

## 2009 September 21

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 September 21 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 P. Calendino  
Councillor R. Chang  
Councillor S. Dhaliwal  
Councillor D. Johnston  
Councillor C. Jordan  
Councillor P. McDonell  
Councillor N.M. Volkow

ABSENT: Councillor A. Kang

STAFF: 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  
Ms. A. Skipsey, Deputy City Clerk

MOVED BY COUNCILLOR JORDAN:

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.

### PROCLAMATIONS

His Worship, Mayor Derek R. Corrigan proclaimed 2009 September 28<sup>th</sup> as "*Cops for Cancer Day*" in the City of Burnaby.

His Worship, Mayor Derek R. Corrigan proclaimed the month of 2009 October as "*Community Living Month*" in the City of Burnaby.

1. **MINUTES**

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR JOHNSTON:

“THAT the minutes of the ‘Open’ Council meeting held on 2009 September 14 be now adopted.”

CARRIED UNANIMOUSLY

2. **DELEGATIONS**

The following wrote requesting an audience with Council:

- A) Christopher Bozyk Architects Ltd.  
Re: Shoppers – Rezoning Reference #09-15  
Speakers: Christopher Bozyk, Architect  
Fred Kosseim, Shoppers Home Healthcare
  
- B) Coastal Sound International Choral Festival  
Re: Funding for Arts Program  
Speaker: Carol Cosco

MOVED BY COUNCILLOR McDONELL:

SECONDED BY COUNCILLOR JORDAN:

“THAT the delegations be heard.”

CARRIED UNANIMOUSLY

- A) **Mr. Christopher Bozyk**, Architect, appeared before Council to discuss rezoning application #09-15, 8289 North Fraser Way (Units #107 & #108) expressing his opposition to the Planning Department’s response to the application. Mr. Bozyk suggested this particular application goes beyond land use to address a greater social issue, that being support for disabled persons to access greater mobility. The speaker clarified there is no automotive division to Shoppers Home Healthcare as stated in the staff report. Mr. Bozyk advised Council they have revised their original plan to “showcase” vehicles and the new design would ensure vehicles are not in the public eye.

**Mr. Fred Kosseim**, Shoppers Home Healthcare, noted the vehicle modification aspect of the business is a very small portion of the business, in conjunction with the sale of wheelchairs, scooters, and other home health care services for persons with disabilities. The speaker noted the main purpose of the facility is to adapt the floor, door and seating to accommodate access by persons with disabilities and reiterated they are dealing with pre-converted vehicles.

MOVED BY COUNCILLOR CALENDINO:  
SECONDED BY COUNCILLOR McDONELL:

“THAT Item 1 of 09 Manager’s Reports be brought forward for consideration at this time.”

CARRIED UNANIMOUSLY

**Item #1** Application for the rezoning of:  
**Rez #09-15** Lot 1, D.L. 155, Group 1, NWD Plan BCP31032

**From:** CD Comprehensive Development District (based on M2 General Industrial District and M5 Light Industrial District)

**To:** Amended CD Comprehensive Development District (based on M2 General Industrial District, M5 Light Industrial District and Glenwood Industrial Estates Plan)

**Address:** 8289 North Fraser Way (Units #107 & 108)

**Purpose:** To permit the sale, servicing and outdoor storage of vehicles related to the proposed use of Units 107 and 108.

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 representatives of the Shoppers Home Health Care Automotive Division.

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR JORDAN:

“THAT the concerns of Council and the delegation be **REFERRED** to staff to work with the applicant to reach an acceptable design for the project.”

CARRIED UNANIMOUSLY

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

**B) Ms. Carol Cosco**, 6924 Hycrest Drive, Burnaby, appeared before Council to request support for a resolution to the 2009 UBCM Convention submitted by the City of Vancouver requesting the reinstatement of all arts and culture funding and the restoration of all direct access gaming funding. In addition, the speaker asked Council write to the Provincial government to directly request the reinstatement of the funding. The delegation discussed the impact of the proposed cuts on various organizations including employment losses and program losses. Ms. Cosco noted arts funding has now been cut back to 1971 funding levels.

Councillor Chang returned to the Council Chamber at 8:09 p.m. and took his place at the Council table.

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

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR McDONELL:

"THAT Council endorse the resolution from the City of Vancouver and write to the Provincial government requesting all arts and culture funding be reinstated and further, THAT all direct access gaming funds be restored to the levels prior to the introduction of the new Provincial budget."

CARRIED UNANIMOUSLY

**3. REPORTS**

MOVED BY COUNCILLOR McDONELL:  
SECONDED BY COUNCILLOR JORDAN:

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

CARRIED UNANIMOUSLY

A) The City Manager presented a report dated 2009 September 21 on the matters listed following as Items 01 to 09 either providing the information shown or recommending the courses of action indicated for the reasons given:

**1. Establishment of Temporary Athletic Commission**

The City Manager submitted a report from the City Solicitor advising Council of the feasibility and advisability of establishing a temporary Athletic Commission. Given the inherent dangers in professional boxing, staff suggested that Council take an informed and considered approach to the establishment of an Athletic Commission and putting a bylaw in place for 2009 October 31 does not provide an opportunity to do so. Staff state they would research and gather background information on the process and time frame required to establish an Athletic Commission by reviewing best practices and legal issues and prepare a report with this information at the direction of Council.

The City Manager recommended:

1. THAT Council receive this report for its information.
2. THAT a copy of this report be sent to Punch-Out Promotions.

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR JORDAN:

“THAT the recommendations of the City Manager be adopted.”

CARRIED UNANIMOUSLY

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

MOVED BY COUNCILLOR VOLKOW:  
SECONDED BY COUNCILLOR CALENDINO:

“THAT staff prepare a report outlining the requirements to create an Athletic Commission for the City of Burnaby.”

CARRIED UNANIMOUSLY

**2. Correspondence From Mrs. Maria Quon**  
**4930 Barker Crescent, Burnaby**

The City Manager submitted a report from the Director Engineering providing a response to correspondence received from Mrs. Maria Quon regarding restoration of a private retaining wall adjacent to 4930 Barker Crescent. Having reviewed the correspondent's request to restore the substandard private retaining wall to its original condition, staff reaffirm its position that it is not advisable or feasible to do so. It is staff's intention to contact Mrs. Quon and work with her on the riprap adjustment and planting of additional cedar hedging.

The City Manager recommended:

1. THAT Council receive this report for information.
2. THAT a copy of this report be sent to Mrs. Maria Quon on 4930 Barker Crescent, Burnaby, BC V5G 3G5.

MOVED BY COUNCILLOR JORDAN:  
SECONDED BY COUNCILLOR CALENDINO:

“THAT the recommendations of the City Manager be adopted.”

CARRIED UNANIMOUSLY

**3. Burnaby Fraser Foreshore Park-  
GVS & DD Request for Statutory Right-of-Way  
For Marshend Pump Station**

The City Manager submitted a report from the Director Parks, Recreation and Cultural Services requesting Council approval in principle for the granting of a statutory right-of-way and temporary use of an area within Burnaby Fraser Foreshore Park in favour of the Greater Vancouver Regional District, and to request authorization for the Legal and Lands Department to negotiate the terms of a statutory right-of-way agreement.

The City Manager recommended:

1. THAT approval in principle be given to the granting of a statutory right-of-way in favour of the Greater Vancouver Regional District over Lot 186 (Except part subdivided by Plan 47786), DL 165, Group 1, NWD, Plan 1050 within Burnaby Fraser Foreshore Park for the purpose of access and egress to the Marshend Sanitary Pump Station facility as described in the attached report.
2. THAT approval in principle be given to the temporary use of a 342 sq. m. area of parkland at Burnaby Fraser Foreshore Park for a construction laydown area during the proposed Marshend Pump Station retrofit construction period.
3. THAT the Legal and Lands Department be authorized to negotiate the terms of a statutory right-of-way agreement with the Greater Vancouver Regional District's Sewerage and Drainage District as outlined in this report.
4. THAT a copy of this report be sent to the Greater Vancouver Sewerage and Drainage District.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR McDONELL:

“THAT the recommendations of the City Manager be adopted.”

CARRIED UNANIMOUSLY

**4. Contract No. 2009-27  
Burnaby Streets Beautification**

The City Manager submitted a report from the Director Finance seeking Council approval to award a contract for streetscape improvements.

The City Manager recommended:

1. THAT a contract be awarded to the lowest bidder, Wilco Landscape Westcoast Inc. for streetscape improvements for a tendered total cost of \$1,722,320.85, including GST.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR JOHNSTON:

“THAT the recommendation of the City Manager be adopted.”

CARRIED UNANIMOUSLY

**5. Deer Lake Park – Demolition of City Owned Structure  
BVM Dale 4, at 6501 Deer Lake Avenue**

The City Manager submitted a report from the Director Parks, Recreation and Cultural Services requesting Council authorization for the sale for moving or salvage or demolition of the city owned structure at 6501 Deer Lake Avenue.

The City Manager recommended:

1. THAT authorization be given for the sale for moving or salvage or demolition of the city owned structure, the Burnaby Village Museum Dale 4 Building, at 6501 Deer Lake Avenue.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR JORDAN:

“THAT the recommendation of the City Manager be adopted.”

CARRIED UNANIMOUSLY

**6. Cost Sharing Agreement – Metro Vancouver  
Douglas Road Main #2 Project**

The City Manager submitted a report from the Director Engineering seeking Council approval to enter into a cost sharing agreement with Metro Vancouver for watermain renewals and roadworks on 4<sup>th</sup> St / 13<sup>th</sup> Ave / Coquitlam St.

The City Manager recommended:

1. THAT Council approve expenditures up to a maximum of \$2.87 Million (inclusive of 5% GST) for watermain renewals and roadworks on 4<sup>th</sup> St / 13<sup>th</sup> Ave / Coquitlam St.

2. THAT the City Solicitor be authorized to prepare a cost sharing agreement with Metro Vancouver up to a maximum of \$2.87 Million (inclusive of 5% GST) for watermain renewals and roadworks on 4<sup>th</sup> St / 13<sup>th</sup> Ave / Coquitlam St.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR JORDAN:

“THAT the recommendations of the City Manager be adopted.”

CARRIED UNANIMOUSLY

**7. Dawson-Delta Park Site/Rezoning Ref #06-60  
Statutory Right-of-Way for Hydro Service to  
Delta Pump Station and Dawson Street Lights**

The City Manager submitted a report from the Director Parks, Recreation and Cultural Services requesting Council approval for the granting and execution of a statutory right-of-way for hydro service to Delta Pump Station and Dawson Street Lights.

The City Manager recommended:

1. THAT approval be given for the granting and execution of a statutory right-of-way over a 3.5 m. by 3.5 m. portion of Lot 2, District Lots 124 and 125, Group 1, New Westminster District, Plan BCP37267 (within the Dawson-Delta Park site) in favour of British Columbia Hydro and Power Authority for the purpose of installing, accessing, maintaining and servicing a low profile transformer as outlined in the attached report.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR JORDAN:

“THAT the recommendation of the City Manager be adopted.”

CARRIED UNANIMOUSLY

**8. Rezoning Reference #06-14  
Townhouse Development  
Edmonds Town Centre Plan – Sub-Area 1**

The City Manager submitted a report from the Director Planning and Building seeking Council authorization to forward this application to a Public Hearing on 2009 October 27. The purpose of the proposed rezoning bylaw amendment is to permit a four storey apartment development with underground parking.

The City Manager recommended:

1. **THAT** the predecessor Rezoning Bylaw, Amendment Bylaw No. 4/07, Bylaw #12214, be abandoned contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
2. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2009 October 5, and to a Public Hearing on 2009 October 27 at 7:30 p.m.
3. **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, including a 4% Engineering Inspection Fee, 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.
  - e) The creation of the net project site as one legal parcel.
  - f) The granting of a Section 219 Covenant restricting enclosure of balconies.
  - g) The dedication of any rights-of-way deemed requisite.
  - h) The provision of covered car wash stalls and adequately sized and appropriately located garbage handling and recycling material holding space to the approval of the Director Engineering and a commitment to implement the recycling provisions.
  - i) The retention of identified existing trees (and vegetation) on the site, their protection by registration of a Section 219 Covenant, submission of a written undertaking to ensure that all site areas identified for preservation of existing trees are effectively protected by chain link fencing during the whole course of site and construction work, and deposit of sufficient monies to ensure the protection of identified existing trees, to be refunded a year after release of occupancy permits, upon satisfactory inspection.

- j) The pursuance of Storm Water Management Best Practices in line with established guidelines.
- k) Compliance with the guidelines for underground parking for residential visitors.
- l) The utilization of an amenity bonus through the deposit of funds equal to the estimated value of the density bonus in accordance with Section 3.2 of this report.
- m) The granting of a Section 219 Covenant providing that all disabled parking to remain as common property.
- n) The review of a detailed Sediment Control System by the Director Engineering.
- o) The deposit of the applicable GVS & DD Sewerage Charge.
- p) The deposit of the applicable Parkland Acquisition Charge.
- q) The deposit of the applicable School Site Acquisition Charge.
- r) The provision of facilities for cyclists in accordance with this report.
- s) The undergrounding of existing overhead wiring adjacent to the site.
- t) Compliance with the Council-adopted sound criteria.
- u) The design and provision of units adaptable to persons with disabilities, the provision of customized hardware and cabinet work being subject to the sale/lease of the unit to a disabled person and with allocated disabled parking spaces.
- v) The submission of a Site Profile and resolution of any arising requirements.
- w) The submission of a written undertaking to distribute area plan notification forms, prepared by the City, with disclosure statements; and, to post area plan notification signs, also prepared by the City, on the development site and in the sales office in prominent and visible locations prior to Third Reading, or at the time marketing for the subject development commences, whichever is first, and remain posted for a period of one year, or until such time that all units are sold, whichever is greater.

MOVED BY COUNCILLOR CALENDINO:

SECONDED BY COUNCILLOR McDONELL:

“THAT the recommendations of the City Manager be adopted.”

CARRIED UNANIMOUSLY

**9. Rezoning Applications**

The City Manager submitted a report from the Director Planning and Building providing the current series of new rezoning applications for Council's consideration.

The City Manager recommended:

- 1. THAT these reports be received for information purposes.

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR JORDAN:

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

CARRIED UNANIMOUSLY

- Item #1** Application for the rezoning of:  
**Rez #09-15** Lot 1, D.L. 155, Group 1, NWD Plan BCP31032
- From:** CD Comprehensive Development District (based on M2 General Industrial District and M5 Light Industrial District)
- To:** Amended CD Comprehensive Development District (based on M2 General Industrial District, M5 Light Industrial District and Glenwood Industrial Estates Plan)
- Address:** 8289 North Fraser Way (Units #107 & 108)
- Purpose:** To permit the sale, servicing and outdoor storage of vehicles related to the proposed use of Units 107 and 108.

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 representatives of the Shoppers Home Health Care Automotive Division.

This item was dealt with previously in the meeting in conjunction with Item 2(A), Delegations.

- Item #2** Application for the Rezoning of:  
**Rez #09-16** Parcel "C" (Bylaw Plan 60856) D.L. 124, Group 1, NWD Plan 1543, Parcel "B: (Ref. Plan 4406) D.L. 124, Group 1, Except: Part Subdivided by Plan 42351, NWD, Lot 5, D.L. 124, Group 1, NWD Plan BCP25458, Lot A, Blk 1, Except:

Part Subdivided by Plan 42037, D.L. 73, Group 1, NWD Plan 4326

**From:** CD Comprehensive Development District (based on M1 Manufacturing District, M2 General Industrial District, M3a Heavy Industrial District)

**To:** Amended CD Comprehensive Development District (based on M2 General Industrial District, M3 and M3a Heavy Industrial District)

**Address:** 4700 Still Creek Drive, 4855 Still Creek Avenue, 2549 and 2650 Beta Avenue

**Purpose:** To permit the development of the City's Still Creek Works Yard.

The City Manager recommended:

1. THAT the Planning and Building Department be authorized to work with the applicant towards the preparation of a suitable plan of development for presentation to a Public Hearing on the understanding that a more detailed report will be submitted at a later date.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR CALENDINO:

“THAT the recommendation of the City Manager be adopted.”

CARRIED UNANIMOUSLY

**Item #3** Application for the rezoning of:

**Rez #09-18** Lot 4, D.L.'s. 70 and 119, Group 1, NWD Plan BCP25458

**From:** CD Comprehensive Development District (based on M1 Manufacturing District and M5 Light Industrial District)

**To:** Amended CD Comprehensive Development District (based on M1 Manufacturing District and M5 Light Industrial District)

**Address:** 4451 Still Creek Drive

**Purpose:** To permit the phased development of up to three car dealerships on the site.

The City Manager recommended:

1. THAT this report be received for information purposes.

MOVED BY COUNCILLOR JORDAN:

SECONDED BY COUNCILLOR JOHNSTON:

“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 CALENDINO:  
SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

**4. TABLED MATTER**

- A) Exemptions from Taxation – 2010  
*(Item 03, Manager's Report,  
Tabled 2009 September 14)*

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

**5. BYLAWS**

**FIRST, SECOND AND THIRD READING:**

MOVED BY COUNCILLOR McDONELL:  
SECONDED BY COUNCILLOR CALENDINO:

“THAT

Burnaby Unsightly Premises Bylaw 1969, Amendment Bylaw 2009	#12698
Burnaby Taxation Exemption Bylaw No. 1, 2009	#12699
Burnaby Taxation Exemption Bylaw No. 2, 2009	#12700
Burnaby Taxation Exemption Bylaw No. 3, 2009	#12701
Burnaby Taxation Exemption Bylaw No. 4, 2009	#12702
Burnaby Taxation Exemption Bylaw No. 5, 2009	#12703
Burnaby Taxation Exemption Bylaw No. 6, 2009	#12704

Burnaby Taxation Exemption Bylaw No. 7, 2009	#12705
Burnaby Taxation Exemption Bylaw No. 8, 2009	#12706
Burnaby Taxation Exemption Bylaw No. 9, 2009	#12707
Burnaby Taxation Exemption Bylaw No. 10, 2009	#12708
Burnaby Taxation Exemption Bylaw No. 11, 2009	#12709
Burnaby Taxation Exemption Bylaw No. 12, 2009	#12710
Burnaby Taxation Exemption Bylaw No. 13, 2009	#12711
Burnaby Highway Closure Bylaw No. 6, 2009	* #12712

be now introduced and read three times.”

CARRIED UNANIMOUSLY

**CONSIDERATION AND THIRD READING:**

#12287      7610 Joffre Avenue      REZ #07-10

MOVED BY COUNCILLOR McDONELL:  
SECONDED BY COUNCILLOR VOLKOW:

“THAT

Burnaby Zoning Bylaw 1965, Amendment      #12287  
Bylaw No. 28, 2007

be now read a third time.”

CARRIED UNANIMOUSLY

**RECONSIDERATION AND FINAL ADOPTION:**

MOVED BY COUNCILLOR McDONELL:  
SECONDED BY COUNCILLOR DHALIWAL:

“THAT

Local Area Service Construction Bylaw No. 6, 2009	#12691
Local Area Service Construction Bylaw No. 7, 2009	#12692
Local Area Service Construction Bylaw No. 8, 2009	#12693
Local Area Service Construction Bylaw No. 9, 2009	#12694

Local Area Service Construction Bylaw No. 10, 2009	#12695
Local Area Service Construction Bylaw No. 11, 2009	#12696
Local Area Service Construction Bylaw No. 12, 2009	#12697

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

CARRIED UNANIMOUSLY

**6. NEW BUSINESS**

There was no new business brought before Council at this time.

**7. INQUIRIES**

**Councillor McDonell**

Councillor McDonell advised Council that, as a representative of the Fraser Health Authority, he was being asked to support a motion for the introduction of user fees.

Councillor McDonell also inquired as to whether or not Council was aware that long term care facilities will be impacted by the introduction of the 12% HST.

**8. ADJOURNMENT**

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR JORDAN:

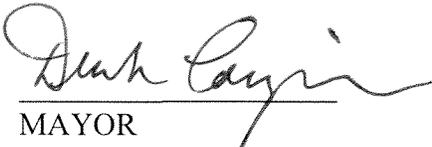
“THAT this ‘Open’ Council Meeting do now adjourn.”

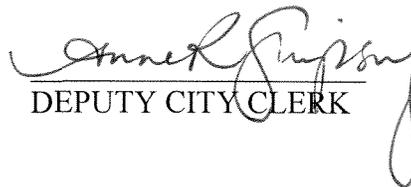
CARRIED UNANIMOUSLY

The ‘Open’ Council Meeting adjourned at 8:40 p.m.

Confirmed:

Certified Correct:

  
MAYOR

  
DEPUTY CITY CLERK