

Regular MeetingJune 21, 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, June 21, 1999.

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

Council members absent: Councillor R.D. Hobson.

Staff members in attendance were: City Manager, R.A. Born; Acting-City Clerk, G.D. Matthews; Director of Planning & Development Services, R.L. Mattiussi\*; Current Planning Manager, A.V. Bruce\*; Long Range Planning Manager, L.V. Foster\*; Planner – Long Range, G.L. Stephen\*; Director of Parks & Leisure Services, D.L. Graham\*; Recreation Manager, R. Oddleifson\*; Parks Manager, J. Creron\*; Parks Coordinator, R. Zahara\*; Inspection Services Manager, K. Skinner\*; Transportation Manager, R.W. Westlake\*; Drainage/Solid Waste Manager, A. Newcombe\*; Civic Properties Manager, H.R. Hyatt\*; 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 Day was requested to check the minutes of the meeting.

Mayor Gray read a proclamation declaring June 21, 1999 as National Aboriginal Day.

3. PUBLIC IN ATTENDANCE

3.1 Kelowna Youth Employment Initiative Team re: 1999 Initiatives

Marcie Goodall, Erin Bassingthwaighe and Brandon Solms each gave presentations on the various initiatives they will implement this summer to raise awareness of road safety among youth in Kelowna and throughout the Okanagan.

The Director of Parks & Leisure Services entered the Council Chamber at 1:44 p.m.

4. UNFINISHED BUSINESS

4.1 Parks Manager, dated June 9, 1999 re: Dogs in Parks Program (6140-02)

The Parks Manager advised this item was deferred from the June 14, 1999 Council Meeting and that the staff recommendation remains unchanged, as follows:

THAT the portion of Sutherland Park north of the boat launch and Government Campground Park cease to be “dogs off leash” parks and that those same lands be designated as “dog walking parks”;

AND THAT the City-owned land west of Dilworth Drive between the CN Tracks and Leckie Place Road, as outlined by Map 1 attached to the Park Manager’s report dated June 9, 1999, be designated as a “dog off leash park” on a 1 year trial basis;

AND FURTHER THAT the Parks & Leisure Services Department endeavour to provide an “off leash dog park” in each quadrant of the city for the year 2000.

Regular MeetingJune 21, 1999

Mr. Guy King, Okanagan Dog Owners Association (ODOA), argued in support of continued use of Sutherland Park as a dog off-leash park and asked that Council approve the south part of Sutherland Park as a completely fenced off-leash dog park with gates that would only open inward in order to keep the dogs in. Mr. King indicated that the ODOA would be willing to contribute toward some of the costs once their membership grows and their finances become stronger. Meanwhile he recommended that the dog licensing fees be reduced and that the ODOA undertake some fundraising programs to contribute toward fencing, etc. Mr. King also suggested that the complaints about odour are probably from the bins where dog owners are depositing feces and more frequent pick-up would help that. Complaints about owners not leashing their dogs to and from the park can be resolved through proper education and signage.

Miriam & Hans Van Leening addressed Council on behalf of the area residents, advising that the consensus of the neighbourhood was for both Sutherland Bay Park and Government Campground Park to be removed from the dog park list. Their concerns were public health, odour, noise, and increased maintenance costs from wear and tear on the land, none of which would be addressed simply by fencing the dog park. He noted the amount of traffic in the neighbourhood increased substantially as the off-leash park became known. He advised that there have been many complaints in the past, not just a few and suggested that education only works when there is a fine imposed for non-compliance.

Council debated the matter at length and finally agreed to deal with the staff recommendation one paragraph at a time.

Moved by Councillor Leask/Seconded by Councillor Bremner

**R530/99/06/21** THAT the portion of Sutherland Park north of the boat launch and Government Campground Park cease to be "dogs off leash" parks and those same lands be designated as "dog walking parks".

Carried

Councillors Cannan and Shepherd opposed.

There was no mover or seconder for the second paragraph of the staff recommendation to designate a City-owned property west of Dilworth Drive as a dog off-leash park for a one year trial basis.

Council agreed to change the wording in the third and final paragraph of the staff recommendation to read off-leash dog **area** instead of park, since both public and privately owned land will be considered.

Moved by Councillor Day/Seconded by Councillor Shepherd

**R531/99/06/21** THAT the Parks & Leisure Services Department endeavour to provide an "off leash dog area" in each quadrant of the city for the year 2000.

Carried

Moved by Councillor Leask/Seconded by Councillor Nelson

**R532/99/06/21** THAT City staff work with the Okanagan Dog Owners Association to find solutions to dog park related issues.

Carried

Regular MeetingJune 21, 1999

Council directed staff to contact the Regional Dog Control and request increased enforcement at Sutherland Bay Park and Government Campground Park.

The Director of Planning & Development Services, the Long Range Planning Manager, and the Planner – Long Range entered the Council Chamber and the Director of Parks & Leisure Services, the Parks Manager, and the Parks Coordinator left at 3:30 p.m.

## 5. CORRESPONDENCE

### 5.1 Regional District of Central Okanagan, dated June 17, 1999 re: Growth Management Strategy Bylaw (0482-01)

The Planner–Long Range presented a recap of the Growth Management Strategy process, summarized the public input received at the public meeting in which all of Council participated on June 16<sup>th</sup> at the Ramada Lodge Hotel, and highlighted the recommendations in the report.

A member of Council noted that the Regional Growth Strategies Act starts out saying a regional district *may* adopt a strategy but after that the words *must* and *will be imposed* are used. He expressed concern that once the Regional Board adopts this bylaw, if the municipalities within the regional district are unable to agree on a successful conclusion a facilitator would be appointed; if the facilitator is unsuccessful, then the province would impose the strategy on the municipalities; and one day we may find ourselves with a government overseeing this region that may not be the right one.

The Planner–Long Range advised that upon adoption of the Growth Management Strategy Bylaw by the Regional Board, municipal governments have a 2-year time period in which to prepare Regional Context Statements for inclusion in their respective OCPs, to demonstrate how the OCPs are consistent with the Strategy Bylaw.

Council agreed to add to the motion a request to expand objective No. 9 to also reference air and water quality in the Regional District.

Moved by Councillor Shepherd/Seconded by Councillor Day

**R533/99/06/21** THAT the Growth Management Strategy Bylaw Schedule “A”, as outlined in the Department of Regional and Community Planning’s report of June 17, 1999, be received for the information of Council;

AND THAT the Growth Management Strategy Bylaw be amended to expand objective No. 9 to reference air and water quality in the Regional District;

AND FURTHER THAT the Growth Management Strategy Bylaw, as amended, be endorsed by Council.

Carried

Councillors Bremner and Leask opposed.

The Long Range Planning Manager and the Planner-Long Range left the Council Chamber at 4:26 p.m.

Regular MeetingJune 21, 19996. PLANNING

- 6.1 Planning & Development Services Department, dated June 17, 1999 re: Development Permit Application No. DP99-10,054 – G & R Holdings Ltd. (Skully White/Area 51 Hospitality Group Inc.) – 274 Lawrence Avenue (3060-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and described the exterior façade improvements proposed to the building formerly occupied by the Keg and more recently the “Q Club”.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R534/99/06/21** THAT Municipal Council authorize the issuance of Development Permit No. 99-10,054; for Lot 3, Blk. 13, D.L. 139, O.D.Y.D., Plan 462, located on Lawrence Avenue, 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".

Carried

The Recreation Manager entered the Council Chamber at 4:32 p.m.

- 6.2 Planning & Development Services Department, dated June 17, 1999 re: Amendment to Development Application Procedures Bylaw No. 8140 – Delegation of Authority to Issue Development Permits (3060-20)

The Current Planning Manager presented the report outlining the proposed text amendment, which is intended to streamline the development permit approval process. He reviewed the criteria that would apply and advised the bylaw also provides for an appeal process before Council.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R535/99/06/21** THAT Development Application Procedures Bylaw No. 8140, be amended as indicated in Schedule “A” attached to the report from the Planning & Development Services Department dated June 8, 1999, to delegate authority to the Director of Planning & Development Services to issue limited category development permits.

Carried

The Inspection Services Manager and the Director of Parks & Leisure Services entered the Council Chamber and the Director of Planning & Development Services and the Current Planning Manager left at 4:37 p.m.

Regular MeetingJune 21, 19997. REPORTS7.1 Parks & Leisure Services Department, dated June 9, 1999 re: Skyreach Place – Rates Fees & Charges for Community Use Time (1810-20)

The Recreation Manager presented the report noting the multi-purpose agreement approved by Council in 1998 provides for 1,500 hours of community use time per season in the new Skyreach Place multi-purpose facility.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R536/99/06/21** THAT City Council approve the Skyreach Place Rates, Fees and Charges for the **community use time** as detailed in the report dated June 9, 1999 from the Parks & Leisure Services Department;

AND THAT the rate of \$105.00 per hour, to be effective in 2002, be established for Kelowna based minor sports groups use, as the benchmark for all other rental rates for sports and phase-in schedules as follows:

- The Kelowna Minor Sport Association benchmark ice rate be for all weekend times and summer(May1st – August 31<sup>st</sup>) season (6:00 a.m. – 12 midnight) only;
- The Kelowna Minor Sport Association regular (September 1<sup>st</sup> – April 30<sup>th</sup>) season ice rate for school days; (6:00 a.m. – 3:00 p.m.), school breaks; (6:00 a.m. – 8:00 a.m.) and school days and breaks; (10:00 p.m. – 12 midnight) be the same as for other City of Kelowna arenas;
- The Kelowna Minor Sport Associations regular (September 1<sup>st</sup> – April 30<sup>th</sup>) season ice rate for school days; (3:00 p.m. – 10:00 p.m.) and school breaks (8:00 a.m. – 10:00 p.m.) rate be 75% of the benchmark rate;
- The non-Kelowna based Minor Sports Association ice rate be 150% of the benchmark rate;
- The School District No. 23 rate be the same as for other Kelowna arenas;
- The Kelowna Minor Sport Association dry floor rate be 50% of the benchmark rate;
- All rates being phased in incrementally on September 1<sup>st</sup>, over each of the next 4 years (1999, 2000, 2001, 2002);

AND THAT community event rental rates be 125% of the other City of Kelowna arenas plus additional set up costs as charged by Skyreach Place;

AND THAT City staff negotiates with Skyreach Place for a Public Skating Partnership which will include public admission fees;

AND FURTHER THAT the Skyreach Place Rates, Fees and Charges for **community use time** be reviewed annually to consider the impact of operating cost requirements and, if necessary, recommend rate changes.

Carried

The Drainage/Solid Waste Manager entered the Council Chamber and the Recreation Manager left at 4:54 p.m.

Regular Meeting

June 21, 1999

- 7.2 Inspection Services Manager, dated May 31, 1999 re: ST97-04 – Application for Stratification of a Duplex – 788/794 Patterson Avenue (LaCasse) (3760-10)

The Inspection Services Manager briefly outlined the report.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the stratification to come forward. There was no response.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R537/99/06/21** THAT the application to stratify the Semi-Detached Dwelling on Lot 1, Plan 5186 – 788-794 Patterson Avenue be approved in the name of Dan LaCasse with no conditions.

Carried

The Inspection Services Manager left the Council Chamber at 4:55 p.m.

- 7.3 Drainage/Solid Waste Manager, dated June 16, 1999 re: Award of Construction Contract – High Road Storm Drain (5225-40)

The Drainage/Solid Waste Manager briefly outlined the report noting construction would commence on or about July 5<sup>th</sup> and the road would then be closed to traffic between Clifton and Mountain. The temporary Bernard Avenue bridge would be open a week before this work starts and would provide one lane for traffic in each direction.

Moved by Councillor Cannan/Seconded by Councillor Leask

**R538/99/06/21** THAT Peter's Bros. Construction Ltd. be awarded the contract (TE99-06) to carry out the construction of a storm trunk main on High Road from Clifton Road to Mountain Avenue for the price of \$392,090.59, GST and contingency included;

AND THAT the Mayor and City Clerk be authorized to execute the Contract on behalf of the City of Kelowna.

Carried

The Civic Properties Manager entered the Council Chamber and the Drainage/Solid Waste Manager left at 5:00 p.m.

Councillor Cannan left the Council Chamber at 5:00 p.m.

- 7.4 Cultural Services Manager, dated June 15, 1999 re: Kelowna Arts Foundation Appointments (0230-20)

The Director of Parks & Leisure Services presented the report for Council.

Moved by Councillor Bremner/Seconded by Councillor Nelson

**R539/99/06/21** THAT City Council approve the appointment of Victoria Crompton and James Shafer to the Kelowna Arts Foundation for a term of three years;

AND THAT Wendy McCracken, Daphne Stanley and David Mapleton be appointed to a second three-year term.

Carried

Regular Meeting

June 21, 1999

- 7.5 Civic Properties Manager, dated June 16, 1999 re: Consent to Assignment of Lease – Fintry Queen Moorage (0890-20; 2380-20-721)

The Civic Properties Manager briefly outlined the report noting the lease is on a month to month basis.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

**R540/99/06/21** THAT City Council approve the assignment of the existing lease with Metro Development Corp. Ltd. (Greg Chessor, Guarantor), for the Fintry Queen moorage to Okanagan Lake Holdings Ltd. (Andrew Schwab, Guarantor).

Carried

Councillor Cannan returned to the Council Chamber at 5:02 p.m. and took his place at the Council Table.

The Transportation Manager entered the Council Chamber at 5:04 p.m.

- 7.6 Civic Properties Manager, dated June 16, 1999 re: Downtown Waterfront Walkway – Contract Award – T99-46 (6340-30)

The Civic Properties Manager outlined the report for Council and advised that the project would be completed within 5 weeks of starting, a detour zone would be created for pedestrians to use during construction, and the garbage bins would be relocated to the center of the parking lot with the appropriate landscaping and screening.

Moved by Councillor Day/Seconded by Councillor Cannan

**R541/99/06/21** THAT City Council approve the low bid from Sierra Landscaping Ltd. for the construction of the waterfront walkway and related works between the Queensway parking lot and the Water Street boat launch, at a total cost of \$307,101.60 including GST.

Carried

- 7.7 Civic Properties Manager, dated June 14, 1999 re: Kelowna Chamber of Commerce Lease (2380-01)

The Civic Properties Manager presented the report for Council.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R542/99/06/21** THAT City Council approve a 30 year lease between the City of Kelowna (the City), and the Province of British Columbia (the Province), Ministry of Environment, Lands & Parks (the Ministry), for Lot A, D.L. 139, O.D.Y.D., Plan 34897, the Chamber of Commerce building located at 544 Harvey Avenue, Kelowna, B.C.;

AND THAT Council approve a 10 year Sub-lease commencing November 8, 1996, between the City and the Kelowna Chamber of Commerce (the Chamber), for this same property.

Carried

- 7.8 Civic Properties Manager, dated June 17, 1999 re: Kelowna Centre Streetscape Plan – “King” Luminaires (5400-11)

Regular MeetingJune 21, 1999

The Civic Properties Manager displayed an overhead to show images of the proposed light fixtures and briefly outlined the report for Council.

Moved by Councillor Bremner/Seconded by Councillor Blanleil

**R543/99/06/21** THAT City Council approve the use of “Candella 2” fixtures and standards in combination with regular “Cobrahead” fixtures on Cawston Avenue between Water and Ellis Streets; and “Candella 2” fixtures with concrete bases on the “North Spine” from the west side of the Library Plaza Parkade to Cawston Avenue.

Carried

The Director of Parks & Leisure Services left the Council Chamber at 5:17 p.m.

7.9 Councillor Colin Day, Kelowna Parking Committee Chair, dated June 8, 1999 re: Parking Lot Rate Review (5480-06)

The Transportation Manager presented the report for Council.

Moved by Councillor Day/Seconded by Councillor Nelson

**R544/99/06/21** THAT effective August 1, 1999, off-street monthly parking lot rates be amended as detailed on Schedule 1 attached to the report dated June 8, 1999 from the Kelowna Parking Committee;

AND THAT the current 7:00 a.m. to 5:00 p.m. time period that spaces are reserved for monthly parking be amended to 6:00 a.m. and 6:00 p.m., Monday to Friday.

Carried

Councillor Bremner opposed.

The Civic Properties Manager and the Transportation Manager left the Council Chamber at 5:34 p.m.

## 8. RESOLUTIONS

8.1 Draft Resolution re: Highway Reserve Agreement – Beaver Lake Road - Riverside Forest Products (0911-20-072)

The Acting-City Clerk read the resolution for the benefit of Council and the viewing audience.

Moved by Councillor Leask/Seconded by Councillor Day

**R545/99/06/21** THAT Municipal Council enter into a Highway Reserve Agreement in the standard City of Kelowna format, pursuant to Section 539(1) of the Municipal Act, with the registered owners of Lots A and B, Sec. 11, Twp. 20, O.D.Y.D., Plan KAP63756 for consideration of \$1.00;

AND THAT the Mayor and City Clerk be authorized to sign the agreement and affix the corporate seal of the City of Kelowna to same.

Carried



Regular MeetingJune 21, 1999

- 8.2 Draft Resolution re: Regional District Legislation Workshop – July 7, 1999 (0482)

The Acting-City Clerk read the resolution for the benefit of Council and the viewing audience.

Moved by Councillor Bremner/Seconded by Councillor Cannan

**R546/99/06/21** THAT members of Council be authorized to attend a Workshop on Regional District Legislation being held July 7, 1999 at the Coast Capri Hotel in Kelowna;

AND THAT the \$25 registration fee for those attending be appropriated from Account No. 413-10-015-0-001.

Carried

- 8.3 Draft Resolution re: Appointments – Al (James Allan) Dixon, Licensing & Bylaw Enforcement Supervisor

The Acting-City Clerk read the resolution for the benefit of Council and the viewing audience.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

**R547/99/06/21** THAT JAMES ALLEN DIXON be appointed License & Bylaw Enforcement Officer for the enforcement of all City bylaws, pursuant to Section 36 of the Police Act;

AND THAT JAMES ALLEN DIXON be appointed License/Building Inspector for the City of Kelowna and be authorized to administer and enforce licensing and sign regulations and bylaws of the City of Kelowna;

AND THAT JAMES ALLEN DIXON be appointed City of Kelowna Enforcement Officer for the purpose of administering and enforcing provincial soil conservation act regulations, pursuant to Section 8 of the Soil Conservation Act.

Carried

## 9. COUNCILLOR ITEMS

- (a) Culos Property Between Uplands Court/Viewcrest Court

Councillor Leask referred to a letter members of Council have received regarding the construction of a paved road by a developer to gain access to lots he is developing below properties in the Uplands/Viewcrest Court area of the Mission. The road was built without approval from the City and is an intrusion on the lots above. The City Manager advised that building permits would be withheld if the subdivision has not been developed in accordance with the site grading plan. The developer has been so informed.

- (b) Status Report - Proposed Military Museum

Councillor Leask asked for a status report on the future development of a military museum in Kelowna. Mayor Gray advised that staff have already been asked to provide a report on how the project is progressing.

Regular Meeting

June 21, 1999

(c) City Boulevards

Councillor Shepherd commented that many of the grassed boulevards on Pandosy Street between the town centre and the hospital are unsightly. Some residents may have discontinued watering the boulevards because of the implementation of water meters. With the boulevards on the other side of the sidewalk those residents still willing to water have to deal with skateboarders running over their hoses or throwing the hoses back into their yards. Something different needs to be considered. Mayor Gray advised that the Parks Manager is looking into that and will be reporting back with a recommendation that will likely be for pavers to be installed.

(d) Medians – Highway 97

Councillor Shepherd enquired when trees will be planted in the medians recently installed along Highway 97 by the Ministry of Transportation and Highways. The City Manager advised that water has been provided to the medians but he could not say for sure whether anything further would be done this year; the medians at McCurdy Road may be done earlier and that will be investigated.

(e) Rutland Business Association

Mayor Gray reported that the Rutland Business Association held their first annual meeting last Thursday. The meeting was well attended and it was encouraging to see such enthusiasm in a group so recently formed.

10. TERMINATION

The meeting was declared terminated at 5:53 p.m.

Certified Correct:

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Mayor

Acting-City Clerk

BLH/bn