



CITY OF VANCOUVER

CITY OF VANCOUVER
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 25, 2008

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, November 25, 2008, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall.

PRESENT: Mayor Sam Sullivan
Councillor Suzanne Anton
Councillor Elizabeth Ball
Councillor David Cadman
Councillor Kim Capri
Councillor George Chow*
Councillor Heather Deal
Councillor Peter Ladner
Councillor B.C. Lee*
Councillor Raymond Louie*
Councillor Tim Stevenson

CITY MANAGER'S OFFICE: Judy Rogers, City Manager
James Ridge, Deputy City Manager

CITY CLERK'S OFFICE: Marg Coulson, Acting City Clerk
Laura Kazakoff, Meeting Coordinator

*Denotes absence for a portion of the meeting.

PRAYER

The proceedings in the Council Chamber were opened with a prayer read by the Acting City Clerk.

RECOGNITION - RETIRING MEMBERS OF COUNCIL

Mayor Sullivan presented gifts to Councillors Ladner, Capri, Ball and Lee, recognizing their contributions to the City of Vancouver during their terms on Council.

Judy Rogers, City Manager, presented the Mayor with a gift, and thanked him for his many years of service to the City of Vancouver.

"IN CAMERA" MEETING

MOVED by Councillor Cadman
SECONDED by Councillor Louie

THAT Council will go into a meeting later this day which is closed to the public, pursuant to Section 165.2(1) of the Vancouver Charter, to discuss matters related to paragraph(s):

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the city or another position appointed by the city;

(k) negotiations and related discussions respecting the proposed provision of an activity, work or facility that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the city if they were held in public.

CARRIED UNANIMOUSLY

ITEMS ARISING FROM THE "IN CAMERA" MEETING OF OCTOBER 28, 2008

- Council appointed Vicki Potter as the Subdivision Approving Officer;
- Council also appointed David McLellan as a Deputy Approving Officer and confirmed Peter Judd as a Deputy Approving Officer.

ADOPTION OF MINUTES

1. Regular Council (Transportation and Traffic) - October 28, 2008

MOVED by Councillor Lee
SECONDED by Councillor Ball

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

2. Regular Council - October 28, 2008

MOVED by Councillor Deal
SECONDED by Councillor Chow

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

3. Special Council (Public Hearing) - October 28, 2008

MOVED by Councillor Anton
SECONDED by Councillor Stevenson

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

4. Regular Council (City Services and Budgets) - October 30, 2008

MOVED by Councillor Ladner
SECONDED by Councillor Anton

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

5. Regular Council (Planning and Environment) - October 30, 2008

MOVED by Councillor Capri
SECONDED by Councillor Cadman

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

6. Special Council (Public Hearing) - October 16, 28, 30, November 4, 7 and 18, 2008

MOVED by Councillor Deal
SECONDED by Councillor Chow

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

COMMITTEE OF THE WHOLE

MOVED by Councillor Lee
SECONDED by Councillor Ball

THAT this Council resolve itself into Committee of the Whole, Mayor Sullivan in the Chair.

CARRIED UNANIMOUSLY

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Cadman

THAT Council adopt Administrative Reports A2 to A10 and A12, and Policy Reports P1 and P2, on consent.

CARRIED UNANIMOUSLY

(Councillor Ball declared Conflict of Interest for Administrative Report A8, and did not participate in the vote on A8, as she is related to someone involved with the project.)

UNFINISHED BUSINESS

1. Automated Meter Reading System Implementation - CUPE 15 Positions

At its meeting on October 2nd, the Standing Committee on City Services and Budgets heard from speakers on the Administrative Report entitled "Automated Meter Reading & Water Billing Improvements" dated September 16, 2008, and agreed to postpone consideration of one of the report recommendations regarding five CUPE 15 positions to allow for further discussion and report back to Council by December 16, 2008.

MOVED by Councillor Louie

THAT four CUPE 15 Regular Full Time Water Rates Inspector I positions and one CUPE 15 Water Rates Inspector III position be eliminated effective December 31, 2008.

CARRIED UNANIMOUSLY

ADMINISTRATIVE REPORTS

1. Proposed Closure of a Portion of Water Street Adjacent to 36 Water Street November 10, 2008

MOVED by Councillor Capri

THAT Council reconsider the motion of September 30, 2008, to approve an encroachment of a portion of Water Street, adjacent to 36 Water Street as contained in the Administrative Report dated August 29, 2008, entitled "Proposed Closure of a Portion of Water Street Adjacent to 36 Water Street".

CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY
(Councillor Lee absent for the vote)

MOVED by Councillor Capri

- A. THAT Council authorize the Director of Legal Services to apply and raise title in the name of the City of Vancouver to a portion of Water Street that contains the encroachment by the existing building façade at 36 Water Street, the said portion is shown on a reduced copy of a Reference Plan, attached as Appendix A to the Administrative Report dated November 10, 2008, entitled "Proposed Closure of a Portion of Water Street Adjacent to 36 Water Street".
- B. THAT all that volumetric portion of Water Street included within the heavy outline and illustrated isometrically on a plan of survey, a reduced copy of which is attached as Appendix B to the Administrative Report dated November 10, 2008, entitled "Proposed Closure of a Portion Water Street Adjacent to 36 Water Street", be closed, stopped-up and that an easement be granted to the owner of the abutting Parcel X Block 2 Old Granville Townsite Plan BCP19290 ("Parcel X") to contain the portions of the existing building which encroach onto Water Street. The easement to be for the life of the encroaching portions of the existing building on Parcel X and to be to the satisfaction of the Director of Legal Services.
- C. THAT fees for the document preparation, registration and use of the easement referred to in B above are to be in accordance with those charged for in an agreement prepared pursuant to the Encroachment By-law.
- D. THAT the Director of Legal Services be authorized to execute all documents and plans required.

CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY
(Councillor Lee absent for the vote)

**2. Award of Tender PS08041 - The Supply and Delivery of One (1) 5.0 Cubic Metre Wheel Loader
October 14, 2008**

- A. THAT, subject to the conditions set out in B, C, and D below, Council authorize the General Manager of Engineering Services and the Manager of Materials Management to award to the low bid meeting specifications and providing best value from Great West Equipment for one (1) 2009 Volvo L220F wheel loader at a total cost of \$341,225 plus applicable taxes (less any municipal rebate received) and the Provincial Environmental Levy; the source of funding will be the Truck and Equipment Plant Account.
- B. THAT, the Director of Legal Services be authorized to execute and deliver on behalf of the City all legal documents required to implement A above.

- C. THAT, all such legal documents be on terms and conditions satisfactory to the General Manager of Engineering Services, Manager of Materials Management and the Director of Legal Services.
- D. THAT, no legal rights or obligations will be created by Council's adoption of A, B and C above unless and until such legal documents are executed and delivered by the Director of Legal Services.

ADOPTED ON CONSENT

**3. Modification of the Group Leases for 910 West 6th Avenue and 917 West 7th Avenue
November 13, 2008**

- A. THAT Council approve the modification of the two ground leases between the City of Vancouver and Johnston Allen Properties Ltd. permitting closure of the 16 parking stalls which are currently reserved for public use and to acknowledge the change of use.
- B. THAT Council approve the annual rental of the closed off stalls at an annual rental rent estimated to be approximately \$9,600; funds to be credited to the PEF.
- C. THAT no legal rights or obligations shall arise or be created until all legal documentation is fully executed on terms and conditions to the satisfaction of the Director of Legal Services.

ADOPTED ON CONSENT

**4. Vancouver Police Department Office Facilities, Functional Program and Facilities Evaluation Study
November 6, 2008**

THAT the Chief Constable and the General Manager of Business Planning and Services (the Project Sponsors), be authorized to undertake an appropriate call for proposals and to subsequently engage a facilities consultant at a cost of up to \$200,000 to assist the Vancouver Police Department (VPD) and the City of Vancouver (COV) in undertaking a review of police department space requirements and to identify options for achieving them; source of funding to be the VPD 2008 operating budget;

AND THAT the Project Sponsors and Director of Legal Services be authorized to execute and deliver on behalf of the City, all legal documents required to implement this recommendation noting that all such legal documents be on terms and conditions satisfactory to the project sponsors and the Director of Legal Services;

AND FURTHER THAT no legal rights or obligations will be created or arise from Council's approval of this recommendation unless and until such legal documents are executed and delivered by the Director of Legal Services.

ADOPTED ON CONSENT

**5. 2008 Animal Welfare Grant
November 10, 2008**

THAT Council approve a grant of \$4,955 to the Wildlife Rescue Association of British Columbia: the source of the funds to be the Community Services Grants budget for Animal Welfare.

ADOPTED ON CONSENT AND
BY THE REQUIRED MAJORITY

**6. 2009 Heather Marina Moorage and Other Fees
November 12, 2008**

- A. THAT the moorage rates at Heather Marina be increased by 4.0% effective April 1, 2009 as detailed in Appendix C of the Administrative Report dated November 12, 2008, entitled "2009 Heather Marina Moorage and Other Fees", reflecting inflationary increases in anticipated expenses.
- B. THAT the fees for electrical services for recreational and liveaboard boaters at Heather Marina be increased by 13.12% effective April 1, 2009 as detailed in Appendix C of the Administrative Report dated November 12, 2008, entitled "2009 Heather Marina Moorage and Other Fees", reflecting the proposed net increase in rates by BC Hydro for 2009.

ADOPTED ON CONSENT

**7. Approval of Council Initiatives - BIA Renewals
November 10, 2008**

Gastown BIA Renewal:

- A1. THAT Council re-confirm the Gastown Business Improvement Society as sponsor for the Gastown BIA.
- A2. THAT Council approve the commencement of a Council Initiative to re-establish (renew) the Gastown BIA, for a fifth five-year term commencing April 1, 2009; AND THAT Council forward the application of the Gastown Business Improvement Society to a hearing of the Court of Revision.

