

2012 APRIL 23

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 April 23 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. R.H. Moncur, City Manager
Mr. C.A. Turpin, Deputy City Manager
Mr. R. Earle, Deputy City Manager
Mr. L. Chu, Director Engineering
Mrs. D. Jorgenson, Director Finance
Mr. D. Ellenwood, Director Parks, Recreation & Cultural Services
Mr. B. Luksun, Director Planning & Building
Mr. B. Rose, City Solicitor
Mr. S. Cleave, Acting Deputy City Clerk
Ms. B. Zeinabova, Administrative Officer I

MOVED BY COUNCILLOR McDONELL:
SECONDED BY COUNCILLOR JORDAN:

"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

Councillor Chang, on behalf of His Worship, Mayor Derek R. Corrigan proclaimed the month of 2012 May as "*Asian Heritage Month*" in the City of Burnaby.

Councillor Jordan, on behalf of His Worship, Mayor Derek R. Corrigan proclaimed Saturday, 2012 April 28 as "*Annual Day of Mourning for Workers Killed and Injured on the Job*" in the City of Burnaby.

Councillor Johnston, on behalf of His Worship, Mayor Derek R. Corrigan proclaimed 2012 April 23rd as "*BC Children's Hospital Jeans Day*" in the City of Burnaby.

Councillor McDonell, on behalf of His Worship, Mayor Derek R. Corrigan proclaimed the week of 2012 May 6th – 12th as “***Elizabeth Fry Week***” in the City of Burnaby.

Councillor Volkow, on behalf of His Worship, Mayor Derek R. Corrigan proclaimed the month of 2012 May as “***MS Awareness Month***” in the City of Burnaby.

Councillor Calendino, on behalf of His Worship, Mayor Derek R. Corrigan proclaimed the week of 2012 May 7th – 13th as “***Mental Health Week***” in the City of Burnaby.

1. MINUTES

MOVED BY COUNCILLOR McDONELL:

SECONDED BY COUNCILLOR CALENDINO:

“THAT the minutes of the ‘Open’ Council meeting held on 2012 April 16 be now adopted.”

CARRIED UNANIMOUSLY

2. DELEGATION

The following wrote requesting an audience with Council:

A) The SDC Blue Ribbon Foundation

Re: The Community and the Foundation

**Speakers: David J. Wang – Founder, Chairman and President
Jerry Zhang – Co-founder and Treasurer
Serena Li – Director of Community Resources**

MOVED BY COUNCILLOR McDONELL:

SECONDED BY COUNCILLOR JORDAN:

“THAT the delegation be heard.”

CARRIED UNANIMOUSLY

- A) Mr. David J. Wang**, Founder, Chairman and President, **Mr. Jerry Zhang**, Co-Founder and Treasurer, and **Ms. Serena Li**, Director of Community Resources, SDC (Support Diversity in Children) Blue Foundation appeared before Council to introduce their organization to the City of Burnaby. It is a registered non-profit society comprised of teenagers in high school. Their goal is to improve the lives of children with physical, mental or intellectual disabilities by creating programs and opportunities for them.

Councillor Calendino retired from the ‘Open’ Council meeting at 7:20 p.m.

Councillor Calendino returned to the ‘Open’ Council meeting at 7:22 p.m. and took his place at the Council table.

The SDC Blue Ribbon Foundation has established a program in Richmond called "After School Connection". The program utilizes music to help foster spontaneity, creativity self-awareness and self-confidence in children. The delegation noted they would like to establish a similar program in Burnaby.

The speakers concluded by presenting t-shirts to members of Council and expressing appreciation for the opportunity to raise awareness of their Foundation.

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) Acting City Clerk

Re: Certificate of Sufficiency

The Acting City Clerk submitted a report providing Council with the Certificate of Sufficiency covering Phase 2 of the 2012 Local Area Service Roads and Lighting Program.

