



General Purposes Committee

Date: Monday, March 20th, 2006
Place: Anderson Room
Richmond City Hall
Present: Mayor Malcolm D. Brodie, Chair
Councillor Linda Barnes
Councillor Cynthia Chen
Councillor Derek Dang (4:15 p.m.)
Councillor Evelina Halsey-Brandt
Councillor Sue Halsey-Brandt
Councillor Rob Howard
Councillor Bill McNulty
Councillor Harold Steves
Call to Order: The Chair called the meeting to order at 4:00 p.m.

MINUTES

1. It was moved and seconded
That the minutes of the meeting of the General Purposes Committee held on Monday, March 6th, 2006, be adopted as circulated.

CARRIED

It was moved and seconded
That "Olympic Update" be added to the agenda as an additional item.

CARRIED

DELEGATION

2. *Joe Oeser, 12004 No. 2 Road, regarding Item No. 7 - Tree Protection Bylaw.*

Mr. Oeser circulated copies of his submission to all members of the Committee, and a copy is attached as Schedule A and forms part of these minutes.

General Purposes Committee

Monday, March 20th, 2006

In response to questions from Committee members, Mr. Oeser stated that there were a number of recommendations which had been made in various 'Letters To The Editor' in local newspapers, such as the implementation of a 'tree tax' which he felt would be more equitable than the present system. He also referred to a proposed change which would allow the owner of a single-family property to remove one tree per year with no permit fee or replanting required, and questioned whether the City would be providing a rebate to those individuals who had already paid for a tree removal permit. A brief discussion ensued, during which advice was given that Council could adopt a resolution authorizing the payment of a such rebate.

Mr. Oeser also referred to a possible conflict faced by the City with regard to the removal of trees on City property by City work crews, and in response, advice was given that the bylaw regulations applied to City lands but did not apply to its work crews. It was noted that the City already had a policy in place which dealt with the preservation and removal of trees.

Ms. Sherry McBryan, of 11620 No. 2 Road, read aloud, the email which she had sent to all members of Council. A copy of her submission is attached as Schedule B and forms part of these minutes.

(Cllr. Dang entered the meeting at 4:15 p.m., during the above presentation.)

In response to questions, Ms. McBryan advised that her property contained a tree orchard, with approximately 100 trees, and that it was her belief that she should not have to ask permission to remove diseased or dead trees from her property. (It was noted during the discussion which ensued, that if Ms. McBryan's property was in the Agricultural Land Reserve, with an agricultural exemption, any trees were removed for agricultural purposes would be exempt, but not trees being removed for residential purposes.)

Ms. McBryan voiced concern about the City becoming a concrete environment because property owners had been allowed to completely cover their land with large homes and concrete driveways. She suggested that a tree protection bylaw should be put into place for developers and that they be required to designate a certain amount of the land in each development for green space.

Mr. John Massot, of 16160 Westminster Highway, voiced support for the changes made to the proposed tree protection bylaw to increase the regulated threshold size to 8 inches (20cm) dbh from 4 inches and the removal of the requirement for a \$500 security for each replanted tree. He then spoke about the need for a simple bylaw, and voiced the opinion that the bylaw dealt with a non-existent problem as he felt that the majority of homeowners would not remove healthy trees unnecessarily. He also reviewed the current cost to a homeowner to remove a tree 10cm or wider.

General Purposes Committee

Monday, March 20th, 2006

Mr. Massot referred to action taken by surrounding municipalities to deal with the removal of trees, and suggested that the bylaw adopted by Burnaby was the most logical as it only dealt with developers and not homeowners.

Mr. Massot also questioned why it was necessary to obtain a permit to remove a dead or dying tree. Advice was given that an arborist would be required to determine if a tree was dead or dying, and to give a blanket exemption could be used as an excuse to remove trees which may not be dead or dying.

Mr. Doug Louth, of 4140 Dallyn Road, advised that he did not support the new bylaw because he felt that the changes now being considered related more to developers rather than private homeowners, and he expressed support for the current interim bylaw. He referred to Page 3 of the staff report and noted that 65% of the tree permits which had been applied for, were granted. He also referred to the list of 'key stakeholders' and questioned whether the City's Advisory Committee on the Environment had been consulted. Also commented on by Mr. Louth were (i) the \$50 permit fee and other permit fees required to be paid by single-family homeowners; (ii) the increase in the tree size to 8 inches; (iii) the importance of the requirement for replacement trees; and (iv) the need for smaller homes and more green space.

Discussion then ensued among Committee members and Mr. Louth on:

- tree removal, and what would be valid reasons for such removal;
- the purpose of the tree protection bylaw;
- how the City could control developers and tree removal if the tree protection bylaw was not in place;
- the proposal to allow homeowners to remove one tree per year without paying a permit fee; and
- the illegal removal of trees by developers, and the fines faced by these individuals.

Mr. Alex Bovey, 10011 Rosedene Crescent, advised that he had 32 trees over 20cm in width and 15 which were over 10cm in width, all of which comprised his hedge, which he periodically pruned and topped as a responsible homeowner, and for which he would now be required to obtain a permit. He questioned why homeowners could not be encouraged to assume personal responsibility for maintaining the trees on their property. He talked about the life span of a tree and voiced the opinion that he should be allowed to remove dead trees without having to obtain a permit. Mr. Bovey urged the Committee not to implement a bylaw which went against responsible homeowners.

Mr. Bovey stated that Council had heard concerns about trees being removed from properties, and suggested that the actual number was very small in comparison to the number of trees which currently exist in the City. He further stated that homeowners should be encouraged to grow trees, and added that the average homeowner could not afford the \$50 permit fee.

