

REGULAR COUNCIL MEETING MINUTES

NOVEMBER 29, 2011

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, November 29, 2011, at 9:40 am, in the Council Chamber, Third Floor, City Hall.

- PRESENT:**
- Mayor Gregor Robertson
 - Councillor Suzanne Anton
 - Councillor George Chow
 - Councillor Heather Deal
 - Councillor Geoff Meggs
 - Councillor Andrea Reimer
 - Councillor Tim Stevenson
 - Councillor Ellen Woodsworth
- ABSENT:**
- Councillor David Cadman (Leave of Absence - Civic Business)
 - Councillor Kerry Jang (Leave of Absence)
 - Councillor Raymond Louie (Leave of Absence - Civic Business)
- CITY MANAGER'S OFFICE:**
- Penny Ballem, City Manager
 - Sadhu Johnston, Deputy City Manager
- CITY CLERK'S OFFICE:**
- Marg Coulson, City Clerk
 - Laura Kazakoff, Meeting Coordinator

PRAYER

The proceedings in the Council Chamber were opened with a prayer read by Councillor Woodsworth.

RECOGNITION: MEDAL OF BRAVERY - RUSSELL WERNER, VANCOUVER FIRE FIGHTER

The Mayor recognized Vancouver fire fighter Russell Werner for an act of bravery whereby, in his off-duty hours in Powell River, he and a neighbour Robert Bombardir came to the rescue of a man who was trapped in a burning vehicle. Mr. Werner was recently presented with the Medal of Bravery by Governor-General David Johnston, in recognition of his act of courage in an extremely hazardous situation.

PROCLAMATION - INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

The Mayor proclaimed Saturday, December 3, 2011, as "International Day of Persons with Disabilities" in the city of Vancouver, and invited Jill Weiss and Craig Langston, Co-Chairs of the Persons with Disabilities Advisory Committee, to the podium to receive it and say a few words.

"IN CAMERA" MEETING

MOVED by Councillor Stevenson

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:

(c) labour relations or other employee relations.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

1. Regular Council - November 1, 2011

MOVED by Councillor Deal
SECONDED by Councillor Woodsworth

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

2. Special Council (Public Hearing) - November 1, 2011

MOVED by Councillor Deal
SECONDED by Councillor Woodsworth

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

3. Regular Council (City Services and Budgets) - November 3, 2011

MOVED by Councillor Woodsworth
SECONDED by Councillor Deal

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

COMMITTEE OF THE WHOLE

MOVED by Councillor Deal
SECONDED by Councillor Reimer

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

CARRIED UNANIMOUSLY

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Stevenson

THAT Council adopt Administrative Reports A1 to A6 on consent.

CARRIED UNANIMOUSLY

UNFINISHED BUSINESS

1. Text Amendment: False Creek North Official Development Plan Amendment

MOVED by Councillor Deal

THAT the application to amend the False Creek North Official Development Plan, By-law No. 6650, generally as presented in Appendix B of the Policy Report dated January 10, 2011, entitled "Amendments to the False Creek North Official Development Plan", be approved;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amending by-law, generally in accordance with Appendix B.

carried

POSTPONEMENT MOVED by Councillor Woodsworth

THAT Council defer its decision on the False Creek North Official Development Plan amendment until the pending court case regarding the casino is completed.

LOST

(Councillors Anton, Chow, Deal, Meggs, Reimer, Stevenson and the Mayor opposed)

The postponement having lost, the motion was put and CARRIED with Councillor Woodsworth opposed.

ADMINISTRATIVE REPORTS

1. Approval of Council Initiatives - BIA Renewals November 8, 2011

Fraser Street BIA Renewal:

- A1. THAT Council re-confirm the South Hill (Fraser Street) Business Association as sponsor for the Fraser Street BIA.
- A2. THAT Council approve the commencement of a Council Initiative to re-establish (renew) the Fraser Street BIA, for a further term (7 years) commencing April 1, 2012;

FURTHER THAT Council forward the application of the South Hill (Fraser Street) Business Association 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 8, 2011, entitled "Approval of Council Initiatives - BIA Renewals") of the proposed BIA renewal and levy.
- A4. THAT Council approve a 7-year (2012-2019) funding ceiling of \$910,000 for the Fraser Street BIA, subject to Council approval of the renewal at the Court of Revision.

