

CITY OF VANCOUVER



REGULAR COUNCIL MEETING MINUTES

SEPTEMBER 16, 2008

CITY OF VANCOUVER

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, September 16, 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 City Clerk.

CIVIC RECOGNITION - EMPLOYEE RECOGNITION

The Mayor recognized Mario Mazza, Kain Silvestrone, Gene Lefler and Daren Andrukow, all of whom, during the course of their duties as City of Vancouver employees, provided emergency first-aid assistance to citizens in life-threatening situations.

"IN CAMERA" MEETING

MOVED by Councillor Capri
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 paragraph(s):

(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;

(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

ADOPTION OF MINUTES

1. Regular Council (Transportation and Traffic) - July 22, 2008

MOVED by Councillor Lee
SECONDED by Councillor Louie

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

2. Regular Council - July 22, 2008

MOVED by Councillor Deal
SECONDED by Councillor Chow

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

3. Regular Council (City Services and Budgets) - July 24, 2008

MOVED by Councillor Ladner
SECONDED by Councillor Stevenson

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

4. Regular Council (Planning and Environment) - July 24, 2008

MOVED by Councillor Capri
SECONDED by Councillor Louie

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

5. Business License Hearing - July 24, 2008

MOVED by Councillor Louie
SECONDED by Councillor Cadman

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

COMMITTEE OF THE WHOLE

MOVED by Councillor Ladner
SECONDED by Councillor Stevenson

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

CARRIED UNANIMOUSLY

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Capri

THAT Council adopt Administrative Reports A1, A2, A4-A9, A11-A13, A15-A17, A19, A21-23 and Policy Reports P1 to P6, on consent.

CARRIED UNANIMOUSLY

REPORT REFERENCE

**1. 2009-2011 Capital Plan: Final Plan Approval
September 8, 2008**

Ken Bayne, General Manager, Business Planning and Services, provided a Report Reference on the final allocation of the 2009-2011 Capital Plan and provided an overview of the

Administrative Report dated September 8, 2008, "*2009-2011 Capital Plan: Final Plan Approval*".

Catherine Knauss, Ipsos Reid Public Affairs, presented a summary of the findings of the public opinion survey which was undertaken by Ipsos Reid to seek input from Vancouver residents on the Capital Plan options. Mr. Bayne also presented the results of the City of Vancouver's Capital Plan questionnaire which was available as a flyer and on the City's website, and responded to questions from Council.

MOVED by Councillor Louie

- A. THAT Council confirm funding of \$494.8 million for the 2009 - 2011 Capital Plan as follows:
- \$199.0 million from plebiscite-approved borrowing authority
 - \$ 95.8 million from Council approved Sewer borrowing authority
 - \$ 61.6 million from Council approved Water borrowing authority
 - \$ 75.0 million from Capital from Revenue
 - \$ 63.4 million from City-wide DCL funding
- B. THAT Council approve the allocation of funding to specific programs and projects in the 2009 - 2011 Capital Plan as detailed in the Administrative Report dated May 20, 2008, entitled "2009-2011 Capital Plan: Draft Plan" which was considered on May 27, 2008, and amended in the Administrative Report dated September 8, 2008, entitled "2009-2011 Capital Plan: Final Plan Approval" and summarized in Appendix A to that report; and

FURTHER THAT Council approve additional funding allocations as follows:

1. Increase the current debenture funding allocation for Recreation Facilities by 23 million dollars for the renewal of Trout Lake Community Centre;
2. Increase the current debenture funding allocation for Cycling Networks by 1.5 million dollars to match debenture funding allocated in the 2006-2008 Capital Plan, for a total of 6.5 million in the 2009-2011 Capital Plan;
3. Increase the current debenture funding allocation for Facilities Development by 2.5 million dollars for a new DTES/Strathcona branch Library in order to proceed with construction if discussions on co-location at the Strathcona Elementary School site are not successful;
4. Increase the current debenture funding allocation for Public Safety by 1.4 million dollars for Firehall #15 replacement in order to retain the heritage building while still providing a new three bay Firehall;
5. Increase the current debenture funding allocation for the Street Tree Program by 250,000 dollars to match debenture funding allocated in the 2006-2008 Capital Plan, for a total of 750,000 dollars in the 2009-2011 Capital Plan.

