

Regular Meeting – P.M.October 30, 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, October 30, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, 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; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Community Planning Manager, T. Eichler\*; Long Range Planning Manager, L.V. Foster\*; Planner-Long Range, G. Stephen\*; Director of Parks & Leisure Services, D.L. Graham\*; Civic Properties, Manager, H.R. Hyatt\*; Parks Manager, J. Creron\*; Facilities Supervisor, J. Gabriel\*; Transportation Manager, R.W. Westlake\*; Development Engineering Manager, S. Muenz\*; Roads & Equipment Superintendent, D. Beaudry\*; Transportation Demand Supervisor, S.K. Bagh\*; 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 Hobson was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Presentation by the Regional District of Central Okanagan's Director of Parks & Recreation, Bill Vos, and Director Len Novakowski re: Gellatly Nut Farm

Len Novakowski, Regional Director:

- Here to seek Council support to buy the nut farm property and turn it into a regional park for public use.
- The Gellatly Nut Farm Society is committed to raise \$800,000 and the Westbank area is committed to raise \$1 million. The other partners in the Regional District of Central Okanagan are being asked to commit to the remaining \$1.4 million.

Councillor Cannan entered the Council Chamber at 1:37 p.m. and took his place at the Council Table.

Bill Vos, Regional Director of Parks & Recreation:

- The property is a Class "A" heritage site.
- The site is 9.88 acres in size with 485 feet of lake frontage.
- About 1/3 of the trees and shrubs on the site will have to be removed over time because they have not pruned for a long time and the dominant trees have canopied out the smaller ones. The site will be pruned as a park not as a farm but the Regional District will ensure the best trees are retained.
- The Regional District of Central Okanagan has to remove or waive all subject to's from the offer to purchase by November 5, 2000.
- The Gellatly Nut Farm Society will pay the \$50,000 deposit. The acquisition must be finalized by mid-2002 or the deposit is non-refundable.

Regular Meeting – P.M.

October 30, 2000

Harold Reay, Regional Director of Finance:

- Explained how funding the remaining \$1.4 million could be shared by the City of Kelowna and other regional partners by imposing a 3 cent levy over a 5-year period.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R872/00/10/30** THAT the presentation by representatives of the Regional District of Central Okanagan with respect to the acquisition of the Gellatly Nut Farm for development as a regional park be received by Council;

AND THAT the Regional District be advised that Kelowna City Council supports the purchase of the Gellatly Nut Farm for regional park.

Carried

4. PLANNING

- 4.1 Planning & Development Services Department, dated October 24, 2000 re: Agricultural Land Reserve Appeal No. A99-107 – Gordon A. Douglas – 2900 Gallagher Road (6635-20)

Moved by Councillor Hobson/Seconded by Councillor Nelson

**R873/00/10/30** THAT Agricultural Land Reserve Appeal No. A99-107; Lot A, Sec. 7, Twp. 27, O.D.Y.D., Plan KAP48383, located on Gallagher Road, 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.

Carried

- 4.2 Planning & Development Services Department, dated October 23, 2000 re: Community Housing Needs Committee Membership (0540-20)

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R874/00/10/30** THAT City Council appoint the following new member to fill the remaining vacancy on the Community Housing Needs Committee to June 30, 2001 when membership can be reconsidered:

Nancy Darling;

AND THAT following the retirement of Alan Campbell from B.C. Housing, Council recognize the continuation of Mr. Campbell's role as resource person to the Community Housing Needs Committee by:

Peter Chau.

Carried

Regular Meeting – P.M.

October 30, 2000

- 4.3 Planning & Development Services Department, dated October 23, 2000  
re: Standards of Maintenance and the Residential Tenancy Act (5040-20)

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R875/00/10/30** THAT Council accept the recommendation of the Community Housing Needs Committee not to proceed with a Standards of Maintenance Bylaw at this time;

AND THAT staff be directed to draft a resolution seeking changes to address deficiencies in the Residential Tenancy Act;

AND FURTHER THAT the draft resolution be brought back to Council to debate whether it should be advanced for endorsement by the Okanagan Mainline Municipal Association and the Union of British Columbia Municipalities.

Carried

- 4.4 Planning & Development Services Department, dated October 25, 2000  
re: Draft Official Community Plan – Policy Review (6480-30)

Withdrawn.

## 5. REPORTS

- 5.1 Airport General Manager, dated October 24, 2000 re: Supplemental Agreement to Vehicle Rental Licences (2380-20-8068.01; -8000; -8002; -8043; 0550-05)

Moved by Councillor Given/Seconded by Councillor Nelson

**R876/00/10/30** THAT Council authorize the Mayor and City Clerk to sign the Supplemental Agreements to Vehicle Rental Concession Licences at the Kelowna International Airport on behalf of the City of Kelowna for the following companies:

Aviscar Inc.  
Budget Rent A Car of BC Ltd.  
Hertz Canada Limited  
National Car Rental System (Canada) Inc.

Carried

- 5.2 Transportation Manager, dated October 19, 2000 re: Purchase of Natural Gas Powered Tandem Axle Truck (5400-01)

Moved by Councillor Nelson/Seconded by Councillor Blanleil

**R877/00/10/30** THAT the City of Kelowna enter into a joint venture with BCG eFuels Inc., Western Star Trucks Inc., Dynetek Ind. Ltd. and Deere Power Systems to construct a tandem axle truck powered by natural gas;

AND THAT the City of Kelowna acknowledge the contribution from these firms by placing their names, as sponsors, on the side of the tank;

AND FURTHER THAT the City of Kelowna agrees to the partnership with ICBC for de-icing equipment as outlined in the report of the Transportation Manager dated October 19, 2000.

Regular Meeting – P.M.October 30, 2000Carried

- 5.3 Transportation Manager, dated October 18, 2000 re: Update of Bicycle Network Master Plan (8320-06)

Council:

- Need to ensure that something is built into the planning process to also encourage establishment of an off-road network in parts of the city that are not under development.
- The OUC access corridor is important and should be pursued aggressively.
- Victoria, Saanich, Nanaimo and Whistler all have very good on and off-road bike networking and should be contacted for information in that regard.

Moved by Councillor Given/Seconded by Councillor Nelson

**R878/00/10/30** THAT the Bicycle Network Master Plan, which forms part of the City of Kelowna Transportation Plan, be updated as indicated in the October 18, 2000 report from the Works & Utilities Department;

AND THAT staff be directed to report back to Council with a more definitive policy for establishment of an off-road linear network, and with a proposal for how to achieve a linear corridor around Robert Lake for access to the Okanagan University College site.

Carried

- 5.4 Development Engineering Manager, dated October 20, 2000 re: Proposed Amendment to Specified Sewer Area No. 17 – Bylaw No. 8594 (S99-098; Z99-1060)

Staff:

- The property was included in the specified area based on legal description only and not taking topography into consideration. The recommendation is a topographical fine-tuning of the specified area boundary to exclude portions of the properties that would be too costly to service with sanitary sewer.
- The application to subdivide these properties was submitted prior to Council's adoption of a policy identifying the properties that would be permitted an opportunity to develop on septic disposal and therefore is subject to grandfathering.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

**R879/00/10/30** THAT the Specified Sewer Area No. 17 boundary be amended to allow a portion of Lot 8, Plan KAP62399 (formerly Lot 3, Plan 1775 and a portion of Lot 7, Plan 28238) to be removed from the sewer area, as shown on the boundary amendment map labeled Exhibit "A" as attached to the Development Engineering Manager's report dated October 20, 2000;

AND THAT the portions of these lots that are removed from Specified Sewer Area No. 17 be absolved from the requirement to connect to the sanitary sewer system;

AND THAT once removed from Specified Sewer Area No. 17, these parcels **not** be required to pay Specified Sewer Area No. 17 debt amortization charges;

AND THAT Bylaw No. 8594 being amendment No. 4 to Specified Sewer Area No. 17, Bylaw No. 6775 (Mission Flats) be forwarded to Council for reading consideration;

Regular Meeting – P.M.

October 30, 2000

AND FURTHER THAT December 4, 2000 be set as the deadline date for receipt of Counter Petitions by the City Clerk in relation to Bylaw No. 8594.

Carried

Regular Meeting – P.M.

October 30, 2000

- 5.5 Development Engineering Manager, dated October 25, 2000 re: Latecomer Charges – 584107 B.C. Ltd. – Loseth Road (2250-70-59)

Moved by Councillor Blanleil/Seconded by Councillor Given

**R880/00/10/30** THAT the City of Kelowna Council approve the revisions to Latecomer Agreement Number 2250-70-59 as shown on Schedule “D” attached to the report of the Development Engineering Manager, dated October 25, 2000.

Carried

- 5.6 Director of Works & Utilities, dated October 10, 2000 re: Latecomer Charges – First National Properties Ltd. – Clifton Road (2250-70-62)

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R881/00/10/30** THAT the Municipal Council requires the owner of Part SE ¼, except Plan 19808, 30121, 42134, KAP46793, KAP46794, KAP47587, KAP53041, KAP54129, and except Sec 6 Rd Taking 29-488 R/W, P/N 21503 which is to be subdivided or developed, to provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-62, attached to the report of the Director of Works & Utilities, dated October 10, 2000;

AND THAT the Municipal Council considers the cost to provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-62, in whole or in part, to be excessive;

AND THAT Latecomer charges be imposed for the excess or extended services, as shown in Appendix E of Latecomer Agreement No. 2250-70-62, which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands listed in Appendix D of Latecomer Agreement No. 2250-70-62;

AND THAT the City enter into Latecomer Agreement No. 2250-70-62 with the owner to be effective upon Substantial Performance of the Excess or Extended Services, and the Mayor and City Clerk be authorized to execute and affix the corporate seal to this Latecomer Agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

Carried

- 5.7 Director of Parks & Leisure Services, dated October 25, 2000 re: Ellison Fire Hall – Renewal of Lease (2380-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R882/00/10/30** THAT City Council approve a Consent to Change agreement for the lease of the Ellison Fire Hall for a term of nineteen months commencing June 1, 1999 to and including December 31, 2000 and then month by month thereafter as required;

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

Regular Meeting – P.M.

October 30, 2000

Carried

Regular Meeting – P.M.

October 30, 2000

- 5.8 Facilities Supervisor, dated October 25, 2000 re: COSBA Lease (0870-20)

Moved by Councillor Given/Seconded by Councillor Blanleil

**R883/00/10/30** THAT City Council approve a five (5) year lease agreement for the period October 1, 2000 to September 30, 2005 at a nominal fee of \$1.00 per year with the Central Okanagan Small Boat Association (COSBA) for the property located at 4220 Hobson Road.

Carried

- 5.9 Facilities Supervisor, dated October 25, 2000 re: Floor Heat Exchanger Replacement for Rutland Arena East (7900-20)

Moved by Councillor Blanleil/Seconded by Councillor Nelson

**R884/00/10/30** THAT City Council approve the expenditure of \$12,500 from the Building Repair Reserve for the replacement of the floor heat exchanger at Rutland Arena East.

Carried

- 5.10 Director of Parks & Leisure Services, dated October 24, 2000 re: Park and Facility Planning Process for the Mission District Park (6120-20)

Council:

- The Mission Recreation Committee representatives to the Mission District Park Development Committee should be selected from a list recommended by the existing Mission Committee.
- The Chamber of Commerce's Market Development Manager for Sports Tourism should also be appointed to the Mission District Park Development Committee.
- The Council representatives should be whoever is on the Parks Committee of the day since the planning process for development of Mission District Park goes beyond the term of the current Council.
- Consider ending the term of appointment for at least half of the committee on December 31, 2002 since that is when the current Council term ends.
- Consider a perimeter trail system around Mission District Park and the potential traffic impact early in the planning process.
- The Thompson family needs to be acknowledged for their contribution.
- If necessary, consider using the money budgeted for the Western Star road to get started on the drainage work.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

**R885/00/10/30** THAT the Park and Facility planning process for Mission District Park be approved as outlined in the report of the Director of Parks & Leisure Services dated October 24, 2000.

Carried



Regular Meeting – P.M.October 30, 20006. RESOLUTIONS6.1 Draft Resolution re: Cancellation of Meetings (0550-01)Moved by Councillor Shepherd/Seconded by Councillor Nelson**R886/00/10/30** THAT the Public Hearing and the Regular Meeting scheduled for November 14, 2000 be cancelled;

AND THAT the Public Hearing scheduled for November 28, 2000 be cancelled.

Carried6.2 Draft Resolution re: 2001 Council Meeting Schedule (0530-01)Moved by Councillor Clark/Seconded by Councillor Shepherd**R887/00/10/30** THAT the 2001 Council Meeting schedule be adopted as follows:Monday Regular Meetings

January 8, 15, 22 and 29  
 February 5, 12, 19 and 26  
 March 5, 12, 19 and 26  
 April 2, 9, 23 and 30  
 May 7 and 14  
 June 4, 11, 18 and 25  
 July 16 and 30  
 August 13 and 27  
 September 10 and 17  
 October 1, 15, 22 and 29  
 November 5, 19 and 26  
 December 3, 10 and 17

Public Hearing/Regular Meetings

January 16 and 30  
 February 13 and 27  
 March 13 and 27  
 April 10 and 24  
 May 8 and 22  
 June 5 and 19  
 July 3, 17 and 31  
 August 14 and 28  
 September 11  
 October 2, 16 and 30  
 November 13 and 27  
 December 11;

AND THAT Special Meetings of Council be called throughout the year as and when required.

Carried7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**7.1 Bylaw No. 8594 – Amendment No. 4 to Specified Sewer Area No. 17  
Bylaw No. 6775 (Mission Flats)Moved by Councillor Shepherd/Seconded by Councillor Clark**R888/00/10/30** THAT Bylaw No. 8594 be read a first, second and third time.Carried

Regular Meeting – P.M.

October 30, 2000

**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.2 Bylaw No. 8608 – 2001 Tax Exemption Bylaw **Requires 2/3 majority of full Council (6)**

Moved by Councillor Nelson/Seconded by Councillor Given

**R889/00/10/30** THAT Bylaw 8608 be adopted.

Carried

8. COUNCILLOR ITEMS

(a) Friends of the Library

Councillor Shepherd reported that the Friends of the Library no longer have the use of their Rutland library space and are searching for an alternate location with about 900 sq. ft. of heated space for storage of books. Councillor Shepherd commented that the City needs to help them find alternate space and suggested that staff see if space is available in the Cedar Creek Firehall on behalf of the Society.

(b) Development Permit Requests Involving Heritage Properties

Councillor Shepherd asked that when an application for a permit that does not require Council approval involves a heritage property, the Community Heritage Commission be permitted to review the application before it is approved by the Director of Planning & Development Services or his delegate. Referred to the City Manager.

(c) Union of British Columbia Municipalities

Members of Council commented on the success of the 2000 UBCM Convention and congratulated Councillor Hobson on being re-elected to the UBCM executive.

9. TERMINATION

The meeting was declared terminated at 4:23 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/bn