

Regular Meeting – P.M.

March 18, 2002

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, March 18, 2002.

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; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi*; Long Range Planning Manager, S.K. Bagh*; Planner-Long Range, P. McCormick*; Director of Finance & Corporate Services, C.P. Kraft*; Deputy Director of Finance, P.A. Macklem*; Financial Planning & Systems Manager, K. Grayston*; Wastewater Manager, W.J. Berry*; Acting Cultural Services, Manager, R. Oddleifson*; Acting Recreation Manager, J. Gabriel*; 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 Cannan was requested to check the minutes of the meeting.

3. UNFINISHED BUSINESS - **Deferred from Regular Meeting of March 11, 2002**

3.1 Wastewater Manager, dated March 14, 2002 re: New Rules Governing Expanding or Adding Properties to Specified Areas (5340-20)

Councillor Clark declared a conflict of interest because this item involves a subdivision in which he owns a lot and left the Council Chamber at 1:34 p.m.

Councillor Day declared a conflict of interest because the proposed policy would affect property that he owns and would be of definite benefit to him personally and left the Council Chamber at 1:34 p.m.

Councillor Hobson advised that the Deputy City Clerk has investigated and determined that he would not be in a conflict of interest for this discussion. However, because it was alluded last week that he may be in conflict, that leaves perception and where there is perception there is conflict. Councillor Hobson left the Council Chamber at 1:35 p.m.

Staff:

- The proposed policy was drafted after it had been identified that the City has not always dealt consistently with properties that develop on the periphery of existing specified areas.
- It was not until after his subdivision had gone through the development process that Mr. Leong identified the problem to City staff and then did not raise the issue as a financial matter; but rather because it caught him by surprise.
- In the opinion of staff, the proposed policy is sound and deals with developers of properties on the periphery of specified areas more fairly. However, because it turns out there were more issues than anticipated and not enough background was provided in the initial report, it is recommended that the matter be referred back to staff for further background work and report back with a more comprehensive policy.

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- The consequence of deferring adoption of the policy is that it leaves the specified sewer area levy on the Steele Road properties.
- The Urban Development Institute will be involved in the policy process.
- Will attempt to report back to Council within 4-6 weeks.

Council:

- Staff to include in the report back how properties developing on the periphery of specified areas have been handled in the past.
- Acknowledged that Mr. Leong has sent 2 letters to members of Council to clarify when and why he questioned the City's practice of requiring properties developing on the periphery of a specified area to join the specified area.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R244/02/03/18 THAT staff be directed to further investigate and recommend a Policy to define rules governing expanding or adding properties to Specified Areas, and report back at a later date;

AND THAT Bylaw No. 8819, an amendment to Sewer Specified Area No. 17 that was to exclude lots 2, 7, 8, 11, 12, 13, 14 and 15, Plan KAP 68542 from the Spec Area and which has been given 3 readings by Council, be rescinded.

Carried

Mayor Gray altered the order of business and advised that the bylaw under agenda item No. 6.1 would be dealt with next.

6. BYLAWS

BYLAW PRESENTED TO RESCIND FIRST 3 READINGS AND CLOSE THE FILE

- 6.1 Bylaw No. 8819 – Amendment No. 7 to Specified Sewer Area No. 17
Bylaw No. 6775 (Mission Flats)

Moved by Councillor Given/Seconded by Councillor Nelson

R245/02/03/18 THAT second and third readings given Bylaw No. 8819 on March 11, 2002 under Resolution No. R238/02/03/11 be rescinded and the file closed.

Carried

Councillors Clark and Day returned to the Council Chamber and took their respective place at the Council Table at 1:46 p.m.

4. PLANNING

- 4.1 Planning & Development Services Department, dated March 11, 2002 re: Program for Seasonal Extension for Sidewalk Cafes (6530-12)

Staff:

- Last year a downtown merchant asked to have the program for outdoor seating expanded to also include seating on the sidewalk area. Staff are satisfied that the proposed changes are a reasonable compromise and that the program could work from a functional point of view.

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Councillor Hobson returned to the Council Chamber at 1:48 p.m. and took his place at the Council Table.

Mayor Gray altered the order of business and advised that we would move to the reports under agenda item No. 5 pending the overhead projector being restored to working order.

5. REPORTS

- 5.1 City Manager, dated March 12, 2002 re: 2002 Financial Plan Amendment No. 1 – 2001 Carry-Over Projects (1700-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

R246/02/03/18 THAT the City Manager's report dated March 12, 2002, outlining the 2001 Carry-Over Projects to be carried forward in the 2002 Financial Plan be received for Council's information.

Carried

- 5.2 Deputy Director of Finance, dated March 13, 2002 re: Conventional & Custom Transit – Annual Operating Agreements (2240-20)

Staff:

- Presented comparison information showing that cost recovery has increased for both conventional transit and custom transit services.
- There are no proposed plans for further expansions to the conventional transit system in Kelowna; any expansion over the next two years would probably be at 100% City cost.

Council:

- Discussion regarding cost recoveries versus costs.
- Staff to investigate a concern that fare boxes are in disrepair and bus drivers have no idea whether people riding the buses are paying the right fare.
- The transit contract was awarded to the current operators on the basis that there would be certain savings. Would like a report to confirm objectives are being met.

Moved by Councillor Day/Seconded by Councillor Hobson

R247/02/03/18 THAT Council approve the 2002/2003 Annual Operating Agreements for conventional and custom transit services for the City of Kelowna based on successful negotiations with Farwest Transit Services Inc.;

AND THAT the Mayor and City Clerk be authorized to execute the Operating Agreements between B.C. Transit, the City of Kelowna and Farwest Transit Services Inc. covering the period April 1, 2002 to March 31, 2003.

