

Regular Meeting – P.M.March 24, 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, March 24, 2003.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blangleil, 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; Deputy City Clerk, A.M. Flack; Director of Parks & Leisure Services, D.L. Graham*; Director of Works & Utilities, J. Vos*; Deputy Director of Finance, P.A. Macklem*; Current Planning Manager, A.V. Bruce*; Long Range Planning Manager, S. Bagh*; Community Planning Manager, T. Eichler*; Roadways Engineer, G. Parker*; Recreation Manager, R. Oddleifson*; Parks Manager, J. Creron*; Financial Planning Manager, K. Grayston*; Wastewater Manager, W.J. Berry*; Sports & Facilities Manager, J. Gabriel*; Traffic & Transportation Engineer, H. Thompson*; Theatre Manager, M. Utgarrd*; 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 Day was requested to check the minutes of the meeting.

3. PLANNING

3.1 Planning & Development Services Department, dated March 18, 2003 re: Appointment to Kelowna Heritage Foundation Board of Directors (6800-02)

Moved by Councillor Shepherd/Seconded by Councillor Horning

R248/03/03/24 THAT Council appoint Doug Schram to the Board of Directors of the Kelowna Heritage Foundation for the balance of the Board's 3-year term ending November 30, 2005.

Carried

3.2 Planning & Development Services Department, dated March 10, 2003 re: Rezoning Application No. Z03-0005 – Jean-Anne Copley and Joseph Popoff – 477 Osprey Avenue

Staff:

- The rezoning would acknowledge that there are 2 dwelling units in a semi-detached form on the lot.
- Variances would be required for a reduced side yard setback and for driveway access from Osprey Avenue.

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Moved by Councillor Hobson/Seconded by Councillor Given

R249/03/03/24 THAT Rezoning Application No. Z03-0005 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, DL 14, ODYD, Plan 4280, located on Osprey Avenue, Kelowna, B.C. from the P2 – Education and Minor Institutional zone to RU6- Two Dwelling Housing zone be considered by Council;

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

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

Carried

3.3 Planning & Development Services Department, dated March 12, 2003 re: Rezoning Application No. Z03-0006 – Bob Volk – 795 Hollywood Road

Staff:

- The on-site septic system does not meet the capacity required for the secondary suite and therefore adoption of the zone amending bylaw would be withheld pending the property being serviced with sanitary sewer.
- The accessory building has already been renovated to include the secondary suite and there is an open bylaw enforcement file as a result of a complaint.

Moved by Councillor Shepherd/Seconded by Councillor Horning

R250/03/03/24 THAT Rezoning Application No. Z03-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Sec. 26, Twp. 26, D.L. 143, ODYD, Plan 31306 located on Hollywood Road North, 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;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the connection to the City's sanitary sewer system being completed to the satisfaction of the Works & Utilities Department and the Interior Health Authority.

Carried

3.4 Planning & Development Services Department, dated March 18, 2003 re: Development Permit Application No. DP03-0007 – Interior Fisheries Ltd. (Ted Matte/T & G Enterprises Ltd.) – 3960 Lakeshore Road

Councillor Day declared a conflict of interest because he owns property within the notification radius of the subject property and left the Council Chamber at 1:38 p.m.

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Staff:

- The applicant is proposing to develop a 3-bay, hand-operated car wash on the property.
- Current zoning regulations specify a car wash is to be an accessory use to a gas bar. The zoning requirements would be satisfied by way of a bare land strata development whereby the car wash would be tied to the 7-11 gas bar development to the south as an ancillary use by way of restrictive covenant and strata bylaws. The restrictive covenant would have to be registered prior to the DP being issued.
- The required development proposal sign was posted on the site with the date of the meeting that this application was considered by the Advisory Planning Commission.
- A neighbour has expressed concern about the car wash use and requested a solid block wall along the northeast property boundary; however, staff feel that the applicant has already addressed the concerns as best as possible.
- There would be no access to the site from the rear lane.

Council:

- Concerned about the lack of public input to Council as a result of choosing to deal with the application by Development Permit and bareland strata subdivision as opposed to rezoning.
- Staff to not allow any vacuum cleaners along the lane.

Moved by Councillor Blanleil/Seconded by Councillor Given

R251/03/03/24 THAT Council authorize the issuance of Development Permit No. DP03-0007 for Lot B, Section 1, Township 25 and of Section 6, Township 26, ODYD, Plan 26397, located on Lakeshore Road, Kelowna, B.C. subject to the following:

- 1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A", **amended to not include any vacuum cleaners along the lane**;
- 2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- 3. Landscaping to be provided on the land be in general accordance with Schedule "C";
- 4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
- 5. The applicant be required to register a Section 219 Restrictive Covenant concurrent with a bareland strata subdivision plan tying the car wash use to the existing gas station.

Carried

Councillors Clark, Hobson and Shepherd opposed.

Councillor Day returned to the Council Chamber at 2:01 p.m. and took his place at the Council Table.

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- 3.5 Planning & Development Services Department, dated March 19, 2003 re: Text Amendment No. TA03-0003 – Al Stober Construction (Mark Stober) – 1620/1632 Dickson Avenue

Staff:

- The first building of the high tech office campus has been constructed as a 6-storey building. The CD14 zone indicates the second phase building as a 4-storey building and the applicant is asking for an amendment to allow a 6-storey building similar to the first building.
- The text amendment would amend the schedules of the CD14 zone.

Moved by Councillor Horning/Seconded by Councillor Given

R252/03/03/24 THAT Zoning Bylaw Text Amendment No. TA03-0003 to amend City of Kelowna Zoning Bylaw No. 8000 by replacing existing CD14 Map A and CD14 Map B with revised CD14 Map A (site plan) and CD14 Map B (building elevations) as outlined in the report of the Planning & Development Services Department dated March 19, 2003 be considered by Council;

AND THAT the text amendment be forwarded to a Public Hearing for further consideration.

Carried

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR SECOND & THIRD READING)

- 4.1 Bylaw No. 8985 (Z03-0004) – Al Stober Construction Ltd. & R.A. McKenzie Enterprises Ltd. – 1699 Powick Road

Staff:

- The Public Hearing for this application was waived by Council at initial consideration.

Moved by Councillor Horning/Seconded by Councillor Given

R253/03/03/24 THAT Bylaw No. 8985 be read a second and third time.

Carried

5. REPORTS

- 5.1 City Manager, dated March 17, 2003 re: Volume 2 – 2003 Financial Plan

Staff:

- These are projects that for one reason or another could not be completed in 2002. Carrying them over to 2003 would result in no additional taxation demand.

Moved by Councillor Clark/Seconded by Councillor Blanleil

R254/03/03/24 THAT the \$11,120 carry-over amount from the 2002 budget for the Kelowna Social Plan not be expended without the approval of Council.

Carried

Councillors Given, Hobson and Shepherd opposed.

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Moved by Councillor Clark/Seconded by Councillor Day

R255/03/03/24 THAT further consideration of the 2003 supplemental request for carry-over of the \$80,000 tennis facility grant to the Okanagan Mission Community Hall Association be deferred to after Council's consideration of item No. 5.10 on this meeting agenda.

Carried

Councillors Given, Hobson and Horning opposed.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R256/03/03/24 THAT the 2003 Financial Plan be increased by \$1,232,600 to provide for operating carry-over projects and \$38,687,890 for capital carry-over projects as summarized in Financial Plan Volume 2, **less** the \$80,000 tennis facility grant to the Okanagan Mission Community Hall Association, as deferred by the previous resolution.

Carried

Mayor Gray altered the order of business and advised that agenda item No. 5.10 would be dealt with next.

5.10 Director of Parks & Leisure Services, dated March 19, 2003 re: Okanagan Mission Community Hall Association Tennis Development Proposal (0230-20)

Staff:

- A lot line adjustment has already been registered to better facilitate the development of the two properties. If the proposed outdoor tennis courts are not approved, then the lot line adjustment would no longer be required and the Association may want to undo it.
- Showed how the multi-court hard surface facility and the 3 new tennis courts are possible without reconfiguring the option of the master park plan for development of the area.
- The multi-use courts were identified as a higher priority in the public response on the master park plan, but tennis courts were also high in priority with 56% support.
- The City will not get possession of the land intended for the multi-use courts for a couple of years; the multi-use courts probably would be developed in about 5 years providing funding comes available.
- There is sufficient room behind the firehall to meet the parking requirements for the new tennis courts. The multi-use court would likely generate more need for parking.

Council:

- The community should raise the money and help build and take ownership of the multi-use court as has been done successfully in Dilworth and other areas of the city.
- Would like to see development of the multi-use court accelerated.

Moved by Councillor Cannan/Seconded by Councillor Clark

R257/03/03/24 THAT further consideration of the report dated March 19, 2003 from the Director of Parks & Leisure Services regarding the Okanagan Mission Community Hall Association Tennis Development Proposal be tabled to after the Hall Association's Annual General Meeting being held on May 5, 2003.