- A3. THAT the City notify property owners and tenants within the area (outlined in Appendix A1 of the Administrative Report dated November 10, 2008, entitled "Approval of Council Initiatives - BIA Renewals") of the proposed BIA renewal and levy.
- A4. THAT Council approve a 5 year (2009 -2014) funding-ceiling of \$2,626,000 for the Gastown BIA, subject to Council approval of the renewal at the Court of Revision.

Mount Pleasant BIA Renewal:

- B1. THAT Council re-confirm the Mount Pleasant Commercial Improvement Society as sponsor for the Mount Pleasant BIA.
- B2. THAT Council approve the commencement of a Council Initiative to re-establish (renew) the Mount Pleasant BIA, for a fifth five-year term commencing April 1, 2009; AND THAT Council forward the application of the Mount Pleasant Commercial Improvement Society to a hearing of the Court of Revision.
- B3. THAT the City notify property owners and tenants within the area (outlined in Appendix B1 of the Administrative Report dated November 10, 2008, entitled "Approval of Council Initiatives - BIA Renewals") of the proposed BIA renewal and levy.
- B4. THAT Council approve a 5 year (2009 -2014) funding-ceiling of \$1,525,000 for the Mount Pleasant BIA, subject to Council approval of the renewal at the Court of Revision.

Point Grey Village BIA Renewal:

- C1. THAT Council re-confirm the Point Grey Village Business Association as sponsor for the Point Grey Village BIA.
- C2. THAT Council approve the commencement of a Council Initiative to re-establish (renew) the Point Grey Village BIA, for a second five-year term commencing April 1, 2009; AND THAT Council forward the application of the Point Grey Village Business Association to a hearing of the Court of Revision.
- C3. THAT the City notify property owners and tenants within the area (outlined in Appendix C1 of the Administrative Report dated November 10, 2008, entitled "Approval of Council Initiatives - BIA Renewals") of the proposed BIA renewal and levy.
- C4. THAT Council approve a 5 year (2009 -2014) funding-ceiling of \$450,000 for the Point Grey Village BIA, subject to Council approval of the renewal at the Court of Revision.

South Granville BIA Renewal:

- D1. THAT Council approve the South Granville Business Improvement Association as sponsor for the South Granville BIA.
- D2. THAT Council approve the commencement of a Council Initiative to re-establish (renew) the South Granville BIA, for a third five-year term commencing April 1, 2009; AND THAT Council forward the application of the South Granville Business Improvement Association to a hearing of the Court of Revision.
- D3. THAT the City notify property owners and tenants within the area (outlined in Appendix D1 of the Administrative Report dated November 10, 2008, entitled "Approval of Council Initiatives - BIA Renewals") of the proposed BIA renewal and levy.
- D4. THAT Council approve a 5 year (2009 -2014) funding-ceiling of \$2,750,000 for the South Granville BIA, subject to Council approval of the renewal at the Court of Revision.

Victoria Drive BIA Renewal:

- E1. THAT Council re-confirm the Victoria Drive Business Improvement Association as sponsor for the Victoria Drive BIA.
- E2. THAT Council approve the commencement of a Council Initiative to re-establish (renew) the Victoria Drive BIA, for a second five year term commencing April 1, 2009; AND THAT Council forward the application of the Victoria Drive Business Improvement Association to a hearing of the Court of Revision.
- E3. THAT the City notify property owners and tenants within the area (outlined in Appendix E1 of the Administrative Report dated November 10, 2008, entitled "Approval of Council Initiatives - BIA Renewals") of the proposed BIA renewal and levy.
- E4. THAT Council approve a 5 year (2009 -2014) funding-ceiling of \$750,000 for the Victoria Drive BIA, subject to Council approval of the renewal at the Court of Revision.

West End BIA Renewal:

- F1. THAT Council re-confirm the Davie Village Business Improvement Association as sponsor for the West End BIA.
- F2. THAT Council approve the commencement of a Council Initiative to re-establish (renew) the West End BIA, for a seven year term (third term) commencing April 1, 2009; AND THAT Council forward the application of the Davie Village Business Improvement Association to a hearing of the Court of Revision.

- F3. THAT the City notify property owners and tenants within the area (outlined in Appendix F1 of the Administrative Report dated November 10, 2008, entitled "Approval of Council Initiatives - BIA Renewals") of the proposed BIA renewal and levy.
- F4. THAT Council approve a 7 year (2009 -2016) funding-ceiling of \$4,900,000 for West End BIA, subject to Council approval of the renewal at the Court of Revision.

Yaletown BIA Renewal:

- G1. THAT Council re-confirm the Yaletown Business Improvement Association as sponsor for the Yaletown BIA.
- G2. THAT Council approve the commencement of a Council Initiative to re-establish (renew) the Yaletown BIA, for a third five year term commencing April 1, 2009; AND THAT Council forward the application of the Yaletown Business Improvement Association to a hearing of the Court of Revision.
- G3. THAT the City notify property owners and tenants within the area (outlined in Appendix G1 of the Administrative Report dated November 10, 2008, entitled "Approval of Council Initiatives - BIA Renewals") of the proposed BIA renewal and levy.
- G4. THAT Council approve a 5 year (2009 -2014) funding-ceiling of \$2,308,707 for the Yaletown BIA, subject to Council approval of the renewal at the Court of Revision.

ADOPTED ON CONSENT

- 8. Consulting Agreement - Vancouver Pavilion - Design Development and Budget Plan Services
November 12, 2008**
 - A. THAT, subject to the conditions set out in B, C, and D below Council authorize the City to settle and sign a consulting contract with brand.LIVE Management Group Inc. (brand.LIVE) for the development of a design development and budget plan for the 2010 Vancouver Pavilion, at a maximum cost of \$53,550 plus applicable taxes (less any municipal rebate received). Source of funds to be the Olympic Legacy Reserve Fund - Host City Pavilion Program.
 - B. THAT, the Director of Legal Services be authorized to execute and deliver on behalf of the City all legal documents required to implement A above.
 - C. THAT, all such legal documents be on terms and conditions satisfactory to the General Manager, Olympic and Paralympic Operations and the Director of Legal Services.

- D. THAT, no legal rights or obligations will be created by Council's adoption of A, B and C above unless and until such legal documents are executed and delivered by the Director of Legal Services.

ADOPTED ON CONSENT

**9. Lease Terms for City-owned Social Housing Site at 337 West Pender Street
November 3, 2008**

- A. THAT Council approve a ground lease of the City-owned lands located at 337 West Pender Street, legally described as PID: 026-680-777, Lot B, Block 26, DL 541, Group 1, NWD Plan BCP23911 (the "Lands") to the Coast Foundation Society ("Coast") to enable the development of a non-market housing project, which ground lease will provide for:

- i) a term of 60 years; and
- ii) a nominal prepaid rent;

and otherwise will be in accordance with the terms and conditions as set out in this report and to the satisfaction of the Managing Director of Social Development, the Director of Real Estate Services and the Director of Legal Services.

The ground lease to Coast at a nominal rent constitutes a grant and requires 8 affirmative votes.

- B. THAT the Director of Legal Services be authorized to execute all necessary agreements, plans and other documents on behalf of the City and that no legal rights or obligations are hereby created and none shall arise hereafter except upon execution of all legal documents required to complete these transactions to the satisfaction of the Director of Legal Services.

ADOPTED ON CONSENT AND
BY THE REQUIRED MAJORITY

**10. Award of Tender PS08039 - The Supply and Delivery of Fourteen (14) Turf Tractors
October 6, 2008**

- A. THAT, subject to the conditions set out in B, C, and D below, Council authorize the General Manager of Engineering Services and the Manager of Materials Management to award to the low bid meeting specifications and providing best value from Rollins Machinery Limited for fourteen (14) heavy duty turf tractors at a total cost of \$621,962.00, plus applicable taxes (less any municipal rebate received) and the Provincial Environmental Levy; source of funding to be the Truck and Equipment Plant Account.

- B. THAT, the Director of Legal Services be authorized to execute and deliver on behalf of the City all legal documents required to implement A above.
- C. THAT, all such legal documents be on terms and conditions satisfactory to the General Manager of Engineering Services, Manager of Materials Management and the Director of Legal Services.
- D. THAT, no legal rights or obligations will be created by Council's adoption of A, B and C above unless and until such legal documents are executed and delivered by the Director of Legal Services.

ADOPTED ON CONSENT

**11. Theatre Rental - Grant to Ballet British Columbia
November 13, 2008**

MOVED by Councillor Ball

THAT Council approve a one-time Theatre Rental Grant of \$63,400 to Ballet British Columbia to offset rental costs for the presentation of the Nutcracker Ballet at the Queen Elizabeth Theatre December 2008. Source of funds to be \$41,763 from the 2008 Cultural Services Grants Budget and \$21,637 from the Contingency Reserve.

CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY
(Councillor Lee absent for the vote)

**12. Award of Tender for the Supply and Delivery of IT Data Storage Devices
October 17, 2008**

- A. THAT, subject to the conditions set out in B, C, and D below Council authorize the General Manager of Business Planning and Services to award a contract to Mainland Information Systems Ltd. for the supply and delivery of IT Data Storage Devices at an estimated total cost of \$708,892 plus applicable taxes (less any municipal rebate received; source of funding to be:
 - \$489,430 from the Information Technology Infrastructure - 2008 Expansion and Replacement Program;
 - \$120,000 from SAP Server Upgrade Capital Budget;
 - \$33,462 from the VanDocs Capital Budget; and
 - \$66,000 from 311 Project Capital Budget.
- B. THAT, the Director of Legal Services be authorized to execute and deliver on behalf of the City all legal documents required to implement A above.

- C. THAT, all such legal documents be on terms and conditions satisfactory to the General Manager of Business Planning and Services and the Director of Legal Services.
- D. THAT, no legal rights or obligations will be created by Council's adoption of A, B and C above unless and until such legal documents are executed and delivered by the Director of Legal Services.

