

Regular Meeting – P.M.

May 14, 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, May 14, 2001.

Council members in attendance were: Mayor Walter Gray, Councillors R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Council members absent: Councillor A.F. Blanleil.

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*; Long Range Planning Manager, S.K. Bagh*; Urban Design Planner, P. McCormick*; Director of Finance & Corporate Services, C.P. Kraft*; Deputy Director of Finance, P.A. Macklem*; General Accounting Manager, R. Mayne*; Cultural Services Manager, I. Forsyth*; Acting-Recreation Manager, J. Gabriel*; Transportation Manager, R.W. Westlake*; Wastewater Manager, W.J. Berry*; 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 Day was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.0 B.C. Paraplegic Association

– Presentation of B.C. Travel Card to Mayor Gray.

3.1 Presentation by Diana Grossen, OUC Board Member, and Dr. Peter Ricketts, Vice President (Academic) re: Update on Recent Advancements and Developments at Okanagan University College

Dr. Peter Ricketts and Diana Grossen:

- Presented an outline of their plans and challenges and where OUC is heading.

A representative of the U2000 Committee commented that the Joint Committee of OUC and U2000 representatives have reached a consensus on 9 of 10 principles that they have identified for the future direction of post secondary education in the Okanagan.

3.2 Presentation by Peter Kerr and Bill Boyd, Kelowna Chapter of the Council of Canadians re: General Agreement on Trade in Services

Peter Kerr and Bill Boyd:

- Outlined concerns with renegotiation of the general agreement on trade in services and the effects of the GATS at the local government level.
- Requested a declaration by Council that they would like to be consulted and have input into the GATS.

Regular Meeting – P.M.

May 14, 2001

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R383/01/05/14 WHEREAS the 1999 World Trade Organization (WTO) "Millennium Round" meetings in Seattle brought public attention to the importance of trade issues to the quality of life people experience in their local community, and while the meetings did not reach agreement on an agenda for the next round of WTO trade talks, discussions on the General Agreement on Trade in Services (GATS) will still take place over the next three years as part of the "built-in agenda" agreed to at the founding of the WTO in 1995;

AND WHEREAS the proposed changes to GATS are of concern to local governments as they could affect existing jurisdiction and authorities and also could result in significant administrative burdens and costs;

AND WHEREAS the current GATS is a "bottom-up" (no sector of the economy is covered in the agreement unless the party to be covered puts it there) agreement but proposed changes to the agreement's structure [to a possible "top-down" (everything is covered in the agreement unless the party to be covered negotiates an exemption) or "horizontal" (commitments applied to one sector can be transferred to another sector) structure] would expand the agreement's application;

AND WHEREAS the Federal Government has neither alerted nor consulted local governments in any meaningful way regarding these issues, and as a result citizens and taxpayers of Canadian municipalities have had little access to information and informed debate on proposed changes to GATS;

THEREFORE BE IT RESOLVED THAT Kelowna City Council urge the Government of Canada to consult widely and in depth with the people of Canada, especially and including municipal councils, before taking any further action on the GATS;

AND THAT Kelowna City Council, while recognizing trade can have beneficial impacts on our region, urge the Prime Minister to have Canada file a permanent and explicit exemption in the GATS limiting application to areas of Federal jurisdiction to ensure sub-national jurisdictions maintain local flexibility and control over the delivery of public services;

AND THAT the government of the province convene public hearings on the impact of the WTO/GATS on municipalities, including an invitation to the Federal WTO/GATS negotiator to provide background information and answer pertinent questions;

AND THAT the Federation of Canadian Municipalities (FCM) be urged to dedicate staff to monitoring WTO discussions and alert Canadian municipalities of any encroachment on their jurisdictions;

AND BE IT FURTHER RESOLVED THAT a copy of this motion be circulated to Members of Parliament representing areas within the Central Okanagan Regional District with the request that they endorse the City's action; be made available to the public; be forwarded to the Federation of Canadian Municipalities for endorsement at its May 2001 convention; and forwarded to the Union of British Columbia Municipalities for information.

Carried

Regular Meeting – P.M.

May 14, 2001

4. UNFINISHED BUSINESS

- 4.1 Director of Planning & Development Services, dated May 8, 2001 re: Program for Seasonal Extension for Sidewalk Cafes (6530-12)

Staff:

- The Terms of Reference have been revised to incorporate provisions for right of first refusal for subsequent years, sharing of a sidewalk facility, and allowing more than 1 facility in a block.

Council:

- Ensure the terms of reference and any advertisements for the program are clear that while the DKA will be asked for comment, decisions on applications will be made by the City of Kelowna.

Moved by Councillor Cannan/Seconded by Councillor Clark

R384/01/05/14 THAT Council endorse Terms of Reference for a Program for Seasonal Extension for Sidewalk Cafes, to allow use of portions of the road right-of-way for the purpose of outdoor seating within the downtown, as set out in Attachment 1 of the Planning and Development Services Department report of May 8, 2001,

AND THAT the Program continue to be reviewed annually by staff in conjunction with the Downtown Kelowna Association, with the intention of refining and enhancing the Program to meet the needs of downtown restaurateurs and the community-at-large.

Carried

5. PLANNING

- 5.1 Planning & Development Services Department, dated May 3, 2001 re: Rezoning Application No. Z01-1025 – Steve & Jolan Panta (Steve Panta) – 380 Viewcrest Court (3360-20)

Councillor Shepherd stated for the record that she resides on Viewcrest Court but that City staff have checked and her property is outside the notification radius and therefore she would not be considered to be in a conflict of interest on this application.

Moved by Councillor Hobson/Seconded by Councillor Nelson

R385/01/05/14 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 30, Section 23, Township 28, SDYD, Plan KAP53665, located on Viewcrest Court, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone;

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

Carried

Regular Meeting – P.M.

May 14, 2001

- 5.2 Planning & Development Services Department, dated May 9, 2001 re: Rezoning Application No. Z01-1015 – Ray Gagnon/JAG Ventures Ltd. – 809 Finns Road (3360-20)

Staff:

- The proposed 2-storey development would be similar to the business industrial building that exists on the adjacent strata development to the south.

Moved by Councillor Given/Seconded by Councillor Shepherd

R386/01/05/14 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 34, Twp. 26, O.D.Y.D, Plan 16944, located on Finns Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the I1 – Business Industrial 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 Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a reciprocal access and parking easement as a priority charge at the Land Titles Office in Kamloops;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department 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.

Carried

- 5.3 Planning & Development Services Department, dated May 8, 2001 re: Liquor License Application No. LL01-002 – Joe lafrancesco (Jamie Bennett/Zodiac Pub) – 155 Rutland Road South

Moved by Councillor Hobson/Seconded by Councillor Day

R387/01/05/14 THAT Council support the following amendments to the current operating restrictions as requested by 500060 B.C. Ltd./Zodiac Pub:

- To increase the current person capacity by 50% from 100 persons to 150 persons;

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria.

Carried

Regular Meeting – P.M.

May 14, 2001

- 5.4 Planning & Development Services Department, dated May 9, 2001 re: Liquor License Application No. LL01-004 – David James Jackson (Royal Okanagan Lake Tours Inc.) – Manteo Beach Resort

Council:

- Support is given assuming that beverage service would occur after the boat leaves the dock.

Moved by Councillor Given/Seconded by Councillor Cannan

R388/01/05/14 THAT Council support the application for Liquor Licensing by Royal Okanagan Lake Tours;

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria.

Carried

6. REPORTS

- 6.1 Mayor Gray, Chairman, Audit Committee, dated May 7, 2001 re: Financial Statements for the Year Ending December 31, 2000 (1830-20; 0540-20)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R389/01/05/14 THAT the Statement of Financial Position, Statement of Financial Activities and Auditor's Report, for the City of Kelowna, for the year ending December 31, 2000 be received;

AND THAT Council approve the appropriation of \$2,575,000 of surplus generated from all general fund operations in 2000 to general reserves as detailed in the report dated May 7, 2001 from the Audit Committee Chairman;

AND THAT the Statement of Financial Position, Statement of Financial Activities and Auditor's Report be reprinted in booklet form;

AND FURTHER THAT the Council Remuneration and Expenses, Employee Remuneration and Payment for Provision of Goods and Services report be received.

Carried

- 6.2 Cultural Services Manager, dated May 8, 2001 re: Festival Fund Grants (1853-20)

Moved by Councillor Hobson/Seconded by Councillor Clark

R390/01/05/14 THAT Council approve a Festival Fund Grant of \$3,000 with funding allocated from the existing 2001 budget to Shakespeare Kelowna for The Okanagan Zone Theatre Festival.

Carried

Regular Meeting – P.M.

May 14, 2001

- 6.3 Transportation Manager, dated May 8, 2001 re: 2001 Local Improvement Program (5320-01-648; B/L 8688)

Moved by Councillor Given/Seconded by Councillor Cannan

R391/01/05/14 THAT preparation of the construction bylaw for the 2001 Local Improvement project (No. 648) listed in the Transportation Manager's report dated May 8, 2001 be approved;

AND THAT Council receive the 635 Report for the 2001 project.

