

Regular Meeting – P.M.

July 10, 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, July 10, 2000.

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

Council members absent: Mayor Walter Gray.

Staff members in attendance were: Acting-City Manager, D.L. Graham; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi*; Current Planning Manager, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Deputy Director of Finance, P.A. Macklem*; Transportation Manager, R.W. Westlake*; Traffic & Transportation Planning Engineer, K. Gauthier*; Roadways Engineer, M. Duggan*; Environment Manager, M. Watt*; Inspection Services Manager, K. Skinner*; Licensing & Bylaw Enforcement Supervisor, A. Dixon*; Legislative & Records Supervisor, A. Flack*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Acting-Mayor Shepherd called the meeting to order at 1:30 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Ken Harding re: Gellatly Nut Farm

Sandy Welbourn, Gellatly Nut Farm Society director, standing in for Ken Harding:

- Gave an update on efforts underway since 1997 to ensure the 10 acre nut farm is purchased to become regional park.
- Asked for Council's support when their request for funding assistance is considered by the Regional Board.

4. PLANNING

4.1 Planning & Development Services Department, dated June 28, 2000 re: Rezoning Application No. Z00-1032 – R250 Enterprises and Kelowna Prosthetics & Orthotics (R240 Enterprises) – 2000 Enterprise Way (3360-20)

Staff:

- The subject property is part of the Meadow Brook Estates development.
- The site was developed under the Mill Creek Policy of the day. Leavestrip requirements have changed and consequently variances would be required with this rezoning.
- The rezoning would permit a broader range of uses within the recently constructed building.

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Moved by Councillor Day/Seconded by Councillor Hobson

R603/00/07/10 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Strata Lots 1-7, D.L. 140, O.D.Y.D., Strata Plan KAS2212, located on Enterprise Way, Kelowna, B.C., from the C10 – Service Commercial zone to the C4 – Town Centre Commercial zone;

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

Carried

4.2 Planning & Development Services Department, dated May 30, 2000 re: Development Permit Application No. DP00-10,033 – Canada Lands Co. CLC Ltd. (Charlie Higgins/Stantec Consulting Ltd.) – 425 Bay Avenue (3060-20)

Staff:

- The applicant is proposing to relocate and enhance Brandt's Creek between Ellis Street and Sunset Drive as part of the redevelopment of lands identified as Mixed Use District in the North End Neighbourhood Structure Plan.
- The applicant also intends to create a pedestrian pathway along the south side of the creek and a neighbourhood park at the west end of the site along Sunset Drive. The creek and park would be aligned with Rotary Marsh and connect the two natural environments.
- The Friends of Brandt's Creek support this proposal.

Moved by Councillor Nelson/Seconded by Councillor Cannan

R604/00/07/10 THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,033, for relocating and enhancing Brandt's Creek between Ellis Street and Sunset Drive, on lands described as part of Lot A, D.L. 139, O.D.Y.D., Plan KAP61329 and Lot 1, D.L. 139, O.D.Y.D., Plan 24595 except Parcel B shown on plan KAP55123, as shown on Map "A" attached to the Planning Department's report of May 30, 2000, located on 425 Bay Avenue, Kelowna, B.C., subject to the following terms and conditions:

1. Landscaping and civil works to be provided on the land be in general accordance with Schedule "A";
2. 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 and civil works, as determined by a professional landscaper and engineer;

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.

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5. REPORTS

- 5.1 Inspection Services Manager, dated June 27, 2000 re: ST00-09 – Application for Stratification of Semi-Detached Dwelling – 700/702 Fraser Road (3760-10)

Acting-Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the requested stratification. There was no response.

Moved by Councillor Nelson/Seconded by Councillor Cannan

R605/00/07/10 THAT the application to stratify the semi-detached dwelling at 700-702 Fraser Road, Lot B, Plan 18960 be approved in the name of Arlyne Wilson with no conditions.

Carried

- 5.2 Licensing & Bylaw Enforcement Supervisor, dated June 30, 2000 re: Appointment of Bylaw Enforcement Officer (4000-01)

Moved by Councillor Given/Seconded by Councillor Cannan

R606/00/07/10 THAT City Council appoint Dennis Zahara as a Bylaw Enforcement Officer for the City of Kelowna with respect to the enforcement of the City of Kelowna Bylaws.

Carried

- 5.3 Deputy Director of Finance, dated July 5, 2000 re: Permissive Exemption Request – Living Waters Victory Church (1970-50)

Staff:

- The staff recommendation to is negative simply because the church did not meet the required timelines for requesting the exemption.
- Once an exemption is approved, it is automatically renewed year after year.

Council:

- Staff to consider sending a letter to the Evangelical and Main Street ministerial associations to request their assistance informing new congregations being formed and moving into new rental facilities of the deadline for tax exemption requests.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R607/00/07/10 THAT Council approve payment of the municipal portion of taxes on behalf of Living Waters Victory Church in consideration of the use of roll no. 6199.264 meeting the permissive exemption definition under section 341(2)(k) of the Municipal Act;

AND THAT funding in the amount of \$3,771.44 be provided from Council Contingency and a refund for this amount forwarded to R 243 Enterprises Ltd.

Carried

Councillor Clark opposed.

