

Regular Meeting – P.M.

April 29, 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 29, 2002.

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: Acting City Manager/Director of Parks & Leisure Services, D.L. Graham, City Clerk, D.L. Shipclark; Current Planning Manager, A.V. Bruce\*; Acting Cultural Services Manager, R. Oddleifson\*; Civic Properties Manager, J. Waugh\*; Wastewater Manager, W.J. Berry\*; Recreation Supervisor - Administration and Marketing, R. Forbes\*; Licensing & Bylaw Enforcement Supervisor, A. Dixon\*; 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

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

Council:

- Agreed to continue with the current operator of the marina for this year since the boating season has already arrived. This negated the need to reconsider the resolution that was previously DEFEATED by Council in which staff were requesting authorization to negotiate a lease with Turtle Bay Marina for the Queensway marina operation.
- Staff to report back to Council in late August with a recommendation for award of the proposal call to enter into a lease with an operator starting January 1, 2003.
- Staff to take into consideration concerns about wave action and other safety issues that have been raised and ensure that any potential for liability is addressed for this season.

Moved by Councillor Clark/Seconded by Councillor Given

**R377/02/04/29** THAT Council confirm that the agreement with the current operator of the Queensway Marina be continued until the end of the 2002 operating season;

AND THAT staff undertake a complete review of this request for proposals, and report back to Council prior to September 30, 2002.

Carried

Regular Meeting – P.M.

April 29, 2002

4. CORRESPONDENCE

4.1 Regional District of Central Okanagan, dated April 2, 2002 re: Indoor Smoking Regulations (B/L 8846)

Staff:

- The Regional District of Central Okanagan has asked that the City of Kelowna and the Districts of Peachland and Lake Country consider the possibility of coordinating local indoor smoking regulations with the new WCB regulations coming into place May 1st. The Regional District and the Districts of Peachland and Lake Country have all considered the possibility and decided not to amend their regulations.
- The draft bylaw before Council indicates the bylaw changes that would be required to bring the City of Kelowna's indoor smoking regulations into line with the WCB regulations. The bylaw will be brought forward for reading consideration next week if Council wishes to proceed with the changes.
- Local establishments must comply with the WCB regulations and where the City of Kelowna's regulations are less, the WCB regulations take precedence.
- A stringent enforcement program equal to or in excess of WCB indoor smoking regulations would create an uneven playing field within the business community because patrons could simply go across the lake or to Lake Country where the rules were not so stringent. Stringent enforcement of an indoor smoking bylaw would be a drain on financial and staff resources.
- The City of Kelowna Indoor Smoking Bylaw only addresses signage issues and whether or not the bylaw is amended to comply with the new WCB regulations, City bylaw enforcement staff would continue to only enforce the signage issues. Complaints about non-compliance with the WCB regulations would be referred to the WCB to enforce.

Council:

- The WCB regulations are for the workers; the City of Kelowna regulations are for the public.
- Someone needs to take the lead on this issue.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R378/02/04/29** THAT the City's Clean Indoor Air and Smoking Regulation Bylaw No. 5980-86 be revised to be in compliance with Workers' Compensation Board regulations that come into force May 1, 2002;

AND THAT the necessary amending bylaw be advanced for reading consideration by Council.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

5.1 Bylaw No. 8641 (Z00-1061) – Wade Benner – 640 Seaford Road

Moved by Councillor Given/Seconded by Councillor Nelson

**R379/02/04/29** THAT Bylaw No. 8641 be adopted.

Carried

Regular Meeting – P.M.

