



REGULAR COUNCIL MEETING MINUTES

MAY 28, 2013

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, May 28, 2013, at 9:38 am, in the Council Chamber, Third Floor, City Hall.

PRESENT: Mayor Gregor Robertson
Councillor George Affleck*
Councillor Elizabeth Ball
Councillor Adriane Carr
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie*
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tim Stevenson
Councillor Tony Tang

CITY MANAGER'S OFFICE: Sadhu Johnston, Deputy City Manager

CITY CLERK'S OFFICE: Janice MacKenzie, City Clerk
Laura Kazakoff, Meeting Coordinator

*Denotes absence for a portion of the meeting.

WELCOME

The proceedings in the Council Chamber were opened with welcoming comments read by Councillor Carr.

PROCLAMATION - SENIORS WEEK

The Mayor proclaimed the week of June 2 to 8, 2013, as "Seniors Week" in the city of Vancouver and invited members of the Seniors Advisory Committee, including Chris Morrissey, Chair, who said a few words, Colleen McGuinness, Vice-Chair, Rowena Tate, Eva Wadolna, Sharon Fenton, Eddy Elmer and Dellie Lidyrd, to the podium to receive it.

"IN CAMERA" MEETING

MOVED by Councillor Deal
SECONDED by Councillor Ball

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 paragraphs:

(c) labour relations or other employee relations;

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the city;

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 [disclosure harmful to business interests of a third party] of the Freedom of Information and Protection of Privacy Act.

CARRIED UNANIMOUSLY

ITEM ARISING FROM THE "IN CAMERA" MEETING OF MAY 15, 2013

Rosemary Hagiwara was appointed as Deputy City Clerk.

ADOPTION OF MINUTES

1. Regular Council - May 15, 2013

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT the Minutes of the Regular Council meeting of May 15, 2013, be approved.

CARRIED UNANIMOUSLY

2. Public Hearing - May 15, 2013

MOVED by Councillor Jang
SECONDED by Councillor Carr

THAT the Minutes of the Public Hearing of May 15, 2013, be approved.

CARRIED UNANIMOUSLY

3. Regular Council (City Finance and Services) - May 16, 2013

MOVED by Councillor Louie
SECONDED by Councillor Tang

THAT the Minutes of the Regular Council meeting following the Standing Committee on City Finance and Services meeting of May 16, 2013, be approved.

CARRIED UNANIMOUSLY

COMMITTEE OF THE WHOLE

MOVED by Councillor Jang
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Louie

THAT Council adopt Administrative Reports A2 to A5 and A7 on consent.

CARRIED UNANIMOUSLY

REPORT REFERENCE

1. Mayor's Engaged City Task Force

Lyndsay Poaps, Engaged City Task Force member, provided a presentation regarding the work to date of the Task Force, including an overview of their "Quick Start" recommendations for a more engaged city, opportunities for public feedback and next steps. Ms. Poaps, along with members Colleen McGuinness and Peter Greenwell, responded to questions.

MOVED by Mayor Robertson

THAT Council receive the Quick Start recommendations from the Engaged City Task Force, as presented to Council on May 28, 2013, and direct staff to implement; and

FURTHER THAT staff be directed to report back with recommendations for implementing any quick starts that cannot be absorbed within the existing budget.

Summary of Quick Start Recommendations:
Engagement at a Neighbourhood Level

1. Bring City Hall to the Community
2. Participatory Budgeting for Neighbourhoods
3. Declare a City-wide Neighbourhood Block Party Day
4. Neighbourhood Councillor Liaisons

Improve Civic Education

5. Open the Doors to City Hall
6. City Hall 101
7. Make it Easy to Register to Vote
8. City Hall Storytelling

Improve the Development Process

9. Earlier Public Involvement in Major Rezoning Proposals
10. Enhanced Notice of Planning Changes
11. Rethink Public Signs and Notices

Social Media for Civic Engagement

12. Bring 3-1-1 Online
13. Crowdsourced Venue List
14. Create and Promote an Engaged City Listserv
15. Create and Promote an Online Engagement Panel
16. Create and Promote an Engaged City Twitter Handle

notice

Councillor Ball called Notice as per Section 10.3(d) of the Procedure By-law.

The Mayor agreed to postpone decision on the motion to the next Regular Council meeting to be held on June 11, 2013.