General Purposes Committee

Monday, March 20th, 2006

Reference was made to comments made about Mr. Bovey's ability to prune and top his hedge, and advice was given that pruning of trees was allowed without a permit; however, significant altering of a tree, such as topping, would require a permit.

Discussion then ensued among Committee members and Mr. Bovey on how homeowners could be discouraged from cutting down trees on their properties 'just because they felt like it'. Also addressed were Mr. Bovey's concerns about the manner in which the City was dealing with the removal of healthy trees and potential tree removal.

Peter Mitchell, of Nanika Crescent, talked about (i) the proposed change in the minimum size of a protected tree; (ii) statements made by previous speakers about developers having a vested interest; (iii) the number of trees being planted in the City on an annual basis and how the number of trees in the City had increased over the years; and (iv) the proposed \$250,000 required to administer the proposed bylaw. Mr. Mitchell suggested that the City should be proactive rather than penalizing the majority of Richmond residents who were supportive of tree preservation.

Bob Taylor spoke about the loss of shade on his property because his neighbours were thinning out their trees and did not intend to plant any more as replacement trees.

Pauline Chang, of 2291 McLeod Avenue, referred to the planting of replacement trees, and questioned the size of tree which would have to be planted and the potential cost to the homeowner. She also talked about the future vision of the City in forty years time and questioned whether residents were opposed to that vision. Advice was given in response to the question about the size of tree to be replanted, that Schedule A to the bylaw provided the criteria for the size of a replacement tree.

Stan Gray addressed the issue of sunlight and trees planted by his neighbours which impacted the amount of sun received on his property, and he expressed the wish for a bylaw which addressed responsibility for peoples' rights to sunlight. He also expressed agreement with a previous speaker about the proposed \$250,000 bylaw administration costs, and commented that this money could be better spent on encouraging homeowners to plant more trees. Mr. Gray also requested that fruit trees and flowering trees be exempted from the bylaw. He noted that certain types of trees needed to be topped each year to maintain their health. He also commented on the requirement that replacement trees had to be a minimum size of 2.5 inches dbh and advised that a new fruit tree was usually less than that size.

General Purposes Committee

Monday, March 20th, 2006

In response to questions from Committee, advice was given that the bylaw did not differentiate between the types of trees, but instead, was site specific.

Discussion then ensued briefly among Committee members and Mr. Gray regarding the proposed tree protection bylaw, during which Mr. Gray asked that consideration be given to the age of a homeowner. He referred to a hedge on this property and questioned whether he would be able to obtain a permit to reduce the size of the hedge to a more manageable height. Staff then commented on this situation, as well as on the size of fruit trees which could be replanted and the current limitations of the bylaw, and discussion took place on how flexibility to address certain issues could be incorporated into the proposed bylaw.

Kerry Starchuck, of 7611 Lancing Place, talked about problems she was experiencing with her neighbour's birch trees, and stated that these trees were not significant trees and were a nuisance. She also asked that trees be planted in Steveston area boulevards.

RCMP

3. **AMENDMENT TO FEE ESTABLISHMENT BYLAW FOR RCMP SERVICES**

(Report: Mar. 8/06, File No.: 12-8060-20-8051) (REDMS No. 1777762, 1779747)

It was moved and seconded

That Fee Establishment Bylaw No. 7889, Amendment Bylaw No. 8051, be introduced and given first, second and third readings.

CARRIED

FINANCE & CORPORATE SERVICES DIVISION

4. **HUGH BOYD PARK RIGHT OF WAY FOR A COMMUNICATIONS INSTALLATION BYLAW NO. 8043 – ROGERS SPORTS FIELD LIGHTING PROPOSAL**

(Report: Mar. 8/06, File No.: 12-8060-20-8043; xr 8000-20-006) (REDMS No. 1771135, 1772522, 1775278, 1775257, 1681130, 1201878)

It was moved and seconded

That:

(1) Council Resolution R04/11-19 dated June 14, 2004 be rescinded and the following resolution adopted:

(a) That a right of way for Rogers Wireless Incorporated for the installation of telecommunications apparatus on City sports field lighting at the Hugh Boyd Athletic Park, be approved;

(b) That the \$145,000 fee from Rogers Wireless for the right of way site be directed to the Public Open Space (Parks) DCCs;

General Purposes Committee

Monday, March 20th, 2006

- (c) *That the contribution of \$50,000 from Rogers Wireless be directed to the Special Sports Reserve, and used for sports field related expenditures at Hugh Boyd Park;*
- (d) *That the Hugh Boyd Park Right of Way for a Communications Installation Bylaw No. 8043 be introduced and given first, second and third readings, and referred to the electors for alternative approval process prior to adoption.*
- (2) *The deadline for receiving elector responses through the alternative approval process for the Hugh Boyd Park Right of Way for a Communications Installation Bylaw be May 8, 2006.*
- (3) *The Elector Response Form (attached to the report dated March 8th, 2006, from the Manager, Lands and Property), be approved.*
- (4) *The number of electors registered for the 2005 General Local and School Election, (116,821) be the total number of electors to which the Hugh Boyd Park Right of Way for a Communications Installation Bylaw alternative approval process applies.*

The question on the motion was not called, as a question was raised about the rationale for depositing the fee from Rogers Wireless to the Public Open Space (Parks) DCC fund rather than the Sports Reserve Fund, as had originally been proposed. Advice was given that the original arrangement which had existed prior to the Rogers Wireless proposal would have been a licence arrangement, however Rogers Wireless did not favour such an arrangement. Further advice was given that any revenue generated from the disposal of parkland must be deposited into the City's parkland acquisition account.

