

Regular Meeting – P.M.

April 30, 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, April 30, 2001.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanche, 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 Finance & Corporate Services, C.P. Kraft\*; Director of Planning & Development Services, R.L. Mattiussi\*; Current Planning Manager, A.V. Bruce\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Community Planning Manager, T. Eichler\*; Long Range Planning Manager, S.K. Bagh\*; Planner-Long Range, G. Stephen\*; Director of Works & Utilities, J. Vos\*; Transportation Manager, R.W. Westlake\*; 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 Clark was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Legacy Fund Opportunity (introduction by Director of Finance & Corporate Services) (5500-03)

Staff:

- Outlined the history of the B.C. Gas Franchise Agreement with the City dating back to 1957 when natural gas was first brought to the City of Kelowna.
- Explained the Capital Lease and Operating Lease Agreements.
- Explained the Legacy Fund opportunity.
- Outlined the public communication and approval process.

David Craig, Consolidated Management, Garth Thurber, Deloitte & Touche LLP, and Ron Argue, Owen-Bird:

- Expanded on points raised throughout the staff presentation.
- Outlined potential risks and key provisions to mitigate risk.

Moved by Councillor Hobson/Seconded by Councillor Day

R325/01/04/30 THAT Council approve, in principle, the negotiated Agreements between the City of Kelowna and B.C. Gas Utility Ltd. (BC Gas) in accordance with terms generally outlined in the report dated April 27, 2001 from the Director of Finance & Corporate Services and detailed in the Transaction Agreements;

AND THAT Council approve the recommended Public Communication Process prior to the introduction of the necessary Loan Authorization and Security Issuing Bylaws and prior to commencement of the required Counter Petition Opportunity;

AND THAT Council authorize introduction of the Agreement to Lease for execution on June 4, 2001 along with an update of results of stakeholders' meetings and general public communication;

Regular Meeting – P.M.

April 30, 2001

AND THAT Council authorize the introduction of the necessary Loan Authorization Bylaw, Security Issuing Bylaws and Counter Petition Opportunity on June 11, 2001, subject to finalization of process requirements of the B.C. Utilities Commission.

Carried

4. PLANNING

- 4.1 Planning & Development Services Department, dated April 24, 2001 re: Agricultural Land Reserve Appeal No. A01-103 – Mario & Misao Koga and Suemori, David & Heather Koga (Friends of Mission Creek) – 2075 & 2149 Belgo Road (6635-20)

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R326/01/04/30** THAT Agricultural Land Reserve Appeal No. A01-103, Lot 1, Block 17, Sec. 14, Twp. 26, ODYD, Plan 31521 and Lot 9, Block 17, Sec. 14, Twp. 26, ODYD, Plan 1380, located on Belgo Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 20(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

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

Carried

- 4.2 Planning & Development Services Department, dated April 25, 2001 re: Rezoning Application No. Z01-1020 – Serbian Orthodox Parish – Holy Prophet St. Ilija – 585 Gerstmar Road (3360-20)

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R327/01/04/30** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Section 22, Township 26, ODYD, Plan 4877, located on Gerstmar Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the P2 – Education and Minor Institutional 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 subsequent to the registration of a road dedication;

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.

April 30, 2001

- 4.3 Planning & Development Services Department, dated April 25, 2001 re: Draft Official Community Plan – Status Report/Process Update (6480-30)

Staff:

- The target date for the Public Hearing is October 16<sup>th</sup>.

Moved by Councillor Given/Seconded by Councillor Nelson

**R328/01/04/30** THAT the Official Community Plan Kelowna 2020 tentative Public Hearing dates in June 2001 be postponed until October 2001 to allow completion of the consultation process, prior to preparation of the final Bylaw document, and preparation of the related financial plan.

Carried

- 4.4 Planning & Development Services Department, dated April 18, 2001 re: 2001/2002 Contribution to the National Housing Resources Policy Options Team (5040-20)

Moved by Councillor Hobson/Seconded by Councillor Day

**R329/01/04/30** THAT Council authorize a \$0.015 per capita contribution to the National Housing Policy Options Team, towards its membership on the Team and the 2001/2002 budget;

AND THAT the funds be appropriated from Account No. 4105-10-170-0-001.

Carried

## 5. BYLAWS

### **(BYLAW PRESENTED FOR ADOPTION)**

- 5.1 Bylaw No. 8630 (Z00-1057) – Daniel Gagnon – 3544 Kimatouche Road

Moved by Councillor Given/Seconded by Councillor Nelson

**R330/01/04/30** THAT Bylaw No. 8630 be adopted.

Carried

## 6. REPORTS

- 6.1 Deputy Director of Finance, dated April 25, 2001 re: Amendment No. 2 to Bylaw 8538 – Five-Year Financial Plan, 2000-2004 (B/L 8679; 1700-20)

Moved by Councillor Hobson/Seconded by Councillor Given

**R331/01/04/30** THAT Council approve amendment #2 to the Five Year Financial Plan, 2000-2004 Bylaw 8538 as required by the Local Government Act, to reflect changes in the Operating Budget and Capital Expenditure Program for 2000;

AND THAT the amending bylaw be advanced for reading consideration by Council.

Carried

Regular Meeting – P.M.April 30, 2001

- 6.2 Deputy Director of Finance, dated April 25, 2001 re: 2001 Tax Distribution Policy (1970-01)

Moved by Councillor Nelson/Seconded by Councillor Day

**R332/01/04/30** THAT Council approve a Municipal Tax Distribution Policy for the year 2001 which will result in a modification of the 2000 Tax Class Ratios to reflect the uneven market value changes which have been experienced between property classes, as follows:

<u>Property ClassDescription</u>	<u>2001 Tax Class Ratios</u>	<u>2000 Tax Class Ratios</u>
01/08 Residential/Recreation/Non-Profit	1:0000:1	1.0000:1
02 Utilities	3.5815:1	3.3803:1
04 Major Industrial	2.6265:1	2.6020:1
05/06 Light Industrial/Business/Other	1.9400:1	1.9091:1
09 Farm Land	.0780:1	.0780:1
91 Farm Improvements	.5091:1	.4866:1;

AND THAT Council approve development of 2001 tax rates to reflect the 2001 assessment changes in property market values, including a further modification to the Utility Class to address market changes within that class.

Carried

- 6.3 Development Engineering Manager, dated April 23, 2001 re: Proposed Amendment to Bylaw No. 5373-84 - Specified Sewer Area No. 8 (B/L 8673; S97-059)

Moved by Councillor Nelson/Seconded by Councillor Given

**R333/01/04/30** THAT the service boundary area of Sewer Specified Area No. 8, Bylaw No. 5373 be amended to include additional parcels as outlined in the report of the Development Engineering Manager dated April 23, 2001

AND THAT the amending bylaw be forwarded for reading consideration by Council.

Carried

Mayor Gray altered the order of business and advised that the items under agenda No. 7 and 8 would be dealt with next. (Items No. 6.4 and 6.5 were dealt with after item No. 8.5)

## 7. RESOLUTIONS

- 7.1 Draft Resolution re: Provincial All-Candidates Forum – May 7, 2001 (1850-20)

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R334/01/04/30** THAT Council approve a rental waiver in the amount of \$535 (GST included) for use of the Kelowna Community Theatre by the Kelowna Chamber Commerce to hold a provincial all-candidates forum on May 7, 2001;

AND THAT the funds be appropriated from Council Contingency.

Carried

Regular Meeting – P.M.

April 30, 2001

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

- 8.1 Bylaw No. 8547 – Amendment No. 1 to City of Kelowna Unightly Premises and Visual Nuisance Bylaw No. 8217

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R335/01/04/30** THAT Bylaw No. 8547 be read a first, second and third time.

Carried

- 8.2 Bylaw No. 8673 – Amendment No. 6 to Sewer Specified Area No. 8 Bylaw No. 5373-84

Moved by Councillor Shepherd/Seconded by Councillor Given

**R336/01/04/30** THAT Bylaw No. 8673 be read a first, second and third time.

Carried

- 8.3 Bylaw No. 8674 – Amendment No. 10 to Local Improvement Charges Bylaw No. 6600-90

Deferred to after agenda item No. 6.4.

- 8.4 Bylaw No. 8675 – Amendment No. 14 to City of Kelowna Dog Regulation and Impounding Bylaw No. 5880-88

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R337/01/04/30** THAT Bylaw No. 8675 be read a first, second and third time.

Carried

- 8.5 Bylaw No. 8679 – Amendment No. 2 to Five Year Financial Plan Bylaw, 2000-2004, No. 8538

Moved by Councillor Day/Seconded by Councillor Blanleil

**R338/01/04/30** THAT Bylaw No. 8679 be read a first, second and third time.

Carried

The regular agenda order was resumed with agenda item No. 6.4 being dealt with next.

Regular Meeting – P.M.

April 30, 2001

- 6.4 Director of Works & Utilities, dated April 25, 2001 re: Local Improvements – Marshall Street (B/L 8674; 5230-20)

Staff:

- Clarified that there is \$30,000 in this year's budget for underground wiring, heritage lighting and other heritage type amenities. The funds for this work would be appropriated from that account.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R339/01/04/30** THAT Council approve the strategy for achieving the burial of electrical and telecommunication wires on Marshall Street as outlined in the Director of Works and Utilities' report dated April 25, 2001;

AND THAT Council authorize amendments to Local Improvement Charges Bylaw No. 6600-90 to allow for recovery of cost for wire burial;

AND FURTHER THAT the amending bylaw be advanced for reading consideration by Council.

Carried

- 6.5 Transportation Manager, dated April 23, 2001 re: Bellevue Creek Bridge at Fuller Road (5400-02)

Staff:

- Both the City's engineer and the developer's engineer have confirmed that the need for bridge is not triggered by the Capozzi property development.

Council:

- Agreed to a friendly amendment to the motion to indicate that staff will report back to Council by October 1, 2001 and that all options are to be considered and decided on together and not independently.

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R340/01/04/30** THAT the project to construct the Fuller Road bridge over Bellevue Creek be removed from the 2001 budget;

AND THAT funds contributed to this project by the developer of lands on the north side of the creek be placed in reserve for the future construction of this bridge;

AND THAT further consultation take place with the neighbourhoods north and south of Bellevue Creek to discuss all options to address present and future traffic concerns of the area, including the undeveloped Aspey Road right-of-way, the future land use of the City-owned lot at 499 Cascia Drive, and the design of the proposed Fuller Road Bridge;

AND FURTHER THAT staff report back with a recommendation for Council by October 1, 2001.

Carried

Regular Meeting – P.M.

April 30, 2001

(No. 8.3 was deferred from its regular agenda order so that the report under item No. 6.4 could be dealt with first since it outlined the changes proposed by bylaw No. 8674.)

- 8.3 Bylaw No. 8674 – Amendment No. 10 to Local Improvement Charges  
Bylaw No. 6600-90

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R341/01/04/30** THAT Bylaw No. 8674 be read a first, second and third time.

Carried

9. COUNCILLOR ITEMS

- (a) Community Use of Space in Okanagan Mission Firehall

Councillor Shepherd enquired whether there will be space in the Okanagan Mission Firehall for use by the Okanagan Mission Hall Association once the community policing station has been relocated. The City Manager advised that the Fire Department has additional needs for space but there may still be some space available and that is being discussed with the association. Councillor Shepherd commented that she would like to know how the Fire Department will use the extra space so that the community can be advised.

- (b) Centre Median – Harvey Avenue between Burtch Road and Dilworth Drive

Councillor Shepherd asked that staff see what can be done to beautify the section of centre median on Harvey Avenue between Burtch Road and Dilworth Drive.

- (c) Bylaws – May 8, 2001 Public Hearing

Councillor Clark advised that it is likely he will not be at the May 8, 2001 Council Meetings and asked that Council defer bylaw readings for the Paret Road application for 2 weeks when he could be in attendance to vote. Councillor Blanleil added that he would also like input into that application and that he too would not be at the May 8<sup>th</sup> Council meetings.

Council debated whether it would then be prudent to defer readings of all the bylaws from the May 8<sup>th</sup> Public Hearing.

Moved by Councillor Clark/Seconded by Councillor Nelson

**R342/01/04/30** THAT second and third reading consideration of all of the bylaws from the May 8, 2001 Public Hearing be deferred to the Regular Meeting of May 22, 2001.

DEFEATED

Mayor Gray and Councillors Cannan, Given, Hobson and Shepherd opposed.

Moved by Councillor Clark/Seconded by Councillor Nelson

**R343/01/04/30** THAT second and third reading consideration of Bylaw No. 8663 (Z01-1001 – Debo Holdings Ltd. – 871 Paret Road) be deferred to the Regular Meeting of May 22, 2001.

Carried

Mayor Gray and Councillors Day and Shepherd opposed.

(d) Motor Carrier Commission Hearing – Taxi Licenses

Councillor Clark reported that he attended a portion of a hearing the Motor Carrier Commission held in Kelowna last week regarding the proposed new legislation for licensing of taxis. He indicated frustration that decisions such as this are being made by the Province without consultation with local government and suggested that this may be an issue to take to OMMA and the UBCM next year with a request that the role of the motor carrier commission in determining taxi licenses be abolished.

The consensus of Council was for the Mayor to send a letter to the Motor Carrier Commission requesting an outline of the issues that were discussed and any conclusions that may have been reached as a result of the hearing. The letter is to also relay Council's desire to determine the appropriate role for local government in this type of decision making.

(e) Intersection – Highway 33/Ziprick Road

Councillor Cannan asked that staff contact the Ministry of Transportation & Highways to see if anything can be done to improve safety at the Highway 33/Ziprick intersection, particularly for motorists attempting to turn left onto Highway 33 from Ziprick Road.

(f) Signage re Use of Jake Brakes in the City

Councillor Cannan suggested that signage be installed at the entrance to the City of Kelowna to remind truckers not to use jake brakes while in the city.

(g) Photo Radar Equipment

Councillor Cannan noted the Liberals have taken a stand to abolish photo radar if they form the next government. Councillor Cannan suggested that the Central Okanagan Road Safety Committee be asked to explore the opportunity for use of photo radar for road safety in Kelowna in the event that the photo radar equipment comes available after the provincial election.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R344/01/04/30 THAT the Central Okanagan Road Safety Committee ***not*** be asked to explore the opportunity for local use of photo radar equipment until after the May 16, 2001 Provincial election, and then only if a Liberal government is formed in which case the committee also be asked to report back to Council with their findings.

Carried

(h) Hillside Development Guidelines

Councillor Hobson noted that the Hillside Development guidelines were sent to the Regional District of Central Okanagan for comment by the Regional Environment Advisory Committee. Their suggestions for improvements to the guidelines were forwarded to City staff quite a while ago but have not yet come back to Council. Councillor Hobson advised that he would like to know what that report said and what the response was from City Engineering staff.



Regular Meeting – P.M.

April 30, 2001

10. TERMINATION

The meeting was declared terminated at 4:18 p.m.

Certified Correct:

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Mayor

BLH/am

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Deputy City Clerk