

Regular Meeting – P.M.March 31, 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 31, 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, E.A. Horning and S.A. Shepherd.

Council members absent: Councillor R.D. Hobson.

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 Human Resources, R.W. Baker*; Director of Works & Utilities, J. Vos*; Wastewater Manager, W.J. Berry*; Recreation Manager, R. Oddleifson*; Sports & Facilities Manager, J. Gabriel*; Roadways 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 1:30 p.m.

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

3. PLANNING

3.1 Planning & Development Services Department, dated March 26, 2003 re: Agricultural Land Reserve Appeal No. A02-0115 – John & Marie Murphy (Tom Smithwick/Porter Ramsay) – 1460 Gibson Road

Staff:

- The applicant is seeking Council's support to subdivide to create 2 lots within the ALR.

Moved by Councillor Shepherd/Seconded by Councillor Day

R278/03/03/31 THAT Agricultural Land Reserve Appeal No. A02-0115, Lot 18 Section 36, Township 26, ODYD Plan 1760, Except Plans B3117, 21987 and KAP56450 located on Gibson Road, Kelowna, B.C. to subdivide within the Agricultural Land Reserve, pursuant to Section 22 (1) of the Agricultural Land Commission Act be supported by the Municipal Council.

Carried

3.2 Planning & Development Services Department, dated March 26, 2003 re: Agricultural Land Reserve Appeal No. A03-0001 – Black Mountain Irrigation District/Bell Mountain Golf Course (Kim McKechnie/Planning Solutions Consulting) – East End Swainson Road

Councillor Day declared a conflict of interest because he owns adjoining property and left the Council Chamber at 1:33 p.m.

Regular Meeting – P.M.

March 31, 2003

Staff:

- The applicant is seeking support for a non-farm use within the ALR in order to construct an 18-hole golf course together with a golf resort community.

Moved by Councillor Blanleil/Seconded by Councillor Horning

R279/03/03/31 THAT Agricultural Land Reserve Appeal No. A03-0001; Lot A, Sec. 19, Twp. 27, ODYD Plan 31717; Lot 8, Secs. 18 & 19, Twp. 27, ODYD Plan 1991; Lot 19, Secs. 17, 18 & 19, Twp. 27, ODYD Plan 1991 Except Plan 39110; and Lot A, Sec. 18 & 19, Twp. 27, ODYD Plan 16599, located north of Joe Riche Road, in Kelowna, B.C. in order to allow for the establishment of an 18 hole golf course, pursuant to Section 20 (3) of the Agricultural Land Commission Act be supported by the Municipal Council.

Carried

3.3 Planning & Development Services Department, dated March 25, 2003 re: Text Amendment No. TA03-0002 and Rezoning Application No. Z03-0008 – Wendy Cunningham – 2290 Saucier Road

Staff:

- The text amendment would allow for a single wide mobile home to be considered an accessory building on lots that are zoned A1s and that are outside the ALR.
- The rezoning would allow for a secondary suite in a single wide mobile home on the subject property.

Moved by Councillor Given/Seconded by Councillor Blanleil

R280/03/03/31 THAT Text Amendment No. TA03-0002 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the report of the Planning & Development Services Department dated March 25, 2003, be considered by Council;

AND THAT Rezoning Application No. Z03-0008 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, DL 359, ODYD, Plan 16356, located on Saucier Road, Kelowna, B.C. from the A1-Agricultural 1 zone to the A1s- Agricultural with Secondary Suite zone be considered by Council;

AND FURTHER THAT Text Amendment No. TA03-0002 and the zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

Regular Meeting – P.M.

March 31, 2003

- 3.4 Planning & Development Services Department, dated March 26, 2003 re: Rezoning Application No. Z03-0010 – Kevin & Janet Hertz – 2337 Abbott Street

Moved by Councillor Shepherd/Seconded by Councillor Day

R281/03/03/31 THAT Rezoning Application No. Z03-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, D.L. 14, ODYD Plan 3451, located on Abbott Street, 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.

