

Regular Meeting – P.M.

December 16, 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, December 16, 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, E.A. Horning 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\*; Long Range Planning Manager, S.K. Bagh\*; Urban Design Planner, P.J. McCormick\*; Planning & Development Officer, G. Routley\*; Director of Parks & Leisure Services, D.L. Graham\*; Acting Cultural Services Manager, R. Oddleifson\*; Urban Forestry Supervisor, I. Wilson\*; Water Manager, D. Degen\*; Electrical Utility Manager, R. Carle\*; Wastewater Manager, W.J. Berry\*; 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 Given was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Rotary Centre for the Arts (2380-20-1022)

(i) Bonnie Bates-Gibbs, Vice-President, Kelowna Visual Performing Arts Centre Society

Bonnie Bates-Gibbs, Vice-President, KVPACS:

- Thanked Council for helping them achieve the Rotary Centre for the Arts.

(ii) Cultural Services Manager, dated December 11, 2002 re: Legal Agreements with the Kelowna Visual Performing Arts Centre Society for the Rotary Centre for the Arts (2380-20-1022; 2245-20)

Council:

- Outlined the terms of the agreement.
- Responded to questions clarifying aspects of the agreement for Council.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R498/02/12/16** THAT Council approve the legal agreements between the Kelowna Visual Performing Arts Centre Society (KVPACS) and the City of Kelowna for the management and operation, lease, and capital development of the Rotary Centre for the Arts (RCA) as attached to the report from the Cultural Services Manager dated December 11, 2002;

AND THAT the Mayor and City Clerk be authorized to execute the legal agreements on behalf of the City of Kelowna;

AND THAT Council appoint a City Councillor and an alternate to act as a liaison (non-voting) to the KVPACS Board of Directors as provided for in the agreement.

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- (iii) Cultural Services Manager, dated December 10, 2002 re: Rotary Centre for the Arts – Capital Budget Status (0760-20)

Staff:

- The Rotary Centre for the Arts is a City project with KVPACS as a partner. Without that partnership, the City would be picking up the full costs of building the facility. Everyone knew there would be a budget shortfall and it is not realistic to expect KVPACS to pick-up all of the additional funds that are required.
- The funds recommendation for reallocation have been identified as surplus.
- Approval of the additional funding in no way relieves KVPACS of their obligation to fundraise the funds they have committed to raise.
- Responded to questions of Council regarding the project.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R499/02/12/16** THAT Council authorize a change in funding source for the Rotary Centre for the Arts 2002 capital budget of \$267,060, by a transfer of \$171,060 from existing Parks and Leisure Services Department projects and \$96,000 from the Community Arts Centre Reserve, in place of community contributions;

AND THAT the 2002 Financial Plan be amended by increasing the Rotary Centre for the Arts capital budget by \$243,300, with \$203,300 from the Major Facilities Reserve and \$40,000 funding from the Community Arts Centre Reserve.

Carried

Councillors Blanleil and Cannan opposed.

#### 4. PLANNING

- 4.1 Planning & Development Services Department, dated December 6, 2002 re: Rezoning Application No. Z02-1053 – Ned & Stana Kos – 662 McClure Road

Moved by Councillor Hobson/Seconded by Councillor Given

**R500/02/12/16** THAT Rezoning Application No. Z02-1053 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, DL 357, SDYD, Plan KAP68500, located on McClure Road, 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 forwarded to a Public Hearing for further consideration.

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4.2 Planning & Development Services Department, dated December 11, 2002 re: Text Amendment No. TA02-0003 – City of Kelowna

Staff:

- The proposed amendments are different than what was initially requested. The main change is to not require a covenant through the Building Permit. Now asking that the owner sign an affidavit stating that they understand what the conditions of use of the second kitchen are.
- The additional parking stall is recommended in anticipation that the number of occupants in the house will be increased by permitting the second kitchen.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R501/02/12/16** THAT Council resolution No R794/02/09/16 be rescinded;

AND THAT Zoning Bylaw Text Amendment No. TA02-0003 to amend the City of Kelowna Zoning Bylaw No. 8000 by adding provisions for second kitchens as outlined in Schedule "A", attached to the report from the Planning & Development Services Department dated December 11, 2002 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA02-0003 be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council consider a Second Kitchen enforcement process, as detailed in Schedule "A" in the report of the Planning and Development Services Department dated December 11, 2002.

Carried

4.3 Planning & Development Services Department, dated December 10, 2002 re: Revisions to City of Kelowna Zoning Bylaw No. 8000 (TA01-003)

Staff:

- Summarized the proposed changes that include allowing for higher density, taller buildings (up to maximum 44 m or the equivalent of 12 storeys) within areas of the downtown.

Moved by Councillor Cannan/Seconded by Councillor Day

**R502/02/12/16** THAT Zoning Bylaw Text Amendment No. TA01-003 to amend City of Kelowna Zoning Bylaw No. 8000 provisions for the C7 Zone as outlined in the report of Planning and Development Services Department dated December 10, 2002 be considered by Council;

AND THAT Text Amendment TA01-003 be forwarded to a Public Hearing for further consideration.

