

Regular MeetingJanuary 18, 1999

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Monday, January 18, 1999.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, C.B. Day, R.D. Hobson, J.D. Leask, J.D. Nelson and S.A. Shepherd.

Council members absent: Councillor M.I. Bremner.

Staff members in attendance were: City Manager, R.A. Born; Acting-City Clerk, G.D. Matthews; Director of Planning & Development Services, R.L. Mattiussi*; Long Range Planner, G. Stephen*; Inspection Services Manager, K. Skinner*; Licensing & Bylaw Enforcement Supervisor, M.A. McCorkell*; Director of Parks & Leisure Services, D.L. Graham*; Recreation Manager, R. Oddleifson*; Director of Works & Utilities, J. Vos*; Electrical Utilities Manager, R. Carle*; Transportation Manager, R.W. Westlake*; Roadways Engineer, M. Duggan*; Deputy Director of Finance, P.A. Macklem*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:30 p.m.

2. Councillor Hobson was requested to check the minutes of the meeting.

3. PLANNING

3.1 Planning & Development Services Department, dated January 13, 1999 re: Agriculture Plan (6635-30)

The Long Range Planner briefly outlined the report and advised that the Agriculture Plan already contains text stating Council's position regarding the subdivision of properties on the east side of Valley Road between Summit and Cross Roads.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R34/99/01/18 THAT the Urban – Rural/Agricultural Chapter of the Agriculture Plan be amended to include a text statement and policy that indicates Council consideration for the potential exclusion or non-farm use of ALR lands on two properties south of Springfield Road between Cooper Road and Spall Road as follows:

"Two large ALR properties south of Springfield Road between Cooper Road and Spall Road have been a long-standing source of discussion and disagreement on ALR status. Given the proximity to a major Urban Town Centre and location along a major City arterial road the City will continue to support the future exclusion or non-farm use of these properties.";

"Springfield Road. Continue to support the future exclusion or non-farm use of two properties south of Springfield Road between Cooper Road and Spall Road".

Carried

The Long Range Planner left the Council Chamber at 1:36 p.m.

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- 4.1 Planning & Development Services Department, dated January 11, 1999 re: Neighbourhood Pub Licensing and Associated Procedural Amendments (0540-20-70)

The Inspection Services Manager presented the report and advised that the revision to Development Application Fees Bylaw No. 8034 to add the \$500 application fee for neighbourhood pub applications should also include "plus actual costs for a public meeting".

Council noted that the Provincial Liquor Licensing Review Board is expected to meet at the end of February and agreed to defer consideration of this item until their recommendation comes forward.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R35/99/01/18 THAT further Council consideration of the Planning Department's report dated January 11, 1999 regarding the City's liquor licensing procedure for neighbourhood pubs be deferred until after the Provincial Liquor Licensing Review Board have completed their review of the B.C. liquor licensing policy.

Carried

The Director of Works & Utilities, the Electrical Utilities Manager, the Director of Parks & Leisure Services and the Recreation Manager entered the Council Chamber and the Director of Planning & Development Services and the Inspection Services Manager left at 1:42 p.m.

- 4.2 Electrical Utilities Manager, dated January 13, 1999 re: West Kootenay Power Ltd. – 1999 Revenue Requirement Application (5500-01)

The Electrical Utilities Manager presented a summary of the report and advised that staff will likely report back in early March with recommendations for a 1999 rate increase.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R36/99/01/18 THAT the proposed settlement package supplied by the British Columbia Utilities Commission as a result of the utility stakeholder Negotiated Settlement Process (NSP) be received as attached to the report dated January 13, 1999 from the Electrical Utilities Manager;

AND THAT staff be directed to come back with recommendations in regards to any possible electrical rate increases or decreases that may impact our own rate structure based on the out come of this settlement.

Carried

The Deputy Director of Finance entered the Council Chamber and the Director of Works & Utilities and the Electrical Utilities Manager left at 1:49 p.m.

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4.3 Parks & Leisure Services Department, dated January 14, 1999 re: Athans Aquatic Centre Proposal Evaluation (1220-20)

The Director of Parks & Leisure Services reviewed the report and advised that it was hoped that the Athans Centre and market area would be of sufficient size to attract new partnerships that would be different than what is there today. Although the request for proposals did not attract responses on the scale envisaged, it did attract a proposal from the YMCA-YWCA that the evaluation team feels warrants serious consideration by the City.

