen & C. Neilson, 2007 January 10
Re: Building application and Board of Variance
Application for 3830 Lozells Avenue
Speaker: Mark Kaustinen
Cindy Neilson

MOVED BY COUNCILLOR JORDAN:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT the delegation be heard."

CARRIED UNANIMOUSLY

- A) Mark Kaustinen, 4640 Kentwood Street**, appeared before Council to discuss concerns related to a building permit application made for the property at 3830 Lozells Avenue. The delegation submitted a petition of 70 residents from the neighbourhood requesting Council stop the building permit application.

Mr. Kaustinen outlined a number of concerns noting that the application for a 6,350 sq. ft. home and 817 sq.ft. accessory buildings does not comply with R2 Residential District, which they believe the subject property is compatible with given its width of 70 feet. Also, the delegation contends that by changing the orientation of the house from facing Lozells to now facing Kentwood, the minimum setback and front yard averaging requirements are being avoided. Mr. Kaustinen advised that the fence is not in compliance with the bylaw because of its height and is therefore unsafe as it restricts sightlines for both pedestrian and vehicle traffic.

In conclusion, the delegation suggested that the form and character of the proposed development is not in keeping with the character of the neighbourhood.

Arising from consideration of the delegation's presentation and information provided by staff in relation to this matter, Councillor Dhaliwal was granted leave by Council to introduce the following motion:

MOVED BY COUNCILLOR DHALIWAL:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT the presentation by the delegation be **REFERRED** to staff to prepare a report on the development application and property located at 3830 Lozells Avenue."

CARRIED UNANIMOUSLY

3. CORRESPONDENCE

MOVED BY COUNCILLOR DHALIWAL:
SECONDED BY COUNCILLOR CALENDINO:

"THAT the following listed item of correspondence be received."

CARRIED UNANIMOUSLY

His Worship, Mayor Derek R. Corrigan read the following item of correspondence:

- A) Union of British Columbia Municipalities
Re: Membership Fee for 2007 - 2008

An invoice was received from the Union of BC Municipalities for the City of Burnaby's 2007 - 2008 membership fees.

MOVED BY COUNCILLOR CALENDINO:
SECONDED BY COUNCILLOR JORDAN:

"THAT Council approve payment of the invoice from the Union of BC Municipalities for the 2007-2008 membership fees."

CARRIED UNANIMOUSLY

4. REPORTS

MOVED BY COUNCILLOR DHALIWAL:
SECONDED BY COUNCILLOR JORDAN:

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

CARRIED UNANIMOUSLY

- A) **Environment Committee**
Re: **Resolution Respecting Wildlife Rescue and Ecosystem Recovery Cost Accountability**

The Environment Committee submitted a report to present a resolution for legislative change relating to the financial accountability for wildlife rescue and ecosystem recovery. The resolution seeks change relating to current provincial and federal legislation to ensure that the responsible party, in an oil spill event, is held financially accountable for all costs involved in wildlife rescue and ecosystem recovery efforts. In addition, the resolution seeks to encourage the exploration of appropriate measures to streamline government responsibilities following spill events.

The Environment Committee recommended:

1. THAT Council endorse the resolution contained in Section 4.1 of this report.
2. THAT the resolution be sent to the UBCM and FCM for consideration at the 2007 UBCM and FCM conventions.
3. THAT this report be sent to UBCM members and to the FCM with a request for distribution, the Provincial Minister of Environment (MOE), Federal Minister of Environment, and to Burnaby's MLAs and MPs to request support for the resolution, as outlined in this report.
4. THAT a copy of this report be sent to Ms. Gail Forbes, 7 – 9000 Ash Grove Crescent, Burnaby, BC V5A 4L6.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR CALENDINO:

"THAT the recommendations of the Environment Committee be adopted."

CARRIED UNANIMOUSLY

B) Environment Committee
Re: Cosmetic Herbicide Usage on Private Property

The Environment Committee submitted a report providing an update on cosmetic herbicide and pesticide limiting initiatives at the federal, provincial and regional level, the City's education program; and a proposed strategy to address cosmetic herbicide usage on private properties.

The Environment Committee recommended:

1. THAT Council authorize continuation of an educational program to provide information on sustainable landscape maintenance, including alternatives to cosmetic herbicide use on private properties.
2. THAT Council authorize staff to prepare a further report for Council's consideration outlining the framework of a bylaw based on Option 3, as outlined in the attached report, to restrict the use of cosmetic herbicides on private properties with exemptions and the financial/resource implications.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR JORDAN:

"THAT the recommendations of the Environment Committee be adopted."

Council agreed to vote separately on the recommendations:

RECOMMENDATION NO. 1 CARRIED UNANIMOUSLY

RECOMMENDATION NO. 2

MOVED BY COUNCILLOR RANKIN:
SECONDED BY COUNCILLOR BEGIN:

"THAT Recommendation No. 2 be **REFERRED** back to the Environment Committee to look at the issues raised by Council, particularly relating to the introduction and implementation of a bylaw."

DEFEATED
OPPOSED: COUNCILLORS
CALENDINO, DHALIWAL,
JOHNSTON, JORDAN
AND VOLKOW

A vote was then taken on RECOMMENDATION NO.2 and same was CARRIED with Councillors Begin, Evans and Rankin OPPOSED.

B i) Community Policing Committee
Re: Renewal of Agreement for Production of "The Beat"

The Community Policing Committee submitted a report for the renewal of an agreement for production of "The Beat".

The Community Policing Committee recommended:

1. THAT Council authorize agreement renewal for "The Beat" at a total cost of \$9,478.91.

MOVED BY COUNCILLOR CALENDINO:
SECONDED BY COUNCILLOR DHALIWAL:

"THAT the recommendation of the Community Policing Committee be now adopted."

CARRIED UNANIMOUSLY

- C) The City Manager presented a report dated 2007 January 15 on the matters listed following as Items 01 to 02 either providing the information shown or recommending the courses of action indicated for the reasons given:

1. **BURNABY PUBLIC CONSULTATION – GATEWAY PROGRAM**

The City Manager submitted a report from the Director Planning and Building to advise Council of the results from the City's public consultation regarding the Gateway Program.

The City Manager recommended:

1. THAT the Province, through transmission of this report to the Minister of Transportation and the Executive Director – Gateway Program, be requested to take into consideration the findings of the City of Burnaby's public consultation process on the Gateway Program, as summarized in this report.
2. THAT copies of this report be sent to:
 - a. those people who submitted feedback through this consultation process;
 - b. Members of the Legislative Assembly for Burnaby; and
 - c. The City's Environment and Transportation Committees, including the Bicycle Advisory Group.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR JOHNSTON:

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

MOVED BY COUNCILLOR JORDAN:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT the recommendations be **AMENDED** to include that a copy of the public responses be sent with the distribution of the report."

CARRIED UNANIMOUSLY

A vote was then taken on the motion as moved by Councillor Volkow and seconded by Councillor Johnston being 'THAT the recommendations of the City Manager be adopted' **AS AMENDED** and the same was CARRIED UNANIMOUSLY.

**2. CONTRACT NO. 2006-29
GRIFFITHS DRIVE PEDESTRIAN OVERPASS
AND URBAN TRAIL**

The City Manager submitted a report from the Director Finance seeking approval to award a contract for an overpass and urban trail construction.

The City Manager recommended:

- 1. THAT a contract be awarded to the lowest bidder, GCL Contracting & Engineering Inc., for Griffith Drive pedestrian overpass and urban trail construction for a total cost of \$2,740,078.80 with final payment based on actual quantities and unit prices tendered.

MOVED BY COUNCILLOR CALENDINO:
SECONDED BY COUNCILLOR JOHNSTON:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR BEGIN:
SECONDED BY COUNCILLOR JORDAN:

"THAT the Committee now rise and report."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR JORDAN:

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

CARRIED UNANIMOUSLY

5. BYLAWS

FIRST, SECOND AND THIRD READING:

MOVED BY COUNCILLOR RANKIN:
SECONDED BY COUNCILLOR VOLKOW:

"THAT

Burnaby Development Cost Charges
Reserve Fund Expenditure Bylaw No. 2, 2007

#12220

Burnaby Building Bylaw 2004, Amendment Bylaw 2007

#12221

be now introduced and read three times."

CARRIED UNANIMOUSLY

THIRD READING AND RECONSIDERATION AND FINAL ADOPTION:

12198	5215/16/49/50/85/86, 5316/33/50/85/86, 5416 Wilton Avenue, 5348/86/98 Canada Way	REZ#06-61 (C)
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12199	6570 Deer Lake Ave., 5141/45/95, 5255 Sperling Ave	REZ#06-61 (B)
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12200	2338 Gilmore Avenue	REZ#06-61 (A)
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MOVED BY COUNCILLOR RANKIN:

SECONDED BY COUNCILLOR VOLKOW:

"THAT

Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 61, 2006	12198
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Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 62, 2006	12199
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Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 63, 2006	12200
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be now read a third time and reconsidered and Finally Adopted, signed by the Mayor and Clerk and the Corporate Seal affixed thereto."

CARRIED UNANIMOUSLY

RECONSIDERATION AND FINAL ADOPTION:

MOVED BY COUNCILLOR RANKIN:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT

Burnaby Highway Closure Bylaw No. 9, 2006	12201
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Burnaby Capital works, Machinery and Equipment Reserve Fund Expenditure Bylaw No. 40, 2006	12206
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Burnaby Tax Information Certificate Fees	12208
Burnaby Development Cost Charges Reserve Fund Expenditure Bylaw No. 1, 2007	12209
Burnaby Indemnification 1976, Amendment Bylaw 2007	12210

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

CARRIED
OPPOSED: TO BYLAW #12206
COUNCILLORS BEGIN,
EVANS AND RANKIN

6. NEW BUSINESS

Councillor Rankin:

Councillor Rankin advised that the Provincial Government has adjusted the ceilings on the Provincial Home Owners Grant to \$950,000.

Arising from consideration of this information, Council requested the Director Finance provide a memo advising of the impact this will have on home owners in the City of Burnaby.

Councillor Johnston:

Councillor Johnston advised that he had introduced a motion at the last Council meeting to request the Province review the cap on the Home Owners Grant given the unexpected jump in assessment levels and noted he was very pleased at the announcement from the Provincial Government.

Arising from consideration of this matter, Councillor Johnston was granted leave by Council to introduce the following motion:

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR JORDAN:

"THAT His Worship, Mayor Corrigan on behalf of Council write to the Minister of Finance to extend thanks for their response on the raising the level of the Home Owners Grant."

CARRIED UNANIMOUSLY

Councillor Volkow:

Councillor Volkow referred to the recent snow fall and advised that he found the snow clearing was handled very poorly, especially given that he was on a disaster response route. Councillor Volkow raised a number of questions regarding the road contract and arising from this matter, Councillor Volkow was granted leave by Council to introduce the following motion:

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR CALENDINO:

"THAT staff provide a memo to Council providing information on the contract for road maintenance in the City of Burnaby."

CARRIED UNANIMOUSLY

Councillor Evans:

Councillor Evans referred to the News from West Coast Environmental Law newsletter which was circulated in part to the members of Council and the article on the Thompson Award Winners, individuals honoured for their contributions to environmental protection and sustainability in British Columbia. Councillor Evans suggested that there may be some very worthy recipients from Burnaby and noted citizens may wish to nominate these individuals for next year's award.

Councillor Dhaliwal:

MOVED BY COUNCILLOR DHALIWAL:

SECONDED BY COUNCILLOR EVANS:

"THAT the Social Issues Committee Meeting scheduled for Thursday, January 18 at 6:00 p.m. in the Council Committee Room be cancelled."

CARRIED UNANIMOUSLY

Councillor Jordan:

Councillor Jordan made reference to the GVRD's circular, Board in Brief, and a couple of items in it including an update on E-comm and 911.

Mayor Corrigan referred to television advertisements which infer that the water we drink is the same water as found in our toilets and encourage any citizens who find these ads offensive to write to the company.

7. INQUIRIES

Councillor Evans:

Councillor Evans noted the recent article in the newspaper regarding the Hell's Angels new location within Burnaby and inquired as to whether His Worship, Mayor Corrigan had looked into this matter.

Mayor Corrigan advised that he had been in touch with the Officer-In-Charge, RCMP, and there had not been any activities or issues reported. Mayor Corrigan also advised that he has a meeting scheduled with the gang squad but no other additional information at this time.

8. ADJOURNMENT

MOVED BY COUNCILLOR JORDAN:

SECONDED BY COUNCILLOR CALENDINO:

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

CARRIED UNANIMOUSLY

The 'Open' Council Meeting adjourned at 8:38 p.m.

Confirmed:

Certified Correct:


MAYOR


DEPUTY CITY CLERK