- C. THAT Council instruct the General Manager of Business Planning and Services and the Director of Finance to report back on September 30, 2008 with a financial plan to support the 2009 - 2011 Capital Plan, including a breakdown of funding between borrowed funds, capital from revenue and City-wide DCL funds, and on proposed wording for the borrowing questions that will be submitted to the electorate during the November civic election.

amended

AMENDMENT MOVED by Councillor Ladner

THAT the motion be amended by striking out "\$494.8 million" in A and replacing it with "\$517.8 million" and by striking out "\$199.0 million" in the first bullet of A and replacing with "\$222.0 million"; and

FURTHER THAT the motion be amended by striking out parts 1 - 5 in B, and substituting the following:

THAT Council approve the allocation of \$23.0 million of additional funding to the Board of Parks and Recreation.

CARRIED

(Councillors Cadman, Chow, Deal, Louie and Stevenson opposed)

AMENDMENT MOVED by Councillor Cadman

THAT Council approve additional funding of \$6.0 million for the Britannia facility Master Plan improvements.

LOST

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

AMENDMENT MOVED by Councillor Louie

THAT Council approve additional funding of \$300,000 for the planning phase of the Britannia facility improvements in this Capital Plan.

lost

AMENDMENT TO THE AMENDMENT MOVED by Councillor Ladner

THAT the amendment be struck and replaced with the following:

THAT Council include planning costs required for the Britannia Community Centre plan preparation in the Supplementary Capital Budget.

lost

* * * * *

Councillor Cadman rose on a Point of Order, noting that the amendment to the amendment was out of order because one Council cannot bind the actions of a future Council. The Mayor ruled the amendment to the amendment to be in order.

Councillor Cadman challenged the ruling of the Chair.

The Chair then put the question:

Shall the ruling of the Chair be sustained?

Councillors Cadman, Chow, Deal, Louie and Stevenson opposed.

A two-thirds majority of those present is required to overrule a ruling of the Chair. Therefore the ruling of the Chair was SUSTAINED.

* * * * *

The ruling of the Chair having been sustained, the amendment to the amendment was put and LOST with Councillors Cadman, Capri, Deal, Lee, Louie and Stevenson opposed.

The amendment to the amendment having lost, the amendment was put and LOST (Tie Vote) with Councillors Anton, Capri, Ladner, Lee and the Mayor opposed and Councillor Ball absent for the vote.

There being no further amendments, the motion was put and CARRIED UNANIMOUSLY.

FINAL MOTION AS AMENDED AND ADOPTED

- A. THAT Council confirm funding of \$517.8 million for the 2009 - 2011 Capital Plan as follows:
- \$222.0 million from plebiscite-approved borrowing authority
 - \$ 95.8 million from Council approved Sewer borrowing authority
 - \$ 61.6 million from Council approved Water borrowing authority
 - \$ 75.0 million from Capital from Revenue
 - \$ 63.4 million from City-wide DCL funding
- B. THAT Council approve the allocation of funding to specific programs and projects in the 2009 - 2011 Capital Plan as detailed in the Administrative Report dated May 20, 2008, entitled "2009-2011 Capital Plan: Draft Plan" which was considered on May 27, 2008, and amended in the Administrative Report dated September 8, 2008, entitled "2009-2011 Capital Plan: Final Plan Approval" and summarized in Appendix A to that report; and

FURTHER THAT Council approve the allocation of \$23.0 million of additional funding to the Board of Parks and Recreation.

- C. THAT Council instruct the General Manager of Business Planning and Services and the Director of Finance to report back on September 30, 2008 with a financial plan to support the 2009 - 2011 Capital Plan, including a breakdown of funding between borrowed funds, capital from revenue and City-wide DCL funds, and on proposed wording for the borrowing questions that will be submitted to the electorate during the November civic election.

ADMINISTRATIVE REPORTS

1. **Business License Hearing Panels - September and October 2008
July 23, 2008**

THAT Council delegate the holding of the Business License Hearings presently scheduled for September 30, 2008, from 9:30 am to 12:30 pm; October 8, 2008, from 9:30 am to 12:30 pm; and October 14, 2008, from 9:30 am to 12:30 pm, to a panel of three Council Members, pursuant to Section 277.1 of the Vancouver Charter, as follows:

The Business License Hearings pursuant to Section 275 of the Vancouver Charter regarding referrals to Council by the Chief License Inspector for the year 2008 business licenses and the power to make a Council decision in relation to those hearings be delegated to:

September 30, 2008 - 9:30 am
Councillor Tim Stevenson, Chair
Councillor David Cadman
Councillor Peter Ladner
Councillor Elizabeth Ball, Alternate

October 8, 2008 - 9:30 am
Councillor Elizabeth Ball, Chair
Councillor Peter Ladner
Councillor Raymond Louie
Councillor BC Lee, Alternate

October 14, 2008 - 9:30 am
Councillor George Chow, Chair
Councillor Kim Capri
Councillor Raymond Louie
Councillor Suzanne Anton, Alternate

Should any of the above Members of Council be unable to attend the hearings, the hearings and the power to make a Council decision in relation to those hearings be delegated to the remaining two Councillors and alternate Councillors.

ADOPTED ON CONSENT

**2. Chauffeur's Permit Appeal Panel - October 2008
July 23, 2008**

THAT Council delegate the holding of a Chauffeur's Permit Appeal presently scheduled for October 2, 2008, at 7:30 pm, to a panel of three Council members, pursuant to Section 277.1(1) of the Vancouver Charter, as follows:

October 2, 2008 - 7:30 pm
Councillor B.C. Lee, Chair
Councillor Suzanne Anton
Councillor Kim Capri
Councillor George Chow, Alternate

Should any of the above Council members be unable to attend the hearing, the hearing and the power to make a Council decision in relation to this hearing be delegated to the remaining two Councillors and alternate Councillor.

ADOPTED ON CONSENT

**3. New Public Street Name: Thornton Street
- WITHDRAWN**

**4. Appointment of Deputy Positions
July 28, 2008**

THAT Council appoint the following staff to the positions indicated below:

Esther Lee, Deputy Director of Finance
Annette Klein, Deputy Director of Finance
Grace Cheng, Deputy Treasurer
Blair Choo, Deputy Collector

ADOPTED ON CONSENT

**5. 2008 Community Service and Cultural Capital Grant Allocations
September 2, 2008**

THAT Council approve 13 Capital Grants, totalling \$230,000 SUBJECT TO the conditions outlined in the Administrative Report dated September 2, 2008, entitled "2008 Community Service and Cultural Capital Grant Allocations" and as noted in Appendix A to that report; source of funds to be the 2008 Capital Grants Budget.

ADOPTED ON CONSENT AND
BY THE REQUIRED MAJORITY

**6. Lease Terms for City-owned Social Housing Site at 1237 Howe Street (McLaren Housing Society)
July 30, 2008**

- A. THAT Council approve the ground lease for 1237 Howe Street, legally described as Parcels 32 (Plan 210) and E (Plan 16394), Block 101, D.L. 541, to the McLaren Housing Society (MHS) for 60 years for a nominal rent, 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 lease to McLaren Housing Society represents 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

**7. 2009 Interest Rate of Property Tax Arrears
August 13, 2008**

- A. THAT City Council set an interest rate of 8.75% for real property tax arrears to be effective January 1, 2009; and
- B. THAT the Director of Legal Services be authorized to bring forward a by-law, on or before September 30, 2008, to implement the interest rate under section 415(2) of the Vancouver Charter.

ADOPTED ON CONSENT

**8. Form of Development: 1700 Manitoba Street
September 2, 2008**

THAT the form of development for this portion of the CD-1 zoned site known as 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue (1700 Manitoba Street, being the application address) be approved generally as illustrated in the Development Application Number DE411797, prepared by Howard Bingham Hill Architects, and stamped "Received, Community Services Group, Development Services, May 23, 2008", provided that the Director of Planning may approve design changes which would not adversely affect either the development character of this site or adjacent properties.

ADOPTED ON CONSENT

**9. Form of Development: 99 West 2nd Avenue
September 2, 2008**

THAT the form of development for this portion of the CD-1 zoned site known as 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue (99 West 2nd Avenue, being the application address) be approved generally as illustrated in the Development Application Number DE411230, prepared by Howard Bingham Hill Architects, and stamped "Received, Community Services Group, Development Services August 1, 2008", provided that the Director of Planning may approve design changes which would not adversely affect either the development character of this site or adjacent properties.

ADOPTED ON CONSENT

**10. Consulting Contract - Sustainable and Ethical Purchasing Policy (SEPP) Phase II
- WITHDRAWN**

**11. Local Improvement Reballot from June 12, 2008, Court of Revision
August 26, 2008**

THAT Court #625, Item #007, NOT BE APPROVED for lane pavement on the lane east of Nanaimo Street from 142 feet south of 3rd Avenue to 7 feet north of 4th Avenue.

ADOPTED ON CONSENT

**12. Award of Contract PS08086 - Bird Control Service at the Vancouver Landfill
August 28, 2008**

- A. THAT, subject to conditions set out in B, C, and D below, Council authorize a contract with Raptor Ranch Inc. to provide Bird Control Service for the Vancouver Landfill at an annual amount not to exceed \$145,380 plus GST, for a duration of three years with the option of renewal for two additional one year terms. This contract will be funded from the Landfill Operating 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 Engineering Services, Manager of Materials Management and Director of Legal Services.
- D. THAT no legal rights or obligations will be created by Council's adoption of A, B and C above until such legal documents are executed and delivered by the Director of Legal Services.

ADOPTED ON CONSENT

13. **118 Alexander Street - Heritage Façade Rehabilitation Program - Façade Grant
July 30, 2008**

- A. THAT Council approve a façade grant of up to \$50,000 for the rehabilitation of the principal facade at 118 Alexander Street in association with Development Application Number DB 428550. The source of funding is the 2006 Capital Budget for the Heritage Façade Rehabilitation Program.

The *Vancouver Charter* requires that a minimum of two-thirds of the votes cast be affirmative for the resolution to pass.

- B. AND THAT the Owner shall grant to the City a Section 219 covenant by which professional oversight of the rehabilitation will be required and by which the Owner will be required to maintain the 118 Water Street façade in good appearance and good repair for a minimum period of up to fifteen years. The covenant shall be to the satisfaction of the Director of Planning and Legal Services and registered in the Land Title Office in priority over all financial charges.

ADOPTED ON CONSENT AND
BY THE REQUIRED MAJORITY

14. **Rent Subsidy Grant for 685 East Broadway
Pacific Community Resource Society - Broadway Youth Resource Centre
September 2, 2008**

MOVED by Councillor Anton

THAT Council approve a rent subsidy grant estimated at \$4,552 per month up to a total of \$109,250 to Pacific Community Resources Society to cover the rent incurred for use of the City-owned property at 685 East Broadway on a month-to-month basis for 24 months or until the premises are redeveloped, whichever shall first occur. The source of funding to be the 2008 Contingency Reserve.

Occupancy and use of the premises at 685 East Broadway is subject to Pacific Community Resource Society:

- 1) obtaining all applicable permits
- 2) signing of the standard commercial month-to-month rental agreement with the City

Approval of a rent subsidy grant requires eight affirmative votes.

CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY
(Councillors Louie and Stevenson absent for the vote)

**15. Lease Terms and Other Arrangements for City-owned Social Housing site at 1005 Station Street
August 27, 2008**

- A. THAT Council approve the ground lease for 1005 Station Street, legally described as Parcel A, Block 24, D.L. 196, Plan LMP 48728 to the Portland Hotel Society (PHS) for 60 years for a nominal rent, in accordance with terms and conditions outlined 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 lease to Portland Hotel Society represents a grant and requires 8 affirmative votes.

- B. THAT Council approve the leasing of the retail space on the main floor of the building, totalling approximately 382 m² (4,112 ft.²), plus 6 parking spaces and one loading bay, from the Portland Hotel Society to the City of Vancouver for the term of the ground lease less a day, at a nominal rent, and subject to other terms as determined by the General Managers of Business Planning and Services and Community Services, and the Director of Legal Services.
- C. THAT Council approve payment to BC Housing of up to \$2,600,000 plus GST equal to the total construction costs of the retail space, disbursed during the construction period in two payments, 50% prior to start of construction and 50% upon completion and subject to the approval of the Director of Real Estate Services. BC Housing will advise the City in advance of the date of construction commencement; source of funds is the PEF.
- D. THAT Council approve a budget of up to \$320,000 plus GST for required tenant improvements undertaken by the City or negotiated by the Director of Real Estate Services as part of the retail lease negotiations with prospective tenants; source of funds is the PEF.
- E. 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

**16. 2009 Engineering Fees Report
August 29, 2008**

THAT Council approve increases in the Engineering Services Department Permit Fees totalling an estimated amount of \$208,200, as set out in Appendix A to the Administrative report dated August 29, 2008, entitled "2009 Engineering Fees Report", to take effect on January 1, 2009;

FURTHER THAT the Director of Legal Services be instructed to prepare by-laws to amend the Street and Traffic By-law, Encroachment By-law, Crossing Bylaw, Street Distribution of Publications By-law and Street Vending By-law, and modify all Garbage Container License agreements between the City and solid waste removal companies using City lanes for storage of garbage containers, and all other license agreements referred to in Appendix A, all generally in accordance with Appendix A.

ADOPTED ON CONSENT

**17. Vancouver Police Department - Civilian Staffing Requirement - CAD System
Administrator
August 13, 2008**

THAT Council approve the creation of a Computer Aided Dispatch (CAD) System Administrator position for the Vancouver Police Department (VPD), Communications and Fleet Section, at a cost of \$77,000 in 2008 comprised of on-going and one time costs, to be provided from the VPD annual operating budget, subject to annual budget review.

ADOPTED ON CONSENT

**18. Financial Services Staffing
September 5, 2008**

MOVED by Councillor Ladner

THAT Council approve the creation of an exempt regular full-time Financial Analyst position within Financial Services Group at an estimated annual cost of \$93,000 including benefits. Source of funding for 2008 (\$46,900) to be the existing Operating Budget and ongoing funding to be sourced from the 2009 City-wide Operating Budget.

The position is subject to review and classification by the General Manager of Human Resource Services.

carried

AMENDMENT MOVED by Councillor Cadman

THAT the words "to be sourced from the 2009 City-wide Operating Budget." be struck and replaced with the words "to be added to the 2009 Operating Budget without offset."

LOST

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

The amendment having lost, the motion was put and CARRIED UNANIMOUSLY with Councillor Louie absent for the vote.

19. **Streetohome Vancouver**
August 28, 2008

- A. THAT Council receive the report attached as Appendix A to the Administrative report dated August 28, 2008, entitled "Streetohome Vancouver" from Dobell Advisory Services Inc. and DCF Consulting for information, and thank Mssrs. Dobell and Fairbairn for their work in developing an innovative funding model to encourage private, philanthropic and community investment in supportive housing and for initiating the City/Province SRO and supportive and social housing partnership.
- B. THAT Council approve a grant of \$500,000 to the Streetohome Foundation subject to matching grants from the Vancouver Foundation and from the Province, and with the City to have the right to appoint a member to the Board of Directors of the Streetohome Foundation, with the source of funds to be the 2004-5 Affordable Housing Capital Unallocated account.
- C. THAT Council approve a contribution of five million dollars (\$5,000,000) to BC Housing for the acquisition and upgrade of the more than 500 rooms in the Single Room Occupancy (SRO) properties that BC Housing purchased in March 2007, as listed in this report, with the source of funding for City's \$5,000,000 contribution to be the City-wide Development Cost Levies allocated to replacement housing subject to execution of Housing Agreements for each of the SRO properties that, for a term of 20 years from the date of purchase by the Province:
 - the Province not sell the property unless the Province funds and develops replacement social and/or supportive housing in Vancouver to accommodate the residents,
 - the property may be renovated to replace the rooms with self-contained units subject to the Province funding and developing social and/or supportive housing to replace the net loss of rooms resulting from the renovation, and

- occupancy be restricted to core-need singles who will pay a rent equal to the shelter component of welfare or 30% of their gross household income whichever is greater to a maximum of the market rent for the room or unit.

ADOPTED ON CONSENT AND
BY THE REQUIRED MAJORITY

**20. 2010 Olympics Street Banner Program
September 2, 2008**

MOVED by Councillor Anton

- A. THAT Council approve a funding allocation of \$650,000 to the Look of the City program for the purchase and installation of approximately 6,000 Olympic banners to be placed along Vancouver streets as outlined in the Administrative Report dated September 2, 2008, entitled "2010 Olympics Street Banner Program", at a total cost of \$650,000. Source of funds to be the Olympic Legacy Reserve approved by Council on December 11, 2007.
- B. THAT Council approve all proceeds from the sales of Olympic banners, following the Games, be used to fund inner city initiatives.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

**21. Report Back on VEDC Blue Ribbon Council Recommendations
September 2, 2008**

- A. THAT Council support VEDC's participation in the two-year Business Gateway Project designed to attract investors and skilled labour to Vancouver, as described in this report, at a City cost of \$32,000 with results to be reported to Council as part of the VEDC's 2009 and 2010 Business Plans; source of one time funding to be the 2008 operating budget.
- B. THAT Council support VEDC's participation in the two-year Leveraging 2010 Program, designed to bring targeted investment prospects to Vancouver during the 2010 Winter Games, as described in this report, as a City cost of \$24,000, with results to be reported to Council as part of the VEDC's 2009 and 2010 Business Plans; source of one-time funding to be the 2008 operating budget.
- C. THAT Council support VEDC's participation in the Green IT Summit, designed to connect local technology companies, particularly those working on technologies related to sustainability, to global 2010 Games sponsoring organizations that have expertise in these areas, at a cost of \$20,000; source of one time funding to be the 2008 operating budget.

- D. THAT Council direct the VEDC to work with General Manager of Community Services, the Program Director of Access Vancouver, the Director of Communications, and the General Manager of Business Planning and Services, to host an annual conference on the City's customer service and regulatory processes, as described in this report, at an annual cost of \$15,000, with results to be reported to Council as part of the VEDC's Annual Business Plan; with funding to be added to the VEDC's baseline core funding beginning in 2008 from the operating budget.
- E. THAT Council support VEDC's participation in the Metro Vancouver Commerce consulting project that will evaluate options for a regional licensing system for mobile businesses, at a cost of \$10,000 with results to be reported to Council as part of the VEDC's 2009 Business Plan; source of one time funding to be the 2008 operating budget.
- F. THAT Council support VEDC's participation in hosting an Entrepreneurial Vancouver event in November 2008, as described in this report, with results to be reported to Council as part of the VEDC's 2009 Business Plan; with ongoing funding to be added to the VEDC's baseline core funding beginning in 2008 from the operating budget.
- G. THAT Council support VEDC's participation in hosting a Commercialisation of Innovation conference in Winter 2008/09, as described in this report, at a one time cost of \$25,000 with results to be reported to Council as part of the VEDC's 2009 Business Plan; source of funding to be the 2008 operating budget.
- H. THAT the VEDC, in conjunction with the Director of Business Planning and Services, undertake Phase 1 of evaluating the preferred economic development model for the City of Vancouver, including consideration of a regional economic development model, with a one-time funding contribution of \$10,000 with results to be reported to Council as part of the VEDC's 2009 Business Plan; source of funding to be the 2008 operating budget.
- I. THAT for projects recommended in A to H above that involve funding from other partners, release of City funds be contingent on confirmation from VEDC that this funding has been committed.

ADOPTED ON CONSENT

**22. Grant Request: Church and Affordable Housing Conference
September 4, 2008**

THAT Council approve a grant of \$2,500, with funding to be provided from the Affordable Housing Fund, for the 2008 Church and Affordable Housing Conference that is being held in Vancouver on October 17 and 18, 2008.

ADOPTED ON CONSENT AND
BY THE REQUIRED MAJORITY

**23. Award of Tender PS08064 - The Supply and Delivery of Two (2) Bulldozers
August 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 KCL West Holdings Inc., a Division of Coneco Equipment which has, subsequent to submitting its tender legally changed its name to SMS Equipment Inc. ("SMS Equipment") for two (2) 2008 Komatsu D65PX-15 bulldozers at a total cost of \$643,840 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

POLICY REPORTS

**1. CD-1 Text Amendment at 322 Davie Street (Opus Hotel)
September 3, 2008**

- A. THAT the application by Endall Elliot Associates, on behalf of Trilogy Yaletown Development Corp., to amend CD-1 By-law No. 7948 (reference No. 384) for 322 Davie Street (Lot 21, Block 76, DL 541, Plan 3469) to increase the maximum density and height to accommodate a rooftop restaurant be referred to a Public Hearing, together with:
 - (i) draft CD-1 By-law amendments, generally as presented in Appendix A to the Policy report dated September 3, 2008, entitled "CD-1 Text Amendment at 322 Davie Street (Opus Hotel);
 - (ii) plans prepared by Endall Elliot Associates received January 16, 2008, represented in Appendix D of the report; and
 - (iii) the recommendation of the Director of Planning to approve the application, subject to approval of conditions contained in Appendix B of the report.

- B. THAT should the application be referred to a Public Hearing, the registered property owner shall submit confirmation, in the form of "Letter A", that an agreement has been reached with the registered owner of a suitable donor site for the purchase of heritage bonus density as described in the Policy Report dated September 3, 2008, entitled "CD-1 Text Amendment at 322 Davie Street (Opus Hotel)".
- C. THAT A and B above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

ADOPTED ON CONSENT

- 2. **Miscellaneous Text Amendments: Zoning and Development By-law, Sign By-law and CD-1 By-laws
September 2, 2008**
 - A. THAT the Director of Planning be instructed to make applications to amend the Zoning and Development By-law, the Sign By-law and various CD-1 By-laws for miscellaneous text amendments generally as presented in Appendix A to the Policy Report dated September 2, 2008, entitled "Miscellaneous Text Amendments: Zoning and Development By-law, Sign By-law and CD-1 By-laws", and that the applications be referred to a Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-laws, generally in accordance with Appendix A to the report, for consideration at the Public Hearing.
 - B. THAT miscellaneous amendments to the Parking By-law be approved, generally in accordance with Appendix B to the Policy Report dated September 2, 2008, entitled "Miscellaneous Text Amendments: Zoning and Development By-law, Sign By-law and CD-1 By-laws";

