

Regular Meeting – P.M.May 29, 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, May 29, 2000.

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

Council members absent: Councillor R.D. Hobson.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi\*; Current Planning Manager, A.V. Bruce\*; Community Planning Manager, T. Eichler\*; Civic Properties Manager, H.R. Hyatt\*; Properties Supervisor, J. Waugh\*; Inspection Services Manager, K. Skinner\*; Director of Finance & Corporate Services, C.P. Kraft\*; Deputy Director of Finance, P.A. Macklem\*; Wastewater Manager, W.J. Berry\*; 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 Given was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Presentation of Student Wetland Projects

- Teacher, Don Knox – Dorothea Walker
- Teacher, Jack Holly – Hollywood Middle School
- Teacher, Reg Volk – Black Mountain Elementary

Students from each school gave presentations on their Thomson Brook, Mission Creek and Gopher Creek projects telling what they learned about the importance of healthy creeks and what they did to make sections of those creeks healthier for fish and plant habitat. The Dorothea Walker students also submitted recommendations to the City Clerk for how to make Thomson Creek better for fish.

4. UNFINISHED BUSINESS

4.1 Director of Planning & Development Services, dated May 25, 2000 re: Splash's Nite Club – Sunday Extended Hours (0540-20)

Staff:

- Splash's Cabaret is seeking Council's support of their request for the Liquor Control and Licensing Branch to extend the hours of closing on Sundays from 12:00 midnight to 2:00 a.m.
- City staff and Splash's have developed wording for a Good Neighbour Social Contract to show their commitment to be responsible neighbours in the downtown.
- The contract is a moral contract as opposed to a legally binding contract.

Moved by Councillor Nelson/Seconded by Councillor Given

**R474/00/05/29** THAT the Liquor Control and Licensing Branch be advised that Council has no objection to the proposal by Splash's Nite Club to change the hours of sale on Sundays from a 12:00 midnight closing to a 2:00 a.m. closing;

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AND THAT Council authorize City staff to enter into a Good Neighbour Contract with Splashes Nite Club.

Carried

5. CORRESPONDENCE

5.1 Regional District of Central Okanagan, dated May 10, 2000 re: Gallagher Canyon Lands – Westbank First Nation

Staff:

- The agreement was approved in principle last year, subject to resolution of outstanding issues with respect to rights-of-way that have now been resolved.

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R@/00/05/29** WHEREAS the Westbank Indian Band Development Company is the owner of lands commonly referred to as the Gallagher Canyon Lands;

AND Westbank First Nation has requested Her Majesty in Right of Canada acquire and set aside the Gallagher Canyon Lands as lands reserved for Indians pursuant to the *Constitutional Act* and the *Indian Act*;

AND Westbank First Nation, the Regional District of Central Okanagan, the City of Kelowna, the Black Mountain Irrigation District and the South-East Kelowna Irrigation District have reached agreement in principle through the Master Agreement substantially in the form as set out in Draft #15, dated April 28, 2000, regarding certain matters relevant to the parties as a result of the proposed acquisition and setting aside of the Gallagher Canyon Lands as reserve lands;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Kelowna approve and authorize the execution of the Master Agreement, substantially in the form as set out in Draft #15, dated April 28, 2000, by the Mayor and City Clerk on behalf of the Council.

Carried

6. PLANNING

6.1 Planning & Development Services Department, dated May 15, 2000 re: Rezoning Application No. Z98-1031 – Fydell Properties Ltd. (John McAfee/CPAC [Care] Holdings Ltd.) – 654 Cook Road (3360-20)

Staff:

- The applicant is proposing to develop a 231-unit seniors housing and care facility on the site.

Moved by Councillor Shepherd/Seconded by Councillor Day

**R@/00/05/29** THAT Municipal Council authorize an extension to Text Amendment Application TA98-008 (Bylaw No. 8337), Rezoning Application No. Z98-1034 and Official Community Plan Amendment No. OCP98-017 (Bylaw No. 8338) for a period of not more than 180 days from June 12, 2000.

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- 6.2 Planning & Development Services Department, dated May 23, 2000 re: Development Permit Application No. DP00-10,042 - Erhardt Wahl & Al Stober Construction Ltd - 511 Rosemead Avenue (3060-20)

Staff:

- Council approved façade improvements to the 42-unit apartment building under DP99-10,029.
- This permit revises the changes to the building façade proposed by that Development Permit.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

**R@/00/05/29** THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,042; for Lot A, D.L. 139, O.D.Y.D., Plan 22176, located on Rosemead 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

- 6.3 Planning & Development Services Department, dated May 24, 2000 re: Community Planning Progress Report (5080-20/5040-20)

Staff:

- Discussed the Community Planning function within the City and provided a progress report on the work done in the last five years some of which included the Special Needs Assessment, Social Needs Assessment, Child Care Plan, Social Plan, Survey of the Homeless, and Mayor's Task Force on Youth report, Housing Study, creating the 's' zone for secondary suites, implementing crime prevention through environmental design guidelines, community indicators report to measure quality of life (done in cooperation with the RCMP), and inter-agency projects.
- Role of the Community Housing Needs Committee and the Social Planning Board.
- Other related committees that include City participation.
- Grant programs funded by the City.

Council:

- Commended the work of the Community Planning Manager and the Community Housing Needs Committee and the Social Planning Board.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R@/00/05/29** THAT the progress report dated May 24, 2000 and accompanying presentation by the Community Planning Manager regarding Community Planning in the City of Kelowna be received for information.

Carried

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7. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.1 Bylaw No. 8528 (TA99-011) – Miscellaneous Amendments to Zoning Bylaw 8000

Moved by Councillor Given/Seconded by Councillor Nelson

**R@/00/05/29** THAT Bylaw No. 8528 be adopted.

Carried

8. REPORTS

- 8.1 Civic Properties Manager, dated May 23, 2000 re: Building Lease - RCMP Detachment & Parking Agreement - Parkade Stalls (2380-20-400 & 5480-20-844)

Moved by Councillor Nelson/Seconded by Councillor Blanleil

**R@/00/05/29** THAT Council approve entering into a supplement agreement with Her Majesty the Queen to extend the existing lease for the RCMP detachment located on Doyle Avenue until June 30, 2014;

AND THAT Council approve entering into a License with Her Majesty the Queen for use of parking stalls in the Parkade facility located on Ellis Street for the period April 1, 1999 to March 31, 2002;

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

Carried

- 8.2 Civic Properties Manager, dated May 24, 2000 re: Proposed Rutland Community Police Office Addition (0810-20)

Staff:

- The project is to be funded half by the City and half by the community.
- The requested funding would allow for construction of the exterior shell of the proposed building addition to proceed and hopefully focus attention on the project and assist the fundraising efforts to allow interior finishing as funds become available.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R@/00/05/29** THAT Council hear from Alex Johnston, Crime Prevention Officer.

Carried

Alex Johnson, Crime Prevention Officer:

- Space has become very cramped in the existing facility with the increased community programming.

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Council:

- Staff to see if other communities require community policing to do their own fundraising in the community and to see what the fundraising formula is.
- Suggest provide progress reports to Council to keep this fundraising endeavour alive in the community.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

**R@/00/05/29** THAT City Council approve proceeding with construction of the exterior shell of the proposed Rutland Community Police Office addition utilizing currently available funding of \$76,000, (\$60,000 City of Kelowna Budget 2000 and \$16,000 community contributions) and that the interior finish of the building be completed as funds become available through fundraising efforts.

Carried

8.3 Properties Supervisor, dated May 24, 2000 re: Proposed Ministry of Transportation & Highways Lease

Council:

- About \$90,000 of improvements are needed before the Ministry of Transportation and Highways (MOTH) can move into the building.
- The cost of improvements will be shared 50/50 with the City fronting the full amount and recovering MOTH's share plus carrying costs, over and above the \$4/sq. ft. lease rate.
- This is for a 5-year lease with potential to renew for additional terms. Once the building has been improved, the lease price may be increased at renewal time.

Moved by Councillor Nelson/Seconded by Councillor Day

**R@/00/05/29** THAT Council instruct City staff to negotiate with BCBC and the Ministry of Transportation & Highways to lease the City property at 1953 Windsor Road;

AND THAT the general terms of the lease be in accordance with the guidelines attached to the Properties Supervisor's report dated May 24, 2000;

AND THAT the 2000 budget document be amended accordingly;

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

Carried

Councillors Blanleil, Cannan and Shepherd opposed.

8.4 Inspection Services Manager, dated May 15, 2000 re: ST00-02 – Application for Stratification of a Semi-Detached Dwelling at 1850 Watson Road & 477 Glen Pine Court (3760-10)

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

Moved by Councillor Shepherd/Seconded by Councillor Given

**R@/00/05/29** THAT the application to stratify the semi-detached dwelling on Lot 5, Plan KAP44247 – 1850 Watson Road and 477 Glen Pine Court be approved in the name of John and Carol Dugalo with no conditions.

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- 8.5 Inspection Services Manager, dated May 19, 2000 re: ST00-04 – Application for Stratification of a Semi-Detached Dwelling at 1290 & 1292 Centennial Crescent (3760-10)

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

Moved by Councillor Nelson/Seconded by Councillor Given

**R@/00/05/29** THAT the application to stratify the semi-detached dwelling at 1290 – 1292 Centennial Crescent – Lot 11, Plan 10689 be approved in the name of Noel and Sharon Smith with the condition that all exterior wood shall be painted with two coats of exterior paint or stain.

Carried

- 8.6 Deputy Director of Finance, dated May 23, 2000 re: Automated Tax Payment Service (2380-20-778)

Moved by Councillor Shepherd/Seconded by Councillor Day

**R@/00/05/29** THAT Council approve the use of an automated bill payment service provided by some financial institutions for the payment of City of Kelowna Property Tax Bills;

AND THAT the Mayor and City Clerk be authorized to sign any agreements required with the Financial Institutions for the implementation of this program.

Carried

- 8.7 Chairman, Audit Committee, dated May 23, 2000 re: Financial Statements for the Year Ending December 31, 1999 (1830-20 & 0540-20)

Staff:

- Explained how the 1999 surplus amounts were generated.
- Identified the reserves to which the surplus amounts will be appropriated.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R@/00/05/29** THAT the Balance Sheets, Financial Statements and Auditor's Report for the City of Kelowna for the year ending December 31, 2000 be received;

AND THAT Council approve the appropriation of \$3,250,000 of surplus generated from all general fund operations in 1999 to general reserves as detailed in the body of the Audit Committee's report dated May 23, 2000;

AND THAT the Balance Sheets, Financial Statements and Auditor's Report be reprinted in booklet form;

AND FURTHER THAT the Council Remuneration and Expenses, Employee Remuneration and Payment for Provision of Goods and Services report for the year ended December 31, 1999 be received.

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Carried

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- 8.8 Chairman, Audit Committee, dated May 23, 2000 re: Balance Confirmation & Consolidation of General Reserves (0540-20)

Staff:

- Analysis of general, statutory and DCC reserves as at December 31, 1999.
- Recommendations for general reserve consolidations and transfers.

Council:

- Audit Committee to consider more generic naming of funds for future recreational facilities as opposed to referencing specific projects.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R@/00/05/29** THAT Council approve the consolidation of general reserves identified on Appendix 1 attached to the Audit Committee's report dated May 23, 2000;

AND THAT Council approve the transfer of general reserve balances between identified reserves as detailed on Appendix 2;

AND FURTHER THAT the Landfill and Parking Cash-in-Lieu general reserves be transferred into the Landfill and Parking statutory reserves.

Carried

## 9. BYLAWS

Staff:

- The bylaw under 9.3 would normally be considered for first 3 readings but is being held back for processing concurrent with the other two bylaws, and all three bylaws will be considered for adoption after the public hearing on the OCP and Zoning Bylaw amendments.
- Initially, Municipal Affairs accepted the 0.8 ha minimum lot size but they have since changed that to 1 ha minimum size for new lots being created on septic field.
- Grandfathering rights for in-stream applications (5 properties are affected) will come forward as a separate policy.

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

- 9.1 Bylaw No. 8570 – City of Kelowna Official Community Plan Amendment No. OCP00-005 (Minimum Lot Size for Septic) **requires majority vote of full Council (5)**

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R@/00/05/29** THAT Bylaw No. 8570 be read a first time.

Carried

- 9.2 Bylaw No. 8571 – City of Kelowna Zoning Bylaw Text Amendment No. TA00-002 (Minimum Lot Size for Septic)

Moved by Councillor Day/Seconded by Councillor Cannan

**R@/00/05/29** THAT Bylaw No. 8571 be read a first time.

Carried



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- 9.3 Bylaw No. 8572 – Amendment No. 4 to Subdivision, Development & Servicing Bylaw No. 7900

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R@/00/05/29 THAT Bylaw No. 8572 be read a first time.

Carried

10. COUNCILLOR ITEMS

(a) Maintenance of Rural Roads

Councillor Shepherd enquired about the maintenance of rural roads noting it seems the street cleaning and snow removal ends at a certain point on Braelock Road. Referred to staff.

(b) Expo '86 Pavilion Structure

Councillor Cannan noted that in Nanaimo a public meeting is held and if the majority of the public feel a building is an eyesore, the Council can have the building removed. Referred to staff.

11. TERMINATION

The meeting was declared terminated at 4:03 p.m.

Certified Correct:

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Mayor

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City Clerk

BLH/bn