The Acting City Clerk recommended:

1. THAT Council receive the City Clerk's Certificate of Sufficiency covering Phase 2 of the 2012 Local Area Service Roads and Lighting Program.
2. THAT on receipt of the successful petition, the City Solicitor prepare a Local Area Service Construction Bylaw for the successful project.
3. THAT on receipt of the successful petition, the City Solicitor prepare a Local Area Service Fund Expenditure Bylaw for the successful project.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR JORDAN:

"THAT the recommendations of the Acting City Clerk be adopted."

CARRIED UNANIMOUSLY

B) Finance and Civic Development Committee

Re: Edmonds Pool and Community Centre

The Finance and Civic Development Committee submitted a report providing Council with a status update on the construction progress for the Edmonds Pool and Community Centre Project. To date, approximately 51% of the contract value has been completed.

The contractor's current construction schedule indicates substantial completion of the contract by 2012 December.

The Finance and Civic Development Committee recommended:

1. THAT this report be received for information purposes.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR JORDAN:

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

CARRIED UNANIMOUSLY

Bi) Executive Committee of Council

**Re: UBCM Member Release: Comprehensive
Economic and Trade Agreement (CETA)**

The Executive Committee of Council submitted a report providing a UBCM Resolution regarding municipal procurement of water services and the Comprehensive Economic and Trade Agreement (CETA). The resolution reflects the general assertion that the Federal Government should ensure trade agreements do not restrict or prohibit the ability of local governments to determine those services that, in a balanced consideration of the public interest, require explicit protection. It also draws attention to Council's position of public ownership for the operation of key community services, especially those related to public health such as drinking water and wastewater which are essential to the citizens of Burnaby and all Canadians.

The Executive Committee of Council recommended:

1. THAT Council adopt the resolution Regulation of Public Water Services and forward to the 2012 UBCM Convention.

MOVED BY COUNCILLOR CALENDINO:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT the recommendation of the Executive Committee of Council be adopted."

MOVED BY COUNCILLOR CALENDINO:

SECONDED BY COUNCILLOR McDONELL:

"THAT the recommendation of the Executive Committee of Council be **AMENDED** to read as follows:

1. THAT Council adopt the resolution Regulation of Public Water Services and forward to the 2012 UBCM Convention.

2. THAT a copy of the report be sent to Barry O'Neil, President, CUPE BC, Paul and Anna Bjarnson and Chris Brown."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CALENDINO:

SECONDED BY COUNCILLOR McDONELL:

"THAT the recommendations of the Executive Committee of Council be **AMENDED** to read as follows:

1. THAT Council adopt the resolution Regulation of Public Water Services and forward to the 2012 UBCM Convention and the 2012 September FCM Board of Directors meeting.
2. THAT a copy of the report be sent to Barry O'Neil, President, CUPE BC, Paul and Anna Bjarnson and Chris Brown."

CARRIED UNANIMOUSLY

A vote was then taken on the motion as moved by Councillor Calendino and seconded by Councillor Johnston being, 'THAT the recommendations of the Executive Committee of Council be adopted,' **AS AMENDED** and same was CARRIED UNANIMOUSLY.

- C) The City Manager presented a report dated 2012 April 23 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. Local Government Awareness Week 2012

The City Manager submitted a report from the Director Planning and Building proposing Burnaby's participation in Local Government Awareness Week 2012. This year, LGAW coincides with National Public Works Weeks (NPWW), with both taking place from 2012 May 20 – 26. The Public Works Association of BC, which has hosted National Public Works Week since 1960, focuses on educating and informing the public about the essential role that public works play in the quality of community life.

This year, LGAW and NPWW have a shared theme of 'Public Works: Creating a Lasting Impression'. This theme focuses on building a greater public awareness of the 'core' civil infrastructure and services that local governments provide and maintain for their citizens. Proposed activities to recognize LGAW 2012 in Burnaby include City proclamation, website feature, outreach workshop and library display.

