

Regular Meeting – P.M.

January 6, 2003

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, January 6, 2003.

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*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Finance & Corporate Services, C.P. Kraft*, Deputy Director of Finance, P. Macklem*; Budget & Systems Manager, K. Grayston*; Financial Accounting and Systems Manager, R. Mayne*; Director of Parks & Leisure Services, D. Graham*; Civic Properties Manager, J. Waugh*; Director of Works & Utilities, J. Vos*; Electrical Manager, R. Carle*; and Assistant City Clerk, L.M. Taylor acting as Council Recording Secretary.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:30 p.m.

2. CONFIRMATION OF MINUTES

Regular Meeting, December 16, 2002
Public Hearing, December 17, 2002
Regular Meeting, December 17, 2002

Moved by Councillor Given/Seconded by Councillor Horning

R6/03/01/06 THAT the Minutes of the Regular Meetings of December 16 and December 17, 2002 and the Minutes of the Public Hearing of December 17, 2002, be confirmed as circulated.

Carried

3. Councillor Shepherd to check the minutes of the meeting.

4. PUBLIC IN ATTENDANCE

4.1 Donald MacInnes re: Presentation of Certificate of Commendation from the Governor General to Mr. MacInnes

Mayor Gray presented a Certificate of Commendation from the Governor General to Mr. Donald MacInnes for his assistance to another person in a selfless action. Mr. MacInnes is being honored for his role in saving a young woman from drowning while on vacation in Portugal in February, 2001.

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5. PLANNING

- 5.1 Planning & Development Services Department, dated December 20, 2002 re: Agricultural Land Reserve Appeal No. A02-0110 – Alan & Rita Clarke – 1980 & 1984 Union Road (A02-0110)

Staff:

- Requesting permission from the Land Reserve Commission to subdivide within ALR to create an additional lot.
- Proposed subdivision would create a separate lot for the existing agri-tourism accommodation (20 stall RV park), fruit stand and teahouse.
- Existing residence and orchard would be retained on remainder of subject property.
- The agri-tourism business was approved by the Agricultural Land Commission and the City on the basis that it would be operated as an integral part of the existing orchard operation.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R7/03/01/06 THAT Council hear from the applicant.

Carried

Michael Kennedy, solicitor for the applicant

- Need to be able to subdivide so that they can sell the agri-tourism business if they need to without having to sell their residence as well
- Not proposing to alter the use of the land
- The property remains in the ALR and is shown as such on the title to the property. The letter of approval for the agri-tourism business did not specify that the business could run indefinitely and therefore they do not have any assurance that the LRC won't rescind their approval.

D.E. Pilling, engineer for the applicant

- Access to existing house would remain where it is and would be by means of registered right-of-way.

Alan Clarke, applicant

- Do not qualify for BC Crop Insurance as their crop returns are not recognized by the province as they do not go through a third party to sell their product.
- There are ample trees on the proposed lot to sustain the agri-tourism business.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R8/03/01/06 THAT Agricultural Land Reserve Appeal No. A02-0110, Lot 2, Section 4, Township 23, ODYD, Plan KAP60991, located on Union Road, Kelowna, BC, 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

Councillors Hobson and Day opposed.

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- 5.2 Planning & Development Services Department, dated December 27, 2002 re: Rezoning Application No. Z02-1027 – No. 21 Great Projects Ltd. and Michal & Suzanne Jilek (Runnalls Denby/Neil Denby) – 1228 Paret Road, 889 & 904 Steele Road (3360-20)

Councillor Clark declared a potential conflict of interest as the owner of property within the notification radius and left the Council Chamber at 2:10 p.m.

Staff:

- Rezoning would permit a 46 lot single family subdivision.
- Access to the subdivision would be from a proposed road that will extend off Steele Road
- Proposal is consistent with the OCP designation and Southwest Okanagan Mission Sector Plan.
- Recommend that final adoption of zone amending bylaw be withheld until the area structure plan has been started.

Council

- Requested that staff look at the issue of requiring sidewalks on both sides of the collector road (Gordon Drive).

Staff

- The issue of sidewalks could be looked at during the review of the subdivision bylaw that is currently in process. It is anticipated the bylaw amendment will be submitted to Council for consideration before the subdivision of the subject property is considered.

Moved by Councillor Hobson/Seconded by Councillor Day

R9/03/01/06 THAT Rezoning Application No. Z02-1027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, DL 579, SDYD, Plan KAP68860; part of the N½ of DL 579, SDYD, except Plans 5648, 9458 and 9459; and all of Lots 9 & 10, DL 579, SDYD, Plan KAP68542, located on Paret and Steele Roads, Kelowna, BC from the A1 – Agriculture 1 and RR2 – Rural Residential 2 zones to the RU1 – Large Lot Housing zone as shown on Map "A" attached to the report of Planning & Development Services Department, dated December 27, 2002, be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be withheld pending the execution, by the owner of the subject property, of a Servicing Agreement acceptable to the City of Kelowna;

AND THAT final adoption of the zone amending bylaw be withheld until an Area Structure Plan for Neighbourhood 3 has been commenced.

Carried

Councillor Clark returned to the Council Chamber at 2:30 p.m.

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- 5.3 Planning & Development Services Department, dated January 2, 2003 re: Rezoning Application No. Z02-1050 - 1931 Venture Inc. & Orlando Ungaro (Miller & Wyatt Ltd.) – 1955 Baron Road (3360-20)

Staff:

- Permit the construction of a commercial building for use as an automotive parts sales and distribution centre.
- A development permit application to authorise the construction of the commercial building has been made along with the rezoning application.
- Access to the site will be from Baron Road at both the northwest corner and southwest corners
- Physical access to the mobile home park at the northeast corner of site is protected by reciprocal access agreement.
- Landscape buffers will be provided along the Baron Road frontage as well as along the rear property line adjacent to the mobile home park.
- Staff recommend support.

Council:

- Requested information be available at public hearing regarding the location of transit stops and noise buffering along common property line with the mobile home park.

Moved by Councillor Given/Seconded by Councillor Hobson

R10/03/01/06 THAT Rezoning Application No. Z02-1050 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, DL 532, O.D.Y.D., Plan KAP58763, located on Baron Road, Kelowna, B.C., from the C4 – Town Centre Commercial zone to the C10 – Service Commercial zone be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

Carried

- 5.4 Planning & Development Services Department, dated December 16, 2002 re: Re-Appointment of Agricultural Advisory Committee Member (3320-20)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R11/03/01/06 THAT Municipal Council support the re-appointment of Leo Gebert to the Agricultural Advisory Committee (AAC) for a three year term effective December 2, 2002.

Carried

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6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST READING)

6.1 Bylaw No. 8881 – Zoning Bylaw Text Amendment No. TA02-0003

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R12/03/01/06 THAT Bylaw No. 8881 be read a first time.

Carried

6.2 Bylaw No. 8947 (Z02-1055) – David & Monica Russelle – 510 El Camino Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R13/03/01/06 THAT Bylaw No. 8947 be read a first time.

Carried

6.3 Bylaw No. 8948 (Z02-1040) – Antony & Tracey Hutton – 3668 Luxmoore Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R14/03/01/06 THAT Bylaw No. 8948 be read a first time.

Carried

6.4 Bylaw No. 8950 (Z02-1039) – Kiyomatsu & Toshiye Yamaoka & R & B Construction Ltd. (Protect Consultants) – 908 El Paso Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R15/03/01/06 THAT Bylaw No. 8950 be read a first time.

Carried

6.5 Bylaw No. 8951 (Z02-1053) – Ted & Stanka Kos – 662 McClure Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R16/03/01/06 THAT Bylaw No. 8951 be read a first time.

Carried

6.6 Bylaw No. 8949 (OCP02-0012) – Kiyomatsu & Toshiye Yamaoka & R & B Construction Ltd. (Protect Consultants) – 908 El Paso Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R17/03/01/06 THAT Bylaw No. 8949 be read a first time.

Carried

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(BYLAWS PRESENTED FOR ADOPTION)

- 6.7 Bylaw No. 8941 (Z02-1034) – Markui Contracting Ltd. (David Pauls/D.E. Pilling & Associates Ltd.) – 1504 Highway 33 East

Moved by Councillor Clark/Seconded by Councillor Given

R18/03/01/06 THAT Bylaw No. 8941 be adopted.

Carried

7. **REPORTS**

- 7.1 City Manager, dated December 12, 2002 re: 2003 Financial Plan (1700-20)

Staff:

- Introduced the 2003 Financial Plan and explained the major focus of the 2003 budget will be the economic environment; maintenance of existing service levels; maintenance of assets and transportation issues.
- Highlights of the budget are being provided prior to the detailed budget review by Council scheduled for January 7, 2003.
- The downloading by senior levels of government to the municipalities in terms of transit, policing, and social programs has increased pressure on the City.
- General revenues are projected to increase by 3.7% over 2002 from \$8.6M to \$8.9M
- Departmental revenues are projected to increase by 4.3% over 2002 from \$15.1M to \$15.7M
- Net Departmental Operating budgets are projected to increase by \$2.5M over 2002
- Total 2003 Capital Program is \$35M of which \$14.4M will be funded from general taxation.
- Total tax demand for 2003 is \$61.8M an increase of \$2.8M over 2002, partially offset by the estimated new construction revenues of \$1.5M.
- The estimated net impact on the average residential property prior to Council review of the 2003 budget is 2.25% or \$27.81.

- 7.2 Deputy Director of Finance, dated December 20, 2002 re: Repayment of Outstanding Debt & Funding Change to Budgeted Debt (BL7091)

Councillor Day declared a potential conflict of interest as the owner of property serviced by the Black Mountain/Toovey sewer trunk and left the Council Chamber at 3:15 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Given

R19/03/01/06 THAT Council approve the payout of \$368,050.00 in debenture debt, created by City of Kelowna Security Issuing Bylaw No. 7091, for the Black Mountain / Toovey Sewer Trunk on January 13, 2003.

AND THAT the 2003 Financial Plan be amended to reflect the increased one-time expenditure for the debenture payout and annual debt savings.

Carried

Councillor Day returned to the Council Chamber at 3:17 p.m.

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- 7.3 Airport General Manager, dated December 17, 2002 re: Glycol Storage Facility Land Sub-lease – Jazz Air Inc., Horizon Air & Westjet (2380-20-8123)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R20/03/01/06 THAT Council approve entering into a land sub-lease with Jazz Air Inc., Horizon Air and WestJet for a common-use glycol storage facility at the Kelowna International Airport;

AND THAT Council authorize the Mayor and City Clerk to sign the sub-lease on behalf of the City of Kelowna.

Carried

- 7.4 Director of Parks & Leisure Services, dated December 31, 2002 re: Future Aquatic Centre (6240-20)

Staff:

- The Mission District Park master plan provides for an aquatic centre in the next phase of development of the park
- Purpose of a preliminary investigation would be to consider different design options, optimal timing for the construction of a pool, estimated operational and capital costs of constructing a pool, financing options and the impact on the operation of the Athans Pool and Parkinson Recreation Centre.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R21/03/01/06 THAT City Council authorize staff to conduct a preliminary investigation into the design options, capital cost estimates, operating cost estimates, timing and financing options for the development of a new aquatic centre to be located in Mission District Park;

AND THAT the investigation include consideration of the current levels of utilization of pools and the impact of a new aquatic centre on the existing operations of the YM-YWCA at the Athans Aquatic Centre and the Parkinson Recreation Centre pool;

AND THAT the Mission District Park Development Committee review and provide input into the results of the preliminary investigation;

AND THAT staff report to Council prior to consideration of its Final Budget in May, 2003;

AND THAT City Council consider an allocation of \$30,000 in its 2003 Financial Plan as funds to conduct the preliminary investigation.

Carried

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- 7.5 Director of Parks & Leisure Services, dated December 27, 2002 re: Kelowna Coronary Exercise Society – Additional Information (2380-20)

Staff:

- The rental waiver requested by the Society is \$3600 annually.
- Society is seeking funding from the Gaming Branch and is attempting to have their funding from the Regional Health Authority restored.
- Currently there are not any other groups using City facilities on a regular weekly basis

Moved by Councillor Horning/Seconded by Councillor Shepherd

R22/03/01/06 THAT Council hear from the applicant.

Carried

Don Cameron, Treasurer, Kelowna Coronary Exercise Society

- Have used the Parkinson Recreation Centre since 1974.
- Funding from the Ministry of Health was discontinued in March 2002.
- Recently increased monthly dues from \$20 to \$25.

Council:

- Regional Health Authority is attempting to download health services onto the municipality.
- If this is approved other non-profit groups may come to Council for assistance.

Moved by Councillor Horning/Seconded by Councillor Shepherd

R23/03/01/06 THAT City Council approve an operational grant in the amount of \$3600.00 to the Kelowna Coronary Exercise Society to assist the Society with its operating costs:

AND THAT the grant be allocated from Council Contingency.

AND THAT the Mayor write a letter to the Regional Health Authority indicating the Council's strong objection to the cancellation of funding for health rehabilitation programs such as the Kelowna Coronary Exercise Society which is seen as downloading costs onto the municipalities;

AND THAT a copy of the letter be sent to the Premier and the Minister of Health.

DEFEATED

Councillors Blanleil, Cannan, Clark, Day and Given opposed.

Moved by Councillor Clark/Seconded by Councillor Cannan

R24/03/01/06 THAT the Mayor write a letter to the Regional Health Authority indicating the Council's strong objection to the cancellation of funding for health rehabilitation programs such as the Kelowna Coronary Exercise Society which is seen as downloading costs onto the municipalities;

AND THAT a copy of the letter be sent to the Premier and the Minister of Health.

Carried

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- 7.6 Civic Properties Manager, dated December 12, 2002 re: Proposed Queensway Marina Lease (0870-20)

Staff:

- Outstanding land issues in the area make the three year term of the proposed lease unworkable.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R25/03/01/06 THAT the City not accept either of the two proposals submitted in response to the Queensway Marina Request for Proposals (T02-89), and that the RFP process be terminated;

AND THAT staff be authorized to request from both Grant Developments Ltd. and 381713 BC Ltd. sealed bids for the seasonal operation of the Queensway Marina for the 2003 season with an option at the City's discretion for an additional season;

AND to award the contract to the party who submits the highest cost qualified bid.

Carried

- 7.7 Water Manager, dated December 31, 2002 re: Centralized Cross Connection Control Program (0360-20)

Withdrawn by staff.

- 7.8 Electrical Utility Manager, dated December 30, 2002 re: Undergrounding of Wires – Amendment to Electrical Bylaw and Council Policy No. 101

Moved by Councillor Blanleil/Seconded by Councillor Given

R26/03/01/06 THAT Council approve an amendment to the City of Kelowna Electrical Bylaw No. 7639 (Schedule B, Section B-2, B-5 and B-6) and Council Policy No. 101 allowing the installation of new or up-graded electrical services to be installed either overhead or underground as permitted in the current City of Kelowna Official Community Plan (OCP) and the City of Kelowna Subdivision Bylaw.

Carried

- 7.9 Assistant Airport General Manager, dated December 30, 2002 re: Consent to Mortgage of Sub-lease – 600897 BL Ltd. (Southern Interior Flight Centre/Carson Air) – Kelowna International Airport (2380-20-8057.01)

Moved by Councillor Horning/Seconded by Councillor Blanleil

R27/03/01/06 THAT Council approve a Consent to a Mortgage of a Sub-Lease with respect to outstanding loans by the Royal Bank of Canada to 600897 BC Ltd;

AND THAT the Mayor and City Clerk be authorized to execute the Consent to Mortgage of a Sub-Lease on behalf of the City of Kelowna.

Carried

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8. RESOLUTIONS

- 8.1 Draft Resolution re: Appointment to Community Heritage Commission (0550-01)

Moved by Councillor Horning/Seconded by Councillor Hobson

R28/03/01/06 THAT Councillor Shepherd be appointed as a non-voting liaison member to the Community Heritage Commission.

Carried

9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 9.1 Bylaw No. 8914 – Sewer Specified Area No. 22D – Elwyn Road

Moved by Councillor Given/Seconded by Councillor Horning

R29/03/01/06 THAT Bylaw No. 8914 be adopted.

Carried

- 9.2 Bylaw No. 8944 – Amendment No. 13 to Local Improvement Charges
Bylaw No. 6600

Moved by Councillor Given/Seconded by Councillor Horning

R30/03/01/06 THAT Bylaw No. 8944 be adopted.

Carried

10. COUNCILLOR ITEMS

- (a) Shaw Coverage of Council Meetings

At Council's request the Mayor agree to strike a small committee of Council and to facilitate a meeting between the Committee and Shaw Cable to discuss Shaw's coverage of Council meetings.

- (b) Retirement of British Columbia Building Corporation

Councillor Hobson reported that Dennis Truss, the President of BCBC is retiring.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R31/03/01/06 THAT the Mayor send a letter of congratulations to Dennis Truss, who is retiring as President of the British Columbia Building Corporation after 25 years with the Corporation.

Carried

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11. TERMINATION

The meeting was declared terminated at 4:40 p.m.

Certified Correct:

Mayor

LMT/am

City Clerk