

Regular MeetingJuly 26, 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, July 26, 1999.

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

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Current Planning Manager, A. Bruce*; Airport General Manager, R. Sellick*; Deputy Director of Finance, P. Macklem*; Inspection Services Manager, K. Skinner*; Director of Parks and Leisure Services, D.L. Graham*; Wastewater/Pumpstation Engineer, KK Li*; Wastewater Manager, B. Berry*; 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 Cannan was requested to check the minutes of the meeting.

3.0 PUBLIC IN ATTENANCE

(a) Boy Scout Troop from Japan

Mayor Gray welcomed a Boy Scout Troop from Kasugai Japan.

3.01 Mayor's Proclamation re: Communities in Bloom Week

Mayor Gray read a proclamation declaring August 1st to 7th, 1999 as Communities in Bloom Week.

3. PLANNING

3.1 Planning & Development Services Department, dated July 21, 1999 re: Development Permit Application No. DP98-10,074 – Prospero Canadian Land Investments Fund Ltd. (Rick Jones/Urban Design Group Architects Ltd.) – 1141/1171 Harvey Avenue (3060-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and reviewed the report for Council. He noted the application is for upgrading the building facades of the Capri Centre Shopping Centre. The upgrades include adding one new entrance canopy facing Gordon Drive and reconstructing the canopy at the north end of the shopping mall facing Harvey Avenue.

Regular MeetingJuly 26, 1999Moved by Councillor Hobson/Seconded by Councillor Shepherd

R641/99/07/26 THAT Municipal Council authorize the issuance of Development Permit No. 98-10,074; for Lot 1, D.L. 137, O.D.Y.D., Plan KAP52246, located on Harvey 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";
3. The fascia signs to be constructed in general accordance with Schedule "C";

Carried

- 3.2 Planning & Development Services Department, dated July 21, 1999 re: Development Permit Application No. DP99-10,064 – Lorne Thompson & Sheldon Paulger (Rick Jackson/Crown West Steel Fabricators) – 1056 Gordon Drive (3060-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and reviewed the report for Council. The application is for the construction of a new industrial fabrication facility to replace the industrial building recently destroyed by fire. The site is developed with two accesses from Trench Place and an access from Laurel Avenue and the applicant proposes substantial landscaping along Trench Place and Gordon Drive. It was noted the applicant is currently in the process of acquiring an additional 12m of land adjacent to the west of the property to provide additional area for parking and traffic circulation on the site. Staff had no concerns with the application and recommended support of the proposal.

Moved by Councillor Leask/Seconded by Councillor Nelson

R642/99/07/26 THAT Municipal Council authorize the issuance of Development Permit No. 99-10,064; for Lot A, Sec 30, Twp. 26, O.D.Y.D., Plan KAP63569, located on Gordon Drive, 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;

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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- 3.3 Planning & Development Services Department, dated July 21, 1999 re: Rezoning Application No. Z99-1030 – Dean & Penny Leblanc – 543 Milton Road (3360-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector noting the applicant is currently constructing a single family home and proposes to build a secondary suite within the rear portion of the lower level of the dwelling. The proposed one-bedroom suite would have a separate access from the rear of the dwelling. The rezoning application is consistent with the Official Community Plan and provides an infill dwelling unit that will not affect the character of the neighbourhood. Staff had no concerns with the rezoning application and recommended forwarding the proposal to a public hearing.

Members of Council expressed concern that only a few lots have been developed in the area and requested the public hearing notices be circulated to a larger area.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R643/99/07/26 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 40, Section 23, Township 26, ODYD, Plan KAP62497, located on 543 Milton Road, Kelowna, B.C., from the RU2 – Medium Lot Housing zone to the RU2s – Medium Lot Housing with Secondary Suite zone;

AND THAT the notification area be expanded to include Highway 33, Molnar Road and Holbrook Road;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

Councillor Shepherd opposed.

- 3.4 Planning & Development Services Department, dated July 21, 1999 re: Rezoning Application No. Z99-1038 – Kenneth & Myra Warren (Joray Homes) – 4335 Lakeshore Road (3360-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector noting the applicant is proposing to redevelop a portion of the existing dwelling by adding a new garage and creating a suite within the area of the existing attached garage. Staff have requested the owner make provisions for a turn around located on site to prevent traffic from backing out onto Lakeshore Road.

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Moved by Councillor Leask/Seconded by Councillor Bremner

R644/99/07/26 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 358, O.D.Y.D., Plan 32043, located on 4335 Lakeshore Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and the Inspection Services Department being completed to their satisfaction.

Carried

4. REPORTS

4.1 Airport Manager, dated July 15, 1999 re: Award of Consultant Contract for Major Air Terminal Building Expansion (Phase 3) – Kelowna International Airport (0550-05; 6640-20)

The Airport Manager reviewed the report for Council.

Moved by Councillor Hobson/Seconded by Councillor Day

R645/99/07/26 THAT Council award the consulting contract to Accuratus Engineering Ltd. for Phase 3 of the Major Air Terminal Building Expansion for the estimated price of \$26,140.00 (GST not included);

AND THAT Council authorize the Purchasing Manager to execute the contract on behalf of the City of Kelowna.

Carried

The Current Planning Manager and Airport Manager left the Council Chamber at 2:15 p.m.

The Deputy Director of Finance and Inspection Services Manager entered the Council Chamber at 2:15 p.m.

4.2 Financial Planning & Systems Manager, dated July 14, 1999 re: 2000 Provisional Budget (1700-01)

The Financial Planning & Systems Manager reviewed the report for Council.

Moved by Councillor Nelson/Seconded by Councillor Leask

R646/99/07/26 THAT Council direct City staff to prepare a Provisional Budget for 2000 in accordance with Section 327 of the Municipal Act.

AND THAT Council approve January 6th and 7th, 2000 as the Provisional Budget review and discussion dates.

Carried

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The Deputy Director of Finance left the Council Chamber at 2:16 p.m.

The Director of Parks and Leisure Services entered the Council Chamber at 2:16 p.m.

- 4.3 Inspection Services Manager, dated July 16, 1999 re: ST98-04 – Application for Stratification of Duplex at 460/462 Rutland Road South (3760-10)

The Inspection Services Manager reviewed the report for Council

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

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R647/99/07/26 THAT the application to stratify the semi-detached dwelling located at Lot 23, Plan 18044 be approved in the name of Terry Kelly with no conditions.

Carried

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R648/99/07/26 THAT Council direct the Community Housing Needs Committee to review the effect of lot stratifications on affordable housing and the impact on rental housing market and to report back to Council.

Carried

The Inspection Services Manager left the Council Chamber at 2:24 p.m.

- 4.4 Inspection Services Manager, dated July 19, 1999 re: Proposed Class “D” Brew Pub with Restaurant – 3699 Highway 97 North (0540-20)

Withdrawn.

- 4.5 Facilities Supervisor, dated July 20, 1999 re: Arena Concession Operations (5880-01)

The Director of Parks and Leisure Services reviewed the report for Council.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R649/99/07/26 THAT City Council approve the following eligibility criteria in considering proponents for the concession operations of Memorial and Rutland Arenas:

- Non-profit organizations
- Organizations that are regular users of the facilities
- Organizations that have a youth serving focus or provide a direct benefit back to youth programs;

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AND THAT the eligibility criteria become part of the Parks and Leisure Services Directory of Terms and Conditions, Rental Rates, Fees and Charges;

AND THAT the Director of Parks & Leisure Services be authorized to execute a negotiated agreement with the Kelowna Minor Hockey Association for the operation of the concessions at Memorial and Rutland Arenas for a term not to exceed five years;

AND FURTHER THAT within five years all eligible organizations be advised that the operation of the concessions will be put out for tender

Carried

- 4.6 Facilities Supervisor, dated July 20, 1999 re: Renewal of Leases – Kelowna Badminton Club – 1098 Richter Street and Kelowna Lawn Bowling Club – 1600 Abbott Street (0870-20; 2380-20-193; 2380-20-205)

The Director of Parks and Leisure Services reviewed the report for Council and advised it would be appropriate to proceed with the Lawn Bowling Club lease but asked that approval of the Kelowna Badminton Club agreement be deferred to allow staff an opportunity to clarify the maintenance clauses in the proposed lease.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R650/99/07/26 THAT City Council approve a five (5) year lease agreement commencing January 1, 1998 with the Kelowna Lawn Bowling Club for the lawn bowling facilities located at 1600 Abbott Street;

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

Carried

The Wastewater Manager and Wastewater/Pumpstation Engineer entered the Council Chamber at 2:35 p.m.

- 4.7 Director of Parks & Leisure Services, dated July 21, 1999 re: Preparation for Communities in Bloom Judges Coming to Kelowna (0695-01)

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

Moved by Councillor Cannan/Seconded by Councillor Hobson

R651/99/07/26 THAT Municipal Council grant approval for a helicopter to land at Guisachan Heritage Park on August 3, 1999 as part of the Communities in Bloom initiative, subject to approval of the Ministry of Transportation and compliance with all related flight requirements.

Carried

The Director of Parks & Leisure Services left the Council Chamber at 2:40 p.m.

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- 4.8 Wastewater/Pumpstation Engineer, dated July 21, 1999 re: Award of Construction Contract – Rose Avenue Lift Station Upgrade (5340-05)

The Wastewater/Pumpstation Engineer reviewed the report for Council.

Moved by Councillor Bremner/Seconded by Councillor Nelson

R652/99/07/26 THAT Graham Construction and Engineering Ltd. be awarded the Contract TE99-09 to carry out the upgrading of Rose Avenue Lift Station for the price of \$353,304.00, GST included.

Carried

The Wastewater Manager and Wastewater/Pumpstation Engineer left the Council Chamber at 2:45 p.m.

- 4.9 Chief Election Officer, dated June 20, 1999 re: 1999 Local Government Elections (B/Ls 8345 & 8356)

The City Clerk reviewed the report for Council noting the changes are a result of the recently adopted Bill 88.

Members of Council expressed concern that the nomination deposit should be non-refundable.

Moved by Councillor Hobson/Seconded by Councillor Nelson

R653/99/07/26 THAT Council consider 1999 General Local Government Election Bylaw No. 8345 which would establish the advance voting dates, and voting procedures to be used in the 1999 Local Government Elections, and Nomination Deposit Bylaw No. 8356 which would require a \$100.00 deposit from those nominated for Mayor or Councillor.

Carried

Mayor Gray opposed.

5. RESOLUTIONS

- 5.1 Draft Resolution re: Approval of Animal Compensation (B/L 5880-88)

Moved by Councillor Hobson/Seconded by Councillor Day

R654/99/07/26 THAT City Council authorize the Regional District of Central Okanagan to compensate Mr. Roland Bauhart of 3648 Luxmoore Road, Kelowna, B.C., in the amount of \$787.00 for three sheep killed by dogs, pursuant to Part V of the City of Kelowna Dog Regulation and Impounding Bylaw No. 5880-88.

Carried

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R655/99/07/26 THAT staff be instructed to review the compensation clauses of the City of Kelowna Dog Regulation and Impounding Bylaw No. 5880-88 and the requirements for maintaining a large animal pound and report back to Council.

Carried

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The Current Planning Manager returned to the Council Chamber at 3:00 p.m.

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 8345 – 1999 General Local Government Election Bylaw – (a bylaw to provide for the procedures for the conduct of the 1999 general local government elections and other voting)

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R656/99/07/26 THAT Bylaw No. 8345 be read a first, second and third time.

Carried

- 6.2 Bylaw No. 8356 – Nomination Deposit Bylaw – (a bylaw to establish Nomination Deposits for the office of Mayor or Councillor)

Moved by Councillor Nelson/Seconded by Councillor Leask

R657/99/07/26 THAT Bylaw No. 8356 be read a first, second and third time.

Carried

Mayor Gray opposed.

7. COUNCILLOR ITEMS

- (a) Pacific National Exhibition

Councillor Bremner reported she attended a meeting in Penticton regarding the importance of the economic spin-off from the PNE for the entire province.

Moved by Councillor Cannan/Seconded by Councillor Bremner

R658/99/07/26 THAT a letter be sent to the UBCM suggesting that representatives of the PNE be asked to make a presentation at an annual UBCM convention.

Carried

- (b) Wharf Facility near Hospital

Councillor Bremner enquired whether there is a need for a docking facility near the Hospital to assist emergency service personnel. The City Manager is to investigate.

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Councillor Cannan explained his reasons for wanting the second and third readings given Bylaw No. 8406 and Bylaw No. 8421 to be reconsidered.

- (i) Bylaw No. 8406 (Z99-1005) – Ashok, Kuldip, Raj, Mayaram and Parmar (Annie Beserekian) – 418 McLennan Crescent

Moved by Councillor Cannan/Seconded by Councillors Bremner & Blanleil

R659/99/07/26 THAT Resolution No. R594/99/07/12 adopted by Kelowna City Council on July 12, 1999 regarding Second and Third Readings of Bylaw No. 8406 (Z99-1005) be reconsidered by Council.

Carried

Councillors Hobson, Leask, Nelson and Shepherd opposed.

Moved by Councillor Leask/Seconded by Councillor Cannan

R660/99/07/26 THAT Bylaw No. 8406 be read a second and third time.

Carried

Councillors Blanleil, Bremner, Cannan and Day opposed.

- (ii) Bylaw No. 8421 (Z99-1013) – David & Tanya Newman – 412 McLennan Crescent

Moved by Councillor Cannan/Seconded by Councillors Bremner & Blanleil

R661/99/07/26 THAT Resolution No. R595/99/07/12 adopted by Kelowna City Council on July 12, 1999 regarding Second and Third readings of Bylaw No. 8421 (Z99-1013) be reconsidered by Council.

DEFEATED

Mayor Gray and Councillors Hobson, Leask, Nelson and Shepherd opposed.

(d) Derelict Vehicles

Councillor Shepherd requested that staff look at the issue of derelict motor vehicles, as she is concerned it is difficult to enforce the Unsightly Premises Bylaw with the current definition.

(e) Late Payment of Taxes

Councillor Shepherd requested information on the number of property taxes that are paid after the July penalty deadline and, of the number that are paid late, how many wait until December 31 to pay. The City Manager is to request the information from the Finance department.

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(f) B.C. Fruit Growers

Councillor Hobson reported the B.C. Fruit Growers Association has approached CORD to extend the payment date for agricultural property taxes to October. He requested information from staff on the disadvantages on having a similar deadline for agricultural taxes in the city. The City Manager is to request the information from the Finance Department.

8. TERMINATION

The meeting was declared terminated at 4:35 p.m.

Certified Correct:

Mayor

City Clerk

LMT/am