Carried

- 6.4 Acting Recreation Manager, dated May 9, 2001 re: Joint Development and Joint Use Agreements (0490-20)

Council:

- Enquired whether the Okanagan Mission Tennis Club was consulted before deciding to proceed with revitalization of the Okanagan Mission Secondary School tennis courts, and what the School District is contributing toward the project.
- Agreed to defer further consideration of this item to later in the agenda to give staff time to get the answers to these questions.

- 6.5 City Clerk, dated May 12, 2001 re: Bylaw No. 8652 – Amendment No. 5 to Sewer Specified Area No. 17 Bylaw No. 6775 (Mission Flats)

Moved by Councillor Hobson/Seconded by Councillor Given

R392/01/05/14 THAT Council receive the Certificate of Sufficiency dated May 12, 2001 pertaining to Bylaw No. 8652 - Amendment No. 5 to Sewer Specified Area No. 17 Bylaw No. 6775 (Mission Flats);

AND THAT Bylaw No. 8652 be advanced for adoption consideration.

Carried

- 6.6 City Clerk, dated May 11, 2001 re: Sanitary Sewer Specified Area No. 21A (MacKenzie Road) Bylaw No. 8658

Moved by Councillor Hobson/Seconded by Councillor Day

R393/01/05/14 THAT Council receive the Certificate of Sufficiency dated May 8th, 2001 pertaining to the Sanitary Sewer Specified Area No. 21A Bylaw No. 8658 (MacKenzie Road);

AND THAT Bylaw No. 8658 be advanced for adoption consideration.

Carried

Regular Meeting – P.M.

May 14, 2001

- 6.7 City Clerk, dated May 11, 2001 re: Sanitary Sewer Specified Area No. 22A (Gerstmar Road) Bylaw No. 8657

Moved by Councillor Hobson/Seconded by Councillor Day

R394/01/05/14 THAT Council receive the Certificate of Sufficiency dated May 8th, 2001 pertaining to the Sanitary Sewer Specified Area No. 22A Bylaw No. 8657 (Gerstmar Road);

AND THAT Bylaw No. 8657 be advanced for adoption consideration.

Carried

7. RESOLUTIONS

- 7.1 Draft Resolution re: Appointment – Art Gallery (7780-01)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R395/01/05/14 THAT Councillor Shepherd be appointed as Council's liaison to the Kelowna Art Gallery Board.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.1 Bylaw No. 8686 – Chapman Parkade Loan Authorization

Moved by Councillor Day/Seconded by Councillor Given

R396/01/05/14 THAT Bylaw No. 8686 be read a first, second and third time.

Carried

- 8.2 Bylaw No. 8687 – Short Term Capital Borrowing – Community Arts Centre

Moved by Councillor Given/Seconded by Councillor Nelson

R397/01/05/14 THAT Bylaw No. 8687 be read a first, second and third time.

Carried

- 8.3 Bylaw No. 8688 – Marshall Street Local Improvement Construction Bylaw (File No. 648)

Moved by Councillor Nelson/Seconded by Councillor Given

R398/01/05/14 THAT Bylaw No. 8688 be read a first, second and third time.

Carried

Regular Meeting – P.M.

May 14, 2001

(BYLAWS PRESENTED FOR ADOPTION)

- 8.4 Bylaw No. 8652 – Amendment No. 5 to Specified Sewer Area No. 17
Bylaw No. 6675 (Mission Flats)

Moved by Councillor Clark/Seconded by Councillor Shepherd

R399/01/05/14 THAT Bylaw No. 8652 be adopted.

Carried

- 8.5 Bylaw No. 8657 – Sanitary Sewer Specified Area No. 22A – Gerstmar
Road

Moved by Councillor Shepherd/Seconded by Councillor Clark

R400/01/05/14 THAT Bylaw No. 8657 be adopted.

Carried

- 8.6 Bylaw No. 8658 – Sanitary Sewer Specified Area No. 21A – McKenzie
Bench

Moved by Councillor Shepherd/Seconded by Councillor Clark

R401/01/05/14 THAT Bylaw No. 8658 be adopted.

Carried

- 8.7 Bylaw No. 8669 – Parking Reserve Fund Expenditure Bylaw, 2001
requires **2/3 majority vote of Council (6)**

Moved by Councillor Day/Seconded by Councillor Cannan

R402/01/05/14 THAT Bylaw No. 8669 be adopted.

Carried

- 8.8 Bylaw No. 8670 – Development Cost Charge Reserve Fund Expenditure
Bylaw, 2001 requires **2/3 majority vote of Council (6)**

Moved by Councillor Cannan/Seconded by Councillor Day

R403/01/05/14 THAT Bylaw No. 8670 be adopted.

Carried

- 8.9 Bylaw No. 8671 – Capital Works, Machinery & Equipment Reserve Fund
Expenditure Bylaw, 2001 requires **2/3 majority vote of Council (6)**

Moved by Councillor Day/Seconded by Councillor Cannan

R404/01/05/14 THAT Bylaw No. 8671 be adopted.

Carried

Regular Meeting – P.M.

May 14, 2001

- 8.10 Bylaw No. 8672 – Sale of City-Owned Land Reserve Fund Expenditure Bylaw, 2001 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Cannan/Seconded by Councillor Hobson

R405/01/05/14 THAT Bylaw No. 8672 be adopted.

Carried

- 8.11 Bylaw No. 8681 – Tax Structure Bylaw, 2001

Moved by Councillor Day/Seconded by Councillor Hobson

R406/01/05/14 THAT Bylaw No. 8681 be adopted.

Carried

- 8.12 Bylaw No. 8682 – Annual Tax Rates, 2001

Moved by Councillor Hobson/Seconded by Councillor Day

R407/01/05/14 THAT Bylaw No. 8682 be adopted.

Carried

- 8.13 Bylaw No. 8683 – Amendment No. 2 to Five Year Financial Plan, 2001 to 2005, Bylaw No. 8628

Moved by Councillor Day/Seconded by Councillor Hobson

R408/01/05/14 THAT Bylaw No. 8683 be adopted.

Carried

9. COUNCILLOR ITEMS

- (a) RCMP Presence – Cedar Creek Park and Hedeman Road Area

Councillor Shepherd advised that a number of south Mission residents have indicated to her that they feel uncomfortable walking in the area of Cedar Creek Park and suggested that increased police presence in the area could help. The City Manager agreed to raise the matter with the RCMP but noted that residents should send letters to the Parks Manager outlining any concerns within City parks.

Councillor Hobson noted that campfires being left unattended continue to be of concern for residents in the Hedeman Road area and requested that the RCMP also be asked to increase the frequency of their checks in that area on weekends.

Mayor Gray noted that staff were back with the answers to Council's questions on agenda item No. 6.4 and advised that item would be dealt with next.

Regular Meeting – P.M.

May 14, 2001

- 6.4 Acting Recreation Manager, dated May 9, 2001 re: Joint Development and Joint Use Agreements (0490-20)

Staff:

- The Okanagan Mission Tennis Club was consulted and chose not to participate. They felt that revitalization of the school tennis courts would complement the courts the Club has.
- The School District is contributing \$13,000 toward the tennis court revitalization project.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R409/01/05/14 THAT Council approve the Joint Development and Joint Use Agreement between the City of Kelowna and the Board of School Trustees of School District No. 23 (Central Okanagan) for the Okanagan Mission Secondary School Tennis Courts for a five year period commencing May 1, 2001;

AND THAT Council approve the Joint Development and Joint Use Agreement between the City of Kelowna and the Board of School Trustees of School District No. 23 (Central Okanagan) for the Bankhead Elementary School for a five year period commencing May 1, 2001;

AND FURTHER THAT, subject to confirmation from School District No. 23 that the Minister of Education has approved the proposed Joint Development and Joint Use Agreements, the Mayor and City Clerk be authorized to execute the agreement on behalf of the City of Kelowna.

Carried

9. COUNCILLOR ITEMS – Cont'd

(b) Playfields on School Sites

Councillor Clark questioned what is being done to ensure that playfields on school sites are retained for public park when schools are shut down. Staff to report back with a recommendation for debate by Council.

(c) Woodlinks

Councillor Nelson noted that Woodlinks promotes providing education and training to ensure an ongoing woodworks program in the province. Woodlinks future is uncertain as they have not yet received a commitment for renewed funding from the Province.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R410/01/05/14 THAT the Mayor send a letter to the Ministry of Forests once the Cabinet of the next Provincial Government has been announced, expressing Kelowna City Council's support for continuation of the Woodlinks program.

Carried

(d) Provincial Correctional Facility

Councillor Cannan requested an update from staff on the status of the proposed correctional facility at the northerly boundary of the City.

Regular Meeting – P.M.

May 14, 2001

(e) Veendam, Holland

Mayor Gray read a letter from the Mayor of Veendam advising that he will be in Kelowna for Remembrance Day and will bring ideas for new possibilities for cooperation and exchanges between our cities. Mayor Gray opened a gift of a glass decanter made in Veendam that was sent to Council via the Kelowna veterans who recently returned from a visit to Veendam. Council briefly discussed a potential gift for the Mayor of Veendam.

10. TERMINATION

The meeting was declared terminated at 3:52 p.m.

Certified Correct:

Mayor

BLH/am

Deputy City Clerk