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- 5.4 Environmental Manager, dated June 27, 2000 re: 2000 Mayor's Environmental Expo (5280-01)

Moved by Councillor Hobson/Seconded by Councillor Nelson

R608/00/07/10 THAT Council receive, for their information, a summary of the Mayor's Environmental Expo held June 2nd and 3rd, 2000;

AND THAT Council endorse the Mayor's Environmental Expo for June 1st and 2nd, 2001.

Carried

- 5.5 Transportation Manager, dated July 6, 2000 re: Highway 97 Advance Left Turn Commitment (5460-03)

Staff:

- MOTH has committed to the installation of two advance left turn arrows along the Highway 97 corridor.
- Recommend installing an advance left arrow signal for northbound traffic on Richter Street at Highway 97.
- Looking for input from Council on a potential location for the second left turn arrow.

Council:

- The timing of the traffic signal at Richter/Leon needs to be adjusted to coincide with the signal at Richter/Harvey Avenue.
- Consider directing pedestrian traffic to alternate crosswalks at the Harvey Avenue/Ellis Street intersection to eliminate delays for truck traffic wanting to turn left off Ellis Street to go northbound on Harvey Avenue.
- Traffic on Abbott Street needs to be curtailed as soon as possible.
- Consider providing for double lane left turns from Pandosy Street for traffic heading toward the bridge.

Norm Parks, Regional Traffic Engineer with Ministry of Transportation & Highways:

- Responded to suggestions by members of Council for potential locations for left turn arrows along Highway 97 noting there are pedestrian implications that also have to be examined.

Moved by Councillor Nelson/Seconded by Councillor Given

R609/00/07/10 THAT further consideration of potential locations for two advance left arrow traffic signals be deferred pending a further report from staff to provide statistical information on the Highway 97 intersections at Dilworth, Cooper, Spall, Burtch, Gordon, Richter, Ellis, Pandosy and Abbott and bring back recommendations based on those statistics.

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- 5.6 Transportation Manager, dated July 7, 2000 re: Tender - 2000 Rural Roads Overlay Contract #4 (T00-45) (5400-10)

Moved by Councillor Given/Seconded by Councillor Nelson

R610/00/07/10 THAT Council award the 2000 Rural Roads Overlay Contract #4, Tender T00-45, to Westlake Paving & Aggregates Ltd., in the amount of \$574,322.32 including GST;

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

Carried

- 5.7 Transportation Manager, dated July 7, 2000 re: Tender – 2000 Rural Roads Sandmix Overlay Contract #5 (T00-46) (5400-10)

Moved by Councillor Hobson/Seconded by Councillor Day

R611/00/07/10 THAT Council award the contract for the 2000 Rural Roads Sandmix Overlay Contract #5, Tender T00-46, to Emil Anderson Construction Co. Ltd. in the amount of \$228,506.47 including GST;

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

Carried

6. RESOLUTIONS

- 6.1 Draft Resolution re: Cancellation of July 25, 2000 Council Meetings (0550-01)

Moved by Councillor Day/Seconded by Councillor Blancheil

R612/00/07/10 THAT the Public Hearing and Regular Council Meeting scheduled for Tuesday, July 25, 2000 be cancelled.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 7.1 Bylaw No. 8535 - Amendment No. 12 to Business License & Regulation
Bylaw No. 7878

Moved by Councillor Nelson/Seconded by Councillor Given

R613/00/07/10 THAT Bylaw No. 8535 be adopted.

Carried

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8. COUNCILLOR ITEMS

- (a) Councillor Clark re: Draft Resolution – Occupancy and Use of Municipal Rights-of-Way (0230-20)

Councillor Clark:

- In Vancouver a new tech company installed a communications fibreoptic system in the municipal right-of-way without consulting the City; the City asked that the system be removed and the matter is now before the courts.
- The increased demand for access to municipal rights-of-way as a result of increased competition in telecommunications is placing a significant strain on municipal governments.
- The Federation of Canadian Municipalities (FCM) is recommending the 5-point program included in Council's agenda package. If Council subscribes to that program, nobody could put anything in our rights-of-way without first entering into an agreement with the City.
- Asked that Council consider whether they want to endorse and impose the principles recommended by the FCM and, if so, whether they want to contribute to the defense fund established by the FCM to help municipal government recover costs imposed on them by telecommunications firms for use of municipal rights-of-way.
- Suggested that Council accept the draft resolution as a Notice of Motion and refer the matter to the City Manager and Director of Works & Utilities for review and report back.

- (b) 2000 Canada Day Celebrations

Councillor Nelson commended City staff for their efforts organizing this event and Councillor Shepherd ask that Council get a report back from the committee.

- (c) Allison Flack, Deputy City Clerk

The City Clerk introduced Allison Flack and advised that she will act as Clerk at Council meetings from time to time in her capacity as Deputy City Clerk.

- (d) International Downtown Association Conference Registration

Councillor Hobson advised that the Urban Centres Committee would like to send two representatives to attend a conference in the U.S. After July 15th the registration fee goes up and Council's approval is requested at this time in order to get the preferred rate. Information will be brought back to Council with respect to this conference once more details are known.

Moved by Councillor Hobson/Seconded by Councillor Given

R614/00/07/10 THAT \$770 U.S. be appropriated from Council Contingency to cover the registration fee for two representatives of the Urban Centres Committee to attend the International Downtown Association conference in Los Angeles, California on September 16-19, 2000.

Carried

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9. TERMINATION

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

Certified Correct:

Acting-Mayor Shepherd

City Clerk

BLH/bn