

Regular Meeting – P.M.July 24, 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 24, 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, R.D. Hobson\*, J.D. Nelson and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, A. Flack; Director of Planning & Development Services, R.L. Mattiussi\*; Current Planning Manager, A.V. Bruce\*; Parks Manager, J. Creron\*; Landscape Planner, P. Alexander\*; Special Projects Planning Manager, H. Christy\*; Long Range Planning Manager, L. Foster\*; Development & Planning Officer, G. Routley\*; Purchasing & Stores Manager, R. Reiter\*; Transportation Manager, R. Westlake\*; Cultural Services Manager, I. Forsyth\*; Fire Chief, G. Zimmerman\*; Financial Planning & Systems Manager, K. Grayston\* and Inspection Services Manager, K. Skinner\*; 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 Given to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Kelowna International Choir re: Presentation of Gifts to the City of Kelowna Received While on 17-Day Choir Tour of England, Scotland and Wales

Shirley Keller and Jack Wilson of the Kelowna International Choir gave a brief outline of their 17 day tour of England, Scotland and Wales and presented the City with gifts from the City of Hereford and the City of Solihull. Solihull is the city that is twinning with Kelowna in the International Communities in Bloom campaign.

Mayor Gray accepted the gifts on behalf of the City and thanked the Choir.

3.2 Introduction of 2000 Lady of the Lake Royalty

The 2000 Lady of the Lake, Miss Katie Adams-Eccott and her Princess, Jen Young were introduced to Council.

Mayor Gray welcomed them as ambassadors for the City and wished them success during their reign.

4. CONFIRMATION OF MINUTES

Regular Meeting, July 10, 2000  
Public Hearing, July 11, 2000  
Regular Meeting, July 11, 2000

Moved by Councillor Nelson/Seconded by Councillor Given

**R632/00/07/24** THAT the minutes of the Regular Meeting of July 10, 2000, Regular Meeting of July 11, 2000 and Public Hearing of July 11, 2000 be confirmed as circulated.

Carried

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- 5.1 Planning & Development Services Department, dated July 4, 2000 re: Development Permit Application No. DP98-10,067 – South East Kelowna Irrigation District (Lynn Welder Consulting) – McCulloch Road (3060-20)

Staff:

- Permit will allow the continued use of a non-conforming quarry operation.
- Applicant has valid Mines Permit and has supplied the Ministry of Mines with a reclamation plan and bonding for the final phase of reclamation.
- Safety concerns have been raised with applicant regarding the location of the pathway adjacent to the quarry. Staff has suggested applicant should fence the quarry to minimize the risk of trespass.
- Applicant does not anticipate an increase in truck traffic

Moved by Councillor Nelson/Seconded by Councillor Blanleil

**R633/00/07/24** THAT Municipal Council authorize the issuance of Development Permit No. DP98-10,067, Lynn Welder Consulting, on lands described as part of Lot A, Sec. 36, Twp. 29, ODYD, Plan KAP62910, and part of the NE1/4 of Sec. 36, Twp. 29, ODYD, except Plan A395, as shown on Map "A" attached to the report of the Planning and Development Services Department, dated October 15, 1999, located off McCulloch Road, Kelowna, B.C., subject to the following terms and conditions:

1. Landscaping to be provided on the land be in general accordance with Schedule "A";
2. The applicant has posted a Reclamation Security deposit in the amount of \$25,000 with the Ministry of Mines.

Carried

- 5.2 Planning & Development Services Department, dated July 19, 2000 re: Rezoning Application No. Z00-1003 – Mill Creek Developments Ltd. & Yale County Capital Ventures (D.E. Pilling & Associates Ltd.) – 4275 & 4355 Highway 97 North

Staff:

- Rezoning would permit the development of a 14-lot industrial subdivision with access off the proposed Acland Road extension that will be dedicated and constructed as part of the subdivision approval.
- Area proposed for rezoning was excluded from ALR in November 1999.
- Area on east side of Mill Creek will be dedicated to provide future public access to link with the Mill Creek stream protection corridor.
- Simpson's Pond located on the site will form part of storm water management plan for proposed subdivision.
- Staff to have information on the effect on drainage of the properties to the east available at the Public Hearing.