DEFEATED

Mayor Gray and Councillors Blanleil, Day, Given, Hobson, Horning and Shepherd opposed.

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Moved by Councillor Shepherd/Seconded by Councillor Given

R258/03/03/24 THAT the \$80,000 tennis facility grant to the Okanagan Mission Community Hall Association be approved as a carry-over project in the 2003 budget under account number 466-10-192-0-78103;

AND THAT City Council approve in principle of the partnership with the Okanagan Mission Hall Community Association (OMCHA) as described in the March 19, 2003 report from the Director of Parks and Leisure Services;

AND THAT City Council approve a grant in the amount of \$80,000 to the OMCHA, funded from account number 466-10-192-0-78103, subject to satisfactory completion of a lease agreement and the construction of the courts and related facilities;

AND FURTHER THAT City Council instruct staff to proceed with the preparation of a lease based on the principles set out in the March 19, 2003 report from the Director of Parks and Leisure Services.

Carried

Councillors Cannan and Clark opposed.

5.2 Director of Works & Utilities, dated March 19, 2003 re: Gordon Drive Widening (Mission Creek Bridge to Paret Place) – TE03-07

Moved by Councillor Day/Seconded by Councillor Cannan

R259/03/03/24 THAT the tender for Gordon Drive Widening (Mission Creek Bridge to Paret Place) TE03-07 be awarded to the low bidder Ansel Construction Ltd. in the amount of One Million, One Hundred Forty-nine Thousand, Five Hundred Forty-two Dollars and Seventy-three Cents (\$1,149,542.73) including GST.

Carried

5.3 Wastewater Manager, dated March 19, 2003 re: Amendment No. 1 to Sewer Specified Area No. 22C (Hein Road) (B/L 8994; B/L 8998; 5340-09-22C)

Moved by Councillor Shepherd/Seconded by Councillor Day

R260/03/03/24 THAT Bylaw 8912 be amended to add one property, being Lot 1, Plan 20306 as shown on Map A attached to the Wastewater Manager's report dated March 19, 2003, to Sewer Specified Area No. 22C (Hein Road);

AND THAT Bylaw 8994, being Amendment No. 1 to Sewer Specified Area No. 22C (Hein Road), be forwarded to Council for reading consideration;

AND THAT once included in Sewer Specified Area No. 22C, this parcel be subject to all the fees and charges specified by the original Bylaw No. 8912;

AND FURTHER THAT Bylaw No. 8469, the Sewer Connection Charge bylaw, be amended to remove this parcel from Sewer Service Area No. 22.

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- 5.4 Wastewater Manager, dated March 19, 2003 re: Dease Road Sewer Specified Area No. 22E (B/L 8962; 5340-09-22E)

Staff:

- The majority of the owners of property in the specified area have signed a petition asking for an owner-initiated project instead of City-initiated.
- The proposed payment options provide for costs to be paid up-front by the property owners thus avoiding the interim financing costs.

Moved by Councillor Hobson/Seconded by Councillor Day

R261/03/03/24 THAT Council approve the payment options for the Dease Road Sewer Specified Area No. 22E initiated under Bylaw No. 8962 as outlined in the report from the Wastewater Manager dated March 19, 2003

Carried

- 5.5 City Clerk, dated March 19, 2003 re: Petitioned Work – Sewer Specified Area 22E – Dease Road (B/L 8962; B/L 8997)

Moved by Councillor Day/Seconded by Councillor Horning

R262/03/03/24 THAT Council receive the Certificate of Sufficiency dated March 19, 2003 pertaining to Sewer Specified Area No. 22E – Dease Road;

AND THAT Sewer Specified Area No. 22E Bylaw No. 8962 (Dease Road) be advanced for amendment consideration as outlined in the report from the City Clerk dated March 19, 2003;

AND FURTHER THAT Dease Road Parcel Tax Bylaw No. 8997 be advanced for reading consideration.

Carried

- 5.6 Sport & Facilities Manager, dated March 18, 2003 re: Designated Driver Awareness Program (0810-01)

Staff:

- Reviewed the proposed policy noting the organizers would be required to display designated driver awareness materials when alcohol will be served at indoor and/or outdoor events in City-owned facilities/properties.
- A \$100 deposit would be forfeited and privileges suspended for the next year if the policy is not complied with.

Moved by Councillor Shepherd/Seconded by Councillor Given

R263/03/03/24 THAT City Council adopt Council Policy No. 310, Designated Driver Awareness Program.

Carried

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- 5.7 Parks Manager, dated March 19, 2003 re: Parks Landscape Maintenance Contract T03-16 – Glenmore Area

Moved by Councillor Day/Seconded by Councillor Hobson

R264/03/03/24 THAT City Council award the North and South Glenmore Contract T03-16 to Royale Landscaping for a total of Five hundred Four thousand, One hundred Thirty-eight dollars (\$504,138) plus G.S.T. over a two-year period;

AND THAT the 2003-2007 Financial Plan be amended to include additional parks maintenance expenditures of \$182,000 with funding from additional taxation revenue.

Carried

- 5.8 Recreation Manager, dated March 18, 2003 re: Policy & Procedure Manual for Recreation Facilities, Community Theatre, Sportsfields and Parks (1810-01)

Moved by Councillor Shepherd/Seconded by Councillor Given

R265/03/03/24 THAT the recommendation to charge outdoor events that sell greater than 500 admission tickets a percentage of gross ticket sales **not** be supported by Council;

AND THAT the Policy & Procedure Manual for Recreation Facilities, Community Theatre, Sportsfields & Parks be so amended.

Carried

Moved by Councillor Shepherd/Seconded by Councillor Given

R266/03/03/24 THAT Council approve the Policy & Procedure Manual for Recreation Facilities, Community Theatre, Sportsfields & Parks attached to the report from the Recreation Manager dated March 18, 2003, amended as directed in the previous resolution;

AND THAT general admission rates and rentals for rooms, facilities and park sites be increased by the BC Consumer Price Index (BC-CPI) annually on April 1st;

AND THAT the arena allocation policy be amended to include the use of the Mission District Park Sports Centre;

AND THAT the benchmark rate for Arena rentals be set at \$75 per hour for minor sports starting the 2003/04 season and be increased by the BC-CPI annually on September 1st;

AND THAT the Arena rental fee for School District #23 be increased gradually over the next five years to match the benchmark rate for minor sports by the 2007/08 season;

AND THAT the Outdoor Event application fee be increased by \$5.00 per year commencing the 2004 season and extending though to 2007;

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AND THAT a new fee for Special Occasion Liquor License Applications be established at \$40.00 plus a \$100 refundable deposit for 2003, and increased by \$5.00 per year from 2004 through to 2007;

AND THAT Council approve the new Kelowna Community Theatre Allocation Policy and five year fee schedule;

AND THAT Council approve the amended Council Policy 259 for the Development of Arenas – Reserve Account as attached to the report from the Recreation Manager dated March 18, 2003;

AND FURTHER THAT staff be permitted to make changes to the Policy & Procedure Manual for Recreation Facilities, Community Theatre, Sportsfields & Parks for purposes of clarification without having to come back to Council.

Carried

5.9 Director of Parks & Leisure Services, dated March 20, 2003 re: City Park Pavilion (1810-20)

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R267/03/03/24 THAT use of the City Park Pavilion for City purposes is not required at this time;

AND THAT the City of Kelowna make the City Park Pavilion available for lease through the Request for Proposal process;

AND THAT Council instruct staff to prepare a Request for Proposal from businesses or non-profit societies interested in leasing the City Park Pavilion;

AND FURTHER THAT the proposal call include criteria as identified in the March 20, 2003 report from the Director of Parks and Leisure Services.

Carried

5.10 Director of Parks & Leisure Services, dated March 19, 2003 re: Okanagan Mission Community Hall Association Tennis Development Proposal (0230-20)

Dealt with after agenda item No. 5.1.

6. RESOLUTIONS

6.1 Draft Resolution re: Council Appointee – RCA Agreement with KVPACS (0360-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

R268/03/03/24 THAT Councillor Blanleil be appointed as Council's representative, for the purpose of attending meetings of the Kelowna Visual Performing Arts Council Society (KVPACS) Board of Directors, in a non-voting liaison capacity, pursuant to the City's agreement with KVPACS for the management and operation of the Rotary Centre for the Arts.

Carried

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- 7.1 Bylaw No. 8994 – Amendment No. 1 to Sewer Specified Area No. 22C
Bylaw No. 8912 (Hein Road)

Moved by Councillor Clark/Seconded by Councillor Given

R269/03/03/24 THAT Bylaws No. 8994, 8997, 8998 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 8997 – Sewer Specified Area No. 22E (Dease Road) Parcel
Tax Bylaw

See resolution under 7.1 above.

- 7.3 Bylaw No. 8998 – Amendment No. 9 to Sewer Connection Charge Bylaw
No. 8469

See resolution under 7.1 above.

(BYLAW PRESENTED FOR AMENDMENT AT THIRD READING)

- 7.4 Bylaw No. 8962 – Sewer Specified Area No. 22E – Dease Road

Moved by Councillor Day/Seconded by Councillor Hobson

R270/03/03/24 THAT Bylaw No. 8962 be amended at third reading by replacing the second and third paragraphs of the preamble with the following:

“AND WHEREAS the Council of the City of Kelowna has received a petition from the owners of certain properties to have the municipality undertake the construction of a sewer system within the specified area created by this bylaw;

AND WHEREAS the Municipal Officer assigned the responsibility for Corporate Administration for the City of Kelowna under Section 198 of the Local Government Act has determined the sufficiency of the petition under the provisions of Sections 631 and 632 of the Local Government Act;”

AND THAT Bylaw No. 8962 be further amended by adding the following sentence at the end of section 8 of the bylaw:

“Alternatively any person whose parcel is subject to being specially charged under Section 6 of this bylaw, may elect to make a one-time payment, on or before May 2, 2003, of the portion of the estimated cost of the construction of the project prior to the City incurring any borrowing charges assessed upon their parcel.”

Carried

(BYLAWS PRESENTED FOR ADOPTION)7.5 Bylaw No. 8967 – Road Closure Bylaw – Spruceview Place South

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward.

Stephen Bucek, 610 Spruceview Place South:

- This is a recently developed area. Understood Spruceview would terminate just before Clifton until the Skyline connection is achieved; however, Spruceview is open and people are using Spruceview to get to the upper regions of the Glenmore Highlands.
- Safety of pedestrians, and especially children in the area, is of concern.
- Read a letter which he submitted asking for the immediate closure at Clifton Road.

Staff:

- The proposed closure is temporary because Skyline will provide a link from Clifton to High Road and once achieved would leave very little benefit for traffic to use Spruceview to get through to Glenmore Road.

Paul Karroll, 602 Spruceview Place South:

- Since traffic calming measures were introduced on Spruceglen Drive, traffic has been using Spruceview Place South and vehicles are speeding despite signs on both sides of the hill warning traffic to reduce speed due to poor vision.
- There are no speed bumps or sidewalks on Spruceview Place South and it is dangerous for all pedestrians, including the kids walking on the road to school.
- Sidewalks should be mandatory for all new streets.
- It would be best to close the road permanently.

Sandra Huska, 612 Spruceview Place South:

- Submitted letters from other residents of the area.
- She canvassed the 20 homes on the street over the weekend and all agree that closing the road at Clifton is only a slight fix and would prefer that Spruceview be closed off further up.
- None of the residents here tonight were notified of the road closure bylaw.

Staff:

- The only statutory requirement for notification is a newspaper advertisement although letters were sent to property owners within a 100 m radius of the road closure. Residents of the area were also consulted informally by the Works & Utilities department of the plans for the area.

Council:

- Agreed to approve the bylaw as proposed today, and direct Transportation staff to go back and consult with the rest of the neighbourhood and report back to Council.
- Staff to review the notification requirements for road closures.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R271/03/03/24 THAT Bylaw No. 8967 be adopted.

Carried

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Moved by Councillor Hobson/Seconded by Councillor Cannan

R272/03/03/24 THAT City Transportation staff consult with the Spruceview Place residents and look for solutions for dealing with the traffic concerns that have emerged in this neighbourhood as a result of introducing traffic calming measures in Caramilo Heights.

Carried

8. COUNCILLOR ITEMS

(a) Relocation of Playground Equipment from Former School Sites

Councillor Shepherd noted that the School District is closing down schools and then moving the playground equipment to other school locations. She expressed concern that playground equipment that has always been available to a neighbourhood is being lost to the children of that neighbourhood.

The City Manager advised that City staff meet regularly with School District staff and that he will ensure that the concern is part of their discussion when there are school closures.

(b) Designated Taxi Stands in the Downtown

Councillor Horning commented on the apparent lack of taxi stands in the downtown. People leaving the Casino, Skyreach Place, the downtown theatres have to find a telephone to be able to call a cab. He suggested that at least one taxi stand should be considered on Bernard Avenue.

Councillor Day agreed to raise the matter with the Kelowna Parking Committee.

9. TERMINATION

The meeting was declared terminated at 5:03 p.m.

Certified Correct:

Mayor

BLH/am

Deputy City Clerk