Carried

Councillor Nelson opposed.

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Mayor Gray noted the overhead projector was now back in working order and advised that we would go back to agenda item No. 4.1 at this time.

4. PLANNING

4.1 Planning & Development Services Department, dated March 11, 2002 re: Program for Seasonal Extension for Sidewalk Cafes (6530-12)

Staff:

- The proposed changes would allow a seating area with up to 17 seats on the sidewalk adjacent to the premises. The seating area would extend out past the sidewalk by about 5 ft. into the roadway. The walkway would be diverted to skirt around the seating area and fencing would be required to separate the seating area from the walkway and the walkway from the roadway. There would be a 4" high vertical board to guide white cane users along the walkway around the seating area.
- Also, the number of parking stalls that could be decommissioned would be increased from 3 to 4 stalls. Any lost revenues would be charged to the permit holder and it would be up to the City to determine when or how the fourth stall would be used.
- The proposed changes necessitate one revision to the City of Kelowna Traffic Bylaw to allow closure of the sidewalk and the amending bylaw to initiate that change will be coming forward next week.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R248/02/03/18 THAT Council endorse revisions to the 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 the Planning and Development Services Department report of March 11, 2002, but with the following amendments:

- change the permit period from May 15-October 15 to May 1 to October 31;
- change the requirement to survey everyone on the block to surveying only the immediate businesses on either side;
- add that first right of refusal for a sidewalk café for the following year must be exercised by permit holders by no later than December 31;

AND THAT staff be instructed to initiate the required revisions to the City of Kelowna Traffic Bylaw to put these changes in place;

AND FURTHER THAT the Program for Seasonal Extension for Sidewalk Cafes continue to be reviewed annually by the City in conjunction with the Downtown Kelowna Association (DKA), with the intention of refining and enhancing the Program to meet the needs of downtown restaurateurs and the community-at-large.

Carried

Councillor Given opposed.

5.2 Deputy Director of Finance, dated March 13, 2002 re: Conventional & Custom Transit – Annual Operating Agreements (2240-20)

See after 4.1 in the minutes.

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- 5.3 Acting Recreation Manager, dated March 12, 2002 re: Recreation Services Branch Centre (0810-20)

Staff:

- Services to be provided from Branch Centre include program registration, facility bookings and rentals, etc.
- Approximately 10-12 staff would move from Parkinson Recreation Centre to the branch centre.
- Explained how the project would be funded for a net result of zero tax impact.

Moved by Councillor Cannan/Seconded by Councillor Nelson

R249/02/03/18 THAT the report dated March 12, 2002 from the Acting Recreation Manager regarding the expansion of Rutland Arena to add a Branch Centre for Recreation Services be received for information of Council.

Carried

- 5.4 Transportation Manager, dated March 13, 2002 re: Tender T02-13 – 2002 Asphalt Overlay Contract (5400-10)

Moved by Councillor Nelson/Seconded by Councillor Given

R250/02/03/18 THAT the tender for the 2002 Asphalt Overlay Contract be awarded to the low bidder, Peter's Bros. Construction Ltd. in the amount of Six Hundred Fourteen Thousand, Six Hundred Seventy-six dollars & Eight-two cents (\$614,676.82) including GST.

Carried

- 5.5 Transportation Manager, dated February 19, 2002 re: Adding Block Numbers to Street Name Signs (5460-02)

Council:

- Staff to investigate the status of a Way-Finding study that is underway in Kelowna to address bike and pedestrian signage and that type of thing.
- Need to continue to educate the public to post signs on their commercial and residential buildings so that the street address is visible. Staff to investigate whether changes are needed to City of Kelowna bylaws to make that a requirement, at least for commercial buildings.

Moved by Councillor Hobson/Seconded by Councillor Given

R251/02/03/18 THAT Council approve the replacement of street name signs with signs that include the block numbers, as follows:

- Replace those street name signs that are located on the major routes identified on page 2 of the report of the Transportation Manager dated February 19, 2002, over a period of 3 years;
- Replace the remaining existing street name signs as part of the City's regular maintenance program over the next 20 or so years;

AND THAT staff research the additional cost of also adding a bicycle insignia to street name signs to indicate bike routes as part of this street name sign replacement program.

Carried

Councillor Cannan opposed.

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- 6.1 Bylaw No. 8819 – Amendment No. 7 to Specified Sewer Area No. 17
Bylaw No. 6775 (Mission Flats)

See after 3.1 in the minutes.

7. COUNCILLOR ITEMS(a) Downtown Parade Route

Councillor Cannan noted that staff were to report back to Council with a recommendation regarding changing the downtown parade route to Water Street. City Manager to investigate.

(b) Mission Flat Sewer Specified Area

Councillor Hobson noted that last week when Council discussed the proposed policy for expanding or adding properties to specified areas, he had made the comment that the Steele Road developer proceeded with the subdivision knowing that certain costs would be outstanding. However, a letter has since been received from Wally Leong clarifying that he in fact did not know that specified area costs would be outstanding and expressing concern about his reputation as a result of the comment. Councillor Hobson set the record clear that he did not have the full information when he made the comment.

(c) Transit Bus Fare Boxes

The City Manager reported that, further to the concern raised under agenda item No. 5.2 of this meeting, in the last 2½ months, of the 38 buses running there were only 2 occasions when fares were not collected and that was only for a short time period. When there are problems with the fare boxes, the bus drivers put the box on bypass and collect the fares manually in which case the inconvenience of having to collect from the passengers is more of an issue than lost revenue.

8. TERMINATION

The meeting was declared terminated at 4:00 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk