

Regular MeetingMarch 15, 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, March 15, 1999.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, M.I. Bremner\*, C.B. Day, R.D. Hobson, J.D. Leask\*, and J.D. Nelson.

Council members absent: Councillors R.D. Cannan and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; Acting-City Clerk, G.D. Matthews; Current Planning Manager, F.B. Pritchard\*; Community Planning Manager, T. Eichler\*; Special Projects Planning Manager, H.M. Christy\*; Licensing & Bylaw Enforcement Supervisor, M.A. McCorkell\*; Special Projects Manager, T.S. Wong\*; Director of Parks and Leisure Services, D.L. Graham\*; Utility Network Engineer, W.J. Berry\*, Wastewater & Pump Station Engineer, K.K. Li\*; and Acting-Council Recording Secretary, L.M. Taylor.

(\* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Economic Development Commission re: 1999 EDC Policy and Activity Plan

Jack Peters, Chairman and Robert Fine, CEO of the Economic Development Commission appeared before Council to outline their Policy and Activity Plan for 1999.

Responding to questions from Council, Mr. Fine reported the first priority of the EDC is to make sure the business community in the northwest United States is aware of the Okanagan Valley and its benefits and they are piggybacking on the efforts of the Canadian consulate in that regard.

Mr. Fine indicated it is the intention of the EDC to make regularly scheduled quarterly appearances before Council in order to solicit their input on their proposed initiatives.

The Community Planning Manager, Special Projects Planning Manager and Licensing & Bylaw Enforcement Supervisor entered the Council Chamber at 1:50 p.m.

4. PLANNING

4.1 Planning & Development Services Department, dated March 11, 1999 re: Development Permit Application No. DP98-10,011 – Jim Nixon/R-93 Enterprises Ltd. – 500 Cook Road (3060-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector noting the development permit application is for marine fuel and marine sani-dump facilities on the existing dock at the Hotel Eldorado. The proposed development will include the construction of a small structure to accommodate public washrooms in connection with the marine gas bar. Staff recommend the tank be located underground, in the southeast corner of the hotel's parking lot. The tank will be equipped with the required leak detection devices.

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The Current Planning Manager noted the applicant has received permission from the Ministry of Environment Lands and Parks to apply for a Crown Grant over a portion of the foreshore and has also received an offer of lease from the Ministry of Environment Lands and Parks for the docks and proposed marina facilities. The applicant has addressed all the environmental safety issues and staff recommend support.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

**R192/99/03/15** THAT Municipal Council authorize the issuance of Development Permit No. DP98-10,011; Lot 3, D.L. 134, O.D.Y.D., Plan 15208 Except Plan H18110 for R93 Enterprises Ltd., located on Cook Road, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
5. The applicant provide a copy of an executed lease agreement with the Ministry of Environment Lands and Parks for the dock facilities;
6. The applicant provide a copy of an executed Crown Grant for a portion of the foreshore, including a registered Statutory Right-of-Way for public access along the lakeshore;
7. The applicant provide a valid license for the fuel tank placement, which is to be installed below ground;
8. The applicant provide final design drawings for the fuel delivery system and the sanitary sewer system and the operation manuals as per the letter from Reid Crowther & Partners Ltd. dated January 11<sup>th</sup>, 1999;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

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- 4.2 Planning & Development Services Department, dated March 9, 1999 re: Supplemental to Report on Housing Provided by Hotels and Motels in Kelowna (5040-20)

The Community Planning Manager reviewed the report for Council noting the purpose of the policy is to impose notice requirements under the Residential Tenancy Act when a motel or hotel providing year-round, low-cost housing is to be demolished or redeveloped. Minor wording changes to clarify that only those motels that are subject to the Residential Tenancy Act will be affected by the Policy have been made to both the policy and the affidavits.

Moved by Councillor Leask/Seconded by Councillor Nelson

**R193/99/03/15** THAT Council adopt Council Policy No. 270 - Motel/Hotel Redevelopment attached to the report dated March 9, 1999 from the Community Planning Manager.

Carried

- 4.3 Planning & Development Services Department, dated March 10, 1999 re: Amendments to Zoning, Licensing and Pawnbroker Bylaws re Pawnbrokers

The Licensing & Bylaw Enforcement Supervisor reviewed the report for Council noting that in order to address the RCMP's concerns staff are recommending a reducing in the number of zones where pawnshops are permitted, increasing the business license fee and increasing the regulation and enforcement of record keeping and reporting requirements for pawnshops.

The Special Projects Planning Manager indicated pawnshops are currently only permitted in the C10 and I4 zones. Due to the amount of the city currently zoned C10 and the proximity of this zone to residential areas, staff are recommending the pawnshop use be deleted from the C10 zone. She noted a public hearing must be held for the amendment to the zoning bylaw.

