

## 2012 OCTOBER 22

An 'Open' meeting of the City Council was held in the Council Committee Room, City Hall, 4949 Canada Way, Burnaby, B.C. on Monday, 2012 October 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 7:06 p.m. in the Council Chamber.

PRESENT: His Worship, Mayor D. Corrigan, In the Chair  
Councillor P. Calendino  
Councillor R. Chang  
Councillor S. Dhaliwal  
Councillor D. Johnston  
Councillor A. Kang  
Councillor P. McDonell  
Councillor N. Volkow

ABSENT: Councillor C. Jordan

STAFF: Mr. R. Moncur, City Manager  
Mr. C. Turpin, Deputy City Manager  
Mr. B. Davis, Acting Director Engineering  
Mrs. D. Jorgenson, Director Finance  
Mr. D. Ellenwood, Director Parks, Recreation & Cultural Services  
Mr. L. Pelletier, Director Planning & Building  
Mr. B. Rose, City Solicitor  
Mrs. M. Manuel, Acting City Clerk  
Ms. E. Prior, Administrative Officer

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR KANG:

“THAT the 'Open' Council meeting do now reconvene.”

CARRIED UNANIMOUSLY

The 'Open' Council meeting reconvened in the Council Chamber at 7:06 p.m.

### **1. MINUTES**

MOVED BY COUNCILLOR McDONELL:

SECONDED BY COUNCILLOR JOHNSTON:

“THAT the minutes of the 'Open' Council meeting held on 2012 October 15 be now adopted.”

CARRIED UNANIMOUSLY

**2. DELEGATION**

The following wrote requesting an audience with Council:

- A) Eminata Group  
Re: Joe's Table, Unit 101 – 5021 Kingsway  
Speaker: Drew Lawrenson, VP, General Counsel

MOVED BY COUNCILLOR McDONELL:  
SECONDED BY COUNCILLOR JOHNSTON:

“THAT the delegation be heard.”

CARRIED UNANIMOUSLY

- A) **Mr. Drew Lawrenson**, Vice President, General Counsel, Eminata Group, appeared before Council to announce the launch in December of “Joe's Table”, a coffee house for the community where all citizens can enjoy a relaxing and restful environment including a light meal. Mr. Lawrenson advised that this social enterprise will provide meaningful employment opportunities for people with different levels of abilities and contribute to their economic and social independence. The delegation concluded by advising this initiative will also encourage and challenge other organizations to hire more people with different abilities.

**3. REPORTS**

MOVED BY COUNCILLOR McDONELL:  
SECONDED BY COUNCILLOR CALENDINO:

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

CARRIED UNANIMOUSLY

- 1A) Executive Committee of Council**  
**Re: Grant Application**

The Executive Committee of Council submitted the following grant request for Council's consideration:

**#12/57 – United Way Fall Campaign Banners**  
*Installation at Metrotown Town Centre*

The Executive Committee of Council recommended:

1. THAT a grant up to the amount of \$15,000 be awarded to the United Way Fall Campaign to cover costs of the City installation of the United Way banners on Kingsway.

MOVED BY COUNCILLOR CALENDINO:  
SECONDED BY COUNCILLOR McDONELL:

“THAT the recommendation of the Executive Committee of Council be adopted.”

CARRIED UNANIMOUSLY

- A) The City Manager presented a report dated 2012 October 22 on the matters listed following as Items 01 to 12 either providing the information shown or recommending the courses of action indicated for the reasons given:

**1. Evergreen Line Burnaby Municipal Agreement**

The City Manager submitted a report from the Director Planning and Building presenting a proposal for the Evergreen Line Rapid Transit Project Burnaby Municipal Agreement. The proposals relate to: North Road public realm, changes to Lougheed Town Centre Station, construction issues, provision for a future Cameron Station, and other matters.

The City Manager recommended:

1. THAT Council endorse terms and provide the necessary authorizations for an *Evergreen Line Rapid Transit Project Burnaby Municipal Agreement*, as outlined in this report, subject to the cost-sharing partnership identified in Recommendation #2.
2. THAT this *Agreement* be subject to the Province exercising the option to modify the Evergreen Line guideway so as to preserve the ability to construct Cameron Station in future, on a 50/50 cost-shared basis between the City and the Province to a maximum City expenditure of \$3 million (inclusive of 12% HST) from Gaming Reserve Funds.
3. THAT Council, in the context of the *Agreement*, authorize an expenditure of \$500,000 (inclusive of 12% HST) from Gaming Reserve Funds as part of a cost-shared arrangement for enhancement of the centre median on North Road beneath the guideway, contingent upon a matching commitment from the City of Coquitlam, as outlined in this report.
4. THAT Council, in the context of the *Agreement*, authorize the acquisition of 2889 North Road [Legal Description: *the east 161 feet of Parcel "7" (Explanatory Plan 12734) of Parcel "A" of the south half of District Lot 8 Group 1 except: Parcel "C" (Reference Plan 34084) New Westminster*

*District]* including the necessary land transactions, plan registrations, document preparation, and other approvals necessary for the acquisition, as outlined in this report.

5. THAT Council forward copies of this report to the:
  - a) City's Transportation Committee;
  - b) Executive Project Director – Evergreen Line Rapid Transit Project; and
  - c) City of Coquitlam.

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR McDONELL:

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

CARRIED UNANIMOUSLY

**2. Rezoning Reference #12-25  
Licensed Childcare Facility  
(61 Children and 12 Staff Members)**

The City Manager submitted a report from the Director Planning and Building seeking Council authorization to forward the subject application to a Public Hearing on 2012 November 27. The purpose of the proposed zoning bylaw amendment is to permit a licensed child care facility with up to 61 children and 12 staff.

The City Manager recommended:

1. THAT the introduction of a Highway Closure Bylaw for the closure, land exchange and consolidation of a redundant portion of the Bainbridge Avenue road right-of-way with the property at 2830 Bainbridge Avenue be authorized, as shown on the *attached* Sketch #1, and according to the terms outlined in Section 3.2 of this report, contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
2. THAT the Acting Director Engineering be authorized to prepare the requisite road closure and subdivision survey plans.
3. THAT a predecessor Rezoning Bylaw, Amendment Bylaw No. 13013, Bylaw # 40/11, be abandoned contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
4. THAT a Rezoning Bylaw be prepared and advanced to First Reading on 2012 November 05, and to a Public Hearing on 2012 November 27 at 7:00 p.m.
5. THAT the following be established as prerequisites to the completion of the rezoning:

- a) The submission of a suitable plan of development.
- b) Certification from a qualified building code consultant that the subject commercial building may be suitably converted for a child care facility with up to 61 children and 12 staff.
- c) 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*.
- d) The granting of any necessary statutory rights-of-way, easements and/or covenants.
- e) The dedication of any rights-of-way deemed requisite.
- f) Completion of the Highway Exchange/Road Closing Bylaw
- g) The completion of the necessary subdivision survey plan.

MOVED BY COUNCILLOR McDONELL:

SECONDED BY COUNCILLOR CALENDINO:

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

CARRIED UNANIMOUSLY

**3. Rezoning Reference #07-45  
Stacked Townhouse Development with Underground Parking  
Apartment Study Area 'B'**

The City Manager submitted a report from the Director Planning and Building seeking Council authorization to forward the subject application to a Public Hearing on 2012 November 27 at 7:00 p.m. The purpose of the proposed zoning bylaw amendment is to permit the construction of a 22-unit stacked townhouse development with underground parking.

The City Manager recommended:

- 1. THAT a Rezoning Bylaw be prepared and advanced to First Reading on 2012 November 05 and to a Public Hearing on 2012 November 27 at 7:00 p.m.
- 2. THAT the predecessor Rezoning Bylaw, Amendment Bylaw No. 15/08, Bylaw 12439, be abandoned contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
- 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 removal of all existing improvements from the site prior to Final Adoption of the Bylaw, but not prior to Third Reading of the Bylaw.

Demolition of any improvements will be permitted after Second Reading of the Rezoning Bylaw has been granted, provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Third Reading and/or Final Adoption of the Rezoning Bylaw. In addition, the demolition of any improvements will be permitted at any time if they are vacant and considered by staff to be subject to misuse and vandalism.

- e) The dedication of any rights-of-way deemed requisite.
- f) The consolidation of the net project site into one legal parcel.
- g) The granting of any necessary statutory rights-of-way, easements and/or covenants.
- h) The granting of a Section 219 Covenant restricting enclosure of balconies and ensuring all disabled parking spaces remain as common property.
- i) The pursuance of Storm Water Management Best Practices in line with established guidelines.
- j) The review of a detailed Sediment Control System by the Acting Director Engineering.
- k) The provision of a covered car wash stall and an adequately sized and appropriately located garbage handling and recycling material holding space to the approval of the Acting Director Engineering and a commitment to implement the recycling provisions.
- l) Compliance with the guidelines for surface and underground parking for residential visitors.
- m) Compliance with Council-adopted sound criteria.
- n) The undergrounding of existing overhead wiring abutting the site.

- o) The deposit of the applicable Parkland Acquisition Charge.
- p) The deposit of the applicable GVS & DD Sewerage Charge.
- q) The deposit of the applicable School Site Acquisition Charge.
- r) 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 KANG:

SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

**4. Rezoning Reference #11-52  
Townhouse Development with Underground Parking  
Metrotown Town Centre, Sub-Area 11**

The City Manager submitted a report from the Director Planning and Building seeking Council authorization to forward the subject application to a Public Hearing on 2012 November 27. The purpose of the zoning bylaw amendment is to permit the construction of a three storey stacked townhouse development (10 units) with full underground parking.

The City Manager recommended:

- 1. THAT a Rezoning Bylaw be prepared and advanced to First Reading on 2012 November 05 and to a Public Hearing on 2012 November 27 at 7:00 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, 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 removal of all existing improvements from the site prior to Final Adoption but not prior to Third Reading of the Bylaw. Demolition will be permitted after Second Reading of the Rezoning Bylaw has been granted provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Third Reading and/or Final Adoption of the Rezoning Bylaw. In addition, the demolition of any improvements will be permitted at any time if they are vacant and considered by staff to be subject to misuse or vandalism.
- e) The review of a detailed Sediment Control System by the Director Engineering.
- f) The pursuance of Stormwater Management Best Practices in line with established guidelines.
- g) The granting of any necessary statutory rights-of-way, easements and/or covenants including:
  - A Section 219 Covenant restricting the enclosure of balconies; and
  - A 2.4 metre statutory right of way on the western edge of the property for an urban trail on Patterson Avenue.
- h) The provision of a covered car wash stall and an 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 deposit of the applicable Parkland Acquisition Charge.
- j) The deposit of the applicable GVS & DD Sewerage Charge.
- k) The deposit of the applicable School Site Acquisition Charge.
- l) The provision of facilities for cyclists in accordance with Section 4.5 of the rezoning report.
- m) 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 VOLKOW:

SECONDED BY COUNCILLOR KANG:

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

CARRIED UNANIMOUSLY

**5. Rezoning Reference #12-17**  
**Portion of 2801 Ellerslie Avenue**

The City Manager submitted a report from the Director Planning and Building seeking Council authorization to forward the subject application to a Public Hearing on 2012 November 27 at 7:00 p.m. The purpose of the proposed zoning bylaw amendment is to permit a two-lot R2 Residential District single-family subdivision.

The City Manager recommended:

1. THAT a Rezoning Bylaw be prepared and advanced to First Reading on 2012 November 05, and to a Public Hearing on 2012 November 27 at 7:00 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 completion of the necessary subdivision to create 2 lots.
  - c) 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.
  - d) The granting of any necessary statutory rights-of-way, easements and/or covenants deemed requisite.
  - e) The retention of the existing watercourse in an open condition over the subject site in its existing alignment, to the approval of the Acting Director Engineering.
  - f) The owner enter into a covenant restricting vehicular access to Mawhinney Close.

- g) The deposit of the applicable Parkland Acquisition Charge.
- h) The deposit of the applicable GVS & DD Sewerage Charge.
- i) The deposit of the applicable School Site Acquisition Charge.

MOVED BY COUNCILLOR VOLKOW:  
SECONDED BY COUNCILLOR CALENDINO:

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

CARRIED UNANIMOUSLY

**6. Liquor Licence Application #12-06  
Grand Buffet Restaurant  
6401 Kingsway**

The City Manager submitted a report from the Director Planning and Building providing Council with recommendations regarding the subject food primary liquor licence. Staff noted that the liquor licence application by the current owner is similar to the previous one held by the previous licensee. Staff also noted there is no history of noise complaints associated with the subject property with the RCMP.

The City Manager recommended:

1. THAT Council support the requested amendment to the subject food primary liquor licence at the subject facility, as described in Section 3.0 of this report, subject to the restaurant doors and windows being kept closed during the entertainment, and the patron participation entertainment ceasing no later than 9:30 p.m., as proposed by the applicant.
2. THAT a copy of this report be forwarded to the General Manager, Liquor Control and Licensing Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8; and to the applicant, Yoshitaka Takeuchi, 6170 Oak Street, Vancouver, BC V6M 2W2.

MOVED BY COUNCILLOR CALENDINO:  
SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

**7. Playground Development Grant Request for Suncrest Elementary School**

The City Manager submitted a report from the Director Parks, Recreation and Cultural Services seeking Council authorization to enter into an agreement with the Burnaby School District for the contribution to the cost of the playground upgrades including swings at Suncrest Elementary 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 McDONELL:  
SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

**8. Unightly Premises at 4090 Nithsdale Street**

The City Manager submitted a report from the Director Finance seeking Council authorization for City staff or agents to enter the property at 4090 Nithsdale Street to remove and dispose of the unsightly material including overgrown vegetation, numerous garbage bags, a boat and other discarded household items on the property in accordance with the Burnaby Unightly Premises Bylaw.

The City Manager recommended:

1. THAT Council authorize City staff or agents to enter the property at 4090 Nithsdale Street to remove and dispose of the unsightly material on the property in accordance with the Burnaby Unightly Premises Bylaw.

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR McDONELL:

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

CARRIED UNANIMOUSLY

**9. Major Roads Network Winter Maintenance Contract**

The City Manager submitted a report from the Director Finance seeking Council approval for a one year renewal of the City’s Major Roads Network winter maintenance contract. City staff have negotiated a zero increase in rates for the

coming winter season and are satisfied that the contractor has the experience and resources to complete the work under this contract.

The City Manager recommended:

1. THAT a one year renewal contract be awarded to Mainroad Howe Sound Contracting Ltd. to provide winter maintenance of the City's Major Roads Network and for the supply of deicing salt brine from 2012 November 15 to 2013 March 15, for an estimated annual cost of \$389,827.20 including H.S.T., as further outlined in this report.

MOVED BY COUNCILLOR McDONELL:

SECONDED BY COUNCILLOR KANG:

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

CARRIED UNANIMOUSLY

#### **10. Fire Department 3<sup>rd</sup> Quarter 2012 Report**

The City Manager submitted a report from the Fire Chief providing Council with information relating to the Fire Department's activities during the 3<sup>rd</sup> Quarter of 2012.

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

#### **11. Hired Equipment Expenditure Approval**

The City Manager submitted a report from the Director Engineering seeking Council approval to increase the purchase order amount for Donerite Backhoe Services Ltd. The actual expenditure to the end of 2012 September is approximately \$235,000. It is projected that the total expenditure to the end of 2012 would be in the order of \$275,000. The equipment rates offered by Donerite are competitive and their specialized equipment and experienced operators provide cost effective support to City construction and maintenance crews.

The City Manager recommended:

1. THAT Council approve the expenditure limit for Donerite Backhoe Services Ltd. to a maximum of \$275,000 for the 2011/2012 period as outlined in this report.

MOVED BY COUNCILLOR KANG:

SECONDED BY COUNCILLOR JOHNSTON:

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

CARRIED UNANIMOUSLY

**12. House Demolition at 6565 12<sup>th</sup> Ave  
Lot A, District Lot 171, Group 1, NWD, Plan 8798**

The City Manager submitted a report from the Director Engineering seeking Council approval to remove and / or demolish the City owned building at 6565 12<sup>th</sup> Avenue. A financial analysis has determined that it is not economical to upgrade the house for rental purposes and the Finance Department concurs that the condition of the building warrants its demolition. Staff have also assessed the dwelling and concluded that there is no heritage value associated with the building.

The City Manager recommended:

1. THAT Council authorize the demolition and/or sale for moving or salvage of the structures including all outbuildings at 6565 12<sup>th</sup> Avenue.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR KANG:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR KANG:

“THAT the Committee now rise and report.”

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY COUNCILLOR McDONELL:  
SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

**4. BYLAWS**

**CONSIDERATION AND THIRD READING:**

|        |   |            |
|--------|---|------------|
| #12961 | 7399 North Fraser Way, 7400 Hugh Drive<br>and Portion of Hugh Drive Road Allowance adjacent<br>to 7400 Hugh Drive | REZ #10-13 |
|--------|---|------------|

MOVED BY COUNCILLOR CALENDINO:  
SECONDED BY COUNCILLOR JOHNSTON:

“THAT

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|--|--------|
| Burnaby Zoning Bylaw 1965, Amendment<br>Bylaw No. 19, 2012 | #12961 |
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be now considered and read a third time.”

CARRIED UNANIMOUSLY

**RECONSIDERATION AND FINAL ADOPTION:**

|        |                               |            |
|--------|-------------------------------|------------|
| #12981 | 4806 and 4856 Hastings Street | REZ #10-27 |
| #13010 | 6668 Dufferin Avenue          | REZ #11-18 |

MOVED BY COUNCILLOR CALENDINO:  
SECONDED BY COUNCILLOR JOHNSTON:

“THAT

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| Burnaby Zoning Bylaw 1965, Amendment<br>Bylaw No. 27, 2011 | #12981 |
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| Burnaby Zoning Bylaw 1965, Amendment<br>Bylaw No. 38, 2011 | #13010 |
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| Burnaby Capital Works, Machinery and Equipment<br>Reserve Fund Expenditure Bylaw No. 24, 2012 | #13144 |
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|--|--------|
| Burnaby Local Improvement Fund Expenditure | #13145 |
|--|--------|

Bylaw No. 6, 2012

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

CARRIED UNANIMOUSLY

**5. NEW BUSINESS**

**Councillor Johnston**

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR VOLKOW:

“THAT the start time for the Community Development Committee meeting to be held Tuesday, 2012 October 23, in the Council Committee Room be changed from 6:00 p.m. to 6:30 p.m.”

CARRIED UNANIMOUSLY

**Mayor Derek Corrigan**

His Worship, Mayor Corrigan advised that he appeared before the Federal Electoral Boundaries Commission on 2012 October 18 expressing Council’s objection to proposed boundary changes to Burnaby’s federal electoral districts.

Mayor Corrigan advised that, in his presentation, he emphasized the importance of maintaining existing federal electoral districts which are contained solely within Burnaby’s borders. Mayor Corrigan also noted that the Hearing he attended was the largest in any community thus far and that many citizens and organizations at the public hearing expressed similar concerns and supported maintaining Burnaby’s existing federal electoral boundaries.

**6. INQUIRIES**

There were no inquiries brought before Council at this time.

**7. ADJOURNMENT**

MOVED BY COUNCILLOR VOLKOW:  
SECONDED BY COUNCILLOR JOHNSTON:

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

CARRIED UNANIMOUSLY

The 'Open' Council Meeting adjourned at 7:55 p.m.

Confirmed:

Certified Correct:

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MAYOR

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DEPUTY CITY CLERK