Carried

- 3.5 Planning & Development Services Department, dated March 26, 2003 re: Development Permit Application No. DP02-0088 – Terry Farmer (P.J. Lovick Architect Ltd.) – 1110 Harvey Avenue

Moved by Councillor Cannan/Seconded by Councillor Day

R282/03/03/31 THAT Council authorize the issuance of Development Permit No. DP02-0088 for Lot 1, DL 137, Plan 31950 (except plan 36604), ODYD, located on Harvey Avenue, 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";
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 reciprocal access easement agreement over the east side of the access magazine area, and over the northern access to the Accent Inn parking lot in favour of Lot A, Plan 42144 lying to the east of this site;
6. The applicant be required to register an access easement over the southwest corner of Lot A, Plan 42144 to allow for a corner rounding that would increase the width of the access onto the subject property and thereby accommodate the turning radius of an SU9 type vehicle. City of Kelowna approval will be required for discharge of said easement;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

Regular Meeting – P.M.March 31, 20034. REPORTS

- 4.1 Director of Human Relations, dated March 25, 2003 re: Jail Guard Services Contract

Staff:

- The RCMP are satisfied that the Corps can do the work.
- The contract would result in a \$506,792 cost savings to the City.
- CUPE 338 has asked that Council defer its decision to April 7th to allow the president of the Union to make a presentation.
- CUPE has not submitted any cost reduction strategies to the City.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R283/03/03/31 THAT further consideration of the report dated March 25, 2003 from the Director of Human Resources recommending that the City of Kelowna contract with the BC Corps of Commissionaires to provide Jail Guard Services be deferred to the Regular Meeting of Monday, April 7, 2003 in order to receive a presentation from the President of CUPE Local 338.

Carried

- 4.2 Wastewater Manager, dated March 26, 2003 re: Award of Construction Contract TE03-08 – North Rutland Sanitary Sewer Specified Area No. 20 – Zone B1 (5340-09-20)

Moved by Councillor Horning/Seconded by Councillor Day

R284/03/03/31 THAT the contract for construction of the area identified as Zone B1 of Sewer Specified Area No. 20 (North Rutland) be awarded to R-355 Enterprises Ltd. (B. Lawrence Contracting) for the amount of \$368,230.34 which includes GST and contingency amount;

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

Carried

- 4.3 Wastewater Manager, dated March 26, 2003 re: Mills Road/Fir Court Sewer Specified Area No. 22F (5340-09-22F)

Moved by Councillor Horning/Seconded by Councillor Day

R285/03/03/31 THAT the City of Kelowna undertake the installation of a Sewer system using the Local Improvement process for a Specified Area, pursuant to Section 646 of the *Local Government Act*, for the area shown on the map attached to the Wastewater Manager's report of March 26, 2003 which indicates that the proposed service area consists of 15 properties on Mills Road and Fir Court, between Highway 33 and Highway 97;

AND THAT the 2003 Financial Plan be amended to reflect the cost of financing the project for the estimated amount of \$412,779 with funding from Debenture Borrowing.

Carried

Regular Meeting – P.M.

March 31, 2003

- 4.4 City Clerk, dated March 26, 2003 re: Sewer Specified Area No. 22F (Mills Road) Bylaw No. 8965

Moved by Councillor Day/Seconded by Councillor Horning

R286/03/03/31 THAT Council receive the Certificate of Sufficiency dated March 26, 2003 pertaining to the Sewer Specified Area No. 22F (Mills Road) Bylaw No. 8965;

AND THAT Sewer Specified Area No. 22F (Mills Road) Bylaw No. 8965 be advanced for reading consideration.

Carried

- 4.5 Roadways Superintendent, dated March 26, 2003 re: Purchase of Landfill Equipment (1280-01)

Moved by Councillor Day/Seconded by Councillor Shepherd

R287/03/03/31 THAT Council approve awarding the purchase of a Volvo front end loader to Marcell's Equipment Ltd. at a bid price of \$281,464.54.

Carried

- 4.6 Sports & Facilities Manager, dated March 25, 2003 re: Sport Event Development Grant – Canadian Triathlon Championships (8100-20)

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R288/03/03/31 THAT City Council approve \$10,000 from the Sports Event Development Grant as support to the Kelowna Apple Triathlon Society hosting the 2004 Canadian Triathlon Championships and International Triathlon Union (ITU) Race.

