



Corporation of the City of
NEW WESTMINSTER

A vibrant, compassionate, resilient city where everyone can thrive.

CITY COUNCIL MEETING

MINUTES

Monday, June 26, 2023, 6:00 p.m.

Meeting held electronically and open to public attendance

Council Chamber, City Hall

PRESENT:

Mayor Patrick Johnstone
Councillor Ruby Campbell
Councillor Daniel Fontaine
Councillor Tasha Henderson
Councillor Jaimie McEvoy
Councillor Paul Minhas
Councillor Nadine Nakagawa

STAFF PRESENT:

Ms. Lisa Spitale	Chief Administrative Officer
Mr. Peter DeJong	Corporate Officer
Mr. Kwaku Agyare-Manu	Acting Director of Engineering Services
Ms. Leya Behra	Manager, Climate Action
Mr. Rod Carle*	General Manager, Electrical Utility
Ms. Christina Coolidge*	Indigenous Relations Advisor
Ms. Jacqueline Dairon	Acting Director of Finance/ Chief Financial Officer
Mr. Brad Davie*	Deputy Fire Chief, New Westminster Fire and Rescue Services
Mr. Dean Gibson	Director of Parks and Recreation
Mr. Cory Hansen*	Emergency Management Coordinator
Mr. Craig MacFarlane	Manager of Legal Services
Ms. Jennifer Miller*	Manager of Public Engagement
Mr. Gary So	Senior Manager, Financial Services
Mr. John Stark	Supervisor of Community Planning
Ms. Jackie Teed	Acting Director of Climate Action, Planning and Development Services
Ms. Serena Trachta	Manager, Inspections
Mr. Mike Watson	Senior Development Planner

Mr. Erin Williams* Fire Chief, New Westminster Fire and Rescue Services
Ms. Eva Yip* Acting Director of Human Resources
Ms. Debbie Reimer* Recording Secretary, Mosaic Writing
Mr. Marius Miklea Assistant Corporate Officer

GUESTS:

Mr. Reece Harding Young Anderson

*Denotes electronic attendance.

1. **CALL TO ORDER AND LAND ACKNOWLEDGEMENT**

Mayor Johnstone opened the meeting at 6:00 p.m. and recognized with respect that New Westminster is on the unceded and unsurrendered land of the Halkomelem speaking peoples. He acknowledged that colonialism has made invisible their histories and connections to the land. He recognized that, as a City, we are learning and building relationships with the people whose lands we are on.

2. **CHANGES TO THE AGENDA**

MOVED and SECONDED

THAT Council receive all on-table items;

THAT Council move Item 4.1 12 K de K Court Boulevard Trees to the Council Meeting on August 28, 2023; and

THAT Council adopt the agenda, as amended.

Carried.

All members present voted in favour of the motion.

3. **REPORTS AND PRESENTATIONS FOR COUNCIL DISCUSSION AND ACTION**

3.1 **Presentation of the 2022 Annual Report**

a. **Presentation (On Table)**

Lisa Spitale, Chief Administrative Officer, led the review of a presentation titled “New Westminster Annual Report, 2022”, and highlighted accomplishments.

Discussion ensued on:

- It is important to capture accomplishments, but the Annual Report could also include areas where the City can improve on what was not accomplished; and
- Construction of the new t̄m̄ēsēw̄tx̄w̄ public recreation center is ongoing and is expected to be finished early next year.

b. Statement concerning the number of written submissions received, including On Table submissions (Corporate Officer)

Peter DeJong, Corporate Officer, advised that no written submissions had been received.

c. Council consideration of the 2022 Annual Report

MOVED and SECONDED

THAT Council receive the 2022 Annual Report as presented.

Carried.

All members present voted in favour of the motion.

3.2 Council Code of Conduct

a. Presentation (On Table)

b. Report: Council Code of Conduct Bylaw No. 8408, 2023

Reece Harding, Young Anderson, led the review of the presentation titled “City of New Westminster, Council Code of Conduct Bylaw”.

Discussion ensued on:

- The importance of balancing punitive measures versus restorative measures, given that there are no financial penalties or reductions in remuneration;
- Some items in the proposed bylaw appear to be risky, where individuals might inadvertently contravene the Code if they do not follow specific disclosures to the public;
- Whistleblower protection will be forthcoming under a separate Council strategy, not to be included in the Code;
- The inclusion of culturally appropriate or transformative, restorative or Indigenous justice approaches is groundbreaking;
- The difficulty in recruiting an ethics commissioner in the Lower Mainland if Mayor and Council adopt the bylaw as presented; and
- The Code can benefit from adding language for extra protection to staff, due to a power imbalance between

elected officials and staff, and explicitly indicating that Mayor and Council can only go through the CAO for administrative requests.