Carried

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- 4.4 Planning & Development Services Department, dated December 11, 2002 re: Vegetation Policies, Bylaws and Programs (6300-01)

Staff:

- Outlined the proposed plan for improving on bylaws and programs intended to sustain and minimize the loss of vegetation.
- Advised that there is no statute-required public process for amending the Subdivision, Development and Servicing Bylaw.

Council:

- Staff to contact some of the landscape architects in the community regarding any amendments to standards for landscaping in the Subdivision, Development and Servicing Bylaw.

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R503/02/12/16** THAT Council receive the information relating to City of Kelowna vegetation related policies, bylaws and programs as outlined in the Planning and Development Services Department report of December 11, 2002;

AND THAT Council direct staff to improve vegetation related bylaws and programs by implementing the following 'action items', which are outlined in the Planning and Development Services Department report of December 11, 2002:

- Continue to work towards amending the Subdivision, Development and Servicing Bylaw in order to establish appropriate standards for boulevard landscaping;
- Amend the Tree Protection Bylaw to acknowledge different jurisdictional requirements (Federal, Provincial and Municipal) relating to tree and vegetation management in stream areas where fish habitat is present, to improve the tree replacement standards and to regulate the removal of trees that have been protected by covenants through the Subdivision Approval process;
- Continue to provide and expand upon environmental education and communication programs in order to promote the benefits of having a healthy balance of vegetation throughout the City; and
- Continue to provide planting programs and undertake studies to inventory vegetation on private and City-owned properties in order to effectively expand upon these programs and to ensure that development regulations are succeeding in the goal of retaining a healthy level of vegetation through the development process.

Carried

## 5. BYLAWS (ZONING & DEVELOPMENT)

### **(BYLAWS PRESENTED FOR ADOPTION)**

- 5.1 Bylaw No. 8617 (Z00-1046) – Merle Serhan – 575 White Road

Moved by Councillor Given/Seconded by Councillor Horning

**R504/02/12/16** THAT Bylaw No. 8617 be adopted.

Carried

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6. REPORTS

- 6.1 Water Manager, dated December 3, 2002 re: South East Kelowna Irrigation District Boundary Amendment (Pasutto Property) (5600-14)

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R505/02/12/16** THAT Council approve the request by the South East Kelowna Irrigation District (SEKID) to amend the SEKID service area boundary to include the property legally described as Block A of the South East ¼ Section 34, Township 29 ODYD known as 4300 June Springs Road, Kelowna, B.C.

Carried

- 6.2 Cultural Services Manager, dated December 9, 2002 re: Strategic Alliance Agreement – Pepsi Bottling Group (BL 8945; 2240-20)

Staff:

- Summarized the report and the benefits of the proposed agreement to the City.
- The terms of the agreement would be restricted to the 28 locations identified in schedule "A" of the agreement, unless otherwise amended by Council.
- Responded to questions of Council clarifying aspects of the agreement.

Council:

- Concerned about the impact of this agreement on sports organizations that need advertising sponsorships. Staff to talk to some of the non-profit groups (i.e. Minor Hockey, etc.) to see how they would be impacted by this agreement.

Moved by Councillor Given/Seconded by Councillor Clark

**R506/02/12/16** THAT Council receive, for information, the report dated December 9, 2002 from the Cultural Services Manager pertaining to a 10-year agreement for the exclusive supply of cold beverages in City-owned facilities with the Pepsi Cola Bottling Group;

AND THAT Strategic Alliance Agreement (Pepsi Cola Bottling Group) Authorization Bylaw No. 8945 be advanced for reading consideration;

AND FURTHER THAT the 2003 financial plan include the allocation of the revenues generated by the agreement to the Major Facilities Reserve should the agreement authorization bylaw be adopted.

Carried

Councillors Hobson, Horning and Shepherd opposed.

- 6.3 City Clerk, dated December 10, 2002 re: Strategic Alliance Agreement (Pepsi Cola Bottling Group) Authorization Bylaw No. 8945

Moved by Councillor Given/Seconded by Councillor Horning

**R507/02/12/16** THAT 4:00 p.m., Friday, January 24<sup>th</sup>, 2003 be set as the deadline for receipt of Counter Petitions by the City Clerk in relation to Strategic Alliance Agreement (Pepsi Cola Bottling Group) Authorization Bylaw No. 8945.

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6.4 Director of Parks & Leisure Services, dated December 9, 2002 re: Request for Rental Waiver from the Kelowna Coronary Exercise Society (2380-20)

- The Treasurer of the Kelowna Coronary Exercise Society advises that their group uses the facility very early in the morning when there are little or no other users; and that they have reason to believe the Provincial grants that were discontinued may be restored.

Moved by Councillor Shepherd/Seconded by Councillor Horning

**R508/02/12/16** THAT Council approve a 1-year grant to the Kelowna Coronary Exercise Society in the amount of \$3,600 to cover rent of the Parkinson Recreation Centre gymnasium;

AND THAT the funds be appropriated from 2002 Council Contingency.

DEFEATED

Mayor Gray and Councillor Blanche, Cannan, Clark, Day, Given and Hobson opposed.

Moved by Councillor Cannan/Seconded by Councillor Hobson

**R509/02/12/16** THAT the request from the Kelowna Coronary Exercise Society for a grant in the amount of \$3,600 to cover the rental fee for use of the Parkinson Recreation Centre gymnasium be referred back to staff to investigate actual need for the grant, and a report back to Council that also addresses whether a precedent would be set if the request was approved.

Carried

6.5 Civic Properties Manager, dated December 11, 2002 re: Proposed Queensway Marina Lease (0870-20)

- This item has been withdrawn from the agenda because of an unresolved property issue. The report will be rescheduled to the January 6, 2003 agenda.

6.6 Energy Management Committee, dated December 10, 2002 re: EMC Interim Proposed Sustainable Building Plan for the City of Kelowna (0360-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

**R510/02/12/16** THAT Council endorse the concept of Sustainable Building Plan for the City of Kelowna;

AND THAT the EMC be directed to take the following actions as a result of this interim report:

- a) To seek input from all appropriate internal City Department/Divisions and any other possible outside stakeholders on the suggested recommendations as outlined in this interim report;
- b) To bring forward to Council a Sustainable Building Plan Implementation Strategy for City facilities.

Carried

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- 6.7 City Clerk, dated December 10, 2002 re: Sanitary Sewer Specified Area No. 20 (North Rutland) Bylaw No. 8929

Staff:

- About 80 of the petitions of opposition were from a mobile home park; staff have been working with them and the owners and most of the tenants now support the project.

Moved by Councillor Horning/Seconded by Councillor Shepherd

**R511/02/12/16** THAT Council receive the Certificate of Sufficiency dated December 10, 2002 pertaining to Sanitary Sewer Specified Area No. 20 (North Rutland) Bylaw No. 8929;

AND THAT Sewer Specified Area No. 20 Bylaw No. 8929 (North Rutland) be advanced for adoption consideration.

Carried

WJB – out at 5:21 p.m.

- 6.8 City Clerk, dated December 15, 2002 re: Proposed Policy re Submissions to Council (0550-06)

Staff:

- Reviewed the policy intended to help Council determine the weight that should be placed on submissions from the public regarding items considered at Public Hearings and Regular Meetings.

Council:

- Staff to prepare an information sheet that explains to people making a submission to Council for the first time what they need to do to bring an issue forward to Council and tells them how submissions will be weighted (i.e. that coming in person carries the most weight).

Moved by Councillor Shepherd/Seconded by Councillor Given

**R512/02/12/16** THAT the draft policy regarding submissions to Council be adopted as attached to the City Clerk's report of December 11, 2002.

Carried

## 7. RESOLUTIONS

- 7.1 Draft Resolution re: Cancellation of January 7, 2003 Public Hearing/Regular Meeting

Moved by Councillor Hobson/Seconded by Councillor Day

**R513/02/12/16** THAT the Public Hearing and Regular Meeting scheduled for Tuesday, January 7, 2003 be cancelled.

Carried

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8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

- 8.1 Bylaw No. 8945 – Strategic Alliance Agreement (Pepsi Bottling Group)  
Authorization Bylaw

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R514/02/12/16** THAT Bylaw No. 8945 be read a first, second and third time.

Carried

Councillors Hobson and Shepherd opposed.

**(BYLAWS PRESENTED FOR ADOPTION)**

- 8.2 Bylaw No. 8915 – Amendment No. 7 to Sewer Connection Charge Bylaw  
No. 8469

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R515/02/12/16** THAT Bylaw No. 8915 be adopted.

Carried

- 8.3 Bylaw No. 8916 – Amendment No. 8 to Sewer Connection Charge Bylaw  
No. 8469

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R516/02/12/16** THAT Bylaw No. 8916 be adopted.

Carried

- 8.4 Bylaw No. 8929 – Sewer Specified Area No. 20 – North Rutland

Moved by Councillor Day/Seconded by Councillor Hobson

**R517/02/12/16** THAT Bylaw No. 8929 be adopted.

Carried

9. COUNCILLOR ITEMS

- (a) Cedar Creek Park

Councillor Shepherd gave the heads up that a petition may be pending from the Cedar Creek residents next to Braelock. The residents are concerned about some regrading that is taking place at Cedar Creek Park. The regrading is affecting some of their views and the residents are concerned that a parking lot is being built.



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(b) High Gas Prices in Kelowna

Mayor Gray asked for Council's endorsement to write to the Chamber of Commerce and the Economic Development Commission asking that they take issue with the oil companies on the unfair gas prices in Kelowna. Even with our gas price having come down 1 cent this week, we are higher than the majority of the other communities in the Province. At least one of the oil companies says the reason is because there is no competition in Kelowna.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R518/02/12/16** THAT the Mayor write to the Chamber of Commerce and the Economic Development Commission asking that they take issue with the oil companies on the unfair gas prices in Kelowna.

Carried

10. TERMINATION

The meeting was declared terminated at 5:41 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk