

Regular Meeting – P.M.

May 27, 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, May 27, 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: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi*; Current Planning Manager, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Parks & Leisure Services, D.L. Graham*; Acting Recreation Manager, J. Gabriel*; Jean Miles*; Acting Facility & Stadium Supervisor, D. Backmeyer*; Deputy Director of Finance, P.A. Macklem*; Parks Manager, J. Creron*; Transportation Manager, R.W. Westlake*; Wastewater Manager, W.J. Berry*; Drainage/Solid Waste Manager, A. Newcombe*; Roads & Equipment Superintendent, D. Beaudry*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:35 p.m.

2. Councillor Shepherd was requested to check the minutes of the meeting.

2.1 Unauthorized Demolition of Hewetson School Building - Pandosy Street

Mayor Gray confirmed that demolition of the former Hewetson School building occurred early this morning. City Bylaw Enforcement staff attended the site at 7:20 a.m. and found the building demolished and the equipment already moved off-site. The building was identified in the City of Kelowna Heritage Registry and no Demolition Permit was issued. The demolition is a flagrant violation of City of Kelowna bylaws and will not be tolerated. The City Solicitor will be advising Council on what action can be taken.

2.2 2002 Memorial Cup Champions

Mayor Gray donned a Kootenay Ice jersey and explained that, in keeping with his challenge with the Mayor of Cranbrook, he would be wearing the jersey for the duration of this meeting in recognition of the Kootenay Ice hockey team beating out the Kelowna Rockets in the Western Conference finals and going on to win the Memorial Cup in Guelph, Ontario on the weekend.

Regular Meeting – P.M.

May 27, 2002

3. PUBLIC IN ATTENDANCE

3.1 2003 B.C. Disabled Games Society

- (a) Recreation Supervisor, dated May 27, 2002 re: 2003 BC Disability Games

Council:

- Agreed that Dave Annan fill the position of Director of Security (the position is indicated in the report as being vacant).

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R474/02/05/27 THAT the City Council endorses the Nominating Committee's selection of 14 Director positions as the organizing body for the 2003 B.C. Disability Games, with Dave Annan as the Director of Security;

AND THAT City Council gives the 2003 B.C. Disability Games President and Board of Directors the authority to fill any vacant Director position.

Carried

- (b) Presentation by Sharron Simpson, President of the 2003 B.C. Disability Games Society

Sharron Simpson:

- Outlined the events that will be included at the 2003 Games and advised that recruiting is now underway for the 750 to 1,000 volunteers that will be needed. The Society is also looking for sponsors, funding and in-kind donations.

4. UNFINISHED BUSINESS

4.1 (a) Request for Financial Assistance – 2002 ROAR HydroFest

- (b) Events and Facilities Supervisor, dated May 22, 2002 re: ROAR HydroFest 2002

Staff:

- Responded to Council's questions from the May 13th Regular Meeting when this request was first considered advising that the event is sponsored by the Kelowna Unlimited Hydroplanes Society but a for-profit company is contracted for the management of the event. The Kelowna Unlimited Hydroplanes Society status is non-active at the present time but they are taking steps to get their non-profit society status back to active. The event organizers are working with the Yacht Club, the Downtown Kelowna Association, Kelowna Marina, and The Grand Hotel to address any concerns they have; no major concerns have been identified to the City. City-related costs that would have to be paid as part of the event include RCMP, Fire, park rental for the week, and City equipment and services for set-up for the event, and are estimated at \$33,300. A Sports Development Grant has already been approved in the amount of \$5,000 leaving \$28,300 as final amount to be paid.
- Waiver of the \$12,600 park rental fee would have no negative impact on the City of Kelowna budget as it was not a projected cost in the budget. Funds are not currently available in the 2002 budget for the other costs.

Regular Meeting – P.M.

May 27, 2002

Council:

- Discussed whether it was appropriate to be considering the request for fee waivers in advance of the event rather than waiting until after the event when final figures come forward, as is normal practice.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R475/02/05/27 THAT City Council waive the park rental fees for the staging of the 2002 ROAR HydroFest scheduled for City Park and Waterfront Park August 30 to September 1, 2002, subject to reactivation of the Kelowna Unlimited Hydroplane Association's status as a non-profit Society.

Carried

Councillors Clark, Given, Hobson and Shepherd opposed.

5. PLANNING

5.1 Planning & Development Services Department, dated May 21, 2002 re: Rezoning Application No. Z02-1011 – Glenwest Properties Ltd. – 205 Clifton Road North (BL8865)

Staff:

- The property is currently vacant but is proposed for development. The rezoning would permit construction of a secondary suite over a detached 3-car garage.

Council:

- Asked for assurance at the Public Hearing that the steep slope to the east would be protected and retained in an undisturbed state.

Moved by Councillor Given/Seconded by Councillor Nelson

R476/02/05/27 THAT Rezoning Application No. Z02-1011 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Sec. 8, Twp. 23, ODYD, Plan 29568, located on Clifton Road North, Kelowna, B.C., from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone be considered by Council;

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

Carried

Regular Meeting – P.M.

May 27, 2002

- 5.2 Planning & Development Services Department, dated May 21, 2002 re: Rezoning Application No. Z01-1059 – City of Kelowna – 5160 Chute Lake Road (BL8866)

Staff:

- The rezoning is requested to permit the use of the old Cedar Creek firehall as a community recreation facility.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R477/02/05/27 THAT Rezoning Application No. Z01-1059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9, Section 24, Township 28, SDYD, Plan 24416, located on Chute Lake Road, Kelowna, B.C., from the P4 – Utilities Zone to the P2 – Education and Minor Institutional zone be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Inspection Services Department being completed to the Department's satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the applicant completing the upgrades to the septic system, as well as to the provision of sufficient car and bicycle parking.

Carried

- 5.3 Planning & Development Services Department, dated May 22, 2002 re: 99-Year Tenancy Agreement – Aberdeen Holdings Ltd (Protech Consultants Ltd.) – 2350 Burtch Road (BL8864)

Councillor Day declared a conflict of interest because a direct family member owns adjoining property and left the Council Chamber at 2:20 p.m.

Staff:

- The applicant is proposing to develop a 251-lot bareland strata subdivision in a modular housing form. The 99-year lease would allow the developer to offer the units at a more affordable price. Leases for a term longer than 20-years require the approval of Council.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R478/02/05/27 THAT Municipal Council approve, in principle, a lease for 99 years on Lot 4, D.L. 136, O.D.Y.D., Plan 1562 Exc. Plans 41601 and KAP46155, located on Burtch Road, Kelowna, B.C., pursuant to the provision of Section 3(3) of the Residential Tenancy Act;

AND THAT Aberdeen Holdings Ltd. Tenancy Agreement Approval Bylaw No. 8864 be forwarded for reading consideration by Council.

Carried

Councillor Day returned to the Council Chamber at 2:24 p.m. and took his place at the Council Table.

Regular Meeting – P.M.

May 27, 2002

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

6.1 Bylaw No. 8774 (TA01-014) – Zoning Bylaw Text Amendment

Moved by Councillor Given/Seconded by Councillor Nelson

[R479/02/05/27](#) THAT Bylaw No. 8774 be adopted.

Carried

6.2 Bylaw No. 8775 (Z01-1046) – William Halton – 318 Aspen Road

Moved by Councillor Nelson/Seconded by Councillor Given

[R480/02/05/27](#) THAT Bylaw No. 8775 be adopted.

Carried

6.3 Bylaw No. 8814 (Z01-1070) – Ivan & Nada Vidovic – 278 Temple Court

Moved by Councillor Given/Seconded by Councillor Shepherd

[R481/02/05/27](#) THAT Bylaw No. 8814 be adopted.

Carried

Councillor Clark opposed.

7. REPORTS

7.1 Transportation Manager, dated May 13, 2002 re: Partnership with ICBC (5460-02)

Staff:

- The manual was started with ICBC some time ago but was never finished because of budget cuts by the Liberal government.
- ICBC has agreed to fund up to \$5,000 to complete the manual provided the City agrees to display “clicking in” decals on City fleet vehicles.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

[R482/02/05/27](#) THAT Council approve a partnership between ICBC and the City of Kelowna to develop a Commercial Loss Prevention Manual, a reference manual of all City vehicle fleet procedures and policies.

Carried

Regular Meeting – P.M.

May 27, 2002

- 7.2 Transportation Manager, dated May 23, 2002 re: Proposed Byrns Road Improvements – Sewer Trunk Project

Councillor Day stated that the City Clerk's Department has confirmed that he would not be in a conflict of interest for this item.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R483/02/05/27 THAT Council approve the upgrading of Byrns Road in conjunction with the installation of a trunk sanitary sewer in 2002, including realignment and addition of bike lanes on both sides between Burtch Road and Benvoulin Road;

AND THAT Council approve the reallocation of \$120,000 from the 2002 Bike Facilities capital budget allocation (Glenmore Road shoulder widening) to construct the proposed bike lanes along Byrns Road;

AND FURTHER THAT Council approve a budget amendment for 2002 to allocate \$202,000 from the Rural Roads reserve to cover the relocation of Byrns Road to match its proper alignment within the existing road right-of-way.

Carried

- 7.3 Drainage/Solid Waste Manager, dated May 22, 2002 re: Award of Construction Contract – Magic Estates Drainage Upgrade (5225-40)

Moved by Councillor Day/Seconded by Councillor Nelson

R484/02/05/27 THAT the tender for the Magic Estates Drainage Upgrade be awarded to the low bidder, R & L Excavating, in the amount of Seven Hundred Twenty-Two Thousand, Six Hundred Three dollars and Twenty cents (\$722,603.20) including GST and Contingency;

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

Carried

- 7.3.1 Wastewater Manager, dated May 27, 2002 re: Award of Contract for Pipe Supply – Byrns/Baron Trunk Sewer Project (5340-07)

Moved by Councillor Nelson/Seconded by Councillor Hobson

R485/02/05/27 THAT the sewer pipe for the first contract in the Byrns/Baron trunk sewer project be purchased from Central Water and Sewer of Kelowna for the amount of \$607,599.91 which includes PST and GST.

Carried

Regular Meeting – P.M.

May 27, 2002

- 7.4 Deputy Director of Finance, dated May 10, 2002 re: Authorization to Establish Trading Accounts with Investment Dealers (1860-01)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R486/02/05/27 THAT the City establish and maintain with BMO Nesbitt Burns and Dundee Securities Corporation and CIBC Wood Gundy - Kelowna, one or more accounts to deal in securities;

AND THAT account dealings shall be on a cash settlement basis;

AND THAT the City Clerk is hereby directed to notify BMO Nesbitt Burns, Dundee Securities, and CIBC Wood Gundy - Kelowna in writing of the persons who hold the offices designated as Trading and Signing officers, provide specimen signatures and advise of any changes in authorized signatories as may be necessary from time to time;

AND THAT BMO Nesbitt Burns, Dundee Securities, and CIBC Wood Gundy - Kelowna shall be entitled to act and rely upon the actions, orders, and trading instructions of the Trading Officers and Signing Officers or given in accordance with these instructions without making or continuing any investigations or inquiries into the propriety of such actions, orders and instructions;

AND THAT the forgoing resolutions shall remain in full force and effect until amended or cancelled and notice of such amendment or cancellation has been given in writing to BMO Nesbitt Burns, Dundee Securities, and/or CIBC Wood Gundy – Kelowna;

AND FURTHER THAT the City of Kelowna remove RT Capital Management Inc. – Royal Trust Company from the list of authorized investment dealers.

Carried

- 7.5 City Clerk, dated May 22, 2002 re: New Hangar Development Land Sub-lease – Kelowna T-Hangars Inc. (2380-20-8116)

Moved by Councillor Nelson/Seconded by Councillor Cannan

R487/02/05/27 THAT Wednesday, July 3, 2002 at 4:00 p.m. be set as the deadline for receipt of Counter Petitions by the City Clerk in relation to the proposed land sub-lease with Kelowna T-Hangars Inc. for a new hangar facility at the Kelowna International Airport.

Carried

- 7.6 Parks Manager, dated May 14, 2002 re: Dehart Community Park Master Plan (6140-20)

Deferred to after agenda items 8.1 and 8.2.

Regular Meeting – P.M.

May 27, 2002

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.1 Bylaw No. 8861 – Road Exchange – 4639 Lakeshore Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R488/02/05/27 THAT Bylaw No. 8861 be read a first, second and third time.

Carried

8.2 Bylaw No. 8863 – Road Exchange – 504 Barnaby Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R489/02/05/27 THAT Bylaw No. 8863 be read a first, second and third time.

Carried

7.6 Parks Manager, dated May 14, 2002 re: Dehart Community Park Master Plan (6140-20)

Staff:

- When a Development Variance Permit application for a covered tennis facility on the Mission Community Hall site was denied by Council, the Okanagan Mission Community Hall Association (OKMCHA) was asked to consider revising their proposal and staff were directed to proceed with a master plan for the entire park site (the area south of Dehart Road between Lakeshore Road almost to Gordon Drive) to determine whether the site is appropriate for a tennis facility and if so, where it should go.
- All key stakeholders have been consulted.
- The options being considered for preparation of the master plan are brought forward more as information at this time; the master plan will be brought back in future for adoption when the City is in a position to proceed with development of the park.
- Development of the park is not envisaged for a number of years because land acquisitions are still required.
- The OKMCHA tennis club have advised that they are considering bringing back a revised proposal but are not ready to do so at this time.

Bob Evans, TRUE Consulting:

- The park site is approximately 7.9 acres in size; however, some of the lands are still in private ownership.
- Preparation of a park master plan was requested in order to consider how a proposal by the tennis club would impact the City's ability to develop the remainder of the site.
- After extensive public consultation to determine the facilities the public deemed to be important, 3 options were developed to show conceptually how the desired facilities could be accommodated on the park site.
- Presented the 3 concepts.

Staff:

- Based on community feedback, recommend support for Option 1A which does not include a covered tennis facility.
- Expect to hear from the OKMCHA soon as to whether they wish to proceed. If they can come up with a covered facility along with the new exterior courts that is supportable by the City, then recommend Option 1B be considered by Council.

Regular Meeting – P.M.

May 27, 2002

Council:

- The OKMCHA will be holding a general meeting on June 3, 2002 to see if their membership wishes to continue to pursue a tennis facility on the site.
- Agreed to hear the results of the June 3^d meeting before deciding on an option to pursue.
- It may be appropriate to consider staged development of the park site, once an option is approved for preparation of the Park Master Plan.

Moved by Councillor Cannan/Seconded by Councillor Nelson

R490/02/05/27 THAT City Council receive as information the May 14, 2002 report from the Parks Manager on the Dehart Community Park Master Plan.

Carried

9. COUNCILLOR ITEMS

(a) Sutherland Park

Councillor Given advised that he has received calls from the neighbourhood residents asking about the status of Sutherland Park as a dog park. Referred to staff for report back.

(b) Remuneration for Regional Directors

Councillor Nelson initiated discussion regarding his concern that the City of Kelowna taxpayers are paying a portion of the Regional District Directors' (outside Kelowna) wage and expenses. Councillor Clark stated he also opposed the remuneration paid to the City of Kelowna Councillors who are appointed to the Regional Board. Councillor Hobson, Chair of the Regional Board, explained how the inequity of the Regional District Directors' wage and expenses has been addressed by the Regional Board for next year. The remuneration of the City Councillors issue is one that is the responsibility of the Regional District Board.

(c) Dilworth Crescent/Bernard Avenue Intersection

Councillor Cannan noted that there was an accident at Bernard Avenue/Dilworth Crescent last week and asked that staff investigate options to avoid a potentially serious accident at that intersection. The City Manager noted there was an accident at that location over the weekend as well and agreed to investigate.

10. TERMINATION

The meeting was declared terminated at 3:59 p.m.

Certified Correct:

Mayor

City Clerk

BLH/