ADOPTED ON CONSENT

POLICY REPORTS

1. **CD-1 Rezoning - 215 West 2nd Avenue
October 23, 2008**

- A. THAT the application by dysarchitecture on behalf of RainCity Housing and Support Society and Katherine Sanford Housing Society to rezone 215-225 West 2nd Avenue (Lots 9,10,11, Block 4, District Lot 302, Plan 5832, PID 011-068-515, PID 011-069-678, PID 011-069-651) from M-2 (Industrial District) to CD-1 (Comprehensive Development District) to permit an 11-storey building of residential use with grade-level commercial and a total density of 4.8 floor space ratio (FSR), be referred to a Public Hearing, together with:
 - (i) plans received August 14, 2008;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated October 23, 2008, entitled "CD-1 Rezoning - 215 West 2nd Avenue"; and
 - (iii) the recommendation of the Director of Planning to approve the application, subject to conditions contained in Appendix B of the Policy Report.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law generally in accordance with Appendix A for consideration at the Public Hearing.

- B. THAT, if the application is referred to a public hearing, the application to amend Schedule E of the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule B (DD), as set out in Appendix C of the Policy Report dated October 23, 2008, entitled "CD-1 Rezoning - 215 West 2nd Avenue", be referred to the same Public Hearing; and

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law generally as set out in the Appendix C for consideration at the Public Hearing.

- C. THAT, subject to approval of the rezoning at the Public Hearing, the Noise Control By law be amended to include this Comprehensive District in Schedule B as set out in Appendix C of the Policy Report dated October 23, 2008, entitled "CD-1 Rezoning - 215 West 2nd Avenue".

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By law.

ADOPTED ON CONSENT

**2. False Creek North Official Development Plan - Minor Corrections
November 6, 2008**

THAT the Director of Planning be instructed to make application to amend the False Creek North Official Development Plan By-law No. 6650 to make three minor corrections regarding the calculation of permitted floor space for Area 6B and the retail/service use optional designation for Area 5B, generally as presented in Appendix A of the Policy Report dated November 6, 2008, entitled "False Creek North Official Development Plan - Minor Corrections", and that the application be referred to a Public Hearing and be approved;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law, generally in accordance with Appendix A, for consideration at the Public Hearing.

ADOPTED ON CONSENT

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Capri

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillor Lee absent for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Deal
SECONDED by Councillor Chow

THAT the report of the Committee of the Whole be adopted.

CARRIED UNANIMOUSLY
(Councillor Lee absent for the vote)

BY-LAWS

MOVED by Councillor Cadman
SECONDED by Councillor Capri

THAT Council, except for those members excused as noted in the agenda, enact the by-law(s) listed on the agenda for this meeting as numbers 1-17 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-law(s).

CARRIED UNANIMOUSLY
(Councillors Chow and Lee absent for the vote)

1. A By-law to amend Solid Waste By-law No. 8417 regarding 2009 fee increases and miscellaneous amendments (By-law No. 9754)
2. Vancouver Development Cost Levy By-law (By-law No. 9755)
3. Procedure By-law (By-law No. 9756)
4. A By-law to amend License By-law No. 4450 regarding appeals from license suspension (By-law No. 9757)
5. A By-law to amend Vehicles for Hire By-law No. 6066 regarding vehicle for hire license appeals (By-law No. 9758)
6. A By-law to amend Tax Prepayment By-law No. 4804 to amend the annual rate of interest for payments in advance through the Tax Instalment Prepayment Plan (By-law No. 9759)
7. A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 18 West Hastings Street) (By-law No. 9760)
(Councillor Chow ineligible to vote)
8. Heritage Taxation Exemption By-law for 18 West Hastings Street (By-law No. 9761)
9. A By-law to enact a Housing Agreement for 18 West Hastings Street (By-law No. 9762)
10. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 26 Southwest Marine Drive) (By-law No. 9763)
(Councillor Chow and the Mayor ineligible to vote)
11. A By-law to amend Sign By-law No. 6510 (re 26 Southwest Marine Drive) (By-law No. 9764)
(Councillor Chow and the Mayor ineligible to vote)

12. **A By-law to designate certain real property as protected heritage property (re 26 Southwest Marine Drive) (By-law No. 9765)**
(Councillor Chow and the Mayor ineligible to vote)
13. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 3238 Granville Street and the westerly portion of 1402 McRae Avenue) (By-law No. 9766)**
(Councillors Cadman, Louie and Stevenson ineligible to vote)
14. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the owner of Heritage Property (re 1402 McRae Avenue) (By-law No. 9767)**
(Councillor Cadman, Louie and Stevenson ineligible to vote)
15. **A By-law to designate certain real property as protected heritage property (re 1402 McRae Avenue) (By-law No. 9768)**
(Councillors Cadman, Louie and Stevenson ineligible to vote)
16. **A By-law to amend CD-1 By-law No. 8587 (re 651 Expo Boulevard) (By-law No. 9769)**
17. **A By-law to amend False Creek North Official Development Plan By-law No. 6650 (re dwelling units) (By-law No. 9770)**
18. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 201 West 2nd Avenue) - WITHDRAWN**
19. **A By-law to amend Sign By-law No. 6510 (re 201 West 2nd Avenue) - WITHDRAWN**