Carried

- 4.7 Director of Works & Utilities, dated March 25, 2003 re: Subdivision Bylaw Amendments (B/L 8993; 3900-20)

Moved by Councillor Shepherd/Seconded by Councillor Clark

R289/03/03/31 THAT Council approve the proposed amendments to Subdivision Development and Servicing Bylaw No. 7900 as outlined in the report of the Director of Works and Utilities dated March 25, 2003;

AND THAT the required amending bylaw No. 8993 be advanced for reading consideration by Council;

AND FURTHER THAT Council Policy 263 – Building Permit Works & Services Requirements be rescinded.

Carried

Regular Meeting – P.M.

March 31, 2003

- 4.8 City Clerk, dated March 26, 2003 re: Chapman Parkade Retail Space Leases – Counter Petition Opportunity (2380-20-1123; -1124; -1126; & -1127)

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R290/03/03/31 THAT Monday, May 5, 2003 at 4:00 p.m. be set as the deadline for receipt of Counter Petitions by the City Clerk in relation to the following proposed leases for retail space at the Chapman Parkade:

1. Z'Décor Home Furnishings Ltd.
2. Mac & Klein Ltd.
3. Okanagan Pilates and Health Inc.
4. The Verve Coffee House 2001 Ltd.

Carried

5. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 5.1 Bylaw No. 8965 – Sewer Specified Area No. 22F (Mills Road)

Moved by Councillor Given/Seconded by Councillor Horning

R291/03/03/31 THAT Bylaws No. 8965, 8993 and 9001 be read a first, second and third time.

Carried

- 5.2 Bylaw No. 8993 – Amendment No. 10 to Subdivision, Development and Servicing Bylaw No. 7900 **Requires a 2/3 majority vote of Council (6)**

See resolution under agenda item No. 5.1.

- 5.3 Bylaw No. 9001 – Amendment No. 10 to Sewer Connection Charge Bylaw No. 8469

See resolution under agenda item No. 5.1.

(BYLAWS PRESENTED FOR ADOPTION)

- 5.4 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

R292/03/03/31 THAT Bylaw No. 8994 be adopted.

Carried

6. COUNCILLOR ITEMS

- (a) Light Standards

Councillor Shepherd suggested that the numbers on the street light poles be painted or somehow made more visible to motorists driving by so if they want to report a light burned out they can identify the pole.

Regular Meeting – P.M.March 31, 2003(b) Graffiti Program

Councillor Clark asked for an update on the graffiti program, noting the graffiti in the Okanagan Mission area has gotten worse than ever in the last 2-4 weeks. Referred to staff.

(c) Okanagan Innovative Forestry Society

Councillor Horning noted that the Regional District of Central Okanagan board of directors heard a presentation by Glen Dick, Okanagan Innovative Foresters Society last week regarding their application for an uplift in Allowable Annual Cut for the Okanagan Timber Supply Area. The Board has forwarded a letter in support of the application to the Regional Manager of the Kamloops Forest Region. Since 5 members of Council are on the Regional Board it was felt that there was no need to make the presentation to Council; however, Mr. Dick is looking for a similar letter of support from Council.

Councillors Cannan and Shepherd commented that they did not support providing the letter at the RDCO meeting because they felt that the Board should have heard from the water purveyors first in order to get assurance that they were okay with what was being asked for and that there should also be consultation with Westbank First Nations.

Mayor Gray advised that Mr. Dick talked to all the water purveyors the next day trying to get letters of support from them as well.

Moved by Councillor Horning/Seconded by Councillor Blanleil

R293/03/03/31 THAT a motion for Kelowna City Council to send a letter to Mr. Fred Baxter, Regional Manager of the Kamloops Forest Region, in support of the application by the Okanagan Innovative Foresters Society for an uplift in Allowable Annual Cut for the Okanagan Timber Supply Area, be accepted as a Notice of Motion for consideration by Council at the Regular Meeting on Monday, April 7, 2003.

Carried

(d) Relocation of Columbia Bottle Depot – South Pandosy

Councillor Cannan expressed concern on behalf of merchants in the South Pandosy Revitalization Area about the relocation of the Columbia Bottle Depot to a vacant gas station building on Pandosy Street within the revitalization area. He asked that staff make sure that appropriate landscaping and screening are in place to minimize the impact.

7. TERMINATION

The meeting was declared terminated at 2:59 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am