A brief discussion then ensued on the height of structure to be constructed, during which staff were requested to provide a picture of the proposed concept to scale against an existing light pole in one of the City's other parks.

As a result of the information provided on the requirement that the fee from Rogers Wireless must be deposited into the Public Open Space (Parks) DCC fund, the following **referral** motion was introduced:

It was moved and seconded

That the report (dated March 8th, 2006, from the Manager, Lands and Property), regarding Hugh Boyd Park Right Of Way For A Communications Installation Bylaw No. 8043 – Rogers Sports Field Lighting Proposal, be referred to staff for discussions with Rogers Wireless regarding a possible licence arrangement, with the fee being deposited into the Sports Reserve Fund.

CARRIED

General Purposes Committee

Monday, March 20th, 2006

5. **7360 ELMBRIDGE WAY – DISCHARGE OF RIGHT-OF-WAY**
(Report: Feb. 28/06, File No.: 06-2285-40-01/2006-Vol 01) (REDMS No. 1774965)

It was moved and seconded

That the discharging of the right of way over 7360 Elmbridge Way, be approved, (as set out in the report dated February 28th, 2006, from the Manager, Lands and Property), and that staff be authorized to take all necessary steps to complete the discharge, including advertising.

CARRIED

ENGINEERING & PUBLIC WORKS DIVISION

6. **RIPARIAN AREAS REGULATION RESPONSE STRATEGY**
(Report: Mar. 20/06, File No.: 10-6125-00/Vol 01) (REDMS No. 1779638)

The Assistant Manager – Environmental Programs, Margot Daykin, explained that copies of the tri-party agreement had now been received by the City, and as a result, staff were now recommending the adoption of a revised Part (4). (Copies of the revised recommendation were circulated to the Committee for their information.)

It was moved and seconded

- (1) *That the City adopt the Richmond-Specific Riparian Management Approach (as outlined in Attachment 2 to the staff report dated February 28, 2006 from the Assistant Manager, Environmental Programs) as its response strategy for meeting the Riparian Areas Regulations.*
- (2) *That the City send a letter to Minister Barry Penner, Minister of the Environment to advise of the City's action.*
- (3) *That staff continue to pursue an alternative variance strategy that is acceptable to the Province and report back to Council.*
- (4) *That the City of Richmond send a letter to the UBCM requesting that the UBCM not sign the tri-party agreement until the following issues are satisfactorily addressed:*
 - (a) *the roles and responsibilities of the parties are more clearly defined,*
 - (b) *that the proposed Executive Committee be comprised of urban and rural partners, and serve as an oversight advisory group only; and*
 - (c) *that RAR monitoring and compliance be a direct responsibility of the Provincial government; and*
- (5) *That a copy of the letter to the Minister of the Environment be forwarded to the Lower Mainland Municipal Association.*

General Purposes Committee

Monday, March 20th, 2006

The question on the motion was not called, as discussion ensued on the need for urban representation on the proposed Executive Committee as it was felt that the City's needs, with its urban farmers and maintaining ditches for agricultural purposes, were different than those of other more rural areas. As a result it was agreed that clause (b) of Part (4) would be amended to add the following '*be comprised of urban and rural partners*'.

Discussion took place briefly on Richmond's ditches, with it being noted that the ditches were totally landlocked and the opinion was expressed that Richmond should not be encumbered by laws which protected landlocked bodies of water.

The question on the motion was then called, and it was **CARRIED**.

URBAN DEVELOPMENT DIVISION

7. **PERMANENT TREE PROTECTION BYLAW**

(Report: Mar. 10/06, File No.: 12-8060-20-8057) (REDMS No. 1781683, 1774114, 1775441, 1783074, 1783122)

It was moved and seconded

That Tree Protection Bylaw No. 8057 be introduced and given first, second and third readings.

The question on the motion was not called, as Committee members offered their comments on the proposed bylaw, and in particular, talked about:

- the need to step back and determine what it was that the City was trying to do as it was felt that the bylaw did not protect significant trees and instead, allowed for the systematic removal of such trees because of the ability being given to the homeowner to remove one tree per year without a permit fee
- the \$50 fee and whether it provided cost recovery and the \$250,000 cost to the City to administer the bylaw
- the bureaucratic process required as a result of the bylaw in order to have trees removed
- the lack of a definition for 'significant trees' in the bylaw
- the importance of the bylaw to protect the City's urban forest and treed neighbourhoods
- the impact of allowing the removal of trees in front yards and whether education of the homeowner on the importance of trees would be successful
- whether fruit trees were included in the bylaw and whether the bylaw would deal with nuisance trees

General Purposes Committee

Monday, March 20th, 2006

- the application of the bylaw on those properties which were slated for future development
- the replacement of trees, and how City staff would ensure that a developer replaced the trees removed from a development site
- the need to delete the 'one free tree removal each year' from the bylaw
- whether a replacement tree should be the same species as the tree removed from a property; the suggestion was made that the type of tree should be mutually agreed upon
- the restrictions placed on homeowners about tree replacement, etc., and the need to encourage people to return as many trees as possible on their property, with the ability to have a choice on the type of trees to be replanted
- the anticipated annual cost to the City to maintain the tree protection bylaw
- the need to differentiate between the private homeowners and the developers who were needlessly destroying trees
- the need for a bylaw which comprised the key goals described in the staff report without having an impact on the everyday person who was responsible in the management of trees on their property
- the need to determine whether fruit and ornamental trees would be smaller than the minimum dbh size set out the bylaw, and to provide a definition for nuisance trees
- the need to consider the age of a homeowner and future maintenance requirements of their properties
- whether hedges should be included in the tree protection bylaw, as certain types of hedging could grow to significant heights and require annual pruning and topping
- the need to develop a bylaw which addressed all the issues raised so that amendments would not be required in six month's time
- the need to preserve significant trees
- how staff would determine if a tree was conflicting with development on the property, i.e. tree roots infiltrating into storm drains
- whether there were any options available, such as the Burnaby bylaw, which would focus on the removal of trees by developers
- whether the proposed bylaw should be implemented as presented and reviewed in six month's time or referred back to staff to address the issues raised today.

General Purposes Committee

Monday, March 20th, 2006

During the discussion, advice was given by staff, with reference to site specific conditions and anomalies which could arise, that if a significant problem arose, staff would return to Council with an amendment. With reference to the replacement of trees removed from development properties, advice was given that the bylaw, when adopted, would give the City the power to force the replanting of trees on the subject site. Further advice was given that the requirements of the bylaw would form part of the development process, with a landscape architect determining the value of the new planting, and with replacement usually better than two trees for one.

Staff were also requested to report to Committee in six month's time (if the bylaw was adopted), on the status of the bylaw and whether any problems had arisen. Staff were also asked to monitor the type of situation where trees were too large for a property.

As a result of the discussion, the following **referral** motion was introduced:

It was moved and seconded

That Permanent Tree Protection Bylaw No. 8057 be referred to staff to address the issue of hedges and the replacement of trees, based on the discussion at this meeting.

The question on the motion was not called, as a further **amendment** was introduced:

It was moved and seconded

That the referral motion be amended by adding the following, "That staff also address the following issues:

- (1) sunlight;*
- (2) impact of neighbouring trees on homeowners' properties;*
- (3) nuisance trees;*
- (4) fruit trees;*
- (5) flowering/ornamental trees; and*
- (6) developers and penalties for violations."*

DEFEATED

OPPOSED: Mayor Brodie
Cllr. Chen
E. Halsey-Brandt
S. Halsey-Brandt
Howard
Steves

The question on the main referral motion was not called, as a further **referral** motion was introduced:

General Purposes Committee

Monday, March 20th, 2006

It was moved and seconded

That the referral motion be amended by adding the following, "Fruit trees and flowering/ornamental trees, and that staff review the maximum DBH."

CARRIED

OPPOSED: Mayor Brodie
Cllr. Barnes
Howard
Steves

The question on the main referral motion, as amended, was then called, and it was **CARRIED** with Mayor Brodie, and Cllrs. Howard and Steves opposed.

Discussion continued, with the request being made by Cllr. McNulty that he be provided with a breakdown of the 70 permits which had been issued for the removal of trees. Comments were also made about the need for a person who could be contacted by residents who observe trees being destroyed. Reference was made to the Works Yard, which has a 24 hour/7 days a week emergency telephone number. As a result of the discussion on this matter, staff were requested to take the matter, to be proactive rather than reactive, under advisement.

The Chair referred to the number of items which were still to be dealt with by the Committee, and to the possible need for a Special (closed) Council Meeting to deal with matters arising from the closed General Purposes Committee meeting, and as a result, the following motion was introduced:

It was moved and seconded

That the notice for calling a Special Council Meeting be waived in accordance with Section 127(4) of the Community Charter.

CARRIED

The Chair advised that the General Purposes Committee meeting would now be recessed until 5:30 p.m., Tuesday, March 21st, 2006, following the completion of the Planning Committee meeting (6:39 p.m.).

The General Purposes Committee meeting reconvened at 5:36 p.m., Tuesday, March 21st, 2006, with Mayor Brodie, and Councillors Barnes, Chen, Dang, Sue Halsey-Brandt, Howard, McNulty and Steves present.

The Chair then recessed the General Purposes Committee meeting (5:37 p.m.).

The General Purposes Committee meeting reconvened at 5:39 p.m. (Cllr. Evelina Halsey-Brandt entered the meeting at 5:42 p.m.)

General Purposes Committee

Monday, March 20th, 2006

8. **OVAL UPDATE - ROC – GEOTECHNICAL REPORTING**

(Report: Mar. 20/06, File No.:) (REDMS No. 1788465)

Chief Administrative Officer George Duncan, the Director, Major Projects, Greg Scott, the Director, Richmond Olympic Business Office, Lani Schultz, the Acting General Manager, Finance & Corporate Services, Andrew Nazareth, and the Director, Engineering, Robert Gonzalez were present to respond to questions from the Committee.

Mr. Duncan referred to the recent media coverage about alleged soil conditions relating to the Oval, and to information which had been taken out of context, and he advised that staff had been asked to prepare the report now before the Committee to properly address this misinformation in order to protect the City's interests and the interests of the City's partners in this project.

The discussion commenced with Mr. Scott advising the Committee that the report now being considered did not contain any new information. He then spoke briefly about the information which would be discussed by staff with the Committee and the due diligence taken by staff in dealing with the Oval project.

Mr. Gonzalez spoke about the geotechnical issues which had been the subject of recent newspaper articles, and advised that the report completed by Thurber Engineering, a geotechnical engineering company, as part of the bid process, was consistent with what City staff had expected to find regarding soil conditions in Richmond. He noted that the report examined migration of water, soft soils, sand, etc., and nothing out of the ordinary had been found. Mr. Gonzalez stated that this area of Richmond was no different than any other area in the City, and added that nothing surprising had arisen with the construction of the facility since the preparation of the bid proposal in 2004 to the present time. Mr. Scott further advised that the project team had retained a second geotechnical consultant to review the work of the first company to ensure that potential problems were not being overlooked. He added that the second consultant was still retained by the City and was still undertaking peer reviews.

(Cllr. Evelina Halsey-Brandt entered the meeting at 5:42 p.m., during the above discussion.)

Mr. Scott referred to the geotechnical report prepared by Thurber Engineering, and advised that the schematic design report identified the same concerns highlighted by the media, and stated that these concerns were no different than those referred to by Mr. Gonzalez. He talked about the legacy of the facility and the activities to be offered in the building following the 2010 Winter Olympic Games, and stated that City staff would continue to address any concerns which might arise. He added that Council would continue to be updated with monthly status reports.

General Purposes Committee

Monday, March 20th, 2006

Ms. Schultz then talked about the programs envisioned for the Oval facility, noting that even though it was not the City's intention to plan for long track speed skating at the Oval partly because of the decision of the S.S.C. to operate out of the Calgary facility for the next twenty years, the infrastructure would be retained so that the long track could be reinstated if required. She advised that the Oval facility would have far more benefits to the City on a corporate level with a multi-use facility than a single sport or single-user structure. Ms. Schultz added that the project team was trying to create a dynamic facility which would be available for high performance and recreational sports programs, as well as sports medicine and other related sports industry activities.

Mr. Nazareth then spoke about the financial impacts which could result from the negative media reports to the City's business standing, credit rating, professional reputation, and the direct consequences which did occur. He stated that the City's insurance broker had contacted the City about the viability of the construction of the Oval, and that there was concern that the Request for Proposal (RFP) which had been submitted to the public for the sale of City-owned land in the area could be seriously impacted. Mr. Nazareth stated that the information contained in that article could have a negative impact for the City far into the future.

Mr. Scott, in concluding the presentation by staff, advised that:

- analyzing soil conditions for a project such as the Oval was a normal part of any responsible construction process, and that the City and VANOC were aware of the soil conditions as set out in the original bid and Venue Agreement
- as a legacy, the post-games Richmond Oval would be an outstanding venue for high performance sport as well as local sport and wellness activities, long past the 2010 Games.

Discussion then took place among Committee members and staff, during which in response to questions, the following information was provided:

- the fact that Richmond had challenging soil conditions was well known
- the Oval facility would be designed through an integrated design process to address any differential soil settlement which may occur; the degree of settlement would not be known until the project team continued with the design work and construction began

General Purposes Committee

Monday, March 20th, 2006

- the placement of the parking structure under the Oval would provide the ability to undertake remedial repairs to the structure to address any settlement issues which might occur because the column causing the problem could be accessed and adjusted accordingly; a traditional oval slab sat on the actual ground and any settlement which might occur could not be addressed because of the inability to reach the area which had the problem; another benefit would be that the openness of the parking structure would enable City work crews to access pipes and other duct work without having to remove a part of the slab or break into the walls, and the cost of maintenance would be reduced
- a risk assessment had been undertaken early in the process to identify potential problem areas for the project which should be addressed, such as geotechnical concerns; discussions were held with the City's Oval Advisory Steering Committee about the geotechnical report, and nothing was found to be out of the ordinary
- with reference to the length of time which the sand preload should remain on the site, very preliminary information had been provided at the request of the City, which indicated that the sand would have to remain on site for four months, however, the results of further tests added an additional two months to the preload period; that staff were aware of the problem and that it had been addressed
- with reference to the possibility of an earthquake occurring and the impact which such an event could have on the Oval facility, it was felt that the bigger issue would be the state of structures in the Lower Mainland; if an earthquake occurred the week before the 2010 Winter Games, the closest venue to hold the speed skating events would be Calgary, Alberta; the Oval facility was not being constructed to post-earthquake disaster standards, but was being constructed to the code of the day; as with any venue, VANOC had requested the City to examine the worst case scenario and to develop a fallback position in the event of an earthquake occurring – the City's response was, because there were not many ovals in the area, that Calgary would have to be considered, however, that would be decision of VANOC
- following the conclusion of the 2010 Winter Olympic Games the oval was to be dismantled and used for other sports related functions; the documentation which was approved by Council and which was contained in the business plan for the project identified post-Game programs which could be considered for the facility; consideration could be given to reinstating the long track oval only if a business plan could justify the need; any cost for reinstatement would include the cost of removing the programs which were already in place for that area; post-Games programs included the short track skating oval but not the long track

General Purposes Committee

Monday, March 20th, 2006

- the cost to level the oval surface in ten years time would depend entirely on settlement and where this settlement occurred; when staff performed their due diligence, certain critical points were identified and staff had sought assurance that the expectations to provide a speed skating facility for 2010 could be met - settlement could occur in ten years time but that was a non-issue because the City had received assurance that major remedial work on the facility would not be required prior to the 2010 Winter Games
- the present construction schedule would have the facility completed by the 2008 deadline set by the City
- the budget for the Oval facility was \$178,000,000 and was still on target; the geotechnical questions were not an issue.

With reference to the risk factors related to the Oval project, advice was given that there had been no increase in the risk factors during the time that the City had been studying the soil conditions as the project had progressed.

During the discussion, Committee members expressed support for the content of the geotechnical report. However, concern was expressed about statements made in the recent newspaper articles relating to the Oval, that the speed skating events would be moved to Calgary in the event of an earthquake, and about comments that the Oval would continue for only another ten years after 2010.

Reference was made to the reports in the newspapers about the findings of the geotechnical report, and comments were made that the findings of this report were no different than any other report created for buildings constructed in other areas of the City, which went through the same process with sand preloading and pile driving being required. Concern was expressed about the negative impact which these inaccurate reports could have on the future of the City developmentally.

Concerns were expressed about the impact which the irresponsible reporting could have on the outcome of the City's RFP. It was noted that the City was relying on the development of this property to help finance the construction of the Oval. In response to questions about how the City's partners were being reassured, advice was given that two members of City senior staff, along with two representatives of VANOC, were among the members of the Capital Works Committee, and they had received the geotechnical information at the same time that the City received it. The comment was made that the newspaper article was a surprise but that there were no surprises contained in the geotechnical report. As well, advice was given that staff were hopeful that there would be no damage resulting from the inaccurate reporting. The comment was made that the developers who bid on the site would be sufficiently experienced to know and understand what the soil conditions were in Richmond, and that everything which could be done to address the situation had been done.

General Purposes Committee

Monday, March 20th, 2006

Discussion then centred around how the newspaper article came to be, with information being provided that staff were of the opinion that the article in question was the result of a request for information from a reporter who was not prepared to wait while this information was vetted as part of its due process through the appropriate channels.

Concern was expressed during the discussion about the newspaper article and the impression that it gave that the City was not being forthcoming with information and that information was being withheld from the newspapers and Richmond residents. Reference was made to the copyright protection documentation contained in the geotechnical report, and advice was given that it was an important requirement of professional engineers to ensure that the information they provided was used properly. Further advice was given that limitations and liability criteria were placed at the back of the document, and that this criteria had been provided to the reporter. The comment was made that the reference in the newspaper article was slightly misleading and that the information contained in the geotechnical report was not used as had been intended.

Discussion continued regarding access to information contained in the geotechnical report and the need to determine whether there would be any financial harm to the City in releasing the information and when would be the appropriate time for release of the information in question. The comment was made that Council would not want to release information which could have an impact on the price of tenders, etc., and that the reporter was very naïve to think that the geotechnical information would be made available before staff had had the opportunity to review the material.

Reference was made to the 2008 deadline, and advice was given that that deadline had been established to give the City time to complete the project, along with any minor remedial work which might be required prior to the 2010 Winter Games.

The right of the media to access information was referred to, however, the opinion was voiced that the problems arose because of inaccurate reporting. Also commented on was Richmond's soil conditions; the long term use of the Oval facility; the 'what ifs' which might occur, i.e. earthquake, minor shifting, etc.; and the responsibility of the press to ensure that when they receive information that they present it to the public in its entirety.

Comments were reiterated during the discussion that the City had a quality product which would be delivered to VANOC on time, and that Council and staff had done its due diligence in the development of the project and were aware of the risks in constructing the Oval in Richmond.

The Chair questioned staff on whether there had been any negative change from the initial analysis undertaken on the Oval site with regard to the risk assessment, the budget or the geotechnical situation, and the response was 'no'.

General Purposes Committee

Monday, March 20th, 2006

Discussion continued, with comments being made:

- about the demands on staff that they perform due diligence;
- that it was incumbent upon Council to perform due diligence before speaking to the media;
- that Council did know what it was doing in hiring top professionals to undertake the Oval project, and by appointing volunteers who were also professionals;
- that it was time to begin celebrating the upcoming event and the legacy which would result from the 2010 Winter Games and to reassure Richmond residents and the Canadian public that the problems described in the newspaper articles were not problems;
- that the challenges relating to the project had been identified and resolved; and
- that City Council was confident that the Oval project would be completed on time and on budget.

Councillor Evelina Halsey-Brandt referred to the decisions made by Council regarding the Oval project, and expressed her belief that any information which could be provided to interested parties should be. She added that this information should be easily accessible in one file and made available for viewing through the City Clerk's Office or other appropriate location at City Hall. The following resolution was then introduced:

It was moved and seconded

- (1) *That all Oval related reports that do not meet in-camera criteria be made available for public viewing in the City Clerk's Department or other appropriate location at City Hall; and*
- (2) *That a chronological record of all Oval related motions passed by Council that do not meet in-camera criteria be provided as part of the Oval information package.*

The question on the motion was not called, as discussion ensued among Committee members on how best to provide this information to the public. It was agreed during the discussion that Part (1) of the motion would be amended to insert (i) the words "a brief description of" after the word "that"; and (ii) the words "that were channelled through to the three advisory committees and/or Council" after the word "reports".

Discussion continued, with Committee members expressing their support for the proposed motion. Further comments were made about the inaccuracy of the newspaper articles; the rationale for the FOI request, and the resulting negative impact on the City's reputation; the fact that the information being referred to in the proposed motion was already available to the public on the City website; and the need for openness and transparency and better communication.

General Purposes Committee

Monday, March 20th, 2006

Reference was made to the meetings of the three Oval advisory committees and whether reporters could attend these meetings. Advice was given that the times of the open meetings were posted on the City website and that the closed meetings followed the same criteria as was followed for the City's closed standing committee and Council meetings. A brief discussion then ensued on the rationale for having closed meetings.

In concluding the discussion, the Chair commented on the incorrectness of the headlines and statements made in local newspapers about the future of the Oval project. He talked about the future of the Oval following the conclusion of the 2010 Winter Olympic Games, and about the fact that staff had confirmed from the beginning that even with the addition of the underground parking structure to the design of the Oval, that the geotechnical risks had not changed.

The question on the motion as amended, to insert (i) the words "*a brief description of*" after the word "that"; and (ii) the words "*that were channelled through to the three advisory committees and/or Council*" after the word "reports", was then called and it was **CARRIED**.

It was moved and seconded

That City staff prepare an exhaustive and complete report on all costs of Council and staff time and travel to date relating to the Olympic Oval, similar to the analysis completed after the 2002 Tall Ships event.

The question on the motion was not called, as information was provided that the Finance Department had just completed a detailed report on expenses relating to the Oval. Discussion then took place on the feasibility of providing a costing on the amount of staff time which had been spent on the Oval project. Also addressed was the need for accountability.

The question on the motion was then called, and it was **CARRIED**.

(Cllr. Chen left the meeting at 7:00 p.m., and did not return.)

9. **UPDATE ON OLYMPIC OVAL AND BUSINESS ACTIVITIES – RICHMOND SPORTS COUNCIL**

Councillor Steves referred to a resolution adopted by Council, with referred the report entitled 'Update on Olympic Oval and Business Activities' to the Richmond Sports Council for information. He stated that this was in error as the Sports Council wanted to have the opportunity to provide its comments on the report. As a result, the following resolution was introduced:

General Purposes Committee

Monday, March 20th, 2006

It was moved and seconded

That the Richmond Sports Council be offered the opportunity to review and provide their input on the "Olympic Oval and Business Opportunities" report (dated February 9th, 2006), and on the most recent facility and building design proposals, through the Parks, Recreation & Cultural Services Committee.

The question on the motion was not called, as discussion ensued among Committee members on the rationale for the request. Concern was expressed that this action could be seen as undermining the Oval Stakeholders Advisory Committee because the Sports Council would be reporting to the Parks, Recreation & Cultural Services Committee. Concern was also expressed that the proposed motion excluded arts and cultural organizations which might want to make a submission on the report.

As a result of the discussion, it was agreed that the motion on the floor would be amended to delete the reference to the Parks, Recreation & Cultural Services Committee and to substitute 'the Oval Stakeholders Advisory Committee', and to add the following as Part (2), "That staff solicit input from other community groups for input to the Stakeholders Advisory Committee."

The question on the motion, as amended, was then called, and it was **CARRIED.**

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (7:30 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the General Purposes Committee of the Council of the City of Richmond held on Monday, March 20th, 2006 and on Tuesday, March 21st, 2006.

Mayor Malcolm D. Brodie
Chair

Fran J. Ashton
Executive Assistant, City Clerk's Office

Presentation To Council

My name is Joe Oeser, I live at 12004 No. 2 Road and I am not a lawyer.

Tonight I could spend hours talking to you about the tree protection bylaw. I intend to limit myself to the process that got us here and the four points where it has gone wrong.

In Canada we are accustomed to politicians who tell us one thing at election time and then do what is right after the election. Setting personal agendas aside, I do not believe that council wanted to have tree owners ready to take up chain saws to defend their property rights.

As a stop work order I can accept the current bylaw as an interim measure if there really was a wholesale assault on our urban forest. I don't believe this was the case - Richmond still has trees today. This is where things started to fall apart. This was the first error in the process; enacting a bylaw where none was needed.

What makes the current bylaw a good stop work order is exactly what makes it a bad bylaw. What we now have is the equivalent of a sledgehammer that we are trying to use to kill a fly sitting on a window. There is no doubt a sledgehammer has the ability to kill the fly. The only problem is that it must be used with such a light touch that it is more than likely that the fly will disappear before we are able to hit it. Just think of the fly as developers. If we swing the sledge hammer really fast so that the fly can't escape we will break our window. Tree loving home owners are the window.

During the open house I talked to John Irving the city's manager of building approvals who is in charge of this bylaw. I said to him that under the current bylaw I could make a pretty good case to stop all hedge pruning in Richmond. There are references in the bylaw that state I cannot remove the leader from a tree or alter its natural shape. His response was: "we would never enforce that". I am sure he was sincere in his belief. The problem is that the bylaw could be used in this way.

In the bylaw the term substantially destroy is not defined. Could this include aesthetic appearance - yes. Is the only acceptable tree one that has never been shaped? The Japanese gardeners would surely disagree. This is the problem with the sledge hammer approach.

On Feb.22 a "Key Stakeholders Workshop" was held. Who were these key stakeholders? They were representatives from the following groups:

Agricultural Advisory Committee

Advisory Committee on the Environment

Urban Development Institute

Greater Vancouver Home Builders Association

There was no group present representing the interest of homeowners. Are homeowners not considered key stakeholders in this process? They are after all the largest group of private property owners in the city. This was the second major flaw in the process.

The third failure of the process came at the open house on March first. Much of the information presented on various poster boards used words and statements which are not used in the bylaw. Let me give you two examples.

On the Frequently Asked Questions board the first one was the most interesting.

1. Is the bylaw going to be withdrawn?

The current bylaw has been adopted by Council. The City will examine how the bylaw can be improved and will develop suggested refinements that can be considered by Council. City staff will be recommending these changes, but not a return to having no bylaw.

While technically totally correct many people unfamiliar with government processes read this as: it's a done deal; there will be a bylaw, all we can do is tinker with it a bit to make it somewhat more acceptable. This totally skews any comments they make on a questionnaire. In reality it's up to you, the mayor and council, if we have a bylaw. City staff did not volunteer this information unless directly asked.

Question number 8 was also interesting.

8. Does the bylaw apply on public lands and in City parks.

Concerns have been raised regarding applicability of bylaw to trees in parks and City land and that the City should be subject to own rules. The current bylaw applies to private property only. Management of trees on City lands is accomplished by the Parks Department through the "Urban Forest Management Strategy", which meets the same objectives as the tree bylaw.

Now let me read to you what the bylaw says on its first page.

Tree Protection Bylaw

The Council of the City of Richmond enacts as follows:

PART ONE: APPLICATION

1.1 This bylaw applies to trees which are:

a) on land owned or in the possession of the City;

I hope you can see the obvious contradiction here. You enacted this bylaw to include city owned land yet the information board at the open house says that the bylaw applies to private property only.

I realize council had a scheduling conflict at the time of the open house. The fourth failure in the process. If you had been available we might not be at this point. You could have gauged opinion for yourself. You lost that opportunity.

It is rare for such a complete meltdown of due process to occur. What was the original goal? I thought you wanted to protect trees. In reality the direct opposite has happened. Trees are coming down and fewer new trees are being planted. It shouldn't be that long before all trees in Richmond are located in professionally managed parks.

Since council has alienated much of the tree owning community, amends must be made to encourage people to plant trees and rebuild trust. Tree owners deserve that much because for the most part we did not clear-cut at the first hint of a tree bylaw being introduced. Some developers did clear-cut. We like our trees too much to do that. A good first step would be to repeal the bylaw. The second step would require some creativity and originality. Don't just follow what other jurisdictions do, find a way to support and reward tree owners; you will always get further with positive incentives than hammering people into compliance. Several letters to the editor have made proposals in this regard.

Staff have addressed some specific issues but they cannot fix the problems with the process. Due diligence and best practices were definitely missing here. Only you can address this problem now.

Having read through the new bylaw the most unfair aspect is the fact that properties which currently have trees are forced to retain and replant trees while those which have no trees are unaffected. If I want to change my landscaping plan from the forest look to a wildflower meadow look this bylaw prevents me from ever doing so. Diversity is what has made Richmond what it is today; don't destroy that now by imposing unwanted restrictions on homeowners.

With four major failures at each step in this bylaw process I believe your moral and ethical imperative is to repeal the bylaw, make amends to tree owners and if you deem it necessary, start afresh with a different, positive based approach. Nothing is written in stone yet.

Thank you for your time.

Re: March 20, 2006
G.P. Committee Meeting
Item #

TO: MAYOR & EACH
COUNCILLOR
FROM: CITY CLERK'S OFFICE

Mayor and Councillors

From: Ron and Sherry McBryan [mcbryan@telus.net]
Sent: Wednesday, 15 March 2006 3:48 PM
To: Mayor and Councillors
Subject: Tree Protection Bylaw

cc: John Irving
for information

SCHEDULE B TO THE MINUTES OF
THE GENERAL PURPOSES
COMMITTEE HELD ON MONDAY,
MARCH 20TH, 2006.

To Mayor and Council

I attended the open house at City Hall on March 1, regarding the tree protection bylaw. I was there for three and a half hours and spoke to many people very upset regarding this new bylaw. All those people had trees and felt the City had no right to take away their rights of tree ownership. As we discussed and read the bylaw, many tree owners didn't realize how much the bylaw really did effect them and they became more disgusted that the councillors could impose this ridiculous law upon us. Many of the poster boards contradicted the bylaw and information was posted that was not in the bylaw. Many people thought the poster boards were a short version of the bylaw as they did not want to sit and read the 20 page bylaw. Some people had already handed in their feedback papers when they found out that the boards had misled them and this made them mad. Here is one example.

Question one on the feedback form asks "In general, do you support the application of a tree protection bylaw?" Yes or No.

Question two "If you do not support the tree protection bylaw, would you please comment why.

On the poster boards "April 6, 2006 Council Meeting - Tree Protection Bylaw Adoption"

Why ask for our input if the Tree Protection Bylaw is being adopted on April 6, 2006. Many people were insulted and felt they had wasted their time attending the open house. I believe many people felt this bylaw was a "done deal" and they will not be coming to any more meeting, wasting more of their time.

I found most of the staff very polite and helpful. One of the consultants told me that the councillors' intent of the bylaw, was not put in place for homeowners with the trees in the backyard. And he would bet me \$10,000.00 that if I cut or pruned my trees this weekend that the city would not fine me. I told him that the bylaw did not exempted me and asked if he could put that in writing. He refused. I also heard another couple's concern about a tree in their yard and a staff member said they could send someone over to look at their tree, without them applying for a permit and saving the \$50.00. This contradicts the information on the poster boards where it said the City will not provide consulting services for trees on private land. If the councillors' intent was not to include homeowners in this bylaw why are we not included under exemptions? And who is this bylaw intended for? The land developers already have many rules they must address regarding green space, and the City is exempt. Why did my taxes dollars get wasted on this bylaw. Please stop wasting money, trying to revise this bylaw and get rid of it now. If you feel a law is necessary to protect trees start rewarding tree owners. I'm sure that this would encourage homeowners to plant and care for trees, and I'm sure the developers would then try to include some specific trees in their green space. Maybe we should just go back to no tree bylaw this would promote a green treed Richmond.

A tree owner should not be penalized for cutting or removing their tree or trees that are diseased, ugly or dead, or have simply out grown their allotted space, use or are creating too much shade. The tree owner should have the right to manage their own property. The tree is the owners' property and I believe this bylaw challenges my property rights. This bylaw also makes tree owners solely responsible for keeping Richmond treed.

Thankyou for your time,

Sherry McBryan
11620 No.2 Road,
Richmond, B.C. V7E 2E7
604 275-5758