

Regular Meeting – P.M.

April 8, 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, April 8, 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; Deputy City Clerk, A.M. Flack; 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\*; Director of Parks & Leisure Services, D.L. Graham\*; Civic Properties Manager, J. Waugh\*; Drainage/Solid Waste Manager, A. Newcombe\*; Roadways Engineer, G. Parker\*; 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 Presentation by Craig Monly, Executive Director, Central Okanagan Boys & Girls Clubs re: Boys & Girls Club Programs and Services

Staff:

- Council was presented with a supplemental budget request at provisional budget deliberations for an increase in the funding for the Central Okanagan Boys & Girls Clubs.
- At Council's request, the Executive Director of the Boys & Girls Clubs is here to provide information for Council on what they are doing with the funding they now receive from the City.
- Council will consider the supplemental request at final budget discussions.

Craig Monly, Executive Director, Central Okanagan Boys & Girls Clubs:

- Overview of the services provided by the Central Okanagan Boys & Girls Clubs.
- Asking that the base budget from the City be increased by \$19,400 in order to expand the teen programs.
- Will provide Council with information on the proposed cutbacks in Provincial funding that would result in closure of the Safe House for teens who have been sexually exploited.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R309/02/04/08** THAT the presentation by Craig Monly, Executive Director, Central Okanagan Boys & Girls Clubs, regarding the programs and services provided by the Boys & Girls Clubs be received for information.

Carried

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4. PLANNING

- 4.1 Community Planning Manager, dated April 2, 2002 re: Community Social Development Grants and Grants to Address the Sexual Exploitation of Youth for 2002 (1850-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

**R310/02/04/08** THAT Council approve the recommendations from the Social Planning Board for allocation of 2002 grant monies totaling \$66,524 under the Community Social Development Grants and \$22,000 under Grants to Address the Sexual Exploitation of Youth, as set out in the Tables within the Community Planning Manager's report of April 2, 2002 and in accordance with Council Policies 218 and 277;

AND THAT Council approve the use of \$16,524 from the Social Development Grants Reserve (R117) to fund the Community Social Development Grants for 2002 beyond the \$50,000 budget for 2002.

Carried

- 4.2 Planning & Development Services Department, dated March 25, 2002 re: Rezoning Application No. Z02-1003 – Steven Keeley – 142 Kathler Road

Moved by Councillor Nelson/Seconded by Councillor Given

**R311/02/04/08** THAT Rezoning Application No. Z02-1003 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, Sec. 4, Twp. 23, ODYD, Plan 20730, located on Kathler Road, Kelowna, B.C., from the RR3 – Rural Residential 3 zone to the RR3s – Rural Residential 3 with Secondary Suite zone be considered by Council;

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

Carried

- 4.3 Planning & Development Services Department, dated March 25, 2002 re: Rezoning Application No. Z02-1006 – Jozsef & Elizabeth Csiki (Jozsef Csiki) – 455 Hollywood Court

Moved by Councillor Shepherd/Seconded by Councillor Given

**R312/02/04/08** THAT Rezoning Application No. Z02-1006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7, Sec. 23, Twp. 26, ODYD, Plan KAP44682, located on Hollywood Court, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

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

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4.4 Planning & Development Services Department, dated April 3, 2002 re: Council Policy No. 255 – Liquor Licensing Procedures for a Cabaret or Neighbourhood Pub (3360-20)

Staff:

- There is an application instream for transfer of the Snooty Fox Cabaret liquor licence to a new location. A recent request for a letter of support from Council resulted in a resolution of Council directing that a formal application be made and dealt with through the usual procedure.
- Staff are recommending new wording for the Council Policy to clarify that any changes to liquor primary licences would be subject to a public meeting of Council.

Council:

- Discussion about the information required of applicants for new licences or transfer of a licence before staff bring forward a recommendation for Council.

Moved by Councillor Cannan/Seconded by Councillor Given

**R313/02/04/08** THAT Municipal Council approve amendment to Council Policy No 255 (Liquor Licensing Procedures for a Cabaret or Neighbourhood Pub) as detailed in Schedule "A" attached to the report from the Planning and Development Services Department dated April 3, 2002.

Carried

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R314/02/04/08** THAT staff review the City's process for handling requests for the transfer of liquor primary licences to new locations and requests for new liquor primary licences for new locations and report back with options for simplifying the requirements for the applicant's submission to the Liquor Control & Licensing Branch.

Carried

Councillor Day opposed.

4.4.1 Planning & Development Services Department, dated April 4, 2002 re: Liquor Licencing Application No. LL02-003 – G & R Holdings Ltd. (Sammy & David Habib) – 274 Lawrence Avenue

Staff:

- This application has been advertised to the Tuesday, April 16<sup>th</sup> Council meeting.
- The applicant is here and would like an opportunity to address Council.

Moved by Councillor Cannan/Seconded by Councillor Given

**R315/02/04/08** THAT Council hear from the applicant.

DEFEATED

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

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Moved by Councillor Shepherd/Seconded by Councillor Clark

**R316/02/04/08** THAT the report dated April 4, 2002 from the Planning & Development Services Department regarding Liquor Licencing Application No. LL02-003 (Sammy & David Habib/G & R Holdings Ltd. – 274 Lawrence Avenue) be referred to the Regular Meeting of April 16, 2002 for consideration by Council.

Carried

4.5 Planning & Development Services Department, dated April 3, 2002 re: Development Permit Application No. DP00-10,001 – The Good Samaritan Society (Del Juba/FWS Community Partners Inc.) – 1540 KLO Road (B/L 8837)

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R317/02/04/08** THAT Municipal Council approve in principal a lease for 20 years on Lot A, D.L. 131, O.D.Y.D., Plan KAP70104, located on KLO Road, Kelowna, B.C., pursuant to the provision of Section 3(3) of the Residential Tenancy Act;

AND THAT Bylaw 8837 – The Good Samaritans Society (A Lutheran Social Service Organization) Inc. No. XS40709 Tenancy Agreement approval be advanced for reading consideration by Council.

Carried

4.6 Planning & Development Services Department, dated March 26, 2002 re: Rezoning Application No. Z98-1042 – Fredor Holdings Ltd. (Matt Cameron/Earth Tech Canada Inc.) – 1361 Mountain Avenue

Moved by Councillor Given/Seconded by Councillor Nelson

**R318/02/04/08** THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 8506 (Z98-1042 - Fredor Holdings Ltd. – 1361 Mountain Avenue) be extended for a period of not more than 180 days from April 3, 2002.

Carried

Councillor Cannan opposed.

4.7 Planning & Development Services Department, dated April 3, 2002 re: Rezoning Application No. Z95-1015 – Canyon Creek Joint Venture (John Steil/Stantec Consulting Group) – 5050 McCulloch Road

Moved by Councillor Nelson/Seconded by Councillor Hobson

**R319/02/04/08** THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 8517 (Z95-1015 – Canyon Creek Joint Venture - John Steil/Stantec Consulting Group Ltd.) McCulloch Road be extended to September 21, 2002.

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- 4.8 Planning & Development Services Department, dated March 27, 2002 re: Rezoning Application No. Z01-1051 – 434003 B.C. Ltd., Singla Bros. Holdings Ltd., and South Okanagan Construction Ltd. (Tony Markoff/ Planning Solutions Consulting Inc.) – 4639 Lakeshore Road

Staff:

- The applicant is proposing to develop a 9-lot single-family residential subdivision along with a 1.8 ha park site.
- The existing barn would remain in a legally non-conforming siting location. The existing house is identified as a heritage building on the City of Kelowna Heritage Register.
- The site also has archaeological significance with 6 Indian middens (cultural depressions surrounded by rock) on the property that would require protection.

Council:

- Access from Vintage Terrance onto Lakeshore Road is dangerous. Staff to investigate whether anything would be done to improve sight lines at that intersection and report back at the Public Hearing.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R320/02/04/08** THAT Rezoning Application No. Z01-1051 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, Section 25, Township 28, SDYD and of D.L. 167, ODYD, Plan 6731 except Plans 34961, 37256 and H13734, located on Lakeshore Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing and P3 – Parks and Open Space zones as shown on Map "A" attached to the report of Planning & Development Services Department dated March 27, 2002 be considered by Council;

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

AND FURTHER THAT Westbank First Nation be notified of the date and time of the Public Hearing.

Carried

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R321/02/04/08** THAT Rezoning Application No. Z01-1051 – 4639 Lakeshore Road) be referred to the Community Heritage Commission to investigate the potential heritage significance of two buildings on the property.

Carried

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- 4.9 Planning & Development Services Department, dated March 27, 2002 re: Agricultural Land Reserve Appeal No. A02-101 – George & Shirley Staley – 3995/4039 June Springs Road

Staff:

- The rezoning is requested to facilitate subdivision within the Agricultural Land Reserve in lieu of a homesite severance.

Moved by Councillor Given/Seconded by Councillor Nelson

**R322/02/04/08** THAT Agricultural Land Reserve Appeal No. A02-101, Lot B, Section 3, Township 26, ODYD, Plan KAP61317, located on June Springs Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Reserve Act be supported by the Municipal Council;

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

Carried

## 5. REPORTS

- 5.1 Director of Works & Utilities, dated April 2, 2002 re: Springfield Road Construction (Ziprick Road – Hollywood Road) (TE02-01) (5400-20)

Moved by Councillor Hobson/Seconded by Councillor Day

**R323/02/04/08** THAT the tender for Springfield Road Construction (Ziprick Road – Hollywood Road) TE02-01 be awarded to the low bidder Peter's Bros. Construction Ltd. in the amount of Two Million, Seven Hundred Sixty-two Thousand, Two Hundred Fifty-four Dollars and Thirty Seven Cents (\$2,762,254.37) including GST.

Carried

- 5.2 Drainage/Solid Waste Manager, dated April 2, 2002 re: Closure of Access Road Between Highway 33 and McKenzie Road (5225-40)

Staff:

- Requesting closure of the access road interconnecting Highway 33 and McKenzie Road in order to expand the existing storm water detention pond.
- Council support of the recommendation would allow staff to initiate the process for the closure, including sending out appropriate notices and preparing the necessary bylaw.
- The Ministry of Transportation has no objections to closing the road.

Council:

- Left turns from McKenzie Road onto Highway 33 are already unsafe.
- Need to consider what the future traffic movements would be for traffic that is southeast bound from McKenzie Road onto Highway 33 once Highway 33 is 4-laned.
- Staff to consider planting some trees or shrubs for an entrance feature into the area, if there is land left over from expanding the pond.
- Would like input from the people living in the area before proceeding with the road closure bylaw. Staff to inform the area neighbourhood association about the proposed road closure.

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Moved by Councillor Clark/Seconded by Councillor Nelson

**R324/02/04/08** THAT Council authorize staff to prepare a Road Closure Bylaw for the Access Road interconnecting Highway No. 33 and McKenzie Road.

Carried

Councillor Shepherd opposed.

5.3 Recreation Supervisor, dated April 3, 2002 re: Awarding Tender Bid for Janitorial Services – Parkinson Recreation Centre (T02-15)

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R325/02/04/08** THAT Dianne & Don's Building Maintenance Company be awarded a five-year contract in the amount of \$419,640 plus GST to perform janitorial services at the Parkinson Recreation Centre, effective May 1, 2002.

Carried

5.4 Civic Properties Manager, dated April 3, 2002 re: Proposed Queensway Marina Lease (0870-20)

Staff:

- Kelowna Marina has had the lease for this marina for 28 years. The lease has been on a month-to-month basis for the past few years because of the City's uncertainty about the long term plans for development of the foreshore.
- Two submissions were received in response to the Request for Proposals, both offering the same revenue but the Turtle Bay submission also offered enhancements to the current operation.
- A letter was received this morning from Kelowna Marina suggesting it may be difficult to change the lease at this time.
- Still recommend negotiating with Turtle Bay to try to work out the logistics with a report back to Council by April 29<sup>th</sup>.

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R326/02/04/08** THAT City Council instruct staff to negotiate a lease agreement with 381713 BC Ltd. (Turtle Bay Marina Ltd.) to construct, own and operate a marina at the foot of Queensway, subject to a technical review to clarify the safety of the proposed moorage slips without a breakwater, and report back to Council by April 29, 2002;

AND THAT the 2002 budget document be so amended.

DEFEATED

Councillors Clark, Given, Nelson and Shepherd opposed.

5.5 City Clerk, dated April 2, 2002 re: Fairview Neighbourhood Park Counter Petition (0910-20-172)

Moved by Councillor Nelson/Seconded by Councillor Given

**R327/02/04/08** THAT Council receive the Certificate of Sufficiency dated April 2, 2002 pertaining to Fairview Neighbourhood Park.

Carried

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6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

- 6.1 Bylaw No. 8837 – Residential Tenancy Agreement Approval Bylaw – The Good Samaritan Society – 1540 KLO Road

Moved by Councillor Nelson/Seconded by Councillor Given

**R328/02/04/08** THAT Bylaw No. 8837 be read a first, second and third time.

Carried

7. COUNCILLOR ITEMS

- (a) Spectator Safety During Hockey Events

Councillor Shepherd expressed concern at the recent death of a young girl who was hit by a puck at an NHL hockey game and suggested that better safety standards are needed for spectators at hockey events.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R329/02/04/08** THAT the Mayor send a letter on behalf of Council to the federal Secretary of State For Amateur Sports urging the establishment of national standards such as installation of safety nets and/or higher glass, to improve spectator safety during hockey events;

AND THAT staff prepare a resolution for Council endorsement to forward to the Union of British Columbia Municipalities for debate at the 2002 Convention.

Carried

- (b) Street Fighting Bylaw

Councillor Cannan reported that the City of Edmonton has a Street Fighting Bylaw for dealing with consensual fights. The bylaw has proven to be an excellent tool for the RCMP and the City of Victoria is considering doing a similar bylaw. City Manager to follow-up.

- (c) Councillor Items

Councillor Clark suggested that consideration be given to moving 'Councillor Items' from the end of the meeting agenda to the beginning of the agenda to ensure that the items are dealt with during the time that the meeting is being televised.

8. TERMINATION

The meeting was declared terminated at 4:56 p.m.

Certified Correct:

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Mayor

BLH/am

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Deputy City Clerk