Mayor and Council requested potential amendments to the Code:

- **s.19** may be easy to inadvertently contravene and may be best suited to a policy, potentially also to define “minor” and “administrative clarity”;
- **s.25** is difficult to direct someone to repeatedly verbalize, e.g. in an interview, that these are their personal views and not representative of their City and the rest of Council; and
- **s.42** that an ethics commissioner can only be dismissed by 2/3 vote rather than simple majority appears problematic, although there can be a difference between appointment and removal.

Legal counsel advised:

- Clauses in the Code are not meant to be traps and it is beneficial to include more clauses than less so that it is explicit to all parties;
- In the appointment, suspension or termination of an ethics commissioner, unanimity vote is not a common requirement within existing Codes; and
- The amendments requested are reasonable and can be amended again before adoption.

Further discussion ensued regarding:

- Whether the whistleblowing clause is in any currently existing policies and how it could potentially come forward for Council approval and subsequent implementation; and
- Placing a requirement of unanimity in voting may be a serious hindrance for future Councils.

MOVED and SECONDED

1. **THAT** Council approve the Code Conduct Bylaw No. 8408, 2023 for First Reading at the City Council Meeting of June 26, 2023;
2. **THAT** Council direct staff to commence a search for an Ethics Commissioner; and
3. **THAT** Council direct staff to bring back a Code of Conduct as amended per the discussion tonight.

Carried.

All members present voted in favour of the motion.

4. CONSENT AGENDA

MOVED and SECONDED

THAT Council adopt the recommendations for Items 4.3, 4.4, 4.5, 4.6 and 4.8 on consent.

Carried.

All members present voted in favour of the motion.

Procedural Note: The order of the agenda was varied to consider Item 5 at 7:30 p.m. The minutes are in the agenda order.

Procedural Note: A recess was called at 7:40 p.m and the meeting was brought back to order at 7:53 p.m.

4.1 12 K de K Court Boulevard Trees

In accordance with Item 2 this item was deferred to the August 28, 2023, City Council meeting

4.2 Additional Public Consultation Events Summary Report: 422 Sixth Street (Circulated Separately)

Discussion ensued:

- Both the in-person and online public engagement sessions were positive events, and Council appreciated being able to talk to residents and business owners not strictly within the bounds of Council procedure;
- Having private security on the site may not be beneficial;
- The legal implications if Council were to make the rezoning or the business licence of the applicant contingent on the Good Neighbour Agreement;
- Drafting the Good Neighbour Agreement to be tied to the applicant's business licence would require a legal review before proceeding;
- Public engagement did not identify security as a concern for the BC Housing project; and
- The amendments would be brought as discussion points with the applicant and staff could report back to Mayor and Council at a future Regular meeting.

Procedural Note: A recess was called at 8:12 p.m. and the meeting was brought back to order at 8:25 p.m.

Further discussion continued on:

- Historically, Good Neighbour Agreements have been voluntary;
- If amendments are to be made to the Good Neighbour Agreement, it would indicate a more formalized process, and staff would be required to bring it to the applicant for discussion; and
- Context was provided to Council that Good Neighbour Agreement were originally a policy tool in the 1990s to address dispersal of noise for liquor primary businesses, and currently those requirements are tied with their business licences.

Procedural note: A series of amendments were proposed and voted on separately.

MOVED and SECONDED

THAT Council direct staff to explore the following amendments to the proposed 422 Sixth Street Supportive Housing Good Neighbour Agreement:

1. **THAT** Council amend Section 1 of the 422 Sixth Street Supportive Housing Good Neighbour Agreement by adding: Include 24/7 staffing in place, a certified security guard capable of responding to public concerns, with contact information readily available;

Defeated.

Mayor Johnstone and Councillors Campbell, Henderson and Nakagawa opposed.

During discussion, it was questioned whether a bylaw that addresses extensive policing calls within a neighbourhood exists.

MOVED and SECONDED

2. **THAT** Council amend Section 9.b. of the 422 Sixth Street Supportive Housing Good Neighbour Agreement by adding: Quarterly reports to be provided by first responders, police and fire services with respect to the number of calls initiated from or about the property, for a period of 18 months;

Defeated.

Mayor Johnstone and Councillors Campbell, Henderson and Nakagawa opposed.

MOVED and SECONDED

3. **THAT** Council add a Section 13 of the 422 Sixth Street Supportive Housing Good Neighbour Agreement: That the business licence of this property to be reviewed, by staff, if there were six or more infractions within a twelve month period;

Defeated.

Mayor Johnstone and Councillors Campbell, Henderson and Nakagawa opposed.

MOVED and SECONDED

4. **THAT** Council amend Section 3 of the 422 Sixth Street Supportive Housing Good Neighbour Agreement: That complaints and resolutions be reported out to the Community Advisory Committee and to Mayor and Council upon request;

Defeated.

Mayor Johnstone and Councillors Campbell, Henderson and Nakagawa opposed.

MOVED and SECONDED

5. **THAT** Council amend Section 7 of the 422 Sixth Street Supportive Housing Good Neighbour Agreement to add: That it be shared in a timely manner to Mayor and Council upon request;

Defeated.

Mayor Johnstone and Councillors Campbell, Henderson and Nakagawa opposed.

MOVED and SECONDED

6. **THAT** Council amend Section 10 of the 422 Sixth Street Supportive Housing Good Neighbour Agreement: At least sixty days prior to being implemented, advise the City of any management and operational changes, or of any expansion or reduction to services being provided;

Procedural note: As a result of the discussion, an amendment was introduced to the amendment.

MOVED and SECONDED

That Council replace 'at least sixty days' with 'ideally'.

Carried.

Councillors Fontaine and Minhas opposed.

Procedural note: The question on the motion, as amended, was called.

MOVED and SECONDED

6. **THAT** Council amend Section 10 of the 422 Sixth Street Supportive Housing Good Neighbour Agreement: Ideally prior to being implemented, advise the City of any management and operational changes, or of any expansion or reduction to services being provided;

Carried.

Councillors Fontaine and Minhas opposed.

MOVED and SECONDED

7. **THAT** Council add a Section 13 of the 422 Sixth Street Supportive Housing Good Neighbour Agreement: Automatically report to Council if there are at least three infractions of this Good Neighbour Agreement within a three-month period;

Defeated.

Mayor Johnstone and Councillors Campbell, Henderson, McEvoy and Nakagawa opposed.

MOVED and SECONDED

8. **THAT** Council amend the Meeting Notes in Terms of Reference of the 422 Sixth Street Supportive Housing Good

Neighbour Agreement to read: That minutes of the meetings will be shared with members of Council upon request.

Carried.

All members present voted in favour of the motion.

Procedural note: Council considered the main motion, with the amendments carried previously.

MOVED and SECONDED

THAT Council direct staff to work with the applicant to implement the recommended mechanisms, as amended, in response to issues raised during the application review process, including the two events held on June 19, 2023.

Procedural note: As a result of the discussion an amendment was proposed.

THAT Council direct staff to sign a contract (Good Neighbour Agreement) with The Purpose Society prior to the issuance of a business licence for this property.

Defeated.

Mayor Johnstone and Councillors Campbell, Henderson, McEvoy and Nakagawa opposed.

Procedural note: Council considered the main motion, with the amendments carried previously.

MOVED and SECONDED

THAT Council direct staff to work with the applicant to implement the recommended mechanisms, as amended, in response to issues raised during the application review process, including the two events held on June 19, 2023.

Carried.

Councillors Fontaine and Minhas opposed.

4.3 2022 Statement of Financial Information

To seek Council's approval of the 2022 Statement of Financial Information.

MOVED and SECONDED

THAT Council receive and approve the attached 2022 Statement of Financial Information.

Adopted on Consent.

4.4 Development Variance Permit (300 Duncan Street, 313 to 327 Blackley Street, and 326 to 340 Mercer Street): Permit to Vary Off-Street Visitor Parking and Permit Tandem Parking – Notice of Consideration of Issuance

MOVED and SECONDED

THAT Council provide notice that it will consider issuance of a Development Variance Permit (DVP00696) to reduce the required off-street visitor parking by 43% and permit tandem parking for a mixed-use, multi-family development at 300 Duncan Street, 313 to 327 Blackley Street, and 326 to 340 Mercer Street.

Adopted on Consent.

4.5 Official Community Plan Amendment, Rezoning and Development Permit Application: 805 Boyd Street – Preliminary Report

MOVED and SECONDED

THAT Council direct staff to work with the applicant to prepare plan of development for the subject property suitable for consideration of First and Second Readings, as outlined in the “Application Review Process” section of this report.

THAT Council direct staff to advise and consult with the following:

- i. Give consideration to the requirements of Section 475 and 476 as well as other relevant sections of the *Local Government Act*;
- ii. Direct staff to advise and consult with the following:
 - a. The Ministry of Transportation and Infrastructure; and
 - b. The following First Nations:
 - i. Cowichan Tribes;
 - ii. Halalt First Nation;
 - iii. Katzie First Nation;
 - iv. Kwantlen First Nation;
 - v. Kwikwetlem First Nation;
 - vi. Lyackson First Nation;
 - vii. Lake Cowichan First Nation;
 - viii. Musqueam Nation;
 - ix. Penelakut Tribe;
 - x. Qayqayt First Nation;
 - xi. Seabird Island Band;

- xii. Semiahmoo First Nation;
 - xiii. Shxw'ōwhámél First Nation;
 - xiv. Skawahlook First Nation;
 - xv. Soowahlie First Nation;
 - xvi. Squamish Nation;
 - xvii. Sto:lo Nation;
 - xviii. Sto:lo Tribal Council;
 - xix. Stz'uminus First Nation;
 - xx. Tsawwassen First Nation; and
 - xxi. Tsleil-Waututh Nation.
- iii. Direct staff to seek input from interested parties in the following manner:
- a. Send a request for written comments to the parties listed above;
 - b. As part of the notification requirements for a Public Hearing, place a notice on the City Page to advise the public of this application; and
 - c. As part of the notification requirements for a Public Hearing, require the applicant to include notice of the proposed OCP Amendment on the site signage required for the subject application.
- iv. Not require consultation with:
- a. Board of the regional district in which the area covered by a plan is located (Metro Vancouver);
 - b. The Board of Education of New Westminster Schools;
 - c. Any greater boards or improvement districts;
 - d. Greater Vancouver Sewerage and Drainage District Board; and
 - e. Councils of immediately adjacent municipalities;
- as none are considered to be affected by this application.

Adopted on Consent.

4.6 Report Back on Safety Concerns at Eastbound Tenth Avenue Between First Street and McBride Boulevard (Circulated Separately)

MOVED and SECONDED

THAT Council receive this report titled Report Back on Safety Concerns at Eastbound Tenth Avenue between First Street and McBride Boulevard on

the June 26th, 2023, regular agenda and confirm that the April 3, 2023 motion has been addressed to its satisfaction.

Adopted on Consent.

4.7 Response to Council Motion Re: Removal and replacement of dead and/or dying trees on City property

During discussion, it was noted that it will be necessary to engage external consultants.

MOVED and SECONDED

THAT Council direct staff to bring forward a funding proposal for consideration as part of the 2024 budget deliberations to achieve Council's March 27, 2023 stated tree removal and replacement objectives as outlined in this report.

Defeated.

Mayor Johnstone and Councillors Campbell, Henderson and Nakagawa opposed.

MOVED and SECONDED

THAT Council adopt Alternative Approach "B" to bring forward a funding proposal for consideration as part of the 2024 budget deliberations to complete a tree inventory in 2024, and implement the installation of replacement trees in an accelerated, but phased approach, over a number of years.

Carried.

Councillors Fontaine and Minhas opposed.

4.8 Minutes for Adoption

- a. **May 29, 2023 City Council Meeting (1:00 p.m.)**
- b. **May 29, 2023 City Council Meeting (6:00 p.m.)**
- c. **June 1, 2023 Special City Council Meeting**

Adopted on Consent.

5. OPPORTUNITY FOR THE PUBLIC TO SPEAK TO COUNCIL – 7:00 PM

Procedural Note: That this item was considered before Item 4, at 7:30 pm.

Tom Wharton addressed Council and shared his family's positive experiences with supportive housing in the City of New Westminster, specifically mentioning Mazarine House in the Queensborough neighborhood.

6. SPECIAL ORDER OF THE DAY - 8:00 PM

Procedural Note: A 13 minute break was taken at 7:40 pm.

7. BYLAWS

7.1 Public Hearings not held

a. Zoning Amendment Bylaw (114 and 118 Spruce Street) No. 8387, 2023

MOVED and SECONDED

THAT Council give Zoning Amendment Bylaw (114 and 118 Spruce Street) No. 8387, 2023 first reading.

Carried.

All members present voted in favour of the motion.

MOVED and SECONDED

THAT Council give Zoning Amendment Bylaw (114 and 118 Spruce Street) No. 8387, 2023 second reading.

Carried.

All members present voted in favour of the motion.

MOVED and SECONDED

THAT Council give Zoning Amendment Bylaw (114 and 118 Spruce Street) No. 8387, 2023 third reading.

Carried.

All members present voted in favour of the motion.

b. Zoning Amendment Bylaw (422 Sixth Street) No. 8398, 2023

MOVED and SECONDED

THAT Council give Zoning Amendment Bylaw (422 Sixth Street) No. 8398, 2023 first reading.

Carried.

All members present voted in favour of the motion.

MOVED and SECONDED

THAT Council give Zoning Amendment Bylaw (422 Sixth Street) No. 8398, 2023 second reading.

Carried.

All members present voted in favour of the motion.

MOVED and SECONDED

THAT Council give Zoning Amendment Bylaw (422 Sixth Street) No. 8398, 2023 third reading.

Carried.

All members present voted in favour of the motion.

c. Zoning Amendment Bylaw (1032 and 1036 St. Andrews Street) No. 8402, 2023

MOVED and SECONDED

THAT Council give Zoning Amendment Bylaw (1032 and 1036 St. Andrews Street) No. 8402, 2023 first reading.

Carried.

All members present voted in favour of the motion.

MOVED and SECONDED

THAT Council give Zoning Amendment Bylaw (1032 and 1036 St. Andrews Street) No. 8402, 2023 second reading.

Carried.

All members present voted in favour of the motion.

MOVED and SECONDED

THAT Council give Zoning Amendment Bylaw (1032 and 1036 St. Andrews Street) No. 8402, 2023 third reading.

Carried.

All members present voted in favour of the motion.

7.2 Bylaws for readings

a. Council Code of Conduct Bylaw No. 8408, 2023

MOVED and SECONDED

THAT Council give Council Code of Conduct Bylaw No. 8408, 2023 first reading.

Carried.

All members present voted in favour of the motion.

7.3 Bylaws for adoption

a. New Westminster Pesticide Use Amendment Bylaw No. 8403, 2023

MOVED and SECONDED

THAT Council adopt New Westminister Pesticide Use Amendment Bylaw No. 8403, 2023.

Carried.

All members present voted in favour of the motion.

b. Subdivision and Development Control Amendment Bylaw No. 8369, 2023

MOVED and SECONDED

THAT Council adopt Subdivision and Development Control Amendment Bylaw No. 8369, 2023.

Carried.

All members present voted in favour of the motion.

8. MOTIONS FROM MEMBERS OF COUNCIL

8.1 Notices of Motion

a. Statement of Opposition to the Trans Mountain Pipeline Project

Submitted by Councillor Nakagawa

WHEREAS the City of New Westminister has endorsed the Fossil Fuel Non-Proliferation Treaty, has developed the Seven Bold Steps for Climate Action, and has previously opposed the Trans Mountain Pipeline expansion project as an intervenor; and

WHEREAS the City of New Westminister has concerns about the impacts to the Fraser River stemming from the pipeline crossing near the Port Mann bridge;

THEREFORE BE IT RESOLVED THAT the City of New Westminister file a Statement of Opposition to the Trans Mountain Pipeline project that is traversing the Fraser River (staf'w) to the Canada Energy Regulator website.

9. NEW BUSINESS

9.1 City Staff's Heat Plan Response to Extreme Heat in New Westminister: Accelerated Funding for Summer 2023 – Recommendation from the Utility Commission

Staff presented Mayor and Council with the recommendations from the Utility Commission regarding the City's response to extreme heat and the

Heat Plan with an accelerated work plan and one-time budget request for summer 2023.

Discussion ensued on:

- A summary of the Utility Commission meeting on June 20 to discuss this report and consider the budget implications;
- Asking what is the City's Emergency Management Office and Fraser Health already doing with respect to mitigating heat related health concerns and how will this Council resolution interface with that ongoing work; and
- An updated plan will be presented for consideration at the July 10, 2023 Council meeting

Procedural Note: Mayor Johnstone called for a motion to continue the Council meeting past 10:30 p.m.

MOVED and SECONDED

THAT Council continue the Council meeting past 10:30 p.m.

Carried.

All members present voted in favour of the motion.

MOVED and SECONDED

THAT Council endorse the recommendation from the Utility Commission set out in this report; and

THAT Council endorse the accelerated Heat Plan response work plan and the \$268,000 one-time budget increase to be funded from the Climate levy, collected from electric utility bills in the Climate Action Reserve Fund; and

THAT Council direct staff to pursue the following Next Steps as outlined in this report:

- (a) Direct staff to seek endorsement of the budget amount from the Utility Commission;
- (b) Direct staff to bring this report back at the July 10, 2023 Regular Council meeting for Council approval or rejection.

Carried.

Councillors Fontaine and Minhas opposed.

10. ANNOUNCEMENTS FROM MEMBERS OF COUNCIL

Councillor Campbell noted the recent memorial of the murder of Hardeep Singh Nijjar.

Congratulations to all the graduates in School District 40.

Mayor Johnstone announced and encouraged community members to participate in the 2024 budget process.

11. END OF THE MEETING

The meeting ended at 10:57 p.m.

Patrick Johnstone

MAYOR

Peter DeJong

CORPORATE OFFICER