

Regular Meeting – P.M.April 14, 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, April 14, 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: Acting City Manager/Director of Planning & Development Services, R.L. Mattiussi; City Clerk, D.L. Shipclark; Current Planning Manager, A.V. Bruce*; Long Range Planning Manager, S.K. Bagh*; Community Planning Manager, T. Eichler*; Director of Works & Utilities, J. Vos*; Roadways Engineer, G. Parker*; Director of Parks & Leisure Services, D.L. Graham*; Civic Properties Manager, J. Waugh*; Recreation Manager, R. Oddleifson*; 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 Horning was requested to check the minutes of the meeting.

3. PLANNING

3.1 Planning & Development Services Department, dated April 8, 2003 re: Appointment to Kelowna Heritage Foundation Board of Directors (6800-02)

Moved by Councillor Shepherd/Seconded by Councillor Day

R326/03/04/14 THAT Council appoint Bill Scutt to the Board of Directors of the Kelowna Heritage Foundation for the balance of the current Board's three year term ending November 30, 2005.

Carried

3.2 (i) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 8954 (Z02-1050) – 1931 Ventures Inc. & Orlando Ungaro (Miller and Wyatt Ltd.) – 1955 Baron Road

Moved by Councillor Horning/Seconded by Councillor Given

R327/03/04/14 THAT Bylaw No. 8954 be adopted.

Carried

Regular Meeting – P.M.

April 14, 2003

- (ii) Planning & Development Services Department, dated April 9, 2003 re: Development Permit Application No. DP02-0103 – 1931 Venture Inc. and Orlando Ungaro (Brian Wyatt/Miller & Wyatt Ltd.) – 1955 Baron Road

Staff:

- The Development Permit would authorize construction of a commercial building for use as an automotive parts sales and distribution centre for Miller & Wyatt along with other tenant spaces that would be leased.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R328/03/04/14 THAT Council authorize the issuance of Development Permit No. DP02-0103 for Lot 2, D.L. 532, O.D.Y.D., Plan KAP58763, located on Baron 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";
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 signage to be constructed on the land be in general accordance with Schedule "D"
5. 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;

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

Mayor Gray altered the order of business and advised that agenda item No. 4.2 would be dealt with next.

- 4.2 Recreation and Cultural Services Manager, dated April 7, 2003 re: Kelowna Arts Foundation – 2003 Grant Allocations (0230-20)

Staff:

- Subsequent to the Okanagan Symphony Society making their presentation to the Kelowna Arts Foundation, City staff have been working with representatives of the Society's board on a 2-year financial plan and hope to bring that forward in the near future. Until then, recommend that the symphony funding not be confirmed at this time.

Regular Meeting – P.M.April 14, 2003

Rick Patterson, President, Kelowna Arts Foundation:

- Acknowledged the work and dedication of the volunteers working on the Arts Foundation.
- The Foundation received requests for grant amounts totalling \$270,400.

Moved by Councillor Given/Seconded by Councillor Hobson

R329/03/04/14 THAT Council approve the allocation of the 2003 grant-in-aid arts funding as recommended by the City of Kelowna Arts Foundation in their letter dated March 27, 2003 as follows:

1.	Alternator Gallery	\$ 13,400
2.	Chamber Music Society	\$ 2,900
3.	Fringe Folk Club	\$ 3,100
4.	Kelowna Choral Concerts	\$ 1,500
5.	Kelowna City Concert Band	\$ 2,600
6.	Kelowna Philharmonic Festival Society	\$ 5,200
7.	Kiwanis Music Festival	\$ 5,300
8.	OK Jazz and Blues Society	\$ 3,600
9.	Okanagan Festival Singers	\$ 1,400
10.	Okanagan Symphony Society	\$ 60,200
11.	Ponderosa Weavers and Spinners	\$ 600
12.	Shakespeare Kelowna	\$ 3,400
13.	Sunshine Theatre	\$ 43,100
14.	Theatre Kelowna	\$ 5,200
15.	Viva Musica	<u>\$ 11,600</u>

Total \$163,100;

AND THAT the allocation and distribution of funds in the amount of \$60,200 to the Okanagan Symphony Society be conditional upon a further report from the Director of Parks and Leisure Services regarding the current finances of the Symphony;

AND FURTHER THAT the remaining \$200 from the 2003 budget be forwarded to the City of Kelowna Arts Foundation for their administration purposes.

Carried

3.3 Planning & Development Services Department, dated April 9, 2003 re: Rezoning Application No. Z02-1057 and OCP02-0014 – City of Kelowna (Parks Division) – 3441 & 3451 Lakeshore Road

Staff:

- The rezoning would allow the site to be used as a 26-stall overflow parking lot for Gyro Park.

Regular Meeting – P.M.

April 14, 2003

Moved by Councillor Hobson/Seconded by Councillor Cannan

R330/03/04/14 THAT OCP Bylaw Amendment No. OCP02-0014 to amend Map 15.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Lot 3, D.L. 134, O.D.Y.D., Plan 38150 and Lot 39, D.L. 134, O.D.Y.D., Plan 3886, located on Lakeshore Road, Kelowna, B.C., from the Commercial designation to the Park and Open Space designation be considered by Council;

AND THAT Rezoning Application No. Z02-1057 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, D.L. 134, ODYD, Plan 38150 and Lot 39, D.L. 134, O.D.Y.D. Plan 3886, located on Lakeshore Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the P3 – Park and Open Space zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP02-0014 and 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 requirements of the Works & Utilities Department being completed to their satisfaction.

Carried

- 3.4 Planning & Development Services Department, dated April 9, 2003 re: Zoning Bylaw Text Amendment No. TA03-0001 – Tom Smithwick/Porter Ramsay

Withdrawn from the agenda.

- 3.5 Planning & Development Services Department, dated April 9, 2003 re: Social Planning & Housing Committee (0540-20)

Moved by Councillor Shepherd/Seconded by Councillor Blangleil

R331/03/04/14 THAT City Council accept, with regret, the resignation of Micheal Morrill from the Social Planning and Housