

2009 FEBRUARY 02

An 'Open' meeting of the City Council was held in the Council Committee Room, City Hall, 4949 Canada Way, Burnaby, B.C. on Monday, 2009 February 02 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: Acting Mayor, Councillor P. Calendino, In the Chair
Councillor R. Chang
Councillor S. Dhaliwal
Councillor D. Johnston
Councillor A. Kang
Councillor P. McDonell
Councillor N.M. Volkow

ABSENT: His Worship, Mayor D.R. Corrigan
Councillor C. Jordan

STAFF: Mr. R.H. Moncur, City Manager
Mr. C.A. Turpin, Deputy City Manager
Mr. L. Chu, Director Engineering
Mr. R. Earle, Director Finance
Mr. D. Ellenwood, Director Parks, Recreation & Cultural Services
Mr. B. Luksun, Director Planning & Building
Mr. B. Rose, City Solicitor
Mrs. D.R. Comis, City Clerk
Mr. S. Cleave, A/Administrative Officer Operations

MOVED BY COUNCILLOR McDONELL:

SECONDED BY COUNCILLOR KANG:

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

CARRIED UNANIMOUSLY

The 'Open' Council meeting reconvened in the Council Chamber at 7:00 p.m.

Acting Mayor Pietro Calendino welcomed the BCIT Journalism students and their instructor, Mr. George Orr, in attendance at the Council meeting.

1. MINUTES

MOVED BY COUNCILLOR McDONELL:
SECONDED BY COUNCILLOR VOLKOW:

"THAT the minutes of the 'Open' Council meeting held on 2009 January 19 be now adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR KANG:
SECONDED BY COUNCILLOR DHALIWAL:

"THAT the minutes of the Public Hearing (Zoning) held on 2009 January 20 be now adopted."

CARRIED UNANIMOUSLY

2. DELEGATION

The following wrote requesting an audience with Council:

- A) Moe Shokri, General Manager
Advance Towing
Re: Issues with License Renewal
Speaker: Moe Shokri

MOVED BY COUNCILLOR McDONELL:
SECONDED BY COUNCILLOR VOLKOW:

"THAT the delegation be heard."

CARRIED UNANIMOUSLY

- A) **Mr. Moe Shokri**, General Manager, Advance Towing, 8540 Greenall Drive, Burnaby appeared before Council to discuss the Burnaby Towing Bylaw and a few issues he has encountered in his dealings with the City.

The delegation raised his concerns about the hours of operation for towing companies being from 7 a.m. to 2 a.m. as he believes these hours are restrictive to operation of the business. Mr. Shokri requested the bylaw be amended to allow longer operating hours. The speaker also requested a face to face meeting between staff, himself and members of Council so that Council could hear all sides of the issue.

In conclusion, Mr. Shokri requested some form of arbitration to resolve his concerns.

Arising from consideration of the delegation's presentation, Councillor McDonell was granted leave by Council to introduce the following motion:

MOVED BY COUNCILLOR McDONELL:
SECONDED BY COUNCILLOR VOLKOW:

"THAT staff prepare a report to Council on the issues and concerns raised by the delegation."

CARRIED UNANIMOUSLY

3. CORRESPONDENCE

MOVED BY COUNCILLOR KANG:
SECONDED BY COUNCILLOR VOLKOW:

"THAT the following item of correspondence be received."

CARRIED UNANIMOUSLY

- A) The Kidney Foundation of Canada
Re: March is Kidney Health Month

A letter was received from the Kidney Foundation of Canada advising Council of their plans to conduct an annual door-to-door campaign during *Kidney Health Month* in March.

Staff advise there is no conflict for the requested canvass dates.

MOVED BY COUNCILLOR DHALIWAL:
SECONDED BY COUNCILLOR KANG:

"THAT Council approve the request from the Kidney Foundation of Canada to conduct door-to-door canvassing within the City of Burnaby during the month of March."

CARRIED UNANIMOUSLY

4. REPORTS

MOVED BY COUNCILLOR DHALIWAL:

SECONDED BY COUNCILLOR McDONELL:

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

CARRIED UNANIMOUSLY

A) Finance & Civic Development Committee Re: Establishment of a Solid Waste and Recycling Utility

The Finance & Civic Development Committee submitted a report requesting approval for the establishment of a solid waste and recycling utility to create a self-sustaining user pay system for solid waste and recycling management.

The Director Engineering L. Chu and Director Finance R. Earle appeared before Council to present an overview of current Council initiatives on waste reduction. Mr. Chu reviewed the automated collection program for 2009 designed to increase waste reduction, reduce costs and improve efficiency and the workers' health and safety. The target for implementation is 2009 October.

Waste collection containers would range in size from 120 litres to 360 litres with collection costs for each household ranging from \$140 per year for the 120 litre size to \$250 per year for the larger 360 litre size. Green waste and recycling would cost \$40 per year per household. Multifamily units would incur a volume based rate of \$6 to \$46 depending on the size of the container and \$20 per year for green waste and recycling. The system is designed to be revenue neutral.

The Finance & Civic Development Committee recommended:

1. THAT Council approve the City's solid waste and recycling services be transferred from the general property tax base to the utility tax base and that the proposed user rates as outlined in Table 2 in this report be approved for implementation in 2010.
2. THAT staff be authorized to amend the existing Solid Waste Bylaw to reflect the upcoming automated collection program and the recommended utility fee schedule as outlined in this report.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

"THAT the recommendations of the Finance & Civic Development Committee be adopted."

MOVED BY COUNCILLOR DHALIWAL:
SECONDED BY COUNCILLOR CHANG:

"THAT the motion as moved by Councillor Johnston and seconded by Councillor Volkow being 'THAT the recommendations of the Finance & Civic Development Committee be adopted' be now **TABLED**."

CARRIED UNANIMOUSLY

The recommendation was TABLED until the 2009 February 09 Open Council meeting in order to allow Council an opportunity for further review of the costing mechanisms for the new system.

B) Finance & Civic Development Committee
Re: Upgrade to the Burnaby Detachment
Fitness Gym

The Finance & Civic Development Committee submitted a report requesting Council approval for the use of Gaming Funds to upgrade the Burnaby RCMP Detachment Fitness Gym.

The Finance & Civic Development Committee recommended:

1. THAT Council approve the use of Gaming Funds in the amount of \$60,000 (inclusive of 5% GST and 7% PST) to complete the necessary upgrades to the Burnaby Detachment Fitness Gym, allowing it to be brought to a standard consistent with fitness facilities associated to police forces in Lower Mainland.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

C) Community Development Committee
Re: Bylaw Amendments for Deferral of Fees
For Affordable Non-Profit Housing Projects

The Community Development Committee submitted a report proposing bylaw amendments to allow for the deferral of Planning and Building application and permit fees for affordable non-profit housing projects.

The Community Development Committee recommended:

1. THAT Council authorize the preparation of Bylaws amending the:

- a. Burnaby Zoning Bylaw, 1965;
- b. Burnaby Subdivision Control Bylaw, 1971;
- c. Burnaby Building Bylaw, 2004;
- d. Burnaby Electrical Bylaw, 1974;
- e. Burnaby Gas Bylaw, 1978;
- f. Burnaby Tree Bylaw, 1996; and
- g. Burnaby Plumbing Bylaw, 2000;

as outlined in Section 2.0 of this report; and that the amending bylaw for Burnaby Zoning Bylaw be advanced to First Reading on 2009 February 02 and to a Public Hearing on 2009 February 17.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR DHALIWAL:

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

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR DHALIWAL:

"THAT Council **REFER** the report back to the Community Development Committee to consider the forgiveness of fees rather than deferment of fees."

CARRIED UNANIMOUSLY

D) Community Development Committee
Re: Community Benefit Bonus Housing
Funds Covenant Terms

The Community Development Committee submitted a report requesting Council approval to establish covenant terms to secure City Community Benefit Bonus housing funds.

The Community Development Committee recommended:

1. THAT Council adopt the covenant terms to secure City Community Benefit Bonus Funds, as outlined in this report.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

E) Community Development Committee
Re: Willard Street Area Neighbourhood
Consultation Process – Open House

The Community Development Committee submitted a report on the Willard Street and Meadow Avenue Open House.

The Community Development Committee recommended:

1. THAT Council endorse the conclusions and actions arising from the Willard Street and Meadow Avenue public process, as outlined in this report.
2. THAT following Council adoption of the recommendations of this report, a copy be forwarded to members of the Working Group and to businesses and residents within the Willard Street area.
3. THAT the Mayor, on behalf of Council, send a letter of thanks to the Working Group members for their participation and commitment.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR KANG:

"THAT the recommendations of the Community Development Committee be adopted."

CARRIED UNANIMOUSLY

F) Community Development Committee

Re: Zoning Bylaw Text Amendments – January 2009

The Community Development Committee submitted a report proposing a number of text amendments to the Burnaby Zoning Bylaw.

The Community Development Committee recommended:

1. THAT Council authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw as outlined in section 2.0 of this report and that the bylaw be advanced to First Reading on 2009 February 02 and to a Public Hearing on 2009 February 17.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR DHALIWAL:

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

CARRIED UNANIMOUSLY

G) Community Development Committee

Re: Burnaby Zoning Bylaw for Self-Improvement Schools

The Community Development Committee submitted a report responding to issues raised regarding self-improvement schools.

The Community Development Committee recommended:

1. THAT a copy of this report be sent to Ms. Kelly Douglas, 1600 Cliff Avenue, Burnaby, B.C. V5A 2K2.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR KANG:

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

CARRIED UNANIMOUSLY

H) His Worship, Mayor Derek R. Corrigan
Re: 2009 City Appreciation Dinner

His Worship, Mayor Derek R. Corrigan submitted a report requesting Council approval for the costs associated with the 2009 City Appreciation Dinner and appointment of Council members to the Kushiro Cup Selection Committee.

His Worship, Mayor Derek R. Corrigan recommended:

1. THAT Council authorize for payment the cost of hosting the 2009 City Appreciation Dinner.
2. THAT Councillor Volkow as Chair and Councillors Colleen Jordan and Dan Johnston, as Members be appointed as the 2009 Kushiro Cup Selection Committee.

MOVED BY COUNCILLOR DHALIWAL:
SECONDED BY COUNCILLOR JOHNSTON:

"THAT the recommendations of His Worship, Mayor Derek R. Corrigan be adopted."

CARRIED UNANIMOUSLY

- I) The City Manager presented a report dated 2009 February 02 on the matters listed following as Items 01 to 08 either providing the information shown or recommending the courses of action indicated for the reasons given:**

1. City Investments – 2008 Update

The City Manager submitted a report from the Director Finance to update Council on the City's current investment program. Solid diversification and investment strategy development has allowed the City to increase its investment income, while maintaining strict controls and guidelines outlined under the Community Charter. With an annual yield of 5.24% in the General Investment Fund, the return on investment in 2008 was in excess of \$31.9 million.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR KANG:

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

CARRIED UNANIMOUSLY

2. Tourism Burnaby Hotel Room Tax Renewal

The City Manager submitted a report from the Director Finance requesting Council approval to bring down a bylaw for a renewal of the Hotel Room Tax.

The City Manager recommended:

1. THAT Council bring down a bylaw for the renewal of the 2% Hotel Room Tax within Burnaby, and
2. THAT the Provincial government be requested to renew the Hotel Room Tax on behalf of the City of Burnaby and Tourism Burnaby.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR KANG:

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

CARRIED UNANIMOUSLY

**3. Playground Development Funding Request
For Forest Grove Elementary School, Aubrey
Elementary School and Gilmore Community School**

The City Manager submitted a report from the Director Parks, Recreation & Cultural Services requesting authorization for the City to enter into an agreement with the Burnaby School District for the contribution to the cost of the playground upgrades at Forest Grove School, Aubrey School and Gilmore Community School.

The City Manager recommended:

1. THAT authorization be given for the City to enter into an agreement with the Burnaby School District for the contribution to the cost of the playground upgrades as detailed in the attached report.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR KANG:

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

CARRIED UNANIMOUSLY

4. Montrose Park – Greater Vancouver Water District Second Narrows Water Tunnel Project

The City Manager submitted a report from the Director Parks, Recreation & Cultural Services requesting authorization for staff to work with Metro Vancouver staff and for the Legal and Lands Department to negotiate with the Greater Vancouver Regional District and to request approval, in principle, for the granting of statutory rights-of-way at Montrose Park in favour of the Greater Vancouver Water District.