The City Manager recommended:

1. THAT Council approve the City's involvement in Local Government Awareness Week 2012, as outlined in section 2.2 of this report.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR CHANG:

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

CARRIED UNANIMOUSLY

**2. Rezoning Reference #11-36
Master CD Rezoning for 8 Development Sites and
Neighbourhood Park in UniverCity Phase 4;
UniverCity at SFU**

The City Manager submitted a report from the Director Planning and Building seeking Council authorization to forward this application to a Public Hearing on 2012 May 29. The purpose of this proposed zoning bylaw amendment is to establish the master CD zoning for Phase 4 of UniverCity, and specifically to:

- Accommodate the creation and servicing of the next phase of UniverCity development sites, and to establish development statistics (based on P11e guidelines with full underground parking) for Parcels 30, 31, 32, 33, 34, 35, 36, and 37; and,
- provide for the development and maintenance by the SFU Community Trust of a neighbourhood park on Parcel 38.

The City Manager recommended:

1. THAT a Rezoning Bylaw be prepared and advanced to First Reading on 2012 May 07 and to a Public Hearing on 2012 May 29 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 granting of any necessary statutory rights-of-way, easements, and covenants, including, but not necessarily limited to those listed in Sections 3.8 and 3.9 of this report.
- e) The dedication of any rights-of-way deemed requisite.
- f) The completion of the subdivision creating the subject development sites.
- g) The provision of sufficient car co-op spaces to serve the neighbourhood.
- h) The submission of an undertaking to ensure that area plan notification forms, prepared by the City, are distributed with disclosure statements for each development; and to ensure that area plan notification signs, also prepared by the City, are posted on each development site and in the sales offices in prominent and visible locations prior to application for Preliminary Plan Approval, or at the time marketing for each 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 McDONELL:

SECONDED BY COUNCILLOR JOHNSTON:

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

CARRIED UNANIMOUSLY

3. Rezoning Reference #11-34

The City Manager submitted a report from the Director Planning and Building seeking Council authorization to forward this application to a Public hearing on 2012 May 29. The purpose of the proposed zoning bylaw amendment is to permit the construction of a 34-unit townhouse development with underground parking.

The City Manager recommended:

- 1. THAT a Rezoning Bylaw be prepared and advanced to First Reading on 2012 May 07, and to a Public Hearing on 2012 May 29 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 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 consolidation of the net project site into one legal parcel.
- f) The granting of any necessary statutory rights-of-way, easements and/or covenants.
- g) The granting of a 219 Covenant:
 - restricting enclosure of balconies.
 - indicating that project driveway accesses will not be restricted by gates.
 - assuring that any individually secured parking spaces and/or tandem spaces allocated to a specific residential unit cannot be utilized for any other purpose (i.e. storage).
 - providing that all disabled parking to remain as common property.
- h) The provision of a covered car wash stall and an adequately sized and appropriately located garbage handling and recycling material holding space and a commitment to implement the recycling provisions.
- i) Compliance with the guidelines for underground parking for visitors.
- j) The provision of facilities for cyclists in accordance with Section 4.7 of the rezoning report.
- k) The review of a detailed Sediment Control System by the Director Engineering.

- l) The pursuance of Storm Water Management Best Practices in line with established guidelines.
- m) The deposit of the applicable Parkland Acquisition Charge.
- n) The deposit of the applicable GVS & DD Sewerage Charge.
- o) The deposit of the applicable School Site Acquisition Charge.
- p) 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 CALENDINO:

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

CARRIED UNANIMOUSLY

4. Notification for Public Hearings

The City Manager submitted a report from the Acting City Clerk seeking Council approval of proposed changes to notification provided for Public Hearings, which would replace full reports with a one page double sided summary for the mailouts. This would continue to meet the notification requirements outlined in the *Local Government Act* and would also meet the City of Burnaby's sustainability initiatives, saving both financial and staff resources.

The City Manager recommended:

1. THAT Council authorize a change to the format of the Public Hearing notification, as outlined in this report.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

Arising from discussion, Council inquired regarding recent action taken by the City of Surrey to ask the province for the use of electronic mail when providing legal notices.

Council requested staff provide a memorandum to Council with additional information on this matter.

5. Habitat Restoration Projects

The City Manager submitted a report from the Director Parks, Recreation and Cultural Services requesting Council forward a copy of this report to the Environment Committee for information. The Stoney Creek Environment Committee and the Eagle Creek Streamkeepers have proposed three habitat improvement projects along Stoney Creek and Eagle Creek for 2012. They are currently applying for funds to support these projects and the work would proceed once the funding is secured. No City funds have been requested or will be required for the projects. The works are both in-stream Stoney Creek and Eagle Creek and on ground in Cottonwood Park. These projects will utilize recognized technologies and have a high predictability of success.

The City Manager recommended:

1. THAT a copy of this report be forwarded to the Environment Committee for information.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR JORDAN:

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

CARRIED UNANIMOUSLY

6. Playground Development Grant Request for Nelson Elementary School

The City Manager submitted a report from the Director Parks, Recreation and Cultural Services seeking Council 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 Nelson Elementary School including the purchase of benches and commemorative tree for the school's 100th anniversary.

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 CALENDINO:

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

CARRIED UNANIMOUSLY

7. 2012/2013 Facility Use Program and Services Fee Schedule

The City Manager submitted a report from the Director Parks, Recreation and Cultural Services seeking Council approval for the 2012/2013 Facility Use Fee Schedule and to bring forward the fees bylaws. The vast majority of fees are recommended to increase by 2.5% to keep up with the cost of providing services. The recommended adjustments will assist in providing convenient, quality services at fair and competitive pricing.

The City Manager recommended:

1. THAT approval be given for the 2012/2013 Facility Use Fee Schedule (Attachment “A”) as outlined in the attached report and circulated under separate cover.
2. THAT the Burnaby Recreation Fees and Admissions Bylaw 2012, the Burnaby Shadbolt Centre and Burnaby Art Gallery Rental Fee Bylaw 2012, and the Burnaby Village Museum Fees Bylaw 2012 be brought down as detailed in Attachment “A”, circulated under separate cover.

MOVED BY COUNCILLOR McDONELL:

SECONDED BY COUNCILLOR CALENDINO:

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

CARRIED UNANIMOUSLY

8. Edmonds City Fair & Classic Car Show Road Closure Request

The City Manager submitted a report from the Director Engineering seeking Council approval for a temporary road closure to facilitate a community event. In 2011, the Edmonds City Fair changed its location and date due to the redevelopment of the Eastburn Community Centre and Richmond Park. This year the event is proposed to be held on Sunday, July 22, from 11:00 am to 3:00 pm. The event would require the closure of Edmonds between Canada Way and Kingsway, Humphries from Vista to 19th Ave and New Vista Place from 8:00 am to 4:00 pm.

The City Manager recommended:

1. THAT Council approve the road closure as discussed in this report.
2. THAT Paul McDonell, Chair, Edmonds City Fair, 209 – 6707 Southpoint Dr., Burnaby, BC V3N 4V8 be sent a copy of this report.

MOVED BY COUNCILLOR CALENDINO:

SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

9. Funding Bylaw – Edmonds Street Project

The City Manager submitted a report from the Director Engineering seeking Council approval for the Edmonds Street road improvement project. The proposed road improvement project for Edmonds Street between Kingsway and Canada Way is included in the current 5-year Capital Plan. The project will provide safer traffic operation and improve crossing for pedestrians, including replacement of the existing pavement surface. The project is being constructed in two phases. The first phase included water and sewer works which were completed in late 2011. The second phase, scheduled for 2012, will include the final drainage and road improvements.

The City Manager recommended:

1. THAT a Capital Expenditure Bylaw in the amount of \$2,700,000 (exclusive of 12% HST) be brought forward to finance the capital project as described in this report.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR JOHNSTON:

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

CARRIED UNANIMOUSLY

10. Funding Bylaw – 2012 LASP Street Lighting

The City Manager submitted a report from the Director Engineering seeking Council approval to fund the Local Area Services Program (LASP) Street Lighting Project. The project is cost-shared with adjacent property owners based on the length of their property frontage. In order to proceed with the 2012 LASP Street Lighting Project, the City must interim finance this expenditure. Upon completion, property owners have the option to repay the City their share of the cost in a lump sum amount or over a term of 10 years.

The City Manager recommended:

1. THAT a Capital Expenditure Bylaw in the amount of \$100,000 (exclusive of 12% HST) be brought forward to finance the capital project as described in this report.

MOVED BY COUNCILLOR CALENDINO:

SECONDED BY COUNCILLOR CHANG:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CALENDINO:

SECONDED BY COUNCILLOR JOHNSTON:

“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

5. BYLAWS

FIRST, SECOND AND THIRD READING:

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR CALENDINO:

“THAT

Burnaby Audit Committee Bylaw 2012

#13084

be now introduced and read three times.”

CARRIED UNANIMOUSLY

CONSIDERATION AND THIRD READING:

#13008

6634 & 6638 Dow Avenue

REZ #11-24

MOVED BY COUNCILLOR VOLKOW:
SECONDED BY COUNCILLOR CALENDINO:

“THAT

Burnaby Zoning Bylaw 1965, Amendment
Bylaw No. 36, 2011

#13008

be now read a third time.”

CARRIED UNANIMOUSLY

RECONSIDERATION AND FINAL ADOPTION:

MOVED BY COUNCILLOR VOLKOW:
SECONDED BY COUNCILLOR JOHNSTON:

“THAT

Burnaby Capital Works, Machinery and Equipment
Reserve Fund Bylaw No. 8, 2012

#13083

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

CARRIED UNANIMOUSLY

6. NEW BUSINESS

Councillor Calendino retired from the 'Open' Council meeting at 8:05 p.m.

Councillor Johnston

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR JORDAN:

“THAT the Audit Committee of Council meeting scheduled to be held on Wednesday, 2012 April 25 at 5:30 p.m. in the Council Committee Room be cancelled and **RESCHEDULED** to Tuesday, 2012 May 08 at 4:00 p.m. in the Council Committee Room.”

CARRIED UNANIMOUSLY

Councillor Dhaliwal

Councillor Dhaliwal made reference to Item A) of the Council Correspondence package received to 2012 April 20 from the UBCM regarding the proposed new Limitation Act.

Councillor Calendino returned to the 'Open' Council meeting at 8:07 p.m. and took his place at the Council table.

Council requested the forthcoming staff report regarding this matter address the issue of joint and several liability.

Councillor Dhaliwal made reference to Item D) of the Council Correspondence package received to 2012 April 20 regarding the proposed Kinder Morgan pipeline expansion.

Council requested the forthcoming staff report regarding this matter address the timeline and process for public consultation.

Councillor Calendino

Councillor Calendino expressed concern regarding potential expansion of the tank farm on Burnaby Mountain and queried regarding the City's statutory authority to intervene in this matter.

His Worship, Mayor Derek R. Corrigan noted staff can outline the City's legal position regarding this matter at a future closed Council meeting.

7. INQUIRIES

There were no inquiries brought before Council at this time.

8. ADJOURNMENT

MOVED BY COUNCILLOR JORDAN:

SECONDED BY COUNCILLOR CALENDINO:

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

CARRIED UNANIMOUSLY

The 'Open' Council Meeting adjourned at 8:20 p.m.

Confirmed:

Certified Correct:

MAYOR

A/DEPUTY CITY CLERK