

Regular Meeting – P.M.

August 13, 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, August 13, 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 Finance & Corporate Services, C.P. Kraft\*; Director of Planning & Development Services, R.L. Mattiussi\*; Current Planning Manager, A.V. Bruce\*; Deputy Director of Finance, P.A. Macklem\*; 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 Nelson was requested to check the minutes of the meeting.

3 UNFINISHED BUSINESS

3.1 Councillor Day, Chair Parking Advisory Committee, dated August 8, 2001 re: Downtown Parking Management Financial Plan – Financial Details (0540-20) Initially considered by Council at the Regular Meeting of July 30, 2001

Councillor Day:

- The increased parking revenue is critical to the downtown parking management plan and achieving a sustainable parking function in the downtown.

Staff:

- Last year Council adopted a resolution stating that a financial plan must be in place before proceeding with the Chapman Parkade redevelopment.
- The plan projects a further parkade.
- Outlined the options considered in order to achieve the necessary revenue to sustain the parking management plan in the downtown.
- Council could decide not to increase the parking meter rates and still proceed with the Chapman Parkade redevelopment; however, if it is determined that a further parkade is needed within the next 4-10 years, significant borrowing would be required because the parking reserve would have remained at the \$2.5 million level. This is a long term financial plan that would build up the reserve fund to reduce the amount that would have to be borrowed and follows the pay as you go philosophy.
- The parking meter rates have been the same since 1992 and the proposed increased rates are similar to the rates in other communities.

Council:

- Support proceeding with the Chapman Parkade redevelopment.
- Support the proposed parking fine increase but not the proposed increase in parking meter rates.
- Concern that Council is still not being provided with alternatives to the recommended option other than changes to the fines.
- Staff to initiate a workshop with Council to go over the options for filling the gap to achieve the required revenue to meet the future need for an additional parking facility.
- Recognized that changes to the financial plan would be needed before a further parkade could be constructed.

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Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R623/01/08/13** THAT City Council approve the Downtown Management Plan dated November 2000 as a guide to parking management in the Downtown;

AND THAT, ***with the exception of the proposed increase in the hourly rate for on-street parking in the Downtown metered areas***, City Council approve of the financial plan referred to in Appendix 'A' in the report of the Chair of the Parking Advisory Committee dated August 8, 2001 as the 'Recommended Option' to finance the initiatives in the Downtown Parking Management Plan effective January 1, 2002 and summarized as follows:

- Increase parking fine rates from \$10 to \$20 with a reduction of 75% if paid on the date received (\$5.00) and a reduction of 50% if paid following the date received but within seven days (\$10.00);
- Establish a minimum monthly parking rate set at 10% greater than an adult monthly transit pass; and
- Set the monthly parking rate at the Richter/Lawrence lot at \$43 per month (including GST) in accordance with the last bullet above;

AND THAT Council commit to review the financial plan and finalize the hourly meter rate for on-street parking within this calendar year;

AND FURTHER THAT City Council approve use of the City Park parking lot and other surface parking lots for temporary monthly parking during the redevelopment of the Chapman Parkade and that the rate for this parking be set at \$52.50 per month.

Carried

Councillor Cannan opposed.

3.2 Planning & Development Services Department, dated August 8, 2001 re: Proposed Amendment to Bylaw No. 7878 – Class "C" Liquor Licensing Procedures (B/L 8709, 8717) **Initially considered at the Regular Meeting of July 30, 2001**

Staff:

- At the Regular Meeting of July 30, 2001 Council instructed that the moratorium limiting the number of cabarets and limiting the seating capacity of cabarets within the downtown area be lifted; and that staff prepare a policy to provide a public process for Class 'C' Liquor License Applications similar to the process that is currently in place for Class 'D' Neighbourhood Pub Liquor License Applications.
- Council also directed staff to solicit input from the stakeholders regarding the proposed changes to cabaret licensing. Staff will report back with a summary of any responses received at final reading of the bylaw lifting the moratorium on downtown cabarets (No. 8709).
- Including cabarets in the existing policy for neighbourhood pubs would make cabarets subject to the same approval process as neighbourhood pubs.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R624/01/08/13** THAT Council Policy No. 255 (Liquor Licensing Procedures for Neighbourhood Pubs) be amended to include Class "C" Liquor Licenses (Cabarets) as attached to the report of the Planning and Development Services Department dated August 8, 2001.

Carried

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4. CORRESPONDENCE

- 4.1 Pasadena Investments Ltd. dated August 2, 2001 re: Request for Approval of Electronic Bingo Units on a Permanent Basis (0230-01)

Moved by Councillor Nelson/Seconded by Councillor Hobson

**R625/01/08/13** THAT Pasadena Investments Ltd. be provided with a letter advising that Kelowna City Council has no objection to the permanent use of electronic bingo units in the City of Kelowna.

Carried

5. PLANNING

- 5.1 Planning & Development Services Department, dated August 7, 2001, re: Rezoning Application No. Z01-1030 and Official Community Plan Amendment No. 01-005 – Su-Jen Yeh Chang & Tsou Lan-Li Lai (New Town Planning Services/Keith Funk) – 2250 Galiano Road (3360-20)

Staff:

- The applicant is proposing the development of a 95-unit modular home park.
- The subject property is situated outside the Official Community Plan area for residential development and the proposal is contrary to the Strategic Plan objective of reducing the use of agricultural land for urban development.
- Strongly recommend non-support of this application in order to not compromise the integrity of the OCP and the 20-year Capital Plan.
- Request that if Council opts for the alternate resolution, the application be referred back to staff to deal with technical issues before bringing a report back for initial consideration.

Moved by Councillor Shepherd/Seconded by Councillor Day

**R626/01/08/13** THAT Council hear from the applicant.

Carried

Larry Salloum, representing the new owners of the subject property:

- Thought the OCP was intended as a guide and was not cast in stone. A key question to any amendment to the OCP should be whether it would be contrary to the public interest. Do not know how the establishment of affordable housing in the city would be contrary to the public interest.
- Affordable housing is a strong civic objective.
- Do not see why land that was never in the Agricultural Land Reserve (ALR) and is not agricultural land should not be developed for housing. Agricultural zoning does not make the property agricultural land and if it was indeed agricultural land, surely it would have been included in the ALR.
- Astonished that the OCP provides for exceptions that would give industrial and park/recreational uses priority over affordable housing.
- Because the area was not envisioned in the OCP for urban development should not mean development should never take place. Do not see why an Area Structure Plan of the whole area around the mountain should have to be prepared just so that the subject 15-acre property can be developed.
- Astonished at the Agricultural Advisory Committee's recommendation and concern about potential trespass and incompatibility with adjacent agricultural uses.

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- The subject property is close to transit, shopping and schools and the proposed development would not impact the rural atmosphere but rather would improve the existing quality of life because the development would provide fire protection, an adequate water supply and improvements to Galiano Road.
- Neighbourhood property values would not diminish as a result of the modular homes.
- Potential purchasers would be able to buy a 1,200 sq. ft. home for \$72,000.
- The Housing Needs Study clearly states the need for affordable housing.
- This proposal should be welcomed as it satisfies some of the need for affordable housing.
- Asked that Council approve this application today so that it can go on to first reading.
- Asked for approval to play a 3-minute video showing modular home developments similar to what is proposed for new affordable housing.

Council:

- Consensus that the video would have no impact on their decision with respect to the land use and so no need to view the video.

Keith Funk, applicant:

- A 130 ft. setback is required as a buffer from the abutting ALR lands.
- Services are readily available to the property. Transit comes to within .7 km of the property.
- Single family housing in Kelowna is unaffordable to the majority of the members of the community.
- Other residential developments surrounded by ALR lands are living in harmony.
- Would like to see the project proceed to Public Hearing before Council makes a decision on the application.
- Displayed a map indicating that the 5 abutting properties are opposed to this application but that 8 other properties shown on the map were in support.
- The intent is not to sell the land. Residents would buy the homes and pay pad rental for the land.
- It is possible that rental housing could occur if an owner bought a unit and then chose to rent it out. Keeping the rent affordable would be ensured through market demand and the affordable housing requirements of the City.
- Still negotiating with City staff on servicing requirements (i.e. disagree with City Engineering staff's requirements with respect to Glenmore Road improvements and need for an Area Structure Plan).

Staff:

- The reason this application was brought forward now was that staff did not support any of what is proposed and so were trying to save the applicant the time and resources that would be required to address the technical issues that normally would have had to be addressed before the application came forward.
- Still recommend non-support but if Council wants to advance the application then would ask that the resolution also indicate that the Public Hearing would not be scheduled until all technical issues have been addressed.
- Because the proposed development is beyond the OCP, the development is not factored into any of the City's plans or DCC projections. If this development was to go ahead of the capital works plan for off-site improvements, it should not be up to the City or the taxpayer to pay for the improvements that would be needed to allow the development to proceed.

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Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R627/01/08/13** THAT Map 15.1 of City of Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 be amended by changing the Generalized Future Land Use designation of Lot B, Sec. 9, Twp. 23, ODYD Plan 30819, except Plan 38902, located on Galiano Road, Kelowna, B.C., from “Rural/Agricultural” to “Mobile Home Park”;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Sec. 9, Twp. 23, ODYD Plan 30819, except Plan 38902, located on Galiano Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RM7 – Mobile Home Park zone;

AND THAT the OCP and zone amending bylaw be forwarded to a Public Hearing for further consideration, **but** that the Public Hearing **not** be scheduled until after the technical issues have been addressed by the applicant.

### **DEFEATED**

Mayor Gray and Councillors Clark, Day, Given, Hobson and Shepherd opposed.

5.2 Planning & Development Services Department, dated August 8, 2001 re: Rezoning Application No. Z01-1035, Zoning Bylaw Text Amendment No. TA01-007 & Official Community Plan Amendment No. OCP01-007 – Marona Estates Ltd (Red & Gold Properties) – Glenmore Road/Summit Drive/Valley Road (3360-20)

Councillor Day declared a conflict of interest because the subject property is owned by family members and left the Council Chamber at 4:26 p.m.

Staff:

- The original phase one development proposal is being amended to include the “Conservatory” amenity feature that had been scheduled for Phase two.

Moved by Councillor Hobson/Seconded by Councillor Given

**R628/01/08/13** THAT City of Kelowna Official Community Plan (1994 – 2013) Bylaw 7600 be amended as described in Appendix 1 attached to the report of the Planning and Development Services Department dated August 8, 2001;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing section 1.4.(d), height of buildings in the CD3 Concept Development Three zone from maximum of 6 storeys to 6½ storeys, as outlined in the report of the Planning & Development Services Department dated August 8, 2001;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the CD3 Concept Development Three zone, Figure CD3.1 Phase 1 Rezoning Boundary map with revised Figure CD3.1 as described in Appendix 2 attached to the report of the Planning and Development Services Department dated August 8, 2001;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 4, Blk. 7, Secs. 29 & 32, Twp. 26, O.D.Y.D., Plan 896, as shown on Map "A" attached to the report of the Planning and Development Services Department, dated August 8, 2001, located on Glenmore Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the CD3 – Comprehensive Development Three zone;

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AND THAT the Official Community Plan text amending bylaw, the Zoning Bylaw text amending bylaw, and 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 Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision in the Land Titles Office in Kamloops for the required lot consolidation;

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

Councillor Day returned to the Council Chamber at 4:35 p.m. and took his place at the Council Table.

Mayor Gray advised that given the lateness of the hour, the late item added as No. 5.4 to the agenda will be removed from this agenda and re-scheduled to a future agenda in order to ensure there is time for the item to get due consideration by Council.

5.3 Planning & Development Services Department, dated August 8, 2001 re: Rezoning Application No. Z01-1034 and Official Community Plan Amendment No. OCP01-006 – Ruby Holdings Ltd. (New Town Planning Services/Keith Funk) – Gordon Drive at Lequime Road (3360-20)

Staff:

- The site is proposed for development as a private school for the Central Okanagan Academy.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

**R629/01/08/13** THAT Map 15.1 – *General Future Land Use* of Schedule “A” of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of; part of Lot 3, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP66568, Located on Gordon Drive, from Multiple Family Residential – medium density to Educational/Major Institutional as shown on Map “A”;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 3, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP66568 as shown on Map “B” attached to the report of the Planning and Development Services Department, dated August 8, 2001, located on Gordon Drive, Kelowna, B.C., from the RM5 – Medium Density Multiple Housing zone to the P2 – Education and Minor Institutional zone;

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

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AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision in the Land Titles Office in Kamloops for the required lot consolidation;

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.

Carried

- 5.4 Planning & Development Services Department, dated August 8, 2001 re: Graffiti Prevention Program (0540-20)

Withdrawn from the agenda.

6. RESOLUTIONS

- 6.1 Draft Resolution re: Appointment – Deputy Director of Finance (2630-40)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R630/01/08/13** THAT the appointment of Paul Macklem as Treasurer for the City of Kelowna be rescinded;

AND THAT effective immediately, Paul Macklem, Deputy Director of Finance, be appointed to perform the duties of the Officer Assigned Responsibility for Financial Administration for the City of Kelowna under Section 199 of the *Local Government Act* in the absence of the Director of Finance and Corporate Services.

Carried

- 6.2 Draft Resolution re: Council Policy No. 9 – Banking & Cheque Signing (0550-06)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R631/01/08/13** THAT Council Policy No. 9 – *Banking & Cheque Signing* be amended by replacing the words “City Treasurer” with “Deputy Director of Finance”.

Carried

- 6.3 Draft Resolution re: Appointment of Deputy City Clerk (2630-40)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R632/01/08/13** THAT effective immediately, Allison Flack, Deputy City Clerk/Legislative & Records Supervisor, be appointed to perform the duties of the Officer Assigned Responsibility for Corporate Administration for the City of Kelowna under Section 198 of the *Local Government Act* in the absence of the City Clerk.

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- 6.4 Draft Resolution re: Appointment – Execution of Documents – Director of Finance & Corporate Services (2630-40)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R633/01/08/13** THAT Cliff Kraft, Director of Finance & Corporate Services, be appointed to perform the duties of the Officer Assigned Responsibility for Corporate Administration for the City of Kelowna under Section 198 of the *Local Government Act* for the purpose of executing documents on behalf of the City in the absence of the City Clerk and the Deputy City Clerk.

Carried

- 6.5 Draft Resolution re: British Columbia Airports Conference – Vancouver

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R634/01/08/13** THAT Mayor Gray be authorized to attend the British Columbia Airports Conference being held in Vancouver, B.C. on November 28-29, 2001, with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547, using funds from Account No. 351-10-015-0-001.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

- 7.1 Bylaw No. 8709 – Amendment No. 14 to Business License and Regulation Bylaw No. 7878

Moved by Councillor Nelson/Seconded by Councillor Given

**R635/01/08/13** THAT Bylaw No. 8709 be read a first, second and third time.

Carried

Mayor Gray and Councillor Cannan opposed.

- 7.2 Bylaw No. 8717 – Amendment No. 11 to Development Application Fees Bylaw No. 8034

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R636/01/08/13** THAT Bylaw No. 8717 be read a first, second and third time.

Carried

- 7.3 Bylaw No. 8718 – BC Gas Legacy Fund Security Issuing Bylaw

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R637/01/08/13** THAT Bylaw No. 8718 be read a first, second and third time.

Carried



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**(BYLAWS PRESENTED FOR ADOPTION)**

7.4 Bylaw No. 8686 – Chapman Parkade Loan Authorization

Moved by Councillor Day/Seconded by Councillor Hobson

**R638/01/08/13** THAT Bylaw No. 8686 be adopted.

Carried

8. COUNCILLOR ITEMS

(a) Official Community Plan - Review Dates

Councillor Shepherd enquired whether new dates have been set yet for the OCP review. The City Manager confirmed that because of financial work that is still being done, the tentative dates set for October will no longer be possible. Staff will report back with new dates as soon as possible.

(b) C5H20 Water Management Conference – October 15 & 16, 2001

Councillor Shepherd advised that this water management conference is an international conference being held in Kelowna on October 15 & 16, 2001, and asked whether the October 15, 2001 Council meeting could be cancelled to allow all members of Council the opportunity to attend. Councillor Shepherd also pointed out that there is no meeting the Monday prior because of the Thanksgiving holiday.

Council noted there are 3 members of Council on the Water Quality Committee and they at least should attend the conference. However, if all 3 attend the conference there could be difficulty achieving a quorum for the October 15<sup>th</sup> Council Meeting because there is already one other Councillor who will be away for that meeting.

Council agreed not to cancel the October 15 Regular Meeting at this time. Staff will see what agenda items are pending and try to divert them to an alternate meeting date.

Moved by Councillor Day/Seconded by Councillor Hobson

**R639/01/08/13** THAT the registration fee for any members of Council who want to attend the C5H20 Water Management Conference being held in Kelowna on October 15 & 16, 2001 be appropriated from Council Contingency.

Carried

(c) Bears on Parade

Councillor Shepherd asked for Council's endorsement of Bears on Parade which is a program where fiberglass bears painted by local artists will be sold to merchants and other downtown organizations in Kelowna to raise funds for the Arts. The bears would then be donated back for auction at the closing ceremony of Communities in Bloom which is being hosted in Kelowna in 2002. Members of Council voiced no objection to the program proceeding.

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9. TERMINATION

The meeting was declared terminated at 5:05 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/am