



City of Surrey

Council-in-Committee

Minutes

Council Chamber
City Hall
14245 - 56 Avenue
Surrey, B.C.
MONDAY, JULY 26, 2004
Time: 4:05 p.m.

Present:

Chair: Councillor Bose
Mayor McCallum
Councillor Villeneuve
Councillor Tymoschuk
Councillor Steele
Councillor Priddy
Councillor Higginbotham
Councillor Hunt

Absent:

Councillor Watts

Staff Present:

City Manager
City Clerk
General Manager, Planning & Development
City Solicitor
General Manager, Engineering
General Manager, Finance, Technology & HR
Drainage Planning Manager
Manager, Long Range Planning & Policy
Development
Manager, Planning Design & Corporate
Facilities

A. DELEGATIONS

1. Susan Murray, Founding Member Fraser Valley Heritage Tree Society File: 0530-01; 0550-20-10

Susan Murray, Founding Member, Fraser Valley Heritage Tree Society was in attendance to present copies of her book "Our Sylvan Heritage, a Guide to the Magnificent Trees of the South Fraser".

Susan Murray then provided the following comments:

- She is an author, founding member of the Fraser Valley Heritage Tree Society, and Chair of the Darts Hill Garden Conservancy Trust Society.
- In her book titled "Arboriculture and the Law in Canada", mention is made of Surrey's Great Tree Hunt Program and that Surrey was the first community south of the Fraser River to increase public awareness of the values of its trees, especially those with heritage value.
- She thanked Council for financial support for her new book "Our Sylvan Heritage", which is a guide to tree specimens located south of the Fraser River.

2. Kathi E. Thompson, Chair Safe Streets Coalition File: 0125-20; 0550-20-10

Kathi E. Thompson, Chair, Safe Streets Coalition and Steve Jones, Vancouver Crime Prevention Society, were in attendance to make a presentation on the Coalition's proposed initiatives.

Kathi Thompson then provided the following comments:

- The Safe Streets Coalition is comprised of 47 members and was struck in 2002 to test issues and concerns in communities.
- Citizens are becoming more frightened to go downtown due to aggressive individuals and increased disorderly behaviours, property crime, graffiti, and littering, which affects citizens' quality of life for women and seniors in particular.
- The goal of Safe Streets Coalition (SSC) is to urge the provincial government to adopt a Safe Streets Act and amend municipal by-laws, which currently are inconsistent and ineffective.
- The SSC requests a uniform set of tools across the province in dealing with these types of individuals and encouraging acceptable behaviours.
- Such legislation will help to reduce the cost and burden placed on the police and the courts.
- Aggressive behaviours are evident at bus stops, ATM machines, and theatre lineups.
- There are no by-laws in place to deal with used condoms and needles.
- Businesses do not have any recourse to prevent a serial thief from striking.
- Small business is the backbone of the community and tools are needed to remove and prevent these individuals from being in the area.
- Aggressive behaviour undermines the ability of communities to focus on social problems such as addictions, mental health issues, and homelessness.
- If aggressive behaviours are not stopped at early stages, violence may result.
- The Ontario Safe Streets Act and the Ontario Highways Act are more aggressive in dealing with this issue.
- The SSC would like communities and police to be more effective in dealing with aggressive panhandlers and nuisance individuals in a consistent manner throughout the province.

Mr. Jones then provided the following comments:

- Municipal legislation does not work for aggressive persons.
- Vancouver does have legislation in place to handle aggressive persons through a process of police requesting the person to cease, followed up by providing information on food and shelter, and if the individual continues, a summons can be written for his/her arrest. A by-law court prosecutor then reviews the case within two weeks and if necessary, the appropriate measures can be taken.
- If the individual fails to appear, there is no municipal process in place to obtain a warrant to deal with this type of situation.
- The proposed legislation is not geared for those persons who sit quietly on the sidewalk, but is directed to individuals who are aggressive and pick on vulnerable members in society.
- The process is complicated, lengthy, expensive and repetitive for police to engage in, and has proven unsuccessful except for one case in North Vancouver.
- The Ontario Safe Streets Act is a piece of legislation which addresses aggressive individuals in allowing police to stop the person, then providing information on access to services. If the person refuses, he/she is provided with a provincial appearance notice. If the person returns, there is an arrest provision that applies.

- Police have no jurisdiction on private property in B.C., which presents a real problem dealing with property use disputes. These disputes are then dealt with under S.44 of the Criminal Code "Assault by Trespass", which complicates the process.
- Large corporations have presented a list of the top five aggressive or problem individuals within the last six months. It was noted that one individual was removed for drug trafficking 188 times during this period. This is costly for businesses and makes people uncomfortable entering the premises.
- The procedure for dealing with trespassers was then provided and it was noted that it is a complicated process, involves repeat calls to police, and ties up courts.
- There is no consequence for these individuals.
- Ontario legislation provides a three-step process: a provincial appearance notice is given, if the person returns, police are called and an arrest may then take place.
- An executive from a social service agency in Toronto commented that this legislation has resulted in lowered tensions, less aggressiveness and violence on the streets.
- This is a simple process and has a consequence attached; it is easily applied and consistent with B.C. legislation.
- The B.C. School Act allows principals or delegates to require a problem person to leave school property. If the person returns, police are called, an appearance notice is issued and if the person remains, they are arrested.
- Section 47 of the Liquor Control and Licensing Act allows staff to ask a person to leave, who is liable to be arrested if he/she returns within 48 hours.

Kathy Thompson stated that she firmly believes the provincial government is expected to study this bill and receive comments over the summer. She noted that her organization has met with various communities, business organizations, municipal councils, Vancouver Caucus MLA's, and Fraser Valley MLA's to discuss the issue.

**3. Robin Johnston, Technical Manager
The New Fraser River Crossing
File: 8630-20; 0550-20-10**

Robin Johnston, Technical Manager, The New Fraser River Crossing was in attendance to discuss the draft Fraser River Crossing Municipal Agreement. He noted that the TransLink Board, subject to final approval, authorized the CEO to conclude negotiations and enter into an agreement-in-principle with the four immediately affected municipalities on the basis of the principles, terms and conditions outlined in this report for the construction and operation for the new Fraser River Crossing (FRC) or Golden Ears Crossing.

Robin Johnston then provided the following comments:

- Surrey has a lot to gain from the project, noting that the Request for Qualification process took place earlier this year, resulting in a short-listing of three consortia.
- There are a number of prerequisites for the next stage in the development process of issuing a Request for Proposal.

- The environmental assessment certification has been achieved and will be forwarded to the federal ministers responsible to sign the certificate by the end of the week, allowing the project to proceed.
- The Ministry of Transportation has advised that legislative amendments will be heard at the fall sitting of the legislature.
- The report to the Minister addresses environmental issues and mitigation of First Nations concerns on an acceptable level on the understanding that those outstanding mitigations would be completed.
- A response is expected within ten days from the Katzie First Nation with respect to current negotiations with the GVTA board.
- Authorization is required for TransLink to conclude negotiations and enter into agreements-in-principle with the four immediately affected municipalities based on the principal terms and conditions outlined in the report.
- The agreement clearly defines scope and sophistication of the project and has obtained agreement from each municipal with respect to road reconnection, improvements, upgrading, relocation and widening of existing roads and signals.
- TransLink is committed to working and leading negotiations with the City of Surrey and the province to bring forward funding for the proposed South Fraser Perimeter Road and establishing protocol to proceed with municipal permits and approvals to be obtained by the contractor.
- A Memorandum of Understanding (MOU) provides for binding and enforceable contractual obligations between GVTA and respective municipalities and provides certainty on those matters, which are of most concern to municipalities, and GVTA on the project.
- MOU's with the municipalities are not binding and enforceable agreements upon which the parties may rely.
- The Master Municipal Agreement obligates TransLink to:
 - (a) fund, construct a turnover to municipalities, certain connecting roads and infrastructure;
 - (b) fund the operation, maintenance and rehabilitation after construction of the Municipal Handover Facilities as part of the major road network. Such funding would be subject to TransLink having sufficient funds available for that purpose and a major road funding agreement which would have to be entered into between the municipality and GVTA;
 - (c) co-operate with the municipalities in co-coordinating the development and operation of the FRC road network with third party developments along the alignment; and
 - (d) fund the construction, operation, maintenance and rehabilitation of municipally constructed roads and infrastructure connecting to the FRC. Such funding would be subject to TransLink having sufficient funds available for that purpose and a major road funding agreement, which would have to be entered into between the municipality and GVTA.
- The Master Municipal Agreement obligates the municipalities to:
 - (a) operate, maintain and rehabilitate the Municipal Handover Facilities, subject to financial contribution by GVTA under major road funding agreements;
 - (b) construct or improve, maintain and rehabilitate certain roads and infrastructure connected to and integrated with the FRC, subject to

- financial contribution by GVTA under major road funding agreements;
and
- (c) not to take any action on their municipal road systems which would prevent, restrict or reduce vehicle volume on the FRC, except for temporary closures for maintenance or emergencies.
- Municipalities would have control over the final inspection, approval and acceptance of the Municipal Handover Facilities so as to conform to municipal standards, and holdbacks for deficiencies would be provided.
 - A warranty on the Municipal Handover Facilities against defects and deficiencies would be provided.
 - Agreed protocols and procedures to facilitate the obtaining of applicable municipal permits and approvals for the FRC would be provided to expedite completion of the project.
 - Conditions on access to utilities contained with the FRC alignment and granting easements or statutory rights of way over the FRC alignment would be provided.
 - Allows for municipalities and GVTA, after completion, to improve the FRC and connecting municipal road system.
 - Provides for mitigation of visual and acoustic impacts of the FRC on municipal neighbourhoods and confirmation of the major road network relating to the FRC.
 - A clear statement of expectation is required from municipalities and TransLink and will establish binding protocols that protect all parties' interest throughout the term of the contract.

**4. Delney Paterson
Clayton Property Owners Association**
File: 6520-20 EC; 0550-20-10

Delney Paterson, Clayton Property Owners Association was in attendance to discuss irregularities with respect to the East Clayton NCP and proposed 18-acre development located at 19315 - 72 Avenue.

Note: See Corporate Report C009.

Delney Paterson then provided the following comments:

- The Clayton Property Owners Association represents 80 property owners in the area known as East Clayton addition and surrounding properties.
- The development under discussion is situated at the corner of 72 Avenue and 194 Street (19315 - 72 Avenue); an area of approximately 18 acres.
- The project consists of mixed housing for a projected population of 3,600 people or 180 housing units.
- There have been three public meetings held to present the completed plan to the community but no public forum to receive information from the community.

- The East Clayton Residents Association is not utterly opposed to good development but did not receive answers to questions regarding the proposed sewer system.
- She spoke with staff from the UBC Department of Civil Engineering, who referred her to a firm of civil specialists experienced in this area of the Fraser Valley.
- Credible information was received based on the best and most current expertise available.
- The proposed sewer system goes from 72 Avenue to 74 Avenue along 194 Street.
- There is no 74 Avenue cutting 194 Street yet as it ends on the other side of 192 Street.
- The distance from the proposed 74 Avenue to 194 Street is approximately 40 meters.
- Wastewater from showers, dishwashers, etc. and solid waste from 3,600 people will feed into the sewers (based on the proposed 180 units containing 3 people each) resulting in approximately 5,000 pounds of solid waste produced per day.
- Additional secondary suites and coach houses will increase that figure to 7,500 lbs of solid waste per day.
- This solid waste must be cleared from sewer pipes through water velocity.
- People don't use consistent amounts of water per day but do, however, produce the same amount of waste per day.
- Wastes must drain from 74 Avenue to 72 Avenue by force of gravity alone.
- Even if the volume of water exceeds the volume of solid waste, a length of sewer pipe of 1.5 degrees per 100 meters cannot clear the pipe of solid waste resulting in a build up of sludge, increased pipe weight, reduction in circumference, and may result in sewage backup.
- The water supply originates across the Fraser River from the North Shore; water pressure is already a problem during maximum usage periods, and would escalate with additional living units.
- Concerns were raised with respect to the settling of the pipe, the angles the pipe has to follow from 194 Street and 72 Avenue to 192 and 194A Streets, and vibration from traffic.
- Concerns were raised regarding caustic substances going into sewers, increased traffic in the area, lack of recreational facilities in the area, the construction of pathways close to homes resulting in a loss of privacy, and property devaluation.
- Additional comments would be submitted to Council in writing.

In conclusion, Ms. Paterson invited Council members and Planning & Development staff to meet with the Clayton Property Owners Association to discuss the issues.

B. ITEMS REFERRED BY COUNCIL

Highway 10, as generally described in the West Newton/Highway 10 NCP and to develop a strategy to provide on-going maintenance of the buffer.

Carried

Item No. C008 West Newton/Highway 10 Neighbourhood Concept Plan (NCP) Servicing Plan Report
File: 6250-20 (WN)

The General Manager, Engineering submitted a report to provide Council with an overview of the engineering servicing and financial strategy for West Newton/Highway 10 Neighbourhood Concept Plan (NCP) Study Area and seek Council approval.

The General Manager, Engineering was recommending approval of the recommendations outlined in his report.

It was Moved by Councillor Higginbotham
Seconded by Councillor Hunt
That Council adopt the engineering servicing and financial strategies as outlined in this report and as specified in West Newton/Highway 10 Master Servicing Plan as the means of providing engineering services for this neighbourhood.

Carried

Item No. C009 East Clayton Expansion Neighbourhood Concept Plan - Stage 1 Component
File: 6520-20 (East Clayton Expansion)

The General Manager, Planning & Development submitted a report to:

1. Provide an overview of the proposed Stage I component of the East Clayton Expansion NCP and to inform Council of the planning and public consultation process followed in preparing the proposed Land Use Concept Plan; and
2. Obtain Council approval of the proposed Land Use Concept Plan for the East Clayton Expansion NCP (Stage I) as the basis for more detailed planning to complete Stage II of the NCP.

The General Manager, Planning & Development was recommending approval of the recommendations outlined in his report.

It was
Moved by Councillor Hunt
Seconded by Councillor Higginbotham
That Council:

1. Receive this Report as information;
2. Approve the proposed East Clayton Expansion area Land Use Concept Plan, as shown in Appendix I, which is the Stage I component of this Neighbourhood Concept Plan ("NCP");
3. Instruct staff to complete the Stage II component of the East Clayton Expansion NCP including:
 - Resolution of outstanding land use issues, as described in this report; and
 - An engineering servicing strategy and a comprehensive financial strategy to provide adequate funding for servicing infrastructure, phasing and community amenities; and
4. Authorize staff to accept and process development applications in the NCP area on the basis of conformity with the proposed Stage I Land Use Concept Plan, with the final approval of any such applications to be withheld pending completion and Council approval of the Stage II component of the NCP.

Carried

Note: See Delegations, Item A.4.

D. DELEGATION REQUESTS

E. COUNCILLORS' REPORTS

F. OTHER COMPETENT BUSINESS

G. ADJOURNMENT

It was
Moved by Councillor Hunt
Seconded by Councillor Higginbotham
That the Council-in-Committee meeting do
now adjourn.

Carried

The Council-in-Committee adjourned at 6:00 p.m.

Margaret Jones, City Clerk

Chairperson: Councillor Bose