MOTIONS

A. Administrative Motions

1. **Closing portions of Water Street adjacent to 36 Water Street**

MOVED by Councillor Stevenson

SECONDED by Councillor Louie

THAT WHEREAS:

1. The City of Vancouver is the owner of all the streets and lanes lying within the limits of the City of Vancouver;
2. Portions of the building constructed on Parcel X Block 2 Old Granville Townsite Plan BCP19290 encroach onto the southerly side of Water Street;
3. The portion of Water Street encroached upon, abutting said Lot X, was dedicated by the deposit of Plan 168;

4. To provide for the registration of an easement to contain the said encroachments onto Water Street, as required by Section 244 of the Strata Property Act, it is necessary to raise title to the portion of Water Street that is encroached upon;
5. To enable Council to grant the required easement to contain the said encroachments it is necessary for Council to close and stop-up the volumetric portions of Water Street that are encroached upon;

THEREFORE BE IT RESOLVED THAT the Director of Legal Services be authorized to make application on behalf of the City of Vancouver to raise title in the name of the City of Vancouver to that portion of road dedicated by the deposit of Plan 168 and included within the heavy bold outline on a Reference Plan attested to by William P. Wong, B.C.L.S., completed and checked on the 20th day of October, 2008, and marginally numbered V-08-14127-REF-1; and

BE IT FURTHER RESOLVED THAT all that volumetric portion of Water Street included within heavy bold outline and illustrated isometrically on an Explanatory Plan attested to by William P. Wong, B.C.L.S., completed and checked on the 20th day of October, 2008, marginally numbered V-08-14127-PCL X-AIR SPACE-3, a reduced copy of which is attached hereto as Appendix "B", be closed, stopped-up and that an easement be granted to the owner of abutting Lot X Block 2 Old Granville Townsite Plan BCP19290 to contain the portions of the existing building which encroach onto Water Street; the said easement to be to the satisfaction of the Director of Legal Services.

CARRIED UNANIMOUSLY

2. Establishing Road at the south side of West 70th Avenue between Oak Street and Osler Street, adjacent to 8605 Oak Street, for road widening and left turn bay purposes at 70th Avenue

MOVED by Councillor Stevenson
SECONDED by Councillor Louie

THAT WHEREAS the registered owner, the City of Vancouver, wishes to establish for road purposes lands in the City of Vancouver, Province of British Columbia, more particularly known and described as follows:

All that portion of Lot 9, except portions in Explanatory Plans 544 and 6729, of Lots 1 to 5, Blocks 1 to 6 and 12 of Block C, District Lots 319, 323 and 324, Plan 2733 as shown heavy outlined on plan of survey completed on July 14, 2008, certified by Daniel R. Parker, B.C.L.S. and marginally numbered LB 921.

AND WHEREAS it is deemed expedient and in the public interest to allocate the said lands for road purposes.

BE IT RESOLVED that the above described lands are hereby allocated for road purposes and declared to form and to constitute a portion of a road.

CARRIED UNANIMOUSLY

3. 396 and 273 East 1st Avenue - Land Exchange; Proposed Closure and Conveyance of Portions of Prince Edward Street North of Great Northern Way; and Portions of Lane South of 1st Avenue, East from Scotia Street

MOVED by Councillor Stevenson
SECONDED by Councillor Louie

THAT WHEREAS:

1. The City of Vancouver is the owner of all the streets and lanes lying within the limits of the City of Vancouver;
2. There is a proposal to re-develop privately owned Lot N District Lot 200A Plan LMP46480, and Lot 3 District Lots 200A, 264A and 2037 Plan LMP50588; all of Group 1 New Westminster District;
3. The proposal requires the closure of: portions of lane south of 1st Avenue, east from Scotia Street; and portions of Prince Edward Street and 1st Avenue north from Great Northern Way;
4. The portion of Prince Edward Street adjacent to said Lot 3 was dedicated by the deposit of Plan 185 on May 28, 1885;
5. The portions of Prince Edward Street and 1st Avenue adjacent to said Lot N were dedicated by the deposit of Plan 197 on December 8, 1885;
6. The portion of lane to be closed adjacent to said Lot N (the "Lot N Lane") was dedicated by the deposit of Plan 11778 on August 31, 1964;
7. The portion of lane to be closed adjacent to Lot J Block 4 District Lot 200A Group 1 New Westminster District Plan 15843 (the "Lot J Lane") was also dedicated by the deposit of Plan 11778 on August 31, 1964;
8. The said portions of Prince Edward Street and 1st Avenue, the Lot N Lane, and the Lot J Lane to be closed are no longer required for municipal purposes;
9. The City requires the dedication as road of a 0.601 hectare area for the extension of 1st Avenue and Thornton Street;
10. The said portions of Prince Edward Street and 1st Avenue, and the Lot N Lane will be conveyed to the owner of said Lot 3 and subdivided with said Lot N and said Lot 3 to form three lots and dedicate road to the satisfaction of the Approving Officer;

11. The Lot J Lane will be conveyed to the City as owner of said Lot J and consolidated with said Lot J to form a single parcel to the satisfaction of the Director of Legal Services;

THEREFORE BE IT RESOLVED THAT the 526 square metre portion of Prince Edward Street dedicated by the deposit of Plan 185 adjacent to Lot 3 District Lots 200A, 264A and 2037 Plan LMP50588; the 0.106 hectare portion of Prince Edward Street and 1st Avenue dedicated by the deposit of Plan 197 adjacent to Lot N District Lot 200A Plan LMP46480; and the 37.1 square metre portion of the lane dedicated by the deposit of Plan 11778 adjacent to said Lot N; all of Group 1 New Westminster District; the same as shown within heavy bold outline on the Reference Plan prepared by Gary Sundvick, B.C.L.S., completed and checked on the 7th day of November 2008, and marginally noted "DWG: 2625-RF4 (REV. 3)" be closed, stopped up and conveyed to the owner of abutting said Lot 3;

BE IT FURTHER RESOLVED THAT the said portions of Prince Edward Street, Prince Edward Street and 1st Avenue, and lane adjacent to Lot N to be closed be subdivided with the abutting lands being said Lot 3 and said Lot N, to form a single parcel and road as shown within heavy bold outline on the Subdivision Plan prepared by Gary Sundvick, B.C.L.S., completed and checked on the 7th day of November 2008, and marginally noted "2625-S (REV. 5)", to the satisfaction of the General Manager of Engineering Services, the Director of Legal Services and Approving Officer;

BE IT FURTHER RESOLVED THAT the 17.3 square metre portion of lane dedicated by the deposit of Plan 11778 adjacent to Lot J Block 4 District Lot 200A Group 1 New Westminster District Plan 15843; the same as shown within heavy bold outline on the Reference Plan prepared by Gary Sundvick, B.C.L.S., completed and checked on the 7th day of November 2008, and marginally noted "DWG: 2625-RF4 (REV. 3)", be closed, stopped up and conveyed to the City as owner of abutting said Lot J;

BE IT FURTHER RESOLVED THAT the said portion of lane adjacent to Lot J to be closed be consolidated with the abutting said Lot J to form a single parcel as shown within heavy bold outline on the Reference Plan prepared by Gary Sundvick, B.C.L.S., completed and checked on the 7th day of November 2008, and marginally noted "2625-RF5-CONS (REV. 5)", to the satisfaction of the General Manager of Engineering Services, and the Director of Legal Services.

CARRIED UNANIMOUSLY

B. Motions on Notice

1. 2009 Residential Property Tax

MOVED by Councillor Cadman
SECONDED by Councillor Louie

THAT Council ask the City's Chief Financial Officer to prepare an option report on capital and operational expenditure reductions that could be acted upon at City Council's first meetings on December 16 and 18 to reduce an anticipated 10.5 percent residential property tax in 2009.

CARRIED UNANIMOUSLY

2. Card Swipe Information

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Prior to discussion of this Item, Councillor Louie declared Conflict of Interest on this motion and on the following Motion on Notice B.3 as he has retained legal counsel regarding a number of public reports which have been made concerning him and these matters. Councillor Louie therefore left the Chamber at 2:52 p.m. and did not return until after the votes had been taken on Motions B. 2 and B.3.

* * * * *

The following Motion reflects amendments to the original Motion on Notice which were accepted by Council:

MOVED by Councillor Cadman
SECONDED by Councillor Deal

THAT Council request the City Manager to prepare a report on who had access to card swipe code information for Councillors, staff (including political staff), and anyone else that accessed the Council and administrative area offices on October 16, 2008; when and if a report was compiled on this information; by and for whom; and to whom this information was communicated.

amended

AMENDMENT MOVED by Councillor Cadman

THAT the motion be amended in order to forward the matter to the Vancouver Police Department.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

FINAL MOTION AS AMENDED AND APPROVED

THAT Council ask the City Manager to request the Vancouver Police Department to prepare a report on who had access to card swipe code information for Councillors, staff (including political staff), and anyone else that accessed the Council and administrative area offices on October 16, 2008; when and if a report was compiled on this information; by and for whom; and to whom this information was communicated.