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

ADOPTED ON CONSENT

**3. CD-1 Text Amendment: 333 East Pender Street
September 3, 2008**

THAT the application by Y.M. May Lee Architect to amend CD-1 By-law No. 8097 (reference No. 396) for 333 East Pender Street (Lots 24, 25 and 26, Block 71, District Lot 196, Plan 196) to increase the building height from 4 to 5 storeys and increase the floor space ratio (FSR) from 2.54 to 2.72 to permit retention of two rooms in the attic space built without permit and provide for an enclosed amenity space on the roof of the 5th floor, be referred to a Public Hearing, together with:

- (i) draft CD-1 By-law amendments, generally as presented in Appendix A to the Policy Report dated September 3, 2008, entitled "CD-1 Text Amendment: 333 East Pender Street";
- (ii) plans received December 17, 2007, represented in Appendix D to the report; and
- (iii) the recommendation of the Director of Planning to approve the application, subject to approval of conditions contained in Appendix B to the report;

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

ADOPTED ON CONSENT

**4. CD-1 Text Amendment: 201 Burrard Street (1011 West Cordova Street)
September 2, 2008**

A. THAT the application by James KM Cheng Architects, to amend CD-1 By-law No. 7679 (reference No. 363) for 201 Burrard Street (PID 025-196-073, Lot 1, Plan LMP51876, NWD, of the public harbour of the Burrard Inlet) to permit an increase in floor area, be referred to a Public Hearing, together with:

- (i) plans received July 21, 2008;
- (ii) draft CD-1 By-law amendments, generally as contained in Appendix A to the Policy Report dated September 2, 2008, entitled "CD-1 Text Amendment: 201 Burrard Street (1011 West Cordova Street)"; and

- (iii) the recommendation of the Director of Current Planning to approve the application, subject to conditions contained in Appendix B of the report;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending By-law for consideration at Public Hearing.

- B. THAT, should the application be referred to a Public Hearing, the applicant shall submit confirmation, in the form of "letter A", that an agreement has been reached with the registered owner of a suitable donor site of the purchase of bonus density as described in the Policy Report dated September 2, 2008, entitled "CD-1 Text Amendment: 201 Burrard Street (1011 West Cordova Street)".
- C. THAT A to B above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

ADOPTED ON CONSENT

5. **CD-1 Plan Amendment: 201 Burrard Street (1001 Canada Place)
September 4, 2008**

THAT the application by Musson Cattell Mackey Partnership (MCM), to amend Comprehensive Development District (CD-1) By-law No. 7679 (reference No. 363, 201 Burrard Street) for 1001 Canada Place (Parcel 1 of the Public Harbour Burrard Inlet Plan, BCP 30843), be referred to a Public Hearing, together with:

- (i) plans received May 9, 2008 and represented in Appendix B to the Policy Report dated September 4, 2008, entitled "CD-1 Plan Amendment: 201 Burrard Street (1001 Canada Place)";
- (ii) draft CD-1 By-law amendments, generally as contained in Appendix A to the report; and
- (iii) the recommendation of the Director of Planning to approve the application;

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

ADOPTED ON CONSENT

**6. False Creek North Official Development Plan Amendments: BC Place Stadium - 777 Pacific Boulevard
September 3, 2008**

- A. THAT the Director of Planning be instructed to make application to amend the False Creek North Official Development Plan (FCN ODP), including among other amendments, adjustments to land use and the amount of permitted floor space for Area 10, and to permit city- and region-serving cultural, recreational and institutional uses including consideration of the Vancouver Art Gallery as a use, generally as set out in Appendix A to the Policy Report dated September 3, 2008, entitled "False Creek North Official Development Plan Amendments: BC Place Stadium - 777 Pacific Boulevard", and that the application be referred to Public Hearing;

AND FURTHER THAT the Director of Legal Services be instructed to prepare the amending by-law, as set out in Appendix A for consideration at the Public Hearing.

- B. THAT, in addition to the measures outlined in the proposed FCN ODP amendments requiring future residential development to address the noise levels that will be generated by major events in BC Place Stadium (i.e. meeting acoustic standards and providing notice to purchasers and residents), staff report back prior to the sub-area rezoning for Area 10 with appropriate amendments to the City's Noise Control By-law addressing the noise levels and frequency of occurrence of major events.
- C. THAT the City Manager or the Deputy City Manager be authorized to finalize, execute and deliver an Upgrade Commitment Agreement with BC Pavilion Corporation (PavCo), generally in accordance with the terms set out in Appendix B, which commits PavCo to undertaking and completing the Stadium upgrade and to bearing the direct and indirect costs for any services associated with the upgrade and adjacent development on Stadium lands while also confirming that the City will not anticipate any Community Amenity Contributions from the development beyond the Stadium upgrade itself, all subject to termination if the proposed FCN ODP amendments are not enacted by a specified outside date.

ADOPTED ON CONSENT

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Ladner

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson

SECONDED by Councillor Anton

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Capri

SECONDED by Councillor Cadman

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 1-5, 8 and 12 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-law(s).

CARRIED UNANIMOUSLY AND
BY-LAW 8 BY THE REQUIRED MAJORITY

MOVED by Councillor Capri

SECONDED by Councillor Lee

THAT Council, except for those members excused as noted in the agenda, enact the by-law listed on the agenda for this meeting as number 6 and authorize the Mayor and City Clerk to sign and seal the enacted by-law.

CARRIED UNANIMOUSLY

MOVED by Councillor Capri

SECONDED by Councillor Lee

THAT Council, except for those members excused as noted in the agenda, enact the by-law listed on the agenda for this meeting as number 7 and authorize the Mayor and City Clerk to sign and seal the enacted by-law.

CARRIED UNANIMOUSLY

MOVED by Councillor Capri
SECONDED by Councillor Cadman

THAT Council, except for those members excused as noted in the agenda, enact the by-law listed on the agenda for this meeting as number 9 and authorize the Mayor and City Clerk to sign and seal the enacted by-law.

CARRIED UNANIMOUSLY

MOVED by Councillor Capri
SECONDED by Councillor Deal

THAT Council, except for those members excused as noted in the agenda, enact the by-law listed on the agenda for this meeting as number 10 and authorize the Mayor and City Clerk to sign and seal the enacted by-law.

CARRIED UNANIMOUSLY

MOVED by Councillor Capri
SECONDED by Councillor Deal

THAT Council, except for those members excused as noted in the agenda, enact the by-law listed on the agenda for this meeting as number 11 and authorize the Mayor and City Clerk to sign and seal the enacted by-law.

CARRIED UNANIMOUSLY

1. A By-law to amend Fire By-law No. 8191 regarding family fireworks permitting (By-law No. 9710)
2. A By-law to amend Noise Control By-law No. 6555 (re 311 West 2nd Avenue) (By-law No. 9711)
3. A By-law to amend Vancouver City Planning Commission By-law No. 5064 regarding membership (By-law No. 9712)
4. A By-law to authorize the Boundary Road maintenance agreement between City of Vancouver and City of Burnaby (By-law No. 9713)
5. A By-law to provide for the imposition of interest on delinquent property taxes for 2009 (By-law No. 9714)
6. A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 133 Keefer Street) (By-law No. 9715)
(Councillors Ball and Louie ineligible to vote)
7. A By-law to designate certain real property as protected heritage property (re 133 Keefer Street) (By-law No. 9716)
(Councillors Ball and Louie ineligible to vote)

8. **Heritage Taxation Exemption By-law (re 133 Keefer Street) (By-law No. 9717)**
9. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 512 Glen Drive, 520 Glen Drive and 1106 East Pender Street) (By-law No. 9718)**
(Councillors Ball and Louie ineligible to vote)
10. **A By-law to designate certain real property as protected heritage property (re 512 Glen Drive, 520 Glen Drive and 1106 East Pender Street) (By-law No. 9719)**
(Councillors Ball and Louie ineligible to vote)
11. **A By-law to amend Zoning and Development by-law No. 3575 (re 1342 Southwest Marine Drive) (By-law No. 9720)**
(Councillor Chow ineligible to vote)
12. **A By-law to amend By-law No. 9633 regarding housekeeping amendments to fine provisions (re breaches of certain by-laws and related provisions and housekeeping changes) (By-law No. 9721)**

MOTIONS

A. Administrative Motions

None.

B. Motions on Notice

Due to time constraints, Council agreed to postpone consideration of the following Motions on Notice to the Regular Council Meeting following the Standing Committee on City Services and Budgets meeting to be held on Thursday, September 18, 2008, at 9:30 a.m., in the Council Chamber:

1. **Reconsideration of the Minutes of June 26, 2007**
2. **Amendment to Minutes of June 26, 2007**
3. **BC Green Party at the 2008 Union of British Columbia Municipalities Convention**
4. **Update on Housing in the Downtown Eastside**
5. **Request for Leave of Absence - Councillor Stevenson**
6. **Request for Leave of Absence - Councillor Ball**
7. **Metro Vancouver's Solid Waste Management Planning**

8. 2008 BCSC 661err1 PHS Community Services Society v. Attorney General of Canada

The Council adjourned at 6:10 p.m.

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