

Regular Meeting – P.M.November 6, 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, November 6, 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; Acting Deputy City Clerk, L.M. Taylor; Director of Planning & Development Services, R.L. Mattiussi\*; Current Planning Manager, A.V. Bruce\*; Special Projects Planning Manager, H.M. Christy\*; Community Planning Manager, T. Eichler\*; Long Range Planning Manager, L.V. Foster\*; Planner-Long Range, G.L. Stephen\*; Planner-Long Range, G.D. Routley\*; Wastewater Manager, W.J. Berry\*; Development Engineering Manager, S. Muenz\*; Recreation Superintendent, R. Oddleifson\*; Assistant Recreation Supervisor Programs, J. Miles\*; 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 Blanleil was requested to check the minutes of the meeting.

3. PLANNING

- 3.1 Planning & Development Services Department, dated November 1, 2000 re: Rezoning Application No. Z00-1047 – 564913 BC Ltd. (Joe Higgins) – 1385-1387 Ellis Street (3360-20)

Staff:

- The rezoning is requested in order to accommodate a new range of tenants for the existing building.

Councillor Cannan entered the Council Chamber at 1:33 p.m. and took his place at the Council Table.

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R895/00/11/06** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 7, DL 139, O.D.Y.D., Plan 432, located on Ellis Street, Kelowna, B.C., from the I4 – Central Industrial zone to the C7 – Central Business Commercial zone;

AND THAT pursuant to the provisions of the City of Kelowna Development Application Procedures Bylaw No. 8140 and section 890 of the Local Government Act, the requirement for the public hearing be waived;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

Carried

Regular Meeting – P.M.

November 6, 2000

- 3.2 Planning & Development Services Department, dated November 1, 2000 re: Council Policy No. 236 and Proposed Council Policy No. 290 – Development Application Sunset Policy and Lapsed Development Permit Policy (0550-06)

Staff:

- The proposed amendments to Policy No. 236 are for consistency with City of Kelowna Procedures Bylaw No. 8140.
- The proposed new Policy No. 290 puts the onus on the applicant to ensure the public has an opportunity to review new development proposals when a development permit lapses and a different proposal is brought forward that does not require rezoning.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R896/00/11/06** THAT the report dated November 1, 2000 from the Planning & Development Services Department recommending revisions to Council Policy No. 236 and the adoption of a new Council Policy No. 290 be referred back to staff for amendments to the proposed new policy to address the following:

- Indicate that the canvassing of property owners shall occur at least 7 days prior to the new development permit application being considered by Council;
- Indicate that the property owners being canvassed are to be provided with a form advising the name and phone number of a staff person they can contact at the City with their comments if that is their preference;
- Indicate how staff intend to determine when the changes in the new development permit application would trigger the process outlined in the proposed new Policy No. 290.

Carried

- 3.3 Planning & Development Services Department, dated November 1, 2000 re: Rezoning Application No. Z99-1049; Official Community Plan Amendment No. OCP99-014; and Mission Ridge Area Structure Plan No. ASP99-001 – R127 Enterprises Ltd. (MacDonald Realtors) – Mission Ridge Road and Westpoint Drive (3360-20)

Staff:

- This application is before Council for initial consideration although it has been to Council several times.
- The applicant has now provided the requested topographic information and general site grading plans for the proposed 69-lot subdivision.
- The technical information provided is sufficient to address the concerns raised by the site grading work that has occurred on-site to date and the remaining technical issues will be dealt with through the subdivision process.
- Based on the information received to date, staff are prepared to recommend advancing the application to a Public Hearing.
- A covenant would be registered on each lot to ensure that any geotechnical conditions are carried out through to the building permit stage.
- A letter from the applicant was received this morning advising that he has requested closure of the Mining Permit for the subject property.

Regular Meeting – P.M.

November 6, 2000

Council:

- Require confirmation prior to the date of the Public Hearing that the existing Mines Permit has indeed been cancelled.
- Parks staff to provide a recommendation to Council prior to the date of the Public Hearing with respect to ownership of the P3 component of this application (City or Coronado residents).

Councillor Given left the meeting at 2:32 p.m.

Council:

- Staff to obtain a written comment from the Ministry of Mines stating their view if the applicant was to apply for another Mining Permit on the subject property.
- Staff to clarify at the Public Hearing, the steps that will be taken to mitigate the possibilities of irrigation washing over the ridgeline of the hill; whether the entire P3 area would be fenced or just along the ridgeline; when Crawford Road will be improved and the contribution this applicant would make toward those improvements; the improvements proposed for Westpoint to address safety and the traffic impact from this development; the improvements proposed for Mission Ridge Road, and whether any traffic calming measures would be implemented to help address traffic safety.