April 29, 2002

6. REPORTS

- 6.1 Acting Cultural Services Manager, dated April 22, 2002 re: Kelowna Art Foundation – 2002 Grant Allocations (0230-20)

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R380/02/04/29** THAT Council approve the allocation of the 2002 grant-in-aid arts funding as recommended by the City of Kelowna Arts Foundation in their letter dated March 25, 2002 as follows:

• Alternator Gallery	\$ 13,500
• Chamber Music Society	\$ 3,200
• Fringe Folk Club	\$ 3,600
• Kelowna Choral Concerts	\$ 1,000
• Kelowna City Concert Band	\$ 3,100
• Kelowna Community Music School	\$ 1,400
• Kelowna Philharmonic Festival Society	\$ 7,500
• Kiwanis Music Festival	\$ 4,700
• OK Jazz and Blues Society	\$ 3,000
• Okanagan Festival Singers	\$ 750
• Okanagan Symphony Society	\$ 60,000
• Ponderosa Weavers and Spinners	\$ 300
• Shakespeare Kelowna	\$ 2,500
• Sunshine Theatre	\$ 40,500
• Theatre Kelowna	\$ 6,000
• Viva Musica	<u>\$ 12,800</u>
• Total	\$ 164,250

Carried

- 6.2 Wastewater Manager, dated April 24, 2002 re: Award of Construction Contract TE02-02 – Sewer Specified Area No. 21A (McKenzie Bench) – Contract 2 (5340-09-21A)

Moved by Councillor Nelson/Seconded by Councillor Given

**R381/02/04/29** THAT Contract 2 for the construction of the Sewer Specified Area No. 21A (McKenzie Bench) project be awarded to Hayter Construction for the amount of One Million, Four Hundred Eighty Thousand, Seventy-four Dollars and Eight-three cents including GST (\$1,480,074.83);

AND THAT the Wastewater Manager be authorized to make necessary Change Orders to this Contract as contingent items arise, up to a maximum Contract value of \$1,628,000;

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

Carried

Regular Meeting – P.M.

April 29, 2002

- 6.3 Recreation Supervisor, dated April 17, 2002 re: Parks & Leisure Services Policy & Procedure Manual for Recreation Facilities, Sportsfields and Parks (1810-01)

Staff:

- The recommended changes include an increase in general rentals and admissions, minor wording changes, and establishment of minimum rental times.

Moved by Councillor Hobson/Seconded by Councillor Day

**R382/02/04/29** THAT Council approve the Parks & Leisure Services Policy & Procedure Manual for Recreation Facilities, Sportsfields & Parks, as attached to the report from the Recreation Supervisor – Administration and Marketing dated April 17, 2002;

AND THAT general admission rates and rentals for rooms, facilities and park sites be increased by an average of 1.68% which is the BC Consumer Price Index for 2001;

AND THAT minor wording changes as reviewed and approved by the Sports Advisory Committee be approved;

AND FURTHER THAT minimum rental period be increased to 3 hours for the Kinsmen Fieldhouse Hall, Kinsmen Media Centre, Okanagan Mission Activity Centre, Cedar Creek Community Centre as well as outdoor areas in Parks that are utilized for outdoor events, wedding ceremonies, picnics, special events and related activities.

Carried

## 7. RESOLUTIONS

- 7.1 Draft Resolution re: National Standard to Enhance Spectator Protection at Hockey Games (0230-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R383/02/04/29** THAT the following resolution be presented at the Okanagan Mainline Municipal Association as a late resolution for endorsement at their May 1-3, 2002 Convention to advance for debate at the 2002 Union of British Columbia Municipalities and Federation of Canadian Municipalities conventions:

WHEREAS flying pucks have caused an alarming number of injuries that have resulted in serious injury and death of fans at hockey games;

AND WHEREAS spectator safety at hockey games is a significant public health and safety problem, yet there is no national standard to assist agencies responsible for arena facilities to know how best to protect spectators;

NOW THEREFORE BE IT RESOLVED THAT the Secretary of State for Amateur Sport be urged to lend full support to fund the development of a national standard for spectator protection at hockey games.

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Regular Meeting – P.M.

April 29, 2002

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

8.1 Bylaw No. 8824 – Sterile Insect Release Program Parcel Tax Bylaw 2002

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R384/02/04/29** THAT Bylaw No. 8824 be read a first, second and third time.

Carried

Councillor Blanleil opposed.

**(BYLAWS PRESENTED FOR ADOPTION)**

8.2 Bylaw No. 8823 – Road Exchange Bylaw – 474 Okaview Road

Moved by Councillor Day/Seconded by Councillor Hobson

**R385/02/04/29** THAT Bylaw No. 8823 be adopted.

Carried

8.3 Bylaw No. 8838 – Road Exchange Bylaw – 3980 Field Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R386/02/04/29** THAT Bylaw No. 8838 be adopted.

Carried

9. COUNCILLOR ITEMS

(a) Funding Allocation – Society of American Travel Writers Conference

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R387/02/04/29** THAT \$4,000 be allocated toward the costs of the Gala Shootout Banquet being held on May 13, 2002 at the Grand Okanagan as the final event of the spring conference of the Society of American Travel Writers being hosted by Tourism Kelowna in Kelowna on May 9-14, 2002;

AND THAT the funds be appropriated from Council Contingency.

Carried

(b) Dogs Off-Leash

Councillor Given advised that this past weekend a Doberman that was off-leash in Dilworth Park threatened he and his son while biking in the area. The owner had no leash and did not have control over his dog. Councillor Given commented that the parks in the Dilworth area are fast becoming dog off-leash parks and expressed concern at what could have happened had he not been there. He further noted that people also walk through the subdivision with their dogs off-leash, allowing their dogs to wander in and out of peoples' yards, and suggested that the City needs to get tougher in dealing with dog owners who do not act responsibly.

Councillor Blanleil advised that the control of dogs is probably the toughest issue that the Parks & Facilities Committee have been trying to deal with. While there is a recognized need to deal with the non-responsible dog owners, it is difficult because there are passionate people on both sides.

(c) Request for Proposals for Affordable Housing – Richter Street/Morrison Avenue

Councillor Cannan commented that it would appear that leasing the land back at market rate is providing no incentive for submissions and asked for a staff report on the status of the RFP. Councillor Shepherd responded advising that the committee is still looking at what can be done.

(d) Downtown Parking Management Financial Plan

Councillor Cannan recalled a commitment by Council to review the downtown parking management financial plan and set an hourly meter rate set for on-street parking before the end of 2001, and noted that the staff report has never come forward. City Manager to investigate.

(e) Liability Insurance for Downtown Retail Merchants

Councillor Cannan commented that downtown retail merchants are facing a \$350 premium increase in order to meet the new requirement for \$5 million rather than \$3 million liability insurance to allow them to put out a table for a sidewalk sale. The revenue that is generated does not justify the additional insurance cost and gives merchants little incentive to participate in sidewalk sales events. Staff to investigate.

(f) Glenmore Drive Speed Zones

Councillor Cannan noted that when Council instructed staff to proceed with the Glenmore/Summit/High Road intersection design based on a potential 60 km speed limit, staff were also instructed to report back to Council on potential speed limit changes after construction of the intersection had been completed. City Manager to investigate.

Regular Meeting – P.M.

April 29, 2002

- (g) Mayor Gray re: Verbal response to Councillor Clark's item from the Regular Meeting of April 22, 2002 regarding B.C. Transit

Mayor Gray responded to Councillor Clark's item from last week and confirmed that the condition that reads the "existing employment terms & conditions will be retained, namely continuity of employment, seniority, wages and wage-related benefits for required non-management, non-supervisory employees" has been removed from B.C. Transit's Request for Proposals for selecting transit management companies. Mayor Gray explained the new criteria for assessing these requests for proposals and assured Council that eliminating the clause was not intended to diminish the importance of the people who are out there doing the work. Members of Council will receive a copy of the report from B.C. Transit outlining the changes in the next couple of days.

10. TERMINATION

The meeting was declared terminated at 3:13 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk