

Regular Meeting – P.M.

February 26, 2001

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, February 26, 2001.

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; City Clerk, D.L. Shipclark; Director of Works & Utilities, J. Vos*; Electrical Manager, R. Carle*, Roadways Engineer, M. Duggan*; Transportation Demand Supervisor, S.K. Bagh*; Director of Parks & Leisure Services, D.L. Graham*; Civic Properties Manager, H.R. Hyatt*; Cultural Services Manager, I. Forsyth*; Recreation Manager, R. Oddleifson*; Current Planning Manager, A.V. Bruce*; 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 Air Quality in the Central Okanagan (5280-02)

- Presentation by Ralph Adams, Ministry of Environment Meteorologist re: MOE Perspective on Okanagan Air Quality
- Presentation by Dr. Eugene Krupa, Okanagan Similkameen Health Region re: Health Effects from Air Pollution in the Central Okanagan

Ralph Adams, Ministry of Environment:

- The Ministry of Environment feels air quality in the Southern Interior is generally good but there are a number of days where there are significant health effects from poor air quality from inhalable particulates and ozone.

Dr. Eugene Krupa, Okanagan Similkameen Health Region:

- About 16,000 people in a city the size of Kelowna are directly or indirectly affected by air quality.
- There are costs to individuals, the health system, productivity and society associated with poor air quality.

4. UNFINISHED BUSINESS

4.1 Recreation Manager, dated February 21, 2001 re: Skateboard Recreation Facility at Ben Lee Park (6240-20)

Staff:

- The skatepark will be located at the north end of the park along Leathead Road.
- The facility will be 22,000 sq. ft. in size, with many unique features.
- Completion of the skatepark is targeted for June 6 with grand opening of entire Ben Lee Park on June 24, 2001.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R141/01/02/26 THAT City Council approve the award of the contract to Van der Zalm & Associates Inc./New Line Skatepark Inc. for the designing and building of the skateboard recreation facility in Ben Lee Park for the amount of \$228,440;

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AND THAT the Friends of Ben Lee Park Society/Skatepark Committee be authorized to provide volunteer support and obtain donated labour and materials for a minimum amount of \$20,000;

AND FURTHER THAT a budget item for \$36,200 be prepared for final budget for 2001 for additional requirements at the Skateboard Recreation Facility in Ben Lee Park.

Carried

4.2 Transportation Manager, dated February 16, 2001 re: Pedestrian Master Plan (8330-20) (Deferred from Regular Meeting of January 29, 2001)

Staff:

- The Master plan puts together a system for prioritizing sidewalks across the city.
- The proposed criteria for assessing pedestrian potential and pedestrian deficiency, uses a 100 point system.
- Displayed a print-out showing priorities that have been identified using the 100 point system, noting that the projects would move around in their order of priority as they gain points.
- It would be the responsibility of the City if Council wants to complete the sidewalk network along Highways 97 and 33.

Council:

- Agreed to a friendly amendment of the motion to change the name of the plan to Sidewalk Master Plan, remove the dollar figure from the paragraph re increasing the annual budget for pedestrian facilities, and direct staff to integrate this plan with the Linear Park Network Plan once it is completed.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R142/01/02/26 THAT Pedestrian Master Plan Map 3.1 be renamed “Assessed Arterial and Collector Sidewalk Projects” and references to “priorities” be removed (with text references also adjusted as necessary to reflect this change);

AND THAT the Pedestrian Master Plan (with revised Map 3.1/text) be renamed to Sidewalk Master Plan and be received for information;

AND THAT staff be directed to use the prioritization method noted in the February 16, 2001 report from the Works & Utilities Department as a guideline for recommending future sidewalk construction projects;

AND THAT the recommendations of the Sidewalk Master Plan be given consideration in the drafting of the Official Community Plan;

AND THAT future review of the Subdivision & Development Servicing Bylaw take into consideration the recommendations of the Sidewalk Master Plan and give high priority to improving pedestrian facilities;

AND THAT future review of the 10-Year Capital Plan give consideration to increasing the annual budget for pedestrian facilities;

AND FURTHER THAT once the City’s Linear Park Network Plan is produced, it be integrated with this Sidewalk Master Plan.

Carried

Councillors Blanleil and Given opposed.

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5. PLANNING

- 5.1 Planning & Development Services Department, dated February 21, 2001 re: Rezoning Application No. Z98-1009 – J. Elise Clark – 861-863 Fuller Avenue (3360-20)

Staff:

- At the Regular Meeting of June 26, 2000, Council deferred initial consideration of this application for up to 6 months to allow the applicant time to submit an application for the required OCP amendment.
- The applicant has not done that and this application cannot be considered without it.
- Recommend the file be closed.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

R143/01/02/26 THAT the file on Rezoning Application No. Z98-1009 (J. Elise Clark) for Lot 14, D.L.. 138, O.D.Y.D., Plan 947, being 861-863 Fuller Avenue, Kelowna, B.C., be closed.

Carried

6. REPORTS

- 6.1 Cultural Services Manager, dated February 21, 2001 re: Kelowna Arts Foundation Appointments (0230-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

R144/01/02/26 THAT City Council accept the appointments of John Cournane, Larry Widmer and Gordon Shuster to the Board of Directors of the City of Kelowna Arts Foundation for the term March 1, 2001 to March 1, 2004;

AND THAT City Council receives for information the elected Officers for the City of Kelowna Arts Foundation for 2001.

Carried

- 6.2 Electrical Utilities Manager, dated February 21, 2001 re: Wholesale Power Purchase Agreement – West Kootenay Power Ltd. (5520-01)

Staff:

- The Access Principles Agreement is a major change to the former agreement as it gives the City the option to leave West Kootenay Power, with 2 year's notice, and then come back at the tariff rate.

Moved by Councillor Cannan/Seconded by Councillor Nelson

R145/01/02/26 THAT the City of Kelowna enter into a new 5 year contract with West Kootenay Power Ltd. for the supply of power to the City of Kelowna's electrical utility in accordance to the terms and conditions outlined in the report of the Electrical Manager dated February 21, 2001;

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

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6.3 Director of Works & Utilities, dated February 21, 2001 re: Pandosy Street Reconstruction (TE01-01)

Staff:

- To inform those impacted by this project, 1,080 letters were delivered and an open house was held. Only 1 person expressed concern and that was about the realignment of Park and Elliot.
- Three letters were received today expressing the same concern.
- The intersection of Park and Elliot at Pandosy is dangerous because the streets do not align and because Park Avenue links into Pandosy Street on a curve. By moving the small park site to the other side of Park Avenue, Park and Elliot become aligned, Park Avenue is further removed from the curve in Pandosy and a full 4-way intersection is created.
- The property owner on the corner of Park and Pandosy has agreed with the City closing off his access from Park Avenue for the park site to front onto his property.

Council:

- Friends and Residents of the Abbott Street Heritage Conservation Area Society (FRACAS) sent a letter dated February 25, 2001 via e-mail that has not yet been read by all members of Council.

Staff:

- Outlined and responded to the comments in the letter from FRACAS.

Council:

- The accident rate is high at the Pandosy/Park/Elliot intersection.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R146/01/02/26 THAT the tender for the Pandosy Street Reconstruction be awarded to the low bidder, Peter's Bros. Construction Ltd., in the amount of Two Million, Nine Hundred Seven Thousand, Three Hundred Ninety-Six Dollars and Fifty cents (\$2, 907,396.50) including GST;

AND THAT this include reconstruction of the Park/Elliot intersection as indicated by the Roadways Engineer in his presentation to Council at the Regular Meeting of February 26, 2001.

Carried

Councillor Shepherd opposed.

6.4 Civic Properties Manager, dated February 21, 2001 re: Chapman Parkade Reconstruction Design Team Assignment (0760-20)

Staff:

- Two firms were short-listed for interviews and a selection was made before the fees were considered. It turned out the proponent selected had the lower fee.
- There is no advantage or disadvantage to being local other than as a tiebreaker.

Moved by Councillor Day/Seconded by Councillor Given

R147/01/02/26 THAT City Council approve the award of a contract to the Cochrane Group Inc./PBK Architects for the complete design and contract administration for the reconstruction of the Chapman Parkade for the total fee of \$377,820 plus GST and Disbursements estimated at \$22,750 plus GST.

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7. RESOLUTIONS

7.1 Draft Resolution to OMMA/UBCM re: Development Permits for Institutional and Educational Land Uses (0230-20)

Staff:

- Council has asked that a process be initiated to allow municipalities to require development permits for institutional and educational land uses. To date, these categories of land uses have been excluded from the *Local Government Act* provisions for development permits.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R148/01/02/26 THAT the following resolution be advanced for debate at the 2001 OMMA and UBCM Conventions:

WHEREAS both the Provincial Government and Local Governments recognize the importance of protecting the natural environment;

AND WHEREAS Provincial legislation permits Local Governments to establish rules to protect the natural environment from impacts of development;

AND WHEREAS Institutional and Educational land uses are currently excluded from the provisions of the *Local Government Act* related to development permits and development approval;

AND WHEREAS developments of the magnitude and complexity of an institutional or educational use have the potential to negatively impact the natural environment;

THEREFORE BE IT RESOLVED that the Ministry of Municipal Affairs be requested to enact legislation that would permit Local Governments to designate institutional and educational land use areas as mandatory development permit areas and to permit Local Governments to address issues respecting the natural environment, as well as the general character of the institutional and educational developments including landscaping, siting, form, exterior design and finish of buildings and structures.

Carried

8. COUNCILLOR ITEMS

(a) Dilworth Mountain Estates

Councillor Blanleil noted that the Chilcotin subdivision is in its final design stage and asked that staff be directed to work with the developer to ensure that the potential for a commercial use within the park site is protected.

Moved by Councillor Blanleil/Seconded by Councillor Given

R149/01/02/26 THAT staff be directed to work with the developer of Dilworth Mountain Estates to ensure the layout for development of the last phase of the Chilcotin subdivision lands provides access to the City-owned park;

AND THAT staff report back to Council with a proposed subdivision layout that supports the potential for future commercial development on a portion of the park site.

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Councillor Given left the meeting at 5:23 p.m.

(b) Secondary Suites in Planned Communities

Councillor Cannan enquired whether residents in developments that are governed by a Comprehensive Development zone can apply for secondary suites.

The Current Planning Manager advised that staff are wrestling with one such application now. The planned communities we have today under the comprehensive development zones were not planned to exclude secondary suites but nor were they planned to accommodate secondary suites. To allow secondary suites in those developments now, could cause infrastructure problems and/or compromise the ultimate development potential of the project.

The issues of whether CD zones compromise Council's ability to rezone and whether there are areas of the city that are not suited to the 's' zone are to be brought back for a broader discussion by Council at a future date.

(c) Utilization of On-Site Parking

Councillor Clark expressed concern that some developments are leasing out their parking stalls or otherwise putting restrictions on use of their on-site parking, at times leaving their tenants with no place to park. He suggested that the City needs to be able to control how on-site parking is utilized and asked for a report from staff on the matter.

9. TERMINATION

The meeting was declared terminated at 5:45 p.m.

Certified Correct:

Mayor

BLH/bn

City Clerk