Marpole BIA Renewal:

- B1. THAT Council re-confirm the Marpole Business Association as sponsor for the Marpole BIA.
- B2. THAT Council approve the commencement of a Council Initiative to re-establish (renew) the Marpole BIA for a further term (7 years) commencing April 1, 2012;

FURTHER THAT Council forward the application of the Marpole Business Association 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 8, 2011, entitled "Approval of Council Initiatives - BIA Renewals") of the proposed BIA renewal and levy.
- B4. THAT Council approve a 7-year (2012-2019) funding ceiling of \$1,500,000 for the Marpole BIA, subject to Council approval of the renewal at the Court of Revision.

ADOPTED ON CONSENT

**2. Appointment of External Auditor for 2012
November 4, 2011**

- A. THAT the accounting firm of KPMG LLP be confirmed as the City's External Auditor for the fiscal year 2012.
- B. THAT the audit fee be set at \$119,690 (exclusive of applicable taxes). Funding is included in the operating budget.

ADOPTED ON CONSENT

**3. Annual Financial Authorities - 2012
November 17, 2011**

- A. THAT, for the period January 1 to December 31, 2012, Council authorize the Director of Finance to issue warrants for payment and to report the same in writing to the City Clerk for the information of Council as soon as possible following the month end in which the warrant is issued, in accordance with Sections 215 and 216 of the Vancouver Charter.
- B. THAT, for the period January 1 to July 15, 2012, Council authorize the Director of Finance to temporarily use such capital funds as are available to meet other expenditure requirements of the City pending collection of the general purpose property tax levy, in accordance with Section 259 (1b) of the Vancouver Charter.
- C. THAT, for the period January 1 to December 31, 2012, Council authorize the Director of Finance to invest City funds not immediately required and to vary the investments from time to time where appropriate, in accordance with Sections 201, 259 and 260 of the Vancouver Charter, as follows:
 - securities of Canada or of a province
 - securities guaranteed for principal and interest by Canada or by a province
 - securities of a municipality, including the city, or a regional district

- securities of the Greater Vancouver Water District or the Greater Vancouver Sewerage and Drainage District
 - securities of the Municipal Finance Authority
 - securities of or investments guaranteed by a chartered bank
 - deposits in a savings institution, or non-equity or membership shares of a credit union
 - pooled investment funds under Section 16 of the Municipal Finance Authority Act
 - any of the investments permitted for the Municipal Finance Authority under Section 16(3) of the Municipal Finance Authority Act, including pooled investment portfolios under the Financial Administration Act.
- D. THAT, for the period January 8, 2012 to January 7, 2013, Council authorize the Director of Finance to establish a short-term borrowing facility to assist in managing the City's cash flow with the maximum outstanding amount not to exceed \$60 million; and THAT Council instruct the Director of Legal Services to prepare a Borrowing Pending Collection of Real Property Taxes By-law for enactment by Council.

ADOPTED ON CONSENT

**4. 2012 Land Assessment Averaging Program: Notice to BC Assessment Authority
November 21, 2011**

- A. THAT, pursuant to Section 374.4 (4b) of the Vancouver Charter, the City Clerk be instructed to notify the BC Assessment Authority, before January 1, 2012, of Vancouver City Council's intent to consider the adoption of land assessment averaging for the purpose of property tax calculations for 2012.

It should be noted that this notice of intent is revocable should Council, at a later date, decide not to proceed with this mechanism.

- B. THAT the Director of Finance be instructed to provide the required two weeks' notice to the public in advance of Council's consideration of the use of land assessment averaging and, before March 31, 2012, report on the projected taxation impacts of the land assessment averaging program based on the assessed values provided by the BC Assessment Authority in the 2012 Completed Roll.
- C. THAT the Area Assessor for Vancouver be invited to address Council on the assessment trends in the 2012 Completed Roll.

ADOPTED ON CONSENT

**5. 2011 Animal Welfare Grants
October 25, 2011**

THAT Council approve grants totalling \$10,600 to the following organizations:

- i. Greyhaven Exotic Bird Sanctuary for \$1,200;
- ii. Wildlife Rescue Association for \$2,000;
- iii. Small Animal Rescue Society of BC for \$7,400;

source of funds to be the 2011 Community Services Grants budget for Animal Welfare.

ADOPTED ON CONSENT AND
BY THE REQUIRED MAJORITY

**6. Bid Committee Award
November 21, 2011**

THAT the Administrative Report dated November 21, 2011, entitled "Bid Committee Award" be received for information.

ADOPTED ON CONSENT

**7. Downtown Eastside/Strathcona Branch Library - YWCA Metro Vancouver Housing
Component: 720-730 East Hastings Street
November 22, 2011**

MOVED by Councillor Woodsworth

- A. THAT the recommendations approved by Council on March 9, 2011 be revised to approve a nominal gross air space parcel lease inclusive of rent in lieu of property taxes to the YWCA (the "Air Space Parcel Lease") for a term of 99 years with an option to renew for a further 30 years, of the air space parcel to be created following construction of the Strathcona Library and YWCA Family Housing at this site, which air space parcel will contain the family housing component and related amenity, office and common areas for providing supportive housing and associated social services.
- B. THAT to enable the YWCA to manage the development of this site as previously approved by Council, that the City enter into a nominal gross ground lease inclusive of rent in lieu of property taxes (the "Ground Lease") of the site with the YWCA for the term of the design and construction phase, which Ground Lease will be replaced by the Air Space Parcel Lease, upon registration of the Air Space Parcel Lease in the Land Title Office.

- C. THAT the YWCA's rights and responsibilities during the design and construction phase be set out in, and subject to, a development management agreement (the "Development Management Agreement") to be entered into with the City.
- D. THAT upon air space subdivision, an agreement (the "Building Management Agreement") be entered into between the City as owner of the air space parcel and the City as owner of the remainder parcel, pursuant to which the air space parcel owner will take on the primary obligations in respect of the ongoing repair, maintenance and management of the overall development, and will include indemnities and releases, and THAT the YWCA then assume the rights and obligations of the air space parcel owner under the Building Management Agreement upon entering into the Air Space Parcel Lease.
- E. THAT each of the Air Space Parcel Lease, the Ground Lease, the Development Management Agreement, the Building Management Agreement and such other related legal agreements as may be considered appropriate by the Director of Legal Services, be approved and entered into by the City, as represented by the Director of Legal Services or her nominee, on such other terms and conditions as the General Manager of Community Services, the Director of Real Estate Services, the City Librarian and the Director of Legal Services may negotiate and agree to with the YWCA or are further described in the body of the Administrative Report dated November 22, 2011, entitled "Downtown Eastside/Strathcona Branch Library - YWCA Metro Vancouver Housing Component: 720-730 East Hastings Street" or in the Administrative Report approved by Council In-Camera on March 9, 2011.

The nominal gross rent inclusive of rent in lieu of property taxes for this City-owned property, recommended for each of the Ground Lease and Air Space Parcel Lease, constitutes a grant and must be approved by the affirmative vote of not less than eight members of Council.

CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Deal
SECONDED by Councillor Woodsworth

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Stevenson
SECONDED by Councillor Deal

THAT Council, except for those members ineligible to vote as noted below, enact the by-laws listed on the agenda for this meeting as numbers 1 to 12 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Noise Control By-law No. 6555 (428 Terminal Avenue)
(By-law No. 10393)
2. A By-law to amend Sign By-law No. 6510 (428 Terminal Avenue)
(By-law No. 10394)
3. A By-law to amend Noise Control By-law No. 6555 (8495 Granville Street)
(By-law No. 10395)
4. A By-law to amend Sign By-law No. 6510 (8495 Granville Street)
(By-law No. 10396)
5. A By-law to designate certain real property as protected heritage property
(1237 East 14th Avenue - The Lee Residence) (By-law No. 10397)
(Councillors Chow and Reimer ineligible for the vote)
6. A By-law to designate certain real property as protected heritage property
(564 Beatty Street - Gurney Foundry Building) (By-law No. 10398)
(Councillors Chow and Reimer ineligible for the vote)
7. A By-law to authorize Council entering into a Heritage Revitalization Agreement
with the Owner of Heritage Property (564 Beatty Street - Gurney Foundry Building)
(By-law No. 10399)
(Councillors Chow and Reimer ineligible for the vote)

8. A By-law to authorize the borrowing of certain sums of money from January 8, 2012 to January 7, 2013, pending the collection of real property taxes (By-law No. 10400)
9. A By-law to Contract a Debt by the Issue and Sale of 3.45% Sinking Fund Debentures in the Aggregate Principal Amount of \$140,000,000 for the Objects Set Out in Schedule "B" (By-law No. 10401)
10. A By-law to amend False Creek North Official Development Plan By-law No. 6650 regarding land use in Area 5(b) East and new Figures 3, 4, 5, 9c 11, 12a and 12c (By-law No. 10402)
11. A By-law to amend Zoning and Development By-law No. 3575 by rezoning an area to CD-1 (777 Pacific Boulevard, BC Place Hotel/Casino) (By-law No. 10403)
12. A By-law to amend Zoning and Development By-law No. 3575 by rezoning an area to CD-1 (10 Terry Fox Way 5(b) East) (By-law No. 10404)

MOTIONS

A. Administrative Motions

1. 777 Pacific Boulevard (BC Place) - Lease of a Volumetric Portion of Smithe Street

MOVED by Councillor Deal

SECONDED by Councillor Stevenson

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 a portion of Lot 305 False Creek Plan BCP_____ ("Lot 305") for commercial purposes;
3. The proposal seeks to construct an underground parking structure within a volumetric portion of Smithe Street abutting Lot 305 (the "Volumetric Portion");
4. The owner of Lot 305 has applied to lease the Volumetric Portion;
5. The Volumetric Portion consists of City street dedicated by the deposit of Plan 20421 and Plan BCP_____;
6. The Volumetric Portion is not required for municipal purposes;
7. To provide for the registration of the said lease it is necessary to raise title to the portion of Smithe Street that contains the Volumetric Portion;

8. To enable the lease of the Volumetric Portion to be registered it is necessary for Council to close and stop-up the Volumetric Portion.

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 Smithe Street dedicated by the deposit of Plan 20421 and Plan BCP_____, and included within the heavy bold outline on the Reference Plan prepared by Jesse Morin, B.C.L.S., completed and checked on the 1st day of November, 2011, and marginally numbered "Dwg: 3860-RC2"; and

BE IT FURTHER RESOLVED THAT all that volumetric portion of Smithe Street included within heavy bold outline and illustrated isometrically on an Explanatory Plan prepared by Jesse Morin, B.C.L.S., completed and checked on the 1st day of November, 2011, and marginally numbered "Dwg: 3860-LEASE", be closed, stopped-up and leased to the owner of abutting Lot 305 False Creek Plan BCP_____. The lease to be to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services.

CARRIED UNANIMOUSLY

2. Approval of Form of Development - 2402 East Broadway

MOVED by Councillor Deal

SECONDED by Councillor Stevenson

THAT the form of development for this portion of the site known as 2402 East Broadway (2408 East Broadway being the application address) be approved generally as illustrated in the Development Application Number DE413093, prepared by JM Architecture Inc., and stamped "Received, Community Services Group, Development Services" on March 24, 2010, provided that the Director of Planning may impose conditions and approve design changes which would not adversely affect either the development character of the site or adjacent properties.

CARRIED UNANIMOUSLY

3. Approval of Form of Development - 428 Terminal Avenue

MOVED by Councillor Deal

SECONDED by Councillor Stevenson

THAT the form of development for this portion of the site known as 428 Terminal (400 Terminal Avenue being the application address) be approved generally as illustrated in the Development Application Number DE414860, prepared by B+H Bunting Coady Architects Inc., and stamped "Received, Community Services Group, Development Services", on November 9th, 2011, provided that the Director of Planning may impose conditions and approve design changes which would not adversely affect either the development character of the site or adjacent properties.

CARRIED UNANIMOUSLY

4. Approval of Form of Development - 999 Seymour Street

MOVED by Councillor Woodsworth
SECONDED by Councillor Deal

THAT the form of development for this portion of the site known as 999 Seymour Street be approved generally as illustrated in the Development Application Number DE411857, prepared by Acton Ostry Architects Inc., and stamped "Received, Community Services Group, Development Services", on November 7, 2011, provided that the Director of Planning may impose conditions and approve design changes which would not adversely affect either the development character of the site or adjacent properties.

CARRIED UNANIMOUSLY

B. Motions on Notice

1. Request for Leave of Absence - Councillor Kerry Jang

MOVED by Councillor Stevenson
SECONDED by Councillor Deal

THAT Councillor Jang be granted Leave of Absence for Personal Reasons from meetings to be held on Tuesday, November 29, 2011.

CARRIED UNANIMOUSLY

NEW BUSINESS

1. Request for Leave of Absence - Councillor Raymond Louie

MOVED by Councillor Chow
SECONDED by Councillor Deal

THAT Councillor Louie be granted Leave of Absence for Civic Business from meetings to be held on Tuesday, November 29, 2011.

CARRIED UNANIMOUSLY

ENQUIRIES AND OTHER MATTERS

1. Impounded Vehicles

Councillor Meggs enquired whether there is a consistent policy for all towing companies in the city with regard to providing access to impounded vehicles in order for owners and family members to obtain personal effects, do a battery check, etc. He requested an information memo from staff on this matter, including any suggestions as to whether any Council action is required to ensure such access is available.

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RECOGNITION OF COUNCIL MEMBERS

The Mayor recognized outgoing Council members Councillors Woodsworth, Cadman, Anton and Chow and thanked them for their service to the city of Vancouver during their respective terms on Council and in other capacities.

The Council adjourned at 11:40 am

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