The City Manager recommended:

1. THAT staff be authorized to work with Metro Vancouver staff to determine the most appropriate alignment within Montrose Park for the proposed Second Narrows Water Tunnel Project infrastructure, including a temporary access route and shaft site, as outlined in the attached report.
2. THAT the granting of any necessary statutory rights-of-way over city-owned land at Montrose Park, in favour of the Greater Vancouver Water District, be approved in principle, for the purpose of constructing, operating and maintaining the proposed Second Narrows Water Tunnel and associated regional water supply infrastructure, as outlined in the attached report.
3. THAT the Legal and Lands Department be authorized to negotiate with the Greater Vancouver Regional District, the terms for any statutory rights-of-way over city land within Montrose Park required for the Second Narrows Water Tunnel Project, as outlined in the attached report.

MOVED BY COUNCILLOR DHALIWAL:
SECONDED BY COUNCILLOR KANG:

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

CARRIED UNANIMOUSLY

5. Request for Allocated Funding

The City Manager submitted a report from the Director Parks, Recreation & Cultural Services requesting expenditure from a density bonus to fund the development of Jim Lorimer Park.

The City Manager recommended:

1. THAT the expenditure of \$299,100 from a density bonus received to fund the development of Jim Lorimer Park be approved.

MOVED BY COUNCILLOR DHALIWAL:
SECONDED BY COUNCILLOR JOHNSTON:

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

CARRIED UNANIMOUSLY

6. Bylaw to Fund Parks, Recreation and Cultural Services 2009 Capital Projects

The City Manager submitted a report from the Director Parks, Recreation & Cultural Services requesting to bring forward a bylaw to appropriate funds from Capital Reserves to finance nine projects.

The City Manager recommended:

1. THAT a bylaw be brought down to appropriate \$7,245,000 (inclusive of 5% GST) from Capital Reserves to finance nine projects.

MOVED BY COUNCILLOR DHALIWAL:
SECONDED BY COUNCILLOR JOHNSTON:

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

CARRIED UNANIMOUSLY

7. Fire Department Fourth Quarter Report

The City Manager submitted a report from the Fire Chief providing Council with information relating to the Fire Department's activities during the 4th quarter of 2008.

The City Manager recommended:

1. THAT this report be received for information purposes.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR KANG:

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

CARRIED UNANIMOUSLY

**8. Building Permit Tabulation Report No. 12
From 2008 December 01 – 2008 December 31**

The City Manager submitted a report from the Director Planning & Building providing Council with information on the construction activity as reflected by the building 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 McDONELL:

SECONDED BY COUNCILLOR CHANG:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR VOLKOW:

"THAT the Committee now rise and report."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR McDONELL:

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

CARRIED UNANIMOUSLY

5. BYLAWS

FIRST READING

#12586	Text Amendment	
#12587	WITHDRAWN	
#12588	2355 Arden Avenue	REZ #08-45a
#12589	4415 Fitzgerald Avenue	REZ #08-44
#12590	7547 Fourth St., 7963/69/75/81 Graham Ave.	REZ #08-45b
#12591	7922 & 7956 Thirteenth Avenue	REZ #08-45c

MOVED BY COUNCILLOR DHALIWAL:
SECONDED BY COUNCILLOR McDONELL:

"THAT

Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 1, 2009	#12586
Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 3, 2009	#12588
Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 4, 2009	#12589
Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 5, 2009	#12590
Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 6, 2009	#12591

be now introduced and read a first time."

CARRIED UNANIMOUSLY

FIRST, SECOND AND THIRD READING:

MOVED BY COUNCILLOR DHALIWAL:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT

Burnaby Capital Works, Machinery and Equipment Reserve Fund Expenditure Bylaw No. 1, 2009	#12584
Burnaby Local Improvement Fund Expenditure Bylaw No. 1, 2009	#12585
Burnaby Local Area Service Construction Bylaw No. 1, 2009	#12592
Burnaby Local Area Service Construction Bylaw No. 2, 2009	#12593
Burnaby Local Area Service Construction Bylaw No. 3, 2009	#12594
Burnaby Local Area Service Construction Bylaw No. 4, 2009	#12595
Burnaby Local Area Service Construction Bylaw No. 5, 2009	#12596

be now introduced and read three times."

CARRIED UNANIMOUSLY

SECOND READING:

#12578	2085 Rosser Ave, 4388 & 4398 Lougheed Hwy and ptn. of Lougheed Highway	REZ #08-06
#12579	6515 Bonsor Avenue	REZ #04-44
#12580	7204/08/14/20/26/30/36/42/48/52/58 Stride Avenue	REZ #08-42

#12581 4501 North Road REZ #08-38

#12582 Ptn. of 7532 Conway Avenue REZ #06-35

MOVED BY COUNCILLOR DHALIWAL:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT

Burnaby Zoning Bylaw 1965, Amendment #12578
Bylaw No. 70, 2008

Burnaby Zoning Bylaw 1965, Amendment #12579
Bylaw No. 71, 2008

Burnaby Zoning Bylaw 1965, Amendment #12580
Bylaw No. 72, 2008

Burnaby Zoning Bylaw 1965, Amendment #12581
Bylaw No. 73, 2008

Burnaby Zoning Bylaw 1965, Amendment #12582
Bylaw No. 74, 2008

be now read a second time."

CARRIED UNANIMOUSLY

THIRD READING, RECONSIDERATION AND FINAL ADOPTION:

#12456 7357 Ridge Drive REZ #07-41

MOVED BY COUNCILLOR DHALIWAL:

SECONDED BY COUNCILLOR CHANG:

"THAT

Burnaby Zoning Bylaw 1965, Amendment #12456
Bylaw No. 24, 2008

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

CARRIED UNANIMOUSLY

6. NEW BUSINESS

Councillor Volkow

Councillor Volkow referred to a recent news report stating a change in the Provincial Building Code to now allow six storey wood frame construction. He inquired as to whether staff are looking into the ramifications.

The Director Planning & Building B. Luksun stated this new building code will take effect April 2009. Both the Building Department and Fire Department are reviewing the matter and are preparing a report for Council consideration. Mr. Luksun suggested this type of construction could be accommodated under Burnaby's R4 or R5 zoning but they will be examining this in greater detail to see how it will be accommodated in Burnaby.

Councillor Dhaliwal

MOVED BY COUNCILLOR DHALIWAL:

SECONDED BY COUNCILLOR KANG:

"THAT a meeting of the Simon Fraser University/City of Burnaby Liaison Committee be held on Monday, 2009 March 30 at 5:00 p.m. at the Diamond University Centre, Simon Fraser University."

CARRIED UNANIMOUSLY

Councillor McDonell

Councillor McDonell noted January 26 was the Lunar New Year and wished all Asian citizens of Burnaby a Happy New Year. He advised there is artwork currently on display in the courtyard at City Hall and Shadbolt Centre for the Arts which represent the five elements of earth. Lantern displays are also located at Bonsor Recreation Centre.

Councillor Kang

Councillor Kang referred to the recent mail out notifying Burnaby residents of the Province's proposal for a prison at 3405 Willingdon Avenue and noted there has been a good response so far. Councillor Kang encouraged people to write letters. She expressed concern that the report was sent out in English only and inquired if the notice could be sent in other languages.

Arising from the discussion, Councillor McDonell was granted leave by Council to introduce the following motion:

MOVED BY COUNCILLOR McDONELL:

SECONDED BY COUNCILLOR KANG:

"THAT staff place an ad in Chinese newspapers in Burnaby about the proposed prison facility in Burnaby."

CARRIED UNANIMOUSLY

Councillor Calendino

Councillor Calendino inquired as to whether the City is applying for new Federal funding.

The City Manager, R. Moncur, responded that typically municipalities apply for Federal funding through the Province and that staff is already pursuing all available information in order to apply.

Councillor Johnston

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR KANG:

"THAT staff report to the Finance & Civic Development Committee and subsequently to Council on the implications of the Federal Budget for municipalities."

CARRIED UNANIMOUSLY

7. INQUIRIES

There were no inquiries brought before Council at this time.

8. ADJOURNMENT

MOVED BY COUNCILLOR McDONELL:

SECONDED BY COUNCILLOR KANG:

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

CARRIED UNANIMOUSLY

The 'Open' Council Meeting adjourned at 8:50 p.m.

Confirmed:


ACTING MAYOR

Certified Correct:


DEPUTY CITY CLERK