

Regular Meeting – P.M.

January 27, 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 27, 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, and S.A. Shepherd.

Council members absent: Councillor E.A. Horning

Staff members in attendance were: Director of Planning & Development Services, R.L. Mattiussi acting as City Manager; City Clerk, D.L. Shipclark; Current Planning Manager, A.V. Bruce\*; Special Projects Planning Manager, H. Christy\*; Recreation Services Manager, R. Oddleifson\*; Director of Parks and Leisure Services, D.L. Graham\*; Sports and Facilities Manager, J. Gabriel\*; 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. Councillor Blanleil to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 B.C. Disability Games, Sharron Simpson

Sharron Simpson, Chairman, BC Disability Games

- Introduced the Board Members and gave a brief update on the BC Disability Games to be held in Kelowna July 9 to 13 2003.

Mayor Gray altered the order of business and advised that Item No. 6.2 would be dealt with next to permit staff to be present to answer questions.

**Late Item** 6.2 City Clerk, dated January 27, 2003 re: Counter Petition – Strategic Alliance Agreement (Pepsi Bottling Group) Authorization Bylaw (BL8945)

Staff:

- Advised Council that as of the deadline, 196 signatures had been submitted of which 159 were valid.
- In response to email requests to extend the petition deadline for 2 months, the City Solicitor advised Council has no authority under either the Local Government Act or the Interpretation Act to permit an extension.
- Main concern of the public is the nutritional value and the contract provides that City has the right to indicate what the mix of the products sold will be (i.e. Sunrype products and bottled water must be included in the machines.)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R70/03/01/27** THAT Council receive the Certificate of Sufficiency dated January 27, 2003 in relation to Strategic Alliance Agreement (Pepsi Bottling Group) Authorization Bylaw No. 8945;

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

Carried

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4. PLANNING

- 4.1 Planning & Development Services Department, dated January 22, 2003 re: Zoning Bylaw Text Amendment No. TA02-0007

Staff:

- Proposed amendments to Zoning Bylaw are to address changes to the Provincial Liquor Control and Licensing Regulations.
- Need to differentiate between various types of liquor primary businesses and liquor primary and food primary establishments
- Propose to create 2 new subclasses related to size under Liquor Primary Establishments – major with a person capacity of 100 or over, and minor with a person capacity under 100.
- Rezoning will be required for Major Liquor Primary uses to Liquor Primary (LP) version of parent zone.
- Licensee Retail Stores may now carry same range of products a provincial liquor stores.
- Further control over retail sale of liquor through zoning bylaw by requiring a rezoning or Retail Liquor Sales (RLS) version of parent zone.
- Existing liquor primary, major and retail liquor sales establishments will require rezoning to the LP and RLS versions of parent zone and staff will prepare detailed list of the properties to be rezoned.

Moved by Councillor Hobson/Seconded by Councillor Clark

**R71/03/01/27** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by updating the provisions of Bylaw No. 8000 as outlined in Schedule “A” attached to the report of the Planning & Development Services Department dated January 22, 2003;

AND THAT Text Amendment No. TA02-0007 be forwarded to a Public Hearing.

AND THAT staff notify applicants with in-stream applications before the BC Liquor Licensing and Control Board of the proposed changes to the Zoning Bylaw;

AND THAT staff notify all owners of properties proposed to be rezoned of the proposed rezoning and changes to the Zoning Bylaw.

Carried

- 4.2 Director of Planning & Development Services Department, dated January 20, 2003 re: Abbott Street Artwork

Staff:

- Competition was held in September and October 2002 for sculpture for the intersection of Abbott and Lake Streets

Moved by Councillor Hobson/Seconded by Councillor Given

**R72/03/01/27** THAT City Council approve the recommendation of the Public Art Committee to award the commission for the design and installation of “Timeline/Waterline”, a sculpture to enhance the area along Abbott Street in the vicinity of Lake Street, to Philip and Kirsty Robbins of Vancouver;

AND THAT the Mayor and Clerk be authorized to sign a contract with Philip and Kirsty Robbins for an amount not to exceed \$22,000.00, (funded from the Public Art Reserve), for the design and installation of the artwork.

Carried

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5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAW PRESENTED FOR AMENDMENT AT THIRD READING AND ADOPTION AS AMENDED)**

- WITHDRAWN 5.1 (a) Bylaw No. 8603 (Z99-1049) – R127 Enterprises Ltd. (Wayne Judiesch) – Mission Ridge Road/Westpoint Drive, and Mission Ridge Area Structure Plan No. ASP99-001, and City of Kelowna Official Community Plan Amendment No. OCP99-015
- (b) Planning & Development Services Department, dated January 22, 2003 re: Rezoning Application No. Z99-1049 and Development Permit Application No. DP99-10,067 – R127 Enterprises Ltd. (Planning Solutions Consulting Inc./Stantec) – Mission Ridge Road/Westpoint Drive

Withdrawn by applicant as restrictive covenant has not yet been registered at Land Title Office.

6. REPORTS

- 6.1 Sports & Facilities Manager, dated January 21, 2003 re: Memorial Arena Future and Proposed Renovations

Staff:

- Recommend replacing the flooring and board system in the areas and undertaking upgrades to the ancillary building areas.
- Maintaining Memorial Arena as an ice arena defers the need for new arena development and reduces demand on capital budget.
- Confirms home for Military Museum for at least 10 years
- Provides for operation of significant City facility and landmark.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R73/03/01/27** THAT City Council approve in principle the renovations of Memorial Arena in 2004 which include the replacement of the arena boards, concrete floor and related refrigeration plumbing equipment, and ancillary building improvements;

AND THAT the Memorial Arena continue to be used as an ice arena.

AND THAT City Council instruct staff to proceed with detailed design and full cost estimates and produce an outline plan for full utilization of the building;

AND FURTHER THAT City Council consider the additional funding requirements in the 2004 provisional budget.

Carried

- Late Item*** 6.2 City Clerk, dated January 27, 2003 re: Counter Petition – Strategic Alliance Agreement (Pepsi Bottling Group) Authorization Bylaw (BL8945)

Dealt with after Item 3.1.

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7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.1 Bylaw No. 8959 – Water Specified Area No. 16 (Byrns/Benvoulin Road) Parcel Tax Bylaw

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R74/03/01/27** THAT Bylaw No. 8959 be adopted.

Carried

- Late Item*** 7.2 Bylaw No. 8945 – Strategic Alliance Agreement (Pepsi Bottling Group) Authorization Bylaw

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R75/03/01/27** THAT adoption consideration of Bylaw No. 8945 be deferred until February 3, 2003.

DEFEATED

Mayor Gray and Councillors Blanleil, Clark, Day, Given and Hobson opposed.

Moved by Councillor Given/Seconded by Councillor Clark

**R76/03/01/27** THAT Bylaw No. 8945 be adopted.

Carried

Councillors Hobson and Shepherd opposed.

8. RESOLUTIONS

- Late Item*** 8.1 Draft Resolution re: Travel Authorization – 2003 OMMA, UBCM & FCM Conventions

Moved by Councillor Hobson/Seconded by Councillor Given

**R77/03/01/27** THAT all Members of Council be authorized to travel to attend the 2003 Okanagan Mainline Municipal Association Convention being held April 30 to May 2, 2003 in Penticton, B.C. with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547 using funds from Account No. 351-10-015-0-001;

AND THAT all Members of Council be authorized to travel to attend the 2003 Union of British Columbia Municipalities Convention and pre-conference sessions being held September 21 to 26, 2003 in Vancouver, B.C. with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547 using funds from Account No. 351-10-015-0-001;

AND FURTHER THAT all Members of Council be authorized to travel to attend the 2003 Federation of Canadian Municipalities Convention being held May 30 to June 2, 2003 in Winnipeg, Manitoba with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547 using funds from Account No. 351-10-015-0-001.

Carried

9. COUNCILLOR ITEMS(a) Current Iraqi Conflict

Councillor Blanleil advised he had written a letter to Prime Minister Chretien requesting that the Canadian military only become involved in the Iraqi situation if there is a resolution by the United Nations Security Council. Since then he has been contacted by a number of residents indicating that Council should authorize a letter to be sent on behalf of the City of Kelowna.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R78/03/01/27** THAT a letter be sent from the Mayor and Council to the Prime Minister Chretien, Senator Fitzpatrick, Werner Schmidt, M.P., and President Bush indicating the citizens of Kelowna do not support Canada entering into a war with Iraq, without a resolution of the United Nations Security Council that military action is necessary.

AND THAT a copy of the letter be sent to all members of the UBCM.

Carried

(b) Crossroads Treatment Centre

Councillor Cannan advised Council that the City of Abbotsford is proposing to send a resolution to UBCM about harm reduction centres being located in residential neighbourhoods. The Acting-City Manager advised staff will contact Crossroads Treatment Centre to confirm if there has been a shift in the operation from a detoxification centre to a harm reduction centre so the information can be provided to Council.

(c) Sale of Crown Leases Adjacent to Reservoir Lakes

Councillor Hobson reported on a letter received from Mayor Hein of the District of Lake Country outlining the Province's proposal to sell recreational leased lots on reservoir lakes. Mayor Hein has asked that Council oppose the initiative.

Moved by Councillor Hobson/Seconded by Councillor Day

**R79/03/01/27** THAT a letter be sent to the Minister of Sustainable Resources advising that the City of Kelowna opposes the proposal by Land and Water BC Inc. to convert to fee simple and sell recreational and commercial lots on water storage and reservoir lakes in British Columbia;

AND THAT a copy of the letter be sent our local MLAs.

Carried

10. RESOLUTION CLOSING THE MEETING TO THE PUBLIC

Moved by Councillor Shepherd/Seconded by Councillor Given

**R80/03/01/27** THAT this meeting be closed to the public, pursuant to Sec. 242.2(1) (e) of the *Local Government Act* for Council to deal with matters relating to the following:

- Land Disposition

Carried

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11. ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 3:38 p.m.

12. TERMINATION

The meeting was declared terminated at 4:07 p.m.

Certified Correct:

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Mayor

LMT/am

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City Clerk