

Regular Meeting – P.M.

June 25, 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, June 25, 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\*; Special Projects Planning Manager, H.M. Christy\*; Environmental Manager, M. Watt\*; Watershed Coordinator, M. Kam\*; Parks Manager, J. Creron\*; Drainage/Solid Waste Manager, A. Newcombe\*; 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 Nelson was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Downtown Kelowna Association re: Biz Patrol

John Hertay, President of the Downtown Kelowna Association:

- Thanked Council for their continued support of the Biz Patrol program.
- Introduced the four Biz Patrol members.
- The Biz Patrol sang a song.

4. PLANNING

4.1 Planning & Development Services Department, dated June 20, 2001 re: Rezoning Application No. Z00-1033 – Brad Bennett/Eldorado Ranch Ltd. – End of Jim Bailey Road (3360-20)

Staff:

- The rezoning would facilitate the relocation of an existing extraction operation.

Moved by Councillor Day/Seconded by Councillor Given

**R522/01/06/25** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of the East ½ of Sec. 2, Twp. 20, ODYD except Plans 19099, 19644 and A15293, located east of Jim Bailey Road, Kelowna, B.C., from the A1 – Agriculture 1 to the I5 – Extraction zone;

AND THAT Council waive the requirement for the amending bylaw to be forwarded to a public hearing pursuant to Section 890(4) of the *Local Government Act*,

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a right-of-way for the length of Beaver Lake Road by way of subdivision;

Regular Meeting – P.M.

June 25, 2001

AND THAT the applicant register a Section 219 Restrictive Covenant listing all environmental mitigation measures that the applicant will have to adhere to;

AND FURTHER THAT final adoption of the zoning amending bylaw be considered subsequent to the applicant having applied for a Natural Environment/Hazardous Condition Development Permit.

Carried

4.2 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 8662 (Z01-1010) – Cambridge Shopping Centres Ltd. (Simon Schenn/Plum Realty Inc.) – 2430 Highway 97 North

Mayor Gray declared a conflict because he has family living within very close proximity to the notification area and left the Council Chamber at 1:49 p.m. Deputy Mayor Day assumed the Chair.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R523/01/06/25** THAT Bylaw No. 8662 be adopted.

Carried

Councillor Cannan and Shepherd opposed.

(b) Planning & Development Services Department, dated June 20, 2001 re: Development Permit Application No. DP01-10,007 – Cambridge Shopping Centres Ltd. (Simon Schenn/Plum Realty Inc.) – 2430 Highway 97 North (3060-20)

- The Permit deals with the perimeter landscaping, points of access, signage, and the environmental work adjacent to Mill Creek for the proposed automall.
- Reciprocal access between the dealerships is not a requirement but there would be ability for pedestrian movement between lots and there would be pedestrian access points to the linear trail along the creek at both ends of the proposed development.

Moved by Councillor Nelson/Seconded by Councillor Hobson

**R524/01/06/25** THAT Municipal Council authorize the issuance of Development Permit No. DP01-10,007, Plum Realty Inc., Simon K. Schenn, on lands described as part of Lot B, D.L. 125, Sec. 28, Twp. 26, ODYD, Plan 19786 except plans M15094, 37794, KAP67598, KAP67599 and KAP67601, as shown on Map "A" attached to the Planning Department's report of June 20, 2001, located on Highway 97 North, Kelowna, B.C., subject to the following terms and conditions:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";

Regular Meeting – P.M.

June 25, 2001

4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

Councillors Cannan and Shepherd opposed.

Mayor Gray returned to the Council Chamber at 2:05 p.m. and resumed the Chair.

- 4.3 Planning & Development Services Department, dated June 18, 2001 re: Public Art Committee Recommendation for Artwalk Benches (7800-01)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R525/01/06/25** THAT City Council approve the recommendation of the Public Art Committee to award the commission for the design and installation of sculpture to enhance the five existing benches along the Artwalk linking the Library Parkade to the proposed Rotary Arts Centre, to Glen Andersen and Tom Thomas of Vancouver;

AND THAT the Mayor and Clerk be authorized to sign a contract with Andersen and Thomas for an amount not to exceed \$85,000 (funded from the Public Art Reserve) for the design and installation of the artwork.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAW PRESENTED FOR FIRST READING)**

- 5.1 Bylaw No. 8701 (Z00-1033) – Brad Bennett/Eldorado Ranch Ltd. – End of Jim Bailey Road

Moved by Councillor Hobson/Seconded by Councillor Day

**R526/01/06/25** THAT Bylaw No. 8701 be read a first time.

Carried

6. REPORTS

- 6.1 Environment Manager, dated June 13, 2001 re: Adopt a Stream Program (5280-10)

Moved by Councillor Cannan/Seconded by Councillor Hobson

**R527/01/06/25** THAT Council endorse the Adopt A Stream Program to encourage organizations, families, individuals, clubs and community groups to assist the City in keeping Kelowna's streams healthy by committing to look after a portion of creek for a minimum 2-year period.

Carried

Regular Meeting – P.M.

June 25, 2001

- 6.2 Drainage/Solid Waste Manager, dated June 20, 2001 re: Award of Construction Contract – Mission District Park Drainage Upgrade – Phase 2 (5225-40)

Moved by Councillor Nelson/Seconded by Councillor Day

**R528/01/06/25** THAT the tender for the Mission District Park Drainage Upgrade, Phase 2 be awarded to the low bidder, Intercoast Utilities, in the amount of Seven Hundred Seventy-four Thousand, Eight Hundred Ninety-four dollars (\$774,894) including GST and Contingency;

AND THAT the 2001-2005 Financial Plan be amended to provide \$200,000 from the Parks Purchase and Development Reserve to the Mission District Park account (3670 – P597);

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

Carried

- 6.3 Drainage/Solid Waste Manager, dated June 20, 2001 re: Award of Construction Contract – Glenmore Landfill North Area Liner (5360-03)

Moved by Councillor Given/Seconded by Councillor Hobson

**R529/01/06/25** THAT the tender for the construction of the Glenmore Landfill North Area Liner be awarded to the low bidder, Geddes Construction Ltd. in the amount of Eight Hundred Eighty Thousand, Eighty-two dollars & forty nine cents (\$880,082.49) including GST and Contingency;

AND THAT the 2001 Financial Plan be amended to provide \$75,000 from the Landfill Reserve for the Landfill Liner Construction Project (4500 – LF146);

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

Carried

- 6.4 City Clerk, dated June 18, 2001 re: Petitioned Work of Local Improvement – Marshall Street – Underground Wiring (6320-20-649)

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R530/01/06/25** THAT the petition received June 15, 2001 from Brenda Bachmann and others for the construction of underground conduits, wiring and works for street lighting on both sides of Marshall Street from Buckland Avenue to Rowcliffe Avenue, be received and referred to the Transportation Manager to be placed in its order of construction priority.

Carried

Regular Meeting – P.M.

June 25, 2001

6.5 City Clerk, dated June 20, 2001 re: Freedom of the Municipality

Moved by Councillor Day/Seconded by Councillor Clark

**R531/01/06/25** THAT Council Policy No. 56 be rescinded and replaced with a new Council Policy No. 299, as attached to the City Clerk's report of June 19, 2001, to outline criteria for conferring the Freedom of the City on individuals;

AND THAT the Freedom of the City be conferred on former Mayor Stuart and former Councillor Ben Lee at the Folkfest opening ceremony at 10:00 a.m. at Skyreach Place on Canada Day, July 1, 2001;

AND FURTHER THAT the benefits outlined in the new Council Policy No. 299 also be conferred upon the existing Freemen of the City.

Carried

6.6 City Clerk, dated June 14, 2001 re: Chapman Parkade Loan Authorization Bylaw No. 8686

Moved by Councillor Day/Seconded by Councillor Hobson

**R532/01/06/25** THAT 4:00 p.m., Monday, July 30, 2001 be set as the deadline for receipt of Counter Petitions by the City Clerk in relation to Bylaw No. 8686.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

7.1 Bylaw No. 8702 – Gymnastics Facility Construction Security Issuing Bylaw

Moved by Councillor Nelson/Seconded by Councillor Given

**R533/01/06/25** THAT Bylaw No. 8702 be read a first, second and third time.

Carried

**(BYLAWS PRESENTED FOR ADOPTION)**

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

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R534/01/06/25** THAT Bylaw No. 8687 be adopted.

Carried

Regular Meeting – P.M.

June 25, 2001

8. COUNCILLOR ITEMS

(a) Letters of Thanks

Councillor Shepherd suggested that a letter be sent on behalf of the Mayor and Council to thank the organizers of the 5<sup>th</sup> Annual Garden Show that was held on the weekend.

Councillor Hobson suggested that the Canadian Botanical Association also be sent a letter of thanks.

(b) Public Telephones – Ben Lee Park

Councillor Shepherd asked that staff investigate the potential for providing public telephones in Ben Lee Park.

(c) Equipment for Adopt a Road Program

Councillor Shepherd noted the City provides volunteer groups that participate in the Adopt a Road Program with vests and garbage bags but not rubber gloves or litter pick-up sticks. She suggested that these tools also be provided for the volunteers in future.

(d) Skate Park in Ben Lee Park

Councillor Clark expressed concern about liability to the City when children use the skate park without wearing protective gear. Referred to staff to investigate.

(e) Knox Mountain Park - Weeds

Councillor Hobson noted that the knap weed along the side of the Knox Mountain road is almost ready to seed and needs to be cut.

(f) East Kelowna Road

Councillor Hobson asked that a barricade be installed on East Kelowna Road, travelling west where the road comes to sharp corner then continues west.

(g) Abbott Street south of KLO where leads into Watt Rd.

Councillor Hobson noted that on Abbott Street there are two choices for going around the corner at Watt Road. People say it is hazardous with vehicles coming around both those corners and there have been accidents there. Councillor Hobson asked that staff investigate to see what can be done.

9. TERMINATION

The meeting was declared terminated at 3:16 p.m.

Certified Correct:

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Mayor

BLH/am

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Deputy City Clerk