The Recreation Manager presented a comparison of the YMCA-YWCA and the Active Living/RG Properties proposals.

The Director of Parks & Leisure Services responded to questions of Council regarding the proposals received.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R37/99/01/18 THAT the City terminate the Athans Aquatic Centre Request for Proposals (RFP) process by rejecting all proposals received;

AND THAT Council authorize staff to enter into negotiations for a contract with the YMCA-YWCA of Kelowna/Westbank for the development and operation of the Athans Aquatic Centre.

Carried

The Licensing & Bylaw Enforcement Supervisor, the Transportation Manager and the Roadways Engineer entered the Council Chamber and the Director of Parks & Leisure Services, the Recreation Manager, and the Deputy Director of Finance left at 2:52 p.m.

4.4 City Clerk, dated January 11, 1999 re: Wild or Exotic Animal Prohibition Bylaw No. 8318

The Acting-City Clerk presented the report advising the bylaw proposes to not only ban shows where exotic animals perform but also ban shows where animals are travelling with the show in order to prevent shows from simply not using the animal acts while they are in Kelowna. The Shriners have contacted the City for use of a City facility for a circus with animal acts in 1999 but to date there is no signed contract in place. Staff recommend that section 5 of the subject bylaw be amended to read "This bylaw does not apply to any person who has a signed rental agreement in effect as of the date of adoption of this bylaw to operate or carry on a circus, public show, exhibition, carnival or performance in a City-owned facility in 1999. No exemptions to this bylaw are permitted after 1999." This would allow the Shriners one week to finalize their contract with the City before the bylaw is considered for adoption by Council on January 25th.

Council noted that the chairman of the local SPCA has indicated changes to the Criminal Code are needed to ensure protection of the quality of life as well as the health of all animals. The local SPCA was invited to contact Council and/or City staff with suggestions on how the City can help.

The Licensing & Bylaw Enforcement Officer left the Council Chamber at 3:09 p.m.

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Moved by Councillor Hobson/Seconded by Councillor Shepherd

R38/99/01/18 THAT "City of Kelowna Wild or Exotic Animal Prohibition Bylaw No. 8318" and "Bylaw No. 8347 being Amendment No. 7 to Business Licence and Regulation Bylaw No. 7878" be advanced for reading consideration.

Carried

Councillors Blanleil and Nelson opposed.

4.5 Transportation Manager, dated January 14, 1999 re: Bernard Avenue Bridge Replacement (5400-20)

The Transportation Manager and the Roadways Engineer presented the report and explained the evaluation process. They advised that Surespan proposes constructing the bridge in 2 phases, two lanes at a time with the balance of the bridge remaining in place so the traffic can continue to use it throughout the project. Negotiations with Surespan are expected to take 3 weeks, construction would start in early April and project completion is targeted for October 1999.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R39/99/01/18 THAT staff be given approval to negotiate with Surespan General Contractors Corp. on the Design/Build Contract for the design and construction of the Bernard Avenue Bridge replacement;

AND THAT staff report back to Council on the outcome of negotiations leading to an award of contract.

Carried

The Transportation Manager and the Roadways Engineer left the Council Chamber at 3:29 p.m.

5. RESOLUTIONS

5.1 Draft Resolution re: Travel Authorization – Mayor Gray to Vancouver (0695-01)

The Acting-City Clerk advised the Union of British Columbia Municipalities and the Ministry of Municipal Affairs are co-sponsoring a symposium to allow elected and appointed officials an opportunity to contribute to setting the framework for the new local government legislation and participate in a review of 1999 legislative proposals.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R40/99/01/18 THAT Mayor Gray be authorized to travel to Vancouver to attend a Symposium on New Local Government Legislation on February 24-25, 1999, with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547, using funds from Account No. 351-10-015-0-001.

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- 5.2 Draft Resolution re: Appointments – Regional Fire Protection Advisory Committee (0482)

The Acting-City Clerk advised that the Fire Protection Advisory Committee's role, initially, would be to review, determine and recommend levels of fire protection and rescue services within the Regional District. The committee could potentially also become involved in reviewing other fire and rescue services delivered or considered on a regional basis. The committee will include elected officials from the City of Kelowna, the Regional District of Central Okanagan, and Districts of Lake Country and Peachland, and the Westside Fire Protection District.

Moved by Councillor Leask/Seconded by Councillor Cannan

R41/99/01/18 THAT Councillor Colin B. Day be appointed Council's representative on the Regional Fire Protection Advisory Committee.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 8318 – Wild or Exotic Animal Prohibition Bylaw

Moved by Councillor Cannan/Seconded by Councillor Leask

R42/99/01/18 THAT Bylaw No. 8318 be read a first, second and third time.

Carried

Councillors Blanleil and Nelson opposed.

- 6.2 Bylaw No. 8331 – Amendment No. 1 to Development Application Procedures Bylaw No. 8140 (re violating conditions of a permit)

Moved by Councillor Hobson/Seconded by Councillor Day

R43/99/01/18 THAT Bylaw No. 8331 be read a first, second and third time.

Carried

- 6.3 Bylaw No. 8332 – Road Exchange Bylaw – Portion of Bernard Avenue

Moved by Councillor Nelson/Seconded by Councillor Cannan

R44/99/01/18 THAT Bylaw No. 8332 be read a first, second and third time.

Carried

- 6.4 Bylaw No. 8340 – Amendment No. 50 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89 (amends Schedule 25) (fines re Development Application Procedures Bylaw)

Moved by Councillor Day/Seconded by Councillor Hobson

R45/99/01/18 THAT Bylaw No. 8340 be read a first, second and third time.

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Carried

- 6.5 Bylaw No. 8347 – Amendment No. 7 to Business Licence and Regulation Bylaw No. 7878 (Wild or Exotic Animal Prohibition Bylaw)

Moved by Councillor Leask/Seconded by Councillor Cannan

R46/99/01/18 THAT Bylaw No. 8347 be read a first, second and third time.

Carried

Councillors Blanleil and Nelson opposed.

(BYLAWS PRESENTED FOR ADOPTION)

- 6.6 Bylaw No. 7962 – Security Alarm Systems Bylaw

Moved by Councillor Nelson/Seconded by Councillor Leask

R47/99/01/18 THAT Bylaw No. 7962 be adopted.

Carried

- 6.7 Bylaw No. 8312 – Amendment No. 7 to Fire Prevention Regulations Bylaw No. 6110-88

Moved by Councillor Day/Seconded by Councillor Hobson

R48/99/01/18 THAT Bylaw No. 8312 be adopted.

Carried

- 6.8 Bylaw No. 8328 – Local Improvement Security Issuing Bylaw (L.I. Files No. 645 & 646)

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R49/99/01/18 THAT Bylaw No. 8328 be adopted.

Carried

- 6.9 Bylaw No. 8329 – Long Street Sewer Main Replacement Security Issuing Bylaw (49-38)

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R50/99/01/18 THAT Bylaw No. 8329 be adopted.

Carried

- 6.10 Bylaw No. 8330 – Glenwood Avenue Sewer Main Replacement Security Issuing Bylaw (49-40)

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R51/99/01/18 THAT Bylaw No. 8330 be adopted.

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Carried

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Councillor Cannan announced that the Solid Waste Management Committee is implementing a 5-month pilot project for curbside recycling in Rutland from February to July, 1999.

(b) Standards of Maintenance for Secondary Suites

Councillor Cannan noted that in March 1998, Council considered a staff report regarding the establishment of a Standards of Maintenance Bylaw. Staff were directed to hold a public forum to obtain input from the community on maintenance issues with rental dwellings and, based on the input received, bring forward a resolution for the next UBCM convention. Councillor Cannan asked for report from staff on the status of this issue.

(c) Handicapped Parking - Petcetera

Councillor Leask advised he has received two phone calls from handicapped people concerned about the availability of handicapped parking stalls at the Petcetera store next to Toys 'R' Us and asked that staff investigate to ensure compliance with City bylaws.

(d) Public Forum – Climate Change in the Okanagan

Councillor Shepherd invited Council and the public to attend the "It's Hot!" public forum on climate change being held February 4th at 7 p.m. in the Okanagan University College's K.L.O. Campus Theatre.

(e) Display of Art in School Hallways

Councillor Hobson expressed concern over a recent article in the newspaper about a decision by the Chief Fire Commissioner that essentially would put an end to artwork on the walls in school hallways. The City Manager advised he has already requested a response from the City's Fire Chief that he will relay to Council when received.

8. TERMINATION

The meeting was declared terminated at 3:50 p.m.

Certified Correct:_____
Mayor_____
Acting-City Clerk

BLH/bn