The Licensing & Bylaw Enforcement Supervisor advised the increase in business license fee from \$404.56 to \$3000.00 is required in order to cover the increased enforcement costs associated with the proposed changes to the Second Hand Dealer and Pawnbroker Regulation Bylaw.

Responding to questioning from Council, Constable Brecknell of the RCMP indicated there may be some correlation between the crime rate and the number of pawnshops. He noted that in addition to the 18 pawnshops in Kelowna there are 10 in the Regional District.

The Special Projects Manager entered the Council Chamber and the Current Planning Manager left the Council Chamber at 2:35 p.m.

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**R194/99/03/14** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by deleting pawnshops as a permitted principal use in the C10 - Service Commercial zone;

AND THAT the zoning text amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Second Hand Dealer and Pawnbroker Regulation Bylaw No. 7611 be amended as outlined in the report of the Director of Planning & Development Services Department dated March 10, 1999;

AND FURTHER THAT Business License and Regulation Bylaw No. 7878 be amended to increase the license fee for Pawnbrokers to \$3,000 per year.

Carried

The Community Planning Manager, Licensing & Bylaw Enforcement Supervisor and Special Projects Planning Manager left the Council Chamber at 2:36 p.m.

The Director of Parks and Leisure Services entered the Council Chamber at 2:36 p.m.

## 5. REPORTS

5.1 Deputy Director of Finance, dated March 10, 1999 re: Downtown Kelowna Association 1999 Budget (1950-06)

The Special Projects Manager reviewed the report for Council noting The Kelowna Downtown Business Improvement Area Bylaw No. 8273 requires that Council approve the annual budget.

Councillor Bremner entered the Council Chamber at 2:40 p.m. and took her place at the Council table.

Moved by Councillor Leask/Seconded by Councillor Nelson

**R195/99/03/15** THAT Council approve the Downtown Kelowna Association 1999 budget attached to the report of the Deputy Director of Finance dated March 10, 1999, as required under section 252(6)(a) of the Municipal Act;

AND THAT Council approve a grant-in-aid to Downtown Kelowna Association for 1999 in the amount of \$289,000, to be funded by a levy on all Class 5 and 6 properties located within the boundaries of the improvement area;

AND FURTHER THAT staff be authorized to develop a payment schedule which recognizes the Association's cash flow requirements as well as the timing for collection of the business improvement area levy.

Carried

The Special Projects Manager left the Council Chamber at 2:45 p.m.

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- 5.2 Director of Parks & Leisure Services, dated March 5, 1999 re: Grant-in-Aid – All Candidates Forum – November 3, 1999 (1850-20)

The Director of Parks & Leisure Services reviewed the report for Council noting the request from the Chamber of Commerce is in line with the Grant-in-Aid policy.

Moved by Councillor Day/Seconded by Councillor Leask

**R196/99/03/15** THAT City Council approve a grant-in-aid to offset rent of the Kelowna Community Theatre for the Chamber of Commerce All Candidates Forum on November 3, 1999;

AND THAT the grant be funded from Council Contingency in the amount of \$310.00 plus GST.

Carried

The Utility Network Engineer and Wastewater & Pump Station Engineer entered the Council Chamber at 3:10 a.m.

- 5.3 Director of Parks & Leisure Services, dated March 10, 1999 re: Regional Parks Tax Limit (0482-01)

The Director of Parks & Leisure Services reviewed the report for Council noting it is a follow up to an earlier presentation to Council by Regional District staff. He indicated additional information is required regarding the existing park inventory, service levels and associated costs before City staff can make a recommendation regarding a tax increase.

It was noted the Regional District will likely be consulting with the City and other member municipalities during the preparation of their Parks and Recreation Master Plan.

Moved by Councillor Leask/Seconded by Councillor Day

**R197/99/03/15** THAT the Regional District of Central Okanagan's request to increase the tax limit from 14 cents per \$1,000.00 assessment to 20 cents per \$1,000.00 assessment be considered after the completion of an approved Parks and Recreation Master Plan with its associated capital and operating costs;

AND THAT the City continue to work with the Regional District to determine the impact of the proposed tax limit on the City of Kelowna.

Carried

The Director of Parks and Leisure Services left the Council Chamber at 3:12 p.m.

Councillor Leask left the Council Chamber at 3:12 p.m.

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- 5.4 Wastewater Manager, dated March 10, 1999 re: 1999 Sewer Rates (1824-02)

The Utility Network Engineer reviewed the report for Council noting the proposed rate increase is about 2% for residential properties.

Moved by Councillor Hobson/Seconded by Councillor Day

**R198/99/05/15** THAT Council approve an increase to both residential and Industrial/Commercial/Institutional (ICI) sewer rates effective on the May 16<sup>th</sup>, 1999 billing as follows:

	<u>Existing 1998</u>	<u>New 1999</u>
Residential		
- Flat Rate	\$10.68/month	11.00/month
Commercial (I/C/I)		
- Minimum charge for 0-8 m <sup>3</sup>	\$10.68/month	11.00/month
- Usage in excess of 8 m <sup>3</sup>	0.72 / m <sup>3</sup>	0.74 / m <sup>3</sup>
Sewer Strength Surcharge Rates		
- BioChemical Oxygen Demand	\$0.340/kg	0.350/kg
- Suspended Solids	0.340/kg	0.350/kg
- Oil and Grease	0.147/kg	0.151/kg
- Volume	0.439/kg	0.452/kg;

AND THAT Council direct staff to prepare an amended Sewer Regulation Bylaw for approval.

Carried

- 5.5 Wastewater/Pump Station Engineer, dated March 10, 1999 re: Award of Contract for the Supply and Delivery of a Generator – Wastewater Treatment Facility Expansion (0760-20-09)

The Wastewater & Pump Station Engineer reviewed the report for Council noting that of the four responses to the Request for Proposals, only one company met the required specifications. The generator is required to provide standby power and to supply the plant during peak electrical load times.

Councillor Leask returned to the Council Chamber at 3:20 p.m. and took his place at the Council table.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

**R199/99/03/15** THAT Council approve the award of the Contract for the supply and delivery of the generator for the Wastewater Treatment Facility as specified in Request for Proposal No. T98-82, to Finning Canada for the price of \$451,507.26, GST included.

Carried

The Utility Network Engineer and Wastewater & Pump Station Engineer left the Council Chamber at 3:42 a.m.

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6. RESOLUTIONS

- 6.1 Draft Resolution re: Cancellation of Public Hearing/Regular Council Meeting – June 1, 1999 (0570-06)

Moved by Councillor Bremner/Seconded by Councillor Nelson

**R200/99/03/15** THAT the Public Hearing/Regular Meeting scheduled for Tuesday, June 1, 1999 be cancelled.

Carried

- 6.2 Draft Resolution re: Regional Air Quality Monitoring/Education (5280-02)

The Acting-City Clerk read the resolution for the benefit of the viewing audience. She noted that Council had previously supported, in principle, the Air Quality Monitoring and Education service initiative presented by the Regional District.

It was noted that all member municipalities except Lake Country have agreed to the proposal.

Moved by Councillor Hobson/Seconded by Councillor Day

**R201/99/03/15** WHEREAS the Regional District of Central Okanagan is giving consideration to “Regional District of Central Okanagan Air Quality Monitoring and Education Extended Service Establishment Bylaw No. 830, 1999”;

AND WHEREAS the entire City of Kelowna is to form a participating area pursuant to the aforesaid bylaw;

NOW THEREFORE the Council of the City of Kelowna waives the assent requirements of Section 807(2)(a)(i) of the Municipal Act;

AND FURTHER the Council of the City of Kelowna consents to the adoption of the aforesaid bylaw.

Carried

- 6.3 Draft Resolution re: Regional Transportation Demand Management (8330-01)

The Acting-City Clerk read the resolution for the benefit of the viewing audience. She noted Council had approved in principle the draft protocol agreement in October, 1998.

It was noted neither Lake Country nor Peachland are participating in the initiative at this time.

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**R202/99/03/15** WHEREAS the Regional District of Central Okanagan is giving consideration to "Regional District of Central Okanagan Transportation Demand Management Extended Service Establishment Bylaw No. 831, 1999";

AND WHEREAS the entire City of Kelowna is to form a participating area pursuant to the aforesaid bylaw;

NOW THEREFORE the Council of the City of Kelowna waives the assent requirements of Section 807(2)(a)(i) of the Municipal Act;

AND FURTHER the Council of the City of Kelowna consents to the adoption of the aforesaid bylaw.

Carried

Councillor Leask opposed.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

7.1 Bylaw No. 8360 – Amendment No. 1 to Second Hand Dealer and Pawnbroker Regulation Bylaw No. 7611

Moved by Councillor Nelson/Seconded by Councillor Leask

**R203/99/03/15** THAT Bylaw No. 8360 be read a first, second and third time.

Carried

7.2 Bylaw No. 8366 – Amendment No. 9 to Business Licence and Regulation Bylaw No. 7878 (increase Pawnbroker Licence Fee)

Moved by Councillor Leask/Seconded by Councillor Nelson

**R204/99/03/15** THAT Bylaw No. 8366 be read a first, second and third time.

Carried

**(BYLAWS PRESENTED FOR ADOPTION)**

7.3 Bylaw No. 8352 – Amendment No. 3 to Kelowna Municipal Cemetery Bylaw No. 7627

Moved by Councillor Blanleil/Seconded by Councillor Day

**R205/99/03/15** THAT Bylaw No. 8352 be adopted.

Carried



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8. COUNCILLOR ITEMS - Nil

9. TERMINATION

The meeting was declared terminated at 3:38 p.m.

Certified Correct:

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Mayor

Acting-City Clerk

LMT/bn