

Regular MeetingFebruary 28, 2000

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, February 28, 2000.

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

Council members absent: Councillor A.F. Blanleil

Staff members in attendance were: Acting-City Manager, D.L. Graham; City Clerk, D.L. Shipclark\*; Deputy City Clerk, G.D. Matthews; Director of Planning & Development Services, R.L. Mattiussi\*; Current Planning Manager, A.V. Bruce\*; Deputy Director of Finance, P.A. Macklem\*; Recreation Manager, R. Oddleifson\*; Development Engineering Manager, S. Muenz\*; Wastewater Manager, W.J. Berry\*; Properties Supervisor, J. Waugh\*; 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 Clark was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Wendy Falkowski, Chair, Kelowna 2000 Committee re: Final Report on Kelowna 2000 Celebrations

Wendy Falkowski:

- Kelowna 2000 was a successful family event to celebrate the entrance to 2000.
- 12,300 buttons were sold.
- Talked about the various indoor and outdoor venues.
- CBC televised the event from Kelowna and sent a letter saying Kelowna's celebration was one of the best in Canada.
- Park 'n Ride was a great success and saved on congestion downtown.
- Had trouble getting enough volunteers and getting sponsors.
- This would make a terrific event in the summer.
- Thanks to the committee and everyone else who helped out.
- Submitted an album of pictures and a copy of the final report.

Staff:

- Submitted an interim budget report and advised that it appears there will be a \$14,000 surplus and staff will be bringing forward a recommendation for allocation of those funds when the budget can be finalized.
- There is still a subcommittee of the Millennium committee working toward a millennium time capsule.

Council:

- Expressed gratitude to Wendy Falkowski, the other volunteers and staff for organizing the event.

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- 4.1 Planning & Development Services Department, dated February 22, 2000 re: Rezoning Application No. Z00-1004 – Stuart Dickson and Susan Worden – 265 Davie Road (3360-20)

Staff:

- The applicant is proposing to construct a new 2-storey, 2-car garage with a secondary suite on the second floor.
- Access would be from Davie Road, along the property boundary to the garage at the rear.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R156/00/02/28** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 8, Section 22, Township 26, ODYD, Plan 18085, located on Davie 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.

Carried

- 4.2 Planning & Development Services Department, dated February 23, 2000 re: City of Kelowna Official Community Plan Amendment No. OCP99-019 – Eldorado Ranch Ltd. (Rod Cook/Kent-MacPherson Appraisals) – South of Beaver Lake Road (3360-20)

Staff:

- The OCP amendment is required to amend the Future Land Use designation to Industrial to accommodate the proposed Western Star industrial site.
- The rezoning application is the next step and the OCP is being done first to get feedback from the various technical agencies.
- Detailed infrastructure work will be identified through the rezoning process.
- In future, there will be a further amendment to the OCP to identify that a portion of the land to the south that is within the City's boundary could be developed as residential.

Moved by Councillor Given/Seconded by Councillor Nelson

**R157/00/02/28** THAT Map 15.1 – *General Future Land Use* of Schedule “A” of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation for part of the East ½ of Sec. 2, Twp. 20, O.D.Y.D., except Plans 19099, 19644 and A15293; and the East ½ of the West ½ of Sec. 2, Twp. 20, O.D.Y.D. except (1) Part outlined in red on Plan B1048 (2) Plans 19099 and 19644, located south of Beaver Lake Road, from “Rural/Agricultural” to “Industrial”, as shown on Map “A” attached to the report of the Planning & Development Services Department dated February 23, 2000;

AND THAT the Official Community Plan amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

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Staff:

- The Bill Gates Foundation has provided funding to cover the cost of hardware and software for a 10-station computer lab at the Main Branch.
- The Library District will fund the construction costs for the required building modifications.
- The City will pay for the furniture for the computer stations.

Council:

- The lab is to train the library employees on the use of computers and once the staff are trained, the stations will be made available for public use.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R158/00/02/28** THAT City Council approve the construction of a computer lab at the Kelowna Library, Main Branch;

AND THAT the project costs be recovered from the Okanagan Library District to a maximum of \$25,000;

AND FURTHER THAT the 2000 budget document be so amended.

Carried5.2 Director of Finance & Corporate Services, dated February 23, 2000 re: Mayor and Council Reimbursement for Expenses Within the Region (1900-20)

Staff:

- The proposed policy provides a method for reimbursing Council for out-of-pocket expenses such as meals and/or registration costs associated with attending functions within the geographic boundaries of the Central Okanagan Regional District.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R159/00/02/28** THAT Bylaw 8515, an amendment to Council Remuneration and Expense Bylaw 7547 be advanced for reading consideration;

AND THAT Council approve Council Policy No. 287 - Council Reimbursement of Out-Of-Pocket Expenses for Attending Functions or Special Training Within the Region, effective the date of adoption of Bylaw 8515, retroactive to January 1, 2000;

AND FURTHER THAT Council approve the transfer of \$10,000 from Council Contingency to a 'Regional Reimbursement' account within the Council section of the annual operating budget.

Carried

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5.3 Development Engineering Manager, dated February 23, 2000 re: Omineca Place – Rock Outcrops (1700-20)

Staff:

- The outcrops are cracking and starting to fall.
- The need to remove the rock outcrops would be there with or without development of the area.
- Estimate it will take up to about 45 days to remove the rock outcrops and weather permitting the remedial work would be done this year.
- The neighbourhood has been informed of the work that is proposed and there has been no opposition indicated.

Moved by Councillor Cannan/Seconded by Councillor Given

**R160/00/02/28** THAT Council approve an expenditure of \$210,000 (taxes Included) for the removal of the Omineca Place – Rock Outcrops and the associated remedial works with 50% Offsite and Oversizing Reserve funding and 50% developer funding;

AND THAT the funding be \$105,000 from Account # 10-3309-R6751-‘subclass’ and \$105,000 developer funding.

Carried

5.4 Wastewater Manager and Deputy Director of Finance, dated February 22, 2000 re: McCurdy Road Sewer Trunk Agreement (5340-09-21)

Staff:

- The agreement is with Tower Ranch Holding Corp. rather than IntraCorp. Developments Ltd. as indicated in the report.
- The City and area residents will benefit because it gets sewer in place; the developer benefits by being able to invest in a sewer trunk rather than having to put in a lift station that would have been throw away for about the same amount of money.
- Construction could start as early as March and will take about a month and a half to complete.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R161/00/02/28** THAT the City of Kelowna enter into an agreement with Tower Ranch Holding Corporation, entitled the McCurdy Road Sewer Trunk Agreement, as attached to the report dated February 22, 2000 from the Wastewater Manager and the Deputy Director of Finance;

AND THAT Mayor and City Clerk be authorized to execute and affix the corporate seal to this agreement;

AND THAT Council authorize a contribution of \$525,000 from funds collected from Sewer Connection Area No. 21, toward the construction of the McCurdy trunk sewer;

AND FURTHER THAT Bylaw No. 8516, a bylaw to amend Bylaw No. 8469, the Sewer Connection Charge Bylaw, be forwarded for reading consideration by Council.

Carried

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- 6.1 Bylaw No. 8515 – Amendment No. 4 to Council Remuneration and Expenses Bylaw No. 7547 (reimbursement of expenses within CORD boundaries)

Moved by Councillor Nelson/Seconded by Councillor Given**R162/00/02/28** THAT Bylaw No. 8515 be read a first, second and third time.Carried

- 6.2 Bylaw No. 8516 – Amendment No. 1 to Sewer Connection Charge Bylaw No. 8469 (McCurdy Sewer Trunk Area)

Moved by Councillor Shepherd/Seconded by Councillor Given**R163/00/02/28** THAT Bylaw No. 8516 be read a first, second and third time.Carried**(BYLAWS PRESENTED FOR ADOPTION)**

- 6.3 Bylaw No. 8504 – Soil Deposit Bylaw

Moved by Councillor Given/Seconded by Councillor Shepherd**R164/00/02/28** THAT Bylaw No. 8504 be adopted.Carried7. COUNCILLOR ITEMS

- (a)
- Stratification of Commercial Buildings

Councillor Shepherd asked that staff investigate whether stratifications of commercial buildings can be approved by staff rather than Council and report back.

- (b)
- Development Permit Applications

Councillor Shepherd suggested that there are Voluntary Development Permit Applications such as the addition at the Museum and the KSS site being redeveloped at OUC that could be processed by the City at no charge. She asked for a report from staff outlining when Voluntary Development Permits are required and bringing forward a recommendation for Council.

- (c)
- South Slope Flumes

Councillor Clark advised that apparently an agreement has been reached between Fisheries and Ministry of Environment representatives without consultation with the City of Kelowna that water would continue to be drawn from the Crawford area to fill Jack Smith Lake and that the section of flume from Crawford to Jack Smith Lake would be removed. Councillor Clark noted that Fraser Lake and Jack Smith Lakes are within the City of Kelowna boundaries and the City's intent was for the two lakes to be connected by a linear park, including the flume. He expressed concern that removal of the flume

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could jeopardize the City's plans for the linear park and asked that staff investigate this matter as a high priority and report back to Council.

(d) Public Hearings

The City Clerk reported on a legal opinion obtained from the City's Solicitor emphasizing that when a Public Hearing has not been closed, members of Council are not to seek to obtain information in any kind of private forum before the Public Hearing is reconvened. The Courts recognize that members of Council cannot always avoid receiving unsolicited information but Council cannot solicit or accept an invitation to accept information privately. Public Hearings are to be a public process and the public would not have the opportunity to be party to the information discussed.

The City Clerk advised that the only time Council should be keeping a Public Hearing open is if Council has not heard from everyone wishing to make representation. During the period of time between convening the public hearing and Council's adoption of the bylaw, staff are available to get answers to questions and bring that information back to Council.

Councillor Hobson commented that third party comments from people claiming others have told them something are hearsay and should not be recorded in the minutes.

8. TERMINATION

The meeting was declared terminated at 3:24 p.m.

Certified Correct:

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Mayor

BLH/bn

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City Clerk