ADMINISTRATIVE REPORTS

1. 2013 Q1 Capital Budget Adjustments and Closeouts May 14, 2013

MOVED by Councillor Louie

- A. THAT Council approve adjustments to the 2013 Capital Budget as outlined in Appendix 1 of the Administrative Report dated May 14, 2013, entitled "2013 Q1 Capital Budget Adjustments and Closeouts", with a net increase of \$3.0 million to the 2013 Annual Capital Budget resulting in a revised Annual Capital Budget of \$265.4 million.
- B. THAT, as part of the 2013 Q1 Capital closeout process, Council approve the closeout of completed capital projects with variances exceeding 15% and \$50,000 of the approved budget as outlined in the Administrative Report dated May 14, 2013, entitled "2013 Q1 Capital Budget Adjustments and Closeouts" and Appendix 2 of that report.

CARRIED UNANIMOUSLY

2. 97 East 2nd Avenue - Steel Toad Brew Pub, Liquor Primary Liquor Licence Application, Liquor Establishment Class 3 - Neighbourhood Pub April 30, 2013

THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notifications, site sign, noise impacts and relevant Council policy as outlined in Administrative Report dated April 30, 2013, entitled "97 East 2nd Avenue - Steel Toad Brew Pub, Liquor Primary Liquor Licence Application, Liquor Establishment Class 3 - Neighbourhood Pub", endorse the request by Steel Toad Brewing Company Ltd. for a new 240 person Liquor Primary liquor licence (Liquor Establishment Class 3 - Neighbourhood Pub - 200 interior seats) with outdoor patio seating (40 seats) at 97 East 2nd Avenue subject to:

- i. Standard hours of operation for the first six months are limited to 11 am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday; after which time Extended hours of operation may be considered which are limited to 9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday;
- ii. The outdoor patio ceasing all liquor service and vacated by 10 pm nightly;
- iii. A maximum total capacity of 200 persons (inside) and 40 persons on the patio (outside);
- iv. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- v. No music or entertainment permitted on the patio;
- vi. Signing a Good Neighbour Agreement with the City prior to business

- licence issuance;
- vii. A Time-limited Development Permit; and
- viii. Food service to be provided while the establishment is operating as well as on the patio when open.

ADOPTED ON CONSENT

**3. Vancouver Sport Hosting Grant: 2013 Spring Intake Allocations
May 3, 2013**

THAT Council approve Sport Hosting Grants totalling \$27,500 as listed in the body of the Administrative Report dated May 3, 2013, entitled "Vancouver Sport Hosting Grant: 2013 Spring Intake Allocations". Source of funds to be the 2013 Sport Hosting Grant Budget.

ADOPTED ON CONSENT AND
BY THE REQUIRED MAJORITY

**4. Grant to the Aboriginal Community Career Employment Services Society (ACCESS)
to Facilitate the Provision of Residential Tenancy Branch Services at 390 Main St.
March 12, 2013**

- A. THAT Council support a continued partnership with the Residential Tenancy Branch (RTB) by providing the Aboriginal Community Career Employment Services Society (ACCESS) with an \$8,000 grant to offset half of the operating costs of the RTB at 390 Main Street until March 31, 2016. Source of funds is the Community Services 2013 operating budget - Street Homelessness budget.
- B. THAT Council direct staff to amend the current lease with ACCESS for 390 Main Street to allow the Residential Tenancy Branch, Open Door Group, and the Salvation Army to sublease space in the building.

ADOPTED ON CONSENT AND
BY THE REQUIRED MAJORITY

**5. Grant Request - Streetohome Foundation
April 23, 2013**

THAT Council approve a grant of \$125,000 to Streetohome Foundation for 2013 with the source funds to be the Community Services 2013 Operating Budget for Street Homelessness.

ADOPTED ON CONSENT AND
BY THE REQUIRED MAJORITY

**6. WISH Drop-in Centre Society at 334 Alexander Street: Capital Grant and Modification of Lease
April 9, 2013**

MOVED by Councillor Jang

- A. THAT Council authorize the Director of Real Estate Services to negotiate and execute a modification of an existing lease ("Modification of Lease") with WISH Drop-in Centre Society ("WISH") to lease additional premises within a City-owned building having a civic address of 330 - 342 Alexander Street, legally described as Lots 9,10,11 and 12, Block 40, District Lot 196, Plan 196, (PIDs: 015-605-469, 015 605-477, 015-605-485, 015-605-493) (the "Building") to incorporate the following modifications:

Additional Lease Area: 3,255 square feet of additional premises located on the ground floor of the western half of the Building, having a civic address of 334 Alexander Street (the "Premises").

Use: Provide support services for survival sex trade workers.

Other Terms and Conditions: The Modification of Lease is to be provided on the City's standard form, drawn to the satisfaction of the Directors of Legal and Real Estate Services and including such terms and conditions as the Directors of Legal and Real Estate Services deem necessary, it being noted that no legal right or obligation will be created and none shall arise until the Modification of Lease document is fully executed by both parties.

As the rent for the Premises will be below the applicable market rate and includes rent-in-lieu of property taxes, A above constitutes a grant valued at approximately \$800,000.

- B. THAT Council approve a Capital Grant of up to \$400,000 to WISH to help with expansion and renovation of program space, to consolidate and better accommodate the services provided to vulnerable survival sex workers under one location. Source of funding to be a reallocation of \$250,000 from the approved budget for Immigrant Service Society Land Acquisition and a reallocation of \$150,000 from the approved budget for Emerging Initiatives Oppenheimer, to be added to the 2013 Capital Budget from the 'timing uncertain' category.

FURTHER THAT the Capital Grant be subject to the execution of the Modification of Lease.

Pursuant to Section 206(1) of the Vancouver Charter, approval of the grants contained in A and B above requires eight affirmative votes.

CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY

7. **Property Acquisition by Expropriation for the Powell Street Grade Separation Project - 1201 Franklin Street
May 22, 2013**

- A. THAT Council approve the terms of an agreement among T.N.T Franklin Holding Ltd., Inc. No. 0791099 (the "Owner"), T.N.T Garment Manufacturing Ltd., Inc. No. 0512124 (the "Tenant") and the City, pursuant to Section 3(1) of the Expropriation Act, R.S.B.C. 1996, C.125 (the "Act"), in which the City agrees to acquire a 521.9 square metre (5618 sq. ft.) portion of land located at 1201 Franklin Street (the "Subject Property") for the Powell Street Grade Separation Project, legally described as PID: 002-457-083, Lot 3, Except Part Included in Plan 14071 Block M, District Lot 182, Plan 13917 ("Lot 3") as shown on Appendix A to the Administrative Report dated May 22, 2013, entitled "Property Acquisition by Expropriation for the Powell Street Grade Separation Project - 1201 Franklin Street". The Subject Property is also shown in bold outline on Plan, prepared by Fred Wong, B.C.L.S completed on May 22, 2013 and marginally numbered LD 5386, a copy of which is attached as Appendix B to the above-noted report.
- B. THAT Council approve the following:
- i) Payment of \$574,000 to the Owner as an advance payment;
 - ii) Payment of \$17,000 for the rental of a temporary storage yard; and
 - iii) Payment to the Owner and/or the Tenant of an amount not to exceed \$500,000 for projected business loss.

Funding to be provided from CER 00117-11-AA within the approved 2013 Engineering Capital Budget.

- C. THAT Council further authorize the Director of Legal Services in consultation with the General Manager of Engineering Services to proceed with the necessary arrangements to establish the Subject Property for road.

ADOPTED ON CONSENT

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 Jang

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

CARRIED UNANIMOUSLY

BY-LAWS

Councillor Affleck advised he had reviewed the proceedings of the portion of Public Hearing which he missed in relation to By-laws 4 and 5 and would therefore be voting on the 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 7 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

1. A By-law to amend Subdivision By-law No. 5208 regarding the RT-11 and RT-11N Districts Schedule, and the RM-7 and RM-7N Districts Schedule and freehold rowhouses (By-law No. 10705)
2. A By-law to amend Noise Control By-law No. 6555 (800 Griffiths Way) (By-law No. 10706)
3. A By-law to amend Parking By-law No. 6059 with regard to CD-1 Districts Parking requirements and consequential housekeeping amendments (800 Griffiths Way) (By-law No. 10707)
4. A By-law to amend False Creek North Official Development Plan By-law No. 6650 (Regarding land use in Area 7(a) and new Figures 3, 4, 5, 9b, 12a and 12c) (By-law No. 10708)
(Mayor Robertson ineligible to vote)
5. A By-law to amend Sign By-law No. 6510 (800 Griffiths Way) (By-law No. 10709)
(Mayor Robertson ineligible to vote)
6. A By-law to enact a Housing Agreement for 1388 Continental Street (By-law No. 10710)
7. A By-law to amend Housing Agreement By-law No. 9629 for 71-77 East Hastings Street (By-law No. 10711)

MOTIONS

A. Administrative Motions

1. Establishing Road between Franklin Street and Powell Street, adjacent to 1201 Franklin Street, for the Powell Street Grade Separation Project

MOVED by Councillor Jang

SECONDED by Councillor Stevenson

A. The City of Vancouver requires a portion of:

Parcel Identifier: 002-457-083
Lot 3, Except part included in Plan 14071
Block M
District Lot 182
Plan 13917

shown heavily outlined on plan of survey completed May 22, 2013,
attested to by Fred L. Wong, B.C.L.S. and marginally numbered LD5386
(the "Lands")

for the altering of a linear development, namely, the Powell Street Grade Separation Project.

- B. The *Vancouver Charter* provides that if, in the exercise of any of its powers of acquiring real property, the City fails to come to an agreement with its owner as to the terms of acquisition, the City may, by by-law or resolution of its Council, expropriate such real property.
- C. The *Expropriation Act*, R.S.B.C. 1996, C. 125, provides that an "expropriating authority" means a person empowered under an enactment to expropriate land.
- D. On May 28, 2013, Vancouver City Council passed a resolution authorizing the City as expropriating authority to commence expropriation proceedings under the *Expropriation Act* to acquire the Lands.
- E. Pursuant to Section 3(1) of the *Expropriation Act*, the City has entered into an agreement (the "Agreement") with the owner of the Lands in which the City agreed to forebear proceeding with the expropriation of the Lands and the owner agreed to transfer the Lands to the City on the terms of the Agreement.
- F. Pursuant to the Agreement, the owner of the Lands will execute a Form A Freehold Transfer conveying title to the Lands to the City.

- G. It is deemed expedient and in the public interest to accept and allocate the Lands for road purposes.

BE IT RESOLVED THAT the Lands are hereby accepted and allocated for road purposes and declared to form and to constitute a portion of a road.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

B. Motions on Notice

1. Vancouver Bird-Friendly Strategy

MOVED by Councillor Reimer
SECONDED by Councillor Deal

WHEREAS

1. Metro Vancouver, including Vancouver, supports 407 identified bird species, most of which are migratory;
2. Birds, through their dependence on many habitats along their migrations, often feel the effects of changing habitats before many other species, making them key indicators for the environmental health and thus the health of residents;
3. Canada's science-based 'Important Bird Areas Program', an initiative to identify, conserve and monitor a network of sites that provide essential habitat for Canada's bird population, has identified the Fraser River Delta adjacent to Vancouver as BC's most significant important bird area, supporting millions of birds annually;
4. Birding tourism accounted for \$35.7 billion in expenditures in the United States in 2009, the most recent year for which information is available. Although no comparable study exists in Canada, estimates of birding participation rates in western Canada for the same year are much higher than in the United States (30% versus 21%);
5. The Greenest City Action Plan recognizes that natural spaces need to be protected and well managed, and that the City should contribute to, and influence, the development of Metro Vancouver's Regional Biodiversity Strategy, which includes guidelines to create or re-establish wildlife corridors;
6. Since 2010 the City has partnered with the Vancouver Park Board, Nature Canada, Bird Studies Canada and other community partners to celebrate World Migratory Bird Day and provide a week of public education programming about birds and bird habitat;

7. Toronto, Calgary, Chicago and several other North American cities have successfully established bird-friendly strategies, that include public education, habitat creation and protection, building guidelines, and tourism strategies;
8. The Vancouver Park Board will be debating a motion at their next meeting to expand their efforts to protect and expand bird habitat, and public education programs on birds.

THEREFORE BE IT RESOLVED

- A. THAT staff report back on best practices for monitoring and protecting bird populations in an urban environment, including building and landscape guidelines.
- B. THAT birding tourism be included as part of the Vancouver Tourism Master Plan being developed with Tourism Vancouver.
- C. THAT staff work with the City's World Migratory Bird Day partners to expand public education efforts for 2014.

referred

The Mayor noted that requests to speak to this motion had been received.

MOVED by Councillor Jang
SECONDED by Councillor Ball

THAT the motion be referred to the Planning, Transportation and Environment meeting to be held on May 29, 2013, at 9:30 am, in order to hear from speakers.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

2. Request for Leave of Absence - Councillor Raymond Louie

MOVED by Councillor Ball
SECONDED by Councillor Jang

THAT Councillor Raymond Louie be granted a Leave of Absence for Civic Business from all meetings to be held on June 25 and 26, 2013.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

3. The Centre for Performing Arts

Councillor Affleck rose and declared Conflict of Interest on this item due to a client relationship with The Centre. Councillor Affleck left the meeting at 11:20 am and did not return until the conclusion of discussion on the item, at 11:23 am.

MOVED by Councillor Ball
SECONDED by Councillor Carr

WHEREAS

1. The City of Vancouver acknowledges of the economic importance of culture and the arts in Vancouver;
2. The City of Vancouver has invested both time and funding to source and plan for more purpose built cultural facilities in the city;
3. Cultural spaces are vital to communities and neighborhoods, and are essential for thriving economic and social well-being, but facilities can become vulnerable in surging real estate markets;
4. The Centre for Performing Arts is located in the centre of Vancouver's Cultural District or precinct;
5. The Centre for Performing Arts has served for a number of years as a purpose built venue for Dance and Music;
6. The Centre has a proud history of presenting many works celebrating both diversity and acceptance;
7. There are media reports that The Centre is being sold to a non-entertainment organization;
8. Several respected arts organizations that had a season or event planned in The Centre have had their bookings abruptly cancelled. As performing arts organizations must make arrangements years in advance, this situation will cause major financial hardship;
9. Hundreds of entertainment related professionals will lose their jobs should The Centre be lost to the community;
10. The Centre is the only alternate mid-size theatre appropriate for dance, sound reinforced musical events and theatre that is available to rent in central Vancouver at 1800 seats;

11. The Vancouver Civic Theatres, the Queen Elizabeth with 2,800 seats, the Orpheum with 2,800 seats and the Playhouse with 650 seats, are not able to fill all the needs of commercial entertainment promoters and non-profit cultural organizations in the city;
12. Famed architect Moshe Safdie designed the theatre's marquee as an homage to music. The theatre has been recognized as an important part of our cultural heritage.

THEREFORE BE IT RESOLVED

- A. THAT Council direct staff to examine any possibilities for City use of The Centre for Performing Arts which would enable the Centre to continue to support a vibrant cultural life in the city for years to come; and that staff report back to Council on the results of those explorations.
- B. THAT if The Centre for Performing Arts is sold to a non-cultural organization this year, Council directs staff to negotiate with the owners so that permission is given for previously booked tenants to perform up until December 31, 2013. Such permission will avert a serious destabilization of the economic realities of the local cultural community.

referred

The Mayor noted that requests to speak to this motion had been received.

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT the motion be referred to the Planning, Transportation and Environment meeting to be held on May 29, 2013, at 9:30 am, in order to hear from speakers.

CARRIED UNANIMOUSLY
(Councillors Affleck and Louie absent for the vote)

ENQUIRIES AND OTHER MATTERS

1. Release of Engaged City Task Force Report

Councillor Carr expressed concern with regard to the release of the Engaged City Task Force's report, noting all Council members did not receive it prior to it being released to the media. The Mayor advised it was the decision of the Task Force to have the report go public to all citizens, which includes members of Council, at the same time.

2. Westcoast Oil Pipeline Summit and Gala Dinner

Councillor Affleck enquired with regard to the recent Westcoast Oil Pipeline Summit and Gala Dinner on April 19, 2013, at which the Mayor appeared as a guest speaker, and noted that the materials and advertising for the conference listed the City of Vancouver as a supporter and sponsor of the event. However, a citizen organization was told in response to an FOI request that there were no City records on this event.

The Mayor noted that the conference organizers acknowledged at the event that a mistake was made in listing the City of Vancouver as a sponsor when in fact the City had no such role in the conference.

The Council adjourned at 11:30 am.

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