Council noted that the December 12<sup>th</sup> Public Hearing could be lengthy and agreed not to vote on anything after midnight.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R897/00/11/06** THAT the Kelowna Official Community Plan Bylaw No. 7600 be amended to include the generalized terms, land uses and principles contained in the Mission Ridge Area Structure Plan attached as Schedule "A", to the report from the Planning & Development Services Department dated January 12, 2000;

AND THAT the City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the Southeast 1/4 of Section 31 not included within the limit of District Lot 580a, S.D.Y.D., Township 29, O.D.Y.D., except Plans B3677, 3093, 13170, 17707, 18684, 20390, 32874 and 36632, located between Westpoint Drive and Mission Ridge Road, Kelowna, B.C, from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing and P3 – Parks & Open Space zones as shown on Schedule "B" attached to the Planning Department's report of January 12, 2000;

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

AND THAT final adoption of the Official Community Plan and 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 Official Community Plan and zone amending bylaw be considered subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer;

AND FURTHER THAT final adoption of the Official Community Plan and zone amending bylaw be withheld pending the execution, by the owner of the subject property, of a Servicing Agreement acceptable to the City of Kelowna.

Carried

Regular Meeting – P.M.

November 6, 2000

3.4 Special Projects Planning Manager, dated October 18, 2000 re: Update on the Pier Project (6740-50)

Staff:

- The Inner City Shore Zone Plan brings forward the notion of a pier project developed as a partnership between the City and a private developer on the lands at the foot of Queensway Avenue and Kerry Park.
- A concept plan was taken to the public for input in May 2000 and there was general support for a pier but concern about what it would look like.
- Showed photos of waterfront projects in other communities.

Council:

- The magnitude of the project may not be appropriate as originally anticipated and it may be that the project should take the form of a boardwalk or some other floating facility rather than a pier.
- Parking is a constraint that will have to be addressed.
- The land that is available for the project needs to be clearly defined and we need to determine what criteria is important to be incorporated into the project, what the goal is of the project, and to clarify costs.
- This is probably the most important site in the city. It would be better to wait 5 or 10 years or even longer and consider an interim use of the site than to develop it with the wrong project.

Moved by Councillor Nelson/Seconded by Councillor Hobson

**R898/00/11/06** THAT the Pier Project update report dated October 18, 2000 from the Special Projects Planning Manager be received for information;

AND THAT the report be referred to the Town Centres Implementation Committee to bring forward a recommendation on how best to proceed taking into consideration the comments of Council at this Regular Meeting.

Carried

Mayor Gray altered the order to business and advised that agenda item No. 5.2 would be dealt with next.

5.2 Recreation Manager, dated October 24, 2000 re: Gymnastics Facility – Okanagan Kokanees Gymnastics Club (0230-20)

Staff:

- The \$500,000 the City would borrow would be repaid by the Kokanees over a 20 year period.
- The facility is designed for gymnastics but makes provision for shared use with other sports that are compatible with that design.
- The City of Kelowna would always own the facility but complete operational control would be turned over to the Kokanees.
- The Parks & Facilities Committee supports the recommendation and City Finance Department staff support the proposed financial plan for the facility.
- Jennifer Charles, chair of their Kokanees building committee is available to answer questions of Council.

Regular Meeting – P.M.

November 6, 2000

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R899/00/11/06** THAT the City of Kelowna proceed with the design and construction of a major recreation facility for gymnastics at the Rutland Sportsfield site in 2001 in partnership with the Okanagan Kokanees Gymnastics Club;

AND THAT the project be funded from the following two sources, \$500,000 from the major facility reserves and \$500,000 from long-term borrowing, subject to final approval by City Council through the 2001 budget process;

AND THAT the City Council enter into a long-term 20-year partnership agreement for this new facility with the Okanagan Kokanees Gymnastics Club;

AND THAT the Okanagan Kokanees Gymnastics Club repay the City of Kelowna the amount of money required per year, for the 20 year partnership agreement term, to cover the principle and interest cost of the long-term borrowing;

AND THAT the terms of the partnership agreement include all operational costs, maintenance costs and any financial deficits related to the operation of the facility to be the responsibility of the Okanagan Kokanees Gymnastics Club;

AND FURTHER THAT Council direct staff to prepare the appropriate by-laws for the long term partnership agreement and the long term borrowing, which will include the necessary provisions for the counter petition required for these bylaws.

Carried

3.5 Planning & Development Services Department, dated October 25, 2000 re: Public Art Committee Recommendation for Tree Grate Design (7800-01)

Moved by Councillor Hobson/Seconded by Councillor Nelson

**R900/00/11/06** THAT City Council approve the recommendation of the Public Art Committee to Award the commission for the design of tree grates in the Downtown Town Centre to Crystal Pryzbille of Kelowna;

AND THAT the Mayor and Clerk be authorized to sign a contract with Ms. Pryzbille for an amount not to exceed \$2,500 (funded from the Public Art Reserve) for the design work.

Carried

3.6 Community Planning Manager, dated October 23, 2000 re: Child Care in New Development (4750-02)

Staff:

- Proposing to broaden the density bonusing provisions to include child care.
- The guidelines would determine the types of development suited to have child care and the types of child care (i.e. infant, pre-school, etc.).

Regular Meeting – P.M.

November 6, 2000

Council:

- Agreed to delete the first paragraph of the recommendation in the staff report (that Council not consider the introduction of requirements for developers to provide child care facilities as a condition of new development) from the motion.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R901/00/11/06** THAT Council authorize staff to proceed with the preparation of guidelines for child care facilities that will include, but not necessarily be limited to:

- Types of development that would be suited to the provision of child care;
- Size of new development that would indicate a need for child care facilities (e.g. number and type of residential units, floor area of commercial or industrial space, number of employees within the new development );
- Types of child care facilities;
- Locations of existing child care facilities;
- Needs for child care in terms of type and by area;
- Locational requirements;
- Safety issues;
- Licensing information – Community Care Facilities Act;
- Resource and contact information;
- Building permit requirements;
- Zoning information;
- Business licence requirements;

AND THAT the City continue to encourage developers to consider the inclusion of child care facilities, where a development proposal demonstrates suitability for child care facilities;

AND FURTHER THAT once guidelines are developed regarding the provision of child care facilities, these guidelines be used to encourage developers to consider the inclusion of child care facilities as a voluntary measure.

Carried

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

Staff:

- Highlighted the Arts & Culture policies in Chapter 15 of the draft Official Community Plan.

Council:

- Include more explicit reference to the 1% policy for public art.

Staff:

- Outlined the Heritage policies in Chapters 16 of the draft OCP.

Council:

- Add support for the retention of the heritage area of the Downtown Plan.
- Add a comment regarding significant trees.
- Change the text under Conservation Areas to read “Expand the designation of heritage conservation areas...”

Regular Meeting – P.M.

November 6, 2000

Staff:

- Highlighted the Social policies in Chapter 17 of the draft OCP.

Council:

- Include a comment under Crime Prevention that the City advocates and encourages restorative justice.

Staff:

- Highlighted the Affordable and Rental Housing policies in Chapter 8 of the draft OCP.

#### 4. BYLAWS (ZONING & DEVELOPMENT)

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

- 4.1 Bylaw No. 8613 (Z00-1047) – 564913 B.C. Ltd. (Joe Higgins) – 1385 & 1387 Ellis Street

Moved by Councillor Clark/Seconded by Councillor Nelson

**R902/00/11/06** THAT Bylaw No. 8613 be read a first time.

Carried

#### 5. REPORTS

- 5.1 Councillor Hobson, Chair, Town Centre Implementation Committee, dated October 25, 2000 re: Graffiti in the City of Kelowna (0540-20)

Staff:

- Displayed photos to show examples of graffiti.
- Outlined current programs for prevention and removal of graffiti in Kelowna and gave examples of how they could be improved.

Councillor Nelson left the meeting at 4:57 p.m.

Moved by Councillor Hobson/Seconded by Councillor Day

**R903/00/11/06** THAT the Town Centre Implementation Committee report of October 25, 2000 be received by Council;

AND THAT in the context of the recommended course of action by the Town Centre Implementation Committee, Council direct City staff to continue to pursue means by which to improve the prevention and removal of graffiti in Kelowna, and report back to Council on any financial and enforcement ramifications of an improved program for addressing graffiti;

AND FURTHER THAT the Council position with respect to graffiti is that the City of Kelowna opposes graffiti and considers it a crime and urges businesses to remove it immediately.

Carried

Regular Meeting – P.M.

November 6, 2000

- 5.2 Recreation Manager, dated October 24, 2000 re: Gymnastics Facility – Okanagan Kokanees Gymnastics Club (0230-20)

Dealt with after agenda No. 3.4.

- 5.3 Recreation Supervisor, dated October 25, 2000 re: Lifetime Pass Program at Parkinson Recreation Centre (7900-03)

Staff:

- The proposed amendments are recommended in order to have seniors pay for use of the facilities at Parkinson Recreation Centre for a longer period of time after they retire before becoming eligible for lifetime passes.
- Kelowna is the only municipality in the province that gives out this type of seniors pass.

Council:

- Suggested that consideration be given to increasing the percentage discount on year passes for seniors as they age instead of increasing the minimum age for the lifetime pass.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R904/00/11/06** THAT the report dated October 25, 2000 from the Recreation Supervisor recommending changes to the criteria for the Parkinson Recreation Centre Lifetime Pass Program for seniors be referred to the Parks Committee for discussion and a recommendation back to Council.

Carried

- 5.4 Wastewater Manager, dated November 2, 2000 re: Award of Consulting Assignment – McKenzie Bench Sanitary Sewer Specified Area No. 21A (5340-09)

Staff:

- The Province has approved a grant for 50% of the project cost.
- This consulting assignment calls for the pre-design work to be done up front, at a cost of \$37,000 to \$40,000. Only if the affected property owners vote to support the specified area, would the consultant proceed with the balance of the assignment.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R905/00/11/06** THAT Urban Systems Ltd. be engaged to perform the engineering services for the McKenzie bench sanitary sewer specified area project for the estimated amount of \$293,195;

AND THAT the complete assignment involve the pre-design, detailed design work and construction engineering services required to investigate and establish the costs as well as to design and supervise construction during the installation of a sewer system for the property owners in the McKenzie Bench, Merrifield Road and Bach Road area.

Carried



Regular Meeting – P.M.November 6, 2000

- 5.5 City Clerk, dated November 2, 2000 re: Amendment No. 1 to Multi-Purpose Facility Agreements (B/L 8612)

Moved by Councillor Hobson/Seconded by Councillor Day

**R906/00/11/06** THAT Bylaw No. 8612 - Amendment No. 1 to Multi-Purpose Facility Agreements Authorization Bylaw be advanced for reading consideration;

AND THAT December 11, 2000 be set as the deadline for receipt of Counter Petitions by the City Clerk in relation to Bylaw No. 8612.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

- 6.1 Bylaw No. 8612 – Amendment No. 1 to Multi-Purpose Facility

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R907/00/11/06** THAT Bylaw No. 8612 be read a first, second and third time.

Carried

7. COUNCILLOR ITEMS

- (a) Election Signs

Councillor Shepherd suggested that staff send candidates in the upcoming provincial and federal elections a copy of the section of the City of Kelowna Sign Bylaw dealing with restrictions on election signs. Councillor Clark advised that election signs for senior levels of government are mass produced and could not be expected to comply with the regulations of each individual municipality. However, it may be possible to impose restrictions on where the signs can be placed. Referred to staff.

- (b) Polling Stations for Local Elections

Councillor Clark reported that he has received a number of calls from residents about the Okanagan Mission Hall not being used as a polling station for the federal election this month. Apparently the facility was already booked. Councillor Clark suggested that the City notify the returning officers for the federal and provincial elections to say that when booking polling stations, their first choice should be in community halls and then their next choice should be in schools.

- (c) Shaw Cable – Televising of Council Meetings

Councillor Clark noted that the Mayor and City Manager had met with representatives of Shaw Cable last week to discuss televising of meetings and asked for an update on the outcome of the meeting. Mayor Gray advised that Shaw Cable is moving to a different format and starting today their plan is to continue to tape the meetings but not to televise the meetings live. The Regional Program Manager for Shaw Cable will be attending the Regular Meeting on November 20, 2000 to explain their plans to Council.

Regular Meeting – P.M.November 6, 2000(d) Police Response to Complaints of Gas Theft from Gas Stations

Councillor Blanleil advised that he is hearing from gas station operators that the number of people leaving without paying for their gas has increased with the rising cost of gasoline. Apparently the RCMP does not view these calls for assistance as a priority and will not respond. The City Manager advised that the RCMP respond on a priority basis so that type of call would likely fall into a lower category like shoplifting. However, he agreed to raise the question with the RCMP Superintendent to clarify their position.

(e) Handling of Correspondence Addressed to Mayor and Council

Councillor Hobson asked for clarification of the Mayor's policy for handling letters addressed to Mayor and Council. Mayor Gray explained the policy.

(f) B.C. Book

Mayor Gray read excerpts of a letter from Jane Burns, director of B.C. 2000, asking that Council nominate a special person to be the last person to sign the BC book pages for Kelowna. The first person who signed was former mayor Jim Stuart and his wife. Mayor Gray asked that suggestions be directed to his office.

8. ADJOURNMENT (5:49 p.m.)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R908/00/11/06** THAT this meeting be closed to the public, pursuant to Sec. 242.2(1)(c) of the Local Government Act for Council to deal with subject matter relating to labour relations.

Carried

9. TERMINATION

The meeting terminated at 5:50 p.m.

Certified Correct:

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Mayor

BLH/bn

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Acting Deputy City Clerk