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Moved by Councillor Given/Seconded by Councillor Shepherd

**R634/00/07/24** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 4, DL 123, ODYD, Plan 4183 except Plans B6145 and H16596; and Parcel A (DD 39702E and Plan B6145) of Lot 4, DL 123, ODYD, Plan 4183 except Plans H764 and H16596, as shown on Map "A" attached to the report of the Planning & Development Services Department dated July 19, 2000, located on Highway 97, Kelowna, BC;

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 withheld pending the execution, by the owner of the subject property, a Servicing Agreement acceptable to the City of Kelowna.

Carried

5.3 Planning & Development Services Department, dated July 19, 2000 re: Rezoning Application No. Z00-1039 – 482627 BC Ltd., Envirotech Real Estate Inc., Gordon & Emilie Wallace and Dorothy & Elizabeth Howe (Tor Camren/Envirotech Real Estate Inc.) – Northeast Corner of Harvey Avenue/Ethel Street/Leon Avenue (3360-20)

Staff:

- Site is composed of 7 lots and future closed lane that will be achieved by means of a road exchange for required road widenings along Harvey Avenue and Ethel Street.
- Proposal is for a 16-storey seniors congregate care facility built over a parking structure.
- Final design of building and site layout will be controlled by Development Permit to be forwarded concurrently to Council with final adoption of the zone amending bylaw.
- Proposal is consistent with Official Community Plan and was supported by the Advisory Planning Commission.

Moved by Councillor Hobson/Seconded by Councillor Day

**R635/00/07/24** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, DL 138, O.D.Y.D., Plan 3133, Lot 2, DL 138, O.D.Y.D., Plan 3133 Exc. Plan 36604, Lots 1,2,3, & 4, DL 138, O.D.Y.D., Plan 6535, and Lot 1, DL 138, O.D.Y.D., Plan 3007 Exc. Plan 36604, located on Harvey Avenue, Ellis Street, & Leon Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM6 – High Rise Apartment Housing 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 in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and the Ministry of Highways being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna, and has registered a plan of subdivision for road exchange, road reserve and lot consolidation.

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- 5.4 Planning & Development Services Department, dated July 14, 2000 re: Agricultural Land Reserve Appeal No. A00-107 – City of Kelowna Parks Department – 3925 & 3975 Gordon Drive (6635-20)

Staff:

- Application is to exclude 54 hectares of City-owned land from Agricultural Land Reserve.
- Site is intended to be used for major sportsfields, recreational/leisure facilities, community use facilities and trails.
- Site will also accommodate a major stormwater management facility that will enhance water quality and drainage system that will lower water table for adjacent farmland.
- All property owners in the immediate vicinity support the exclusion.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R636/00/07/24** THAT Council receives the report entitled “Request for Exclusion of the Mission District Park, Kelowna, BC” as information to support the application to exclude the subject site from the Agricultural Land Reserve.

AND THAT Agricultural Land Reserve Appeal No. A00-107; Lots 1 & 2, Plan 46027; Lot B, Plan 33324; Lot C, Plan 41675, all of Sec. 6, Twp. 26, ODYD, located on Gordon Drive, Kelowna, B.C., for exclusion from the Agricultural Land Reserve pursuant to Section 15(1) of the Agricultural Land Reserve Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Land Reserve Commission.

AND THAT Municipal Council commits to funding a stormwater management facility designed to lower the water table for the subject site.

Carried

- 5.5 Planning & Development Services Department, dated July 20, 2000 re: Rezoning Application No. Z00-1010 - Okana Masonry Ltd. (Mike Jacobs/Emil Anderson Construction Co. Ltd.) – 5111 Killdeer Road (3360-20)

Staff:

- Applicant has proposed residential subdivision consisting of 82 single family lots, and 22 single family bareland strata lots.
- As part of the initial phase of the development, applicants are proposing to construct extension of Killdeer Road.
- Subdivision application is being processed concurrently and will address site servicing and layout issues, including appropriateness of wildlife corridors and P-3 designations.

Moved by Councillor Blanleil/Seconded by Councillor Given

**R637/00/07/24** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Sec. 24, Twp. 28, SDYD, Plan KAP59499, located on Killdeer Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing, RU5 – Bareland Strata Housing and P3 – Parks and Open Space zones as shown on Map "A" attached to the report of the Planning & Development Services Department, dated July 20, 2000;

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

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AND THAT final adoption of the zone amending bylaw be considered subsequent to the adoption of the Neighbourhood 2 Area Structure Plan being adopted by Council;

AND FURTHER THAT the applicants enter into a Servicing Agreement with the City of Kelowna prior to final adoption of the respective zone amending bylaw.

Carried

5.6 Planning & Development Services Department, dated July 11, 2000 re: Kelowna Heritage Register (6800-02)

Councillor Hobson declared a conflict of interest as a family member works for the owner of one of properties under consideration and left the Council Chamber at 3:02 p.m.

Staff:

- In March when the Heritage Register was presented to Council, six properties were not in favour of being added to the register.
- These property owners were given the option of having their properties re-evaluated.
- Three of the property owners withdrew their objections and the other three properties were re-evaluated.
- The Community Heritage Commission supports the inclusion of the six properties in the register.

Council:

- Owner's concerns are that their rights are taken away and that it will complicate the process of applying for building or development permits.

Staff:

- Building permit applications for alterations to a heritage building are not required to go the Community Heritage Commission for approval unless staff determines it will detract from the heritage value of the property.

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R638/00/07/24** THAT Council hear from the owners of 3430 Pooley Road.

Carried

Darcel & Hank Markgraf – 3430 Pooley Road

- If the property is in a public registry will hamper our privacy.
- Concerned that it may impede them if they try to sell the farm.

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R639/00/07/24** THAT the following properties be added to the Kelowna Heritage Register:

1590 Belgo Road – Lot 9, Block 18, Sec. 14, Twp. 26 O.D.Y.D. Plan 1380;  
 282/288 Bernard Avenue – Lot A, D.L. 139, O.D.Y.D. Plan 38133;  
 375/387 Bernard Avenue – Lot 7 and the east 5 feet of Lot 8, Block 14, D.L. 139 O.D.Y.D. Plan 462;  
 3430 Pooley Road – Lot B, Sec. 15, Twp. 26, O.D.Y.D. Plan 1725 except Plan KAP53451;  
 1470 Water Street – Lots 1 & 2, D.L. 139 O.D.Y.D. Plan 2698; and  
 1473 Water Street – Lots 11 & 12, Block 17, D.L. 139 O.D.Y.D. Plan 462.

Carried

Councillors Blanleil, Cannan and Nelson opposed.

Councillor Hobson returned to the Council Chamber at 4:10 p.m.

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- 5.7 Planning & Development Services Department, dated July 12, 2000 re: Proposed City Boundary Adjustment (3370-03)

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R640/00/07/24** THAT Municipal Council support an adjustment to the City of Kelowna municipal boundary to include all of Lot 28, Section 36, Township 26, ODYD, Plan 1760, Except Plan 31944 and all of the Latta Road right of way adjacent to the easterly boundary of Lot 28, Section 36, Township 26, ODYD, Plan 1760, Except Plan 31944 within the City of Kelowna municipal boundary;

AND THAT the applicant be responsible for all costs associated with the proposed boundary adjustment.

Carried

- 5.8 Planning & Development Services Department, dated July 19, 2000 re: Amendments to Procedure Bylaw – Delegation of Authority and Public Hearings (3900-01)

Staff:

- Proposed amendments will broaden scope of development permits that may be approved by Director of Planning & Development Services and permit Council to waive public hearings for any Commercial, Industrial, Institutional or Mixed Use rezoning application that is consistent with the OCP and is not adjacent to residential development.
- Time saving process that the development industry has been requesting for some time.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R641/00/07/24** THAT Municipal Council consider the amendments to City of Kelowna Procedures Bylaw No. 8140, as listed in Schedule A attached to the report from the Planning & Development Services Department dated July 19, 2000, to further delegate Development Permit approval authority to the Director of Planning and Development Services and to eliminate the requirement for a Public Hearing for Commercial, Industrial, Institutional and Mixed Use rezoning applications where they are consistent with the Future Land Use Designation of the Official Community Plan.

Carried

- 5.9 Planning & Development Services Department, dated July 20, 2000 re: Draft Official Community Plan – Policy Review (6480-30)

This item was deferred to a future council meeting.

- 5.10 Director of Planning & Development Services, dated July 18, 2000 re: Proposed Contract for On-Street and Off-Street Parking Management (T00-35)

Staff:

- There is a need to redeploy City Traffic Officers to Bylaw Enforcement Officers to step up enforcement of city bylaws.
- Four submissions were received in response to a request for proposal for parking enforcement management.
- Submissions were reviewed by evaluation team and unanimous selection was Corp of Commissionaires.
- The Corp will be required to establish an office in the downtown core for payment of parking tickets and receiving complaints.
- Corp will manage all on-street parking and off-street City-owned parking lots with the exception of the City Hall lot.

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Moved by Councillor Nelson/Seconded by Councillor Given

**R642/0007/24** THAT City council instruct Staff to finalize a Five (5) year contract with the Corp of Commissionaires in the amount of \$2,024,267.73 to provide on-street and off-street parking management in accordance with Request for Proposal T00-35;

AND THAT the funding for the contract come from cost savings in existing budgeted funds for enforcement;

AND THAT the Mayor and City Clerk be authorized to execute the required documents.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST READING)**

6.1 Bylaw No. 8575 (Z99-1016) – Birgit Goedecke – 619 Buck Road

Moved by Councillor Nelson/Seconded by Councillor Given

**R643/00/07/24** THAT Bylaw No. 8575 be read a first time.

Carried

6.2 Bylaw No. 8577 (Z00-1032) – Kelowna Prosthetics & Orthotics Ltd. and R240 Enterprises Ltd. – 2000 Enterprise Way

Moved by Councillor Given/Seconded by Councillor Nelson

**R644/00/07/24** THAT Bylaw No. 8577 be read a first time.

Carried

**(BYLAWS PRESENTED FOR ADOPTION)**

6.3 Bylaw No. 8453 (Z99-1038) – Kenneth & Myra Warren (Joray Homes) – 4335 Lakeshore Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R645/00/07/24** THAT Bylaw No. 8543 be adopted.

Carried

7. REPORTS

7.1 Mayor Gray, Chair, Regional Transportation Sub-Committee – Transit, dated July 19, 2000 re: Annual Operating Agreement – Amendment #1 (2240-20)

Staff:

- Proposed amendment will provide for 1400 additional extra service hours effective September 1, 2000 to meet anticipated student market growth.
- Net impact for 2000 budget will be \$11,200

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Moved by Councillor Hobson/Seconded by Councillor Day

**R646/00/07/24** THAT Council approve the 2000/01 Annual Operating Agreement Amendment #1 for Conventional Transit Services required to provide additional extra service hours;

AND THAT the Mayor and City Clerk be authorized to execute the amending agreement.

Carried

Councillor Clark opposed.

7.2 Mayor Gray, Chair, Regional Transportation Sub-Committee – Transit, dated July 19, 2000 re: Transit Fare Changes (2240-20)

Staff:

- Simplify fare structure by reducing cash fares and individual ride tickets from three zones to two and day passes from two zones to one.
- Cash fares increase by \$0.25.
- Reduce student pass from \$31 to \$25 and permit the pass to be used seven days per week.
- Increased revenues will meet cost recovery goal of 30%.

Moved by Councillor Cannan/Seconded by Councillor Hobson

**R647/00/07/24** THAT Council approve the conventional transit fare changes effective September 1, 2000 attached to the report from the Chair of the Regional Transportation Sub-Committee dated July 19, 2000;

AND THAT the conventional transit Annual Operating Agreement be amended to include these fare changes;

AND THAT the Mayor and City Clerk be authorized to execute the amending agreement.

Carried

7.3 Fire Chief, dated July 19, 2000 re: Aerial Fire Truck (1715-01)

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R648/00/07/24** THAT Council approve the purchase of a 105' Aerial Ladder Fire Truck from Smeal Fire Apparatus represented by SafeTech Emergency Vehicles Limited for the price of \$697,279.00 plus tax, for a total price of \$794,898.00.

Carried

7.4 Cultural Services Manager, dated July 19, 2000 re: Cultural District Marketing Strategy and Implementation Plan (8200-03)

Staff:

- Plan has been finalized and should be released to public and identified stakeholders for feedback.
- Public meeting is scheduled to complete input process and final report will come back to Council for discussion.



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Moved by Councillor Hobson/Seconded by Councillor Given

**R649/00/07/24** THAT City Council receive the final draft of the Cultural District Marketing Strategy and Implementation Plan for information;

AND THAT an Open House on the draft plan be held August 12, 2000 from 10:00 a.m. to 2:00 p.m. at the Kelowna Public Library.

Carried

7.5 Inspection Services Manager, dated July 20, 2000 re: ST00-06 – Application for Stratification of Industrial Building – 375 Potterton Road (3760-10)

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

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R650/00/07/24** THAT the application to stratify the industrial building at 375 Potterton Road – Lot D, Section 2, Township 20, O.D.Y.D., Plan KAP59703 be approved in the name of J.J. Barnicke Kelowna Ltd. with the condition that the requirements of the Inspection Services Department be completed prior to the registration of the strata.

Carried

7.6 Inspection Services Manager, dated July 20, 2000 re: ST00-07 - Application for Stratification of Industrial Building – 8775 Jim Bailey Crescent (3760-10)

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

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R651/00/07/24** THAT the application to stratify the industrial building at 8775 Jim Bailey Crescent – Lot 8, Section 2, Township 20, O.D.Y.D., Plan KAP65805 be approved in the name of J.J. Barnicke Kelowna Ltd. with the condition that the requirements of the Inspection Services Department be completed prior to the registration of the strata.

Carried

7.7 Councillor Day, Chair, Council Policy Review Committee, dated July 20, 2000 re: Council Policy Manual Review (0550-06)

Moved by Councillor Day/Seconded by Councillor Hobson

**R652/00/07/24** THAT Council Policy Nos. 43, 66, 203, 266 and 274 be revised as attached to the report dated July 20, 2000 from the Council Policy Review Committee.

Carried

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8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

8.1 Bylaw No. 8579 – Road Exchange Bylaw

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R653/00/07/24** THAT Bylaw No. 8579 be read a first, second and third time.

Carried

9. COUNCILLOR ITEMS

(a) Gyro Park

Councillor Shepherd expressed concern about the pedestrian and vehicle access to Gyro Park. She indicated it could be quite dangerous for pedestrians when there are a number of vehicles parked on the road. She asked that staff review the situation and look at ways to improve the parking.

(b) Okanagan Mission Community Hall – Restoration Grant (1850-20)

Mayor Gray reported that the Okanagan Mission Community Hall Association was concerned about the terms of the \$50,000 grant approved by Council for the restoration of the Community Hall and Scout Hall. The Federal and Provincial Grants applied for by the Association were not approved and the Association is currently seeking other sources of funds to offset the lack of support from senior levels of government. Council questioned how the lack of government money would affect the size of the project.

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R654/00/07/24** THAT members of the Okanagan Mission Community Hall Association be invited to the Council Meeting on August 14, 2000 to discuss the \$50,000 grant for renovations and improvements to the Community Hall.

Carried

(c) Motor Carrier Commission – Implications of Bill 13

Moved by Councillor Clark/Seconded by Nelson

**R655/00/07/24** THAT a letter be sent to the Motor Carrier Commission requesting that all eligible existing taxi operators in Kelowna receive a motor carrier license for the entire region under the expedited process provided for in Bill 13 rather than just a license to operate within the boundaries of the City of Kelowna.

Carried

Mayor Gray opposed.

(d) Gordon Drive Extension

Councillor Hobson reported he has been contacted by residents of Stonybrook Road with concerns regarding the extension of Gordon Drive and the impact the proposed extension may have on the environment of the Bellevue Creek valley. He suggested staff should contact the residents to discuss their concerns and that a site visit be arranged if applicable.

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10. TERMINATION

The meeting was declared terminated at 5:50 p.m.

Certified Correct:

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Mayor

Deputy City Clerk

LMT/am