3. Investigation Regarding Leak of Confidential Information

The following motion reflects amendments to the original Motion on Notice which were accepted by Council:

MOVED by Councillor Ladner
SECONDED by Councillor Ball

WHEREAS Council met in camera Oct 14, 2008;

WHEREAS it has become public knowledge that confidential information relating to the Athlete's Village in Southeast False Creek presented at that meeting was wrongfully taken at the end of that meeting;

AND WHEREAS that information was leaked to the media;

AND WHEREAS the leak of that information undermined the City's negotiating ability, potentially damaged sales in the Southeast False Creek project, generally causing financial damage to the City;

WHEREAS Sec. 176 of the Vancouver Charter says Council may engage a barrister to investigate and report upon:

- (a) any alleged misfeasance, breach of trust, or other misconduct by:
 - (i) any member of the Council;
 - (ii) any member of any other administrative body;
 - (iii) any employee of the City;
 - (iv) any person having a contract with the City;
- (b) any matter connected with the good government of the City or the conduct of any part of its business, including any business conducted by any other administrative body;

AND WHEREAS Sec. 177 says the barrister so engaged shall without delay make the investigation and report thereon to the Council, and for those purposes shall have full powers of enquiry as set out in the Vancouver Charter;

THEREFORE BE IT RESOLVED

- A. THAT Council engage a barrister to investigate the source of the leak and report back to Council, without delay, in an open meeting, the results of the investigation;

FURTHER THAT Council give authority to the City Manager, in consultation with the Director of Legal Services, to appoint an appropriate barrister; and

FURTHER THAT the barrister work in collaboration with the Vancouver Police internal theft investigation, if appropriate.

- B. THAT the City of Vancouver, pursuant to Section 180 (2) of the *Vancouver Charter*, pay reasonable legal costs necessarily incurred by current members of Council in connection with the barrister's investigation, pursuant to Section 176 of the *Vancouver Charter*, of the source of the leak of the confidential information pertaining to the Athlete's Village.

amended

AMENDMENT MOVED by Councillor Chow

THAT B be struck and replaced with the following:

THAT Council request the City Manager to report back on the legal costs of appointing a barrister to investigate the leak of confidential information relating to the Athlete's Village in Southeast False Creek.

LOST

(Councillors Anton, Ball, Capri, Ladner, Lee, and the Mayor opposed)
(Councillor Louie absent for the vote)

AMENDMENT MOVED by Councillor Cadman

THAT the Motion be amended to strike out the WHEREAS clauses.

CARRIED UNANIMOUSLY

(Councillor Louie absent for the vote)

AMENDMENT MOVED by Councillor Deal

THAT A be amended in the first FURTHER THAT by striking out the words "City Manager" and inserting the words "Attorney General of British Columbia".

not put

The Mayor ruled the amendment out of order as the *Vancouver Charter* provides Council the authority to engage a barrister to investigate and report on various matters.

There being no further amendments, the motion was put and CARRIED UNANIMOUSLY AND "B" BY THE REQUIRED TWO-THIRDS MAJORITY, with Councillor Louie absent for the vote.

FINAL MOTION AS APPROVED

THEREFORE BE IT RESOLVED

- A. THAT Council engage a barrister to investigate the source of the leak of confidential information relating to the Athlete's Village in Southeast False Creek and report back to Council, without delay, in an open meeting, the results of the investigation;

FURTHER THAT Council give authority to the City Manager, in consultation with the Director of Legal Services, to appoint an appropriate barrister; and

FURTHER THAT the barrister work in collaboration with the Vancouver Police internal theft investigation, if appropriate.

- B. THAT the City of Vancouver, pursuant to Section 180 (2) of the *Vancouver Charter*, pay reasonable legal costs necessarily incurred by current members of Council in connection with the barrister's investigation, pursuant to Section 176 of the *Vancouver Charter*, of the source of the leak of the confidential information pertaining to the Athlete's Village.

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Councillor Louie returned to the Council Chamber at 3:37 p.m.

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NEW BUSINESS

1. Global Campaign for Earth Hour 2009

MOVED by Councillor Ladner
SECONDED by Councillor Anton

WHEREAS Earth Hour is an international event to raise awareness about steps citizens, businesses and government organizations can take to reduce their energy consumption;

WHEREAS the City of Vancouver was a very active participant in the global Earth Hour celebration last year;

WHEREAS the effort to power down City facilities to mark Earth Hour resulted in demonstrable reductions in power consumption;

WHEREAS the World Wildlife Fund has contacted the City of Vancouver and invited them to participate in Earth Hour 2009;

THEREFORE BE IT RESOLVED

THAT the City of Vancouver will be an active participant in the global campaign for Earth Hour 2009 and work closely with the World Wildlife Fund to promote the participation of local businesses, residents and community organizations.

CARRIED UNANIMOUSLY

2. Leave of Absence - Councillor Cadman

MOVED by Councillor Capri
SECONDED by Councillor Anton

THAT Councillor Cadman be granted Leave of Absence for December 8, 2008.

CARRIED UNANIMOUSLY

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PRESENTATION - CIVIC MERIT AWARD

The Mayor and Council recognized Cornelia Hahn Oberlander and Peter Oberlander, both of whom had been unanimously awarded the Civic Merit Award in honour of all their achievements and contributions to the City of Vancouver.

The Mayor presented Mr. and Mrs. Oberlander each with a Civic Merit Award medal and printed Certificate.

This was followed immediately by a reception in the foyer in honour of the Civic Merit Award recipients.

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The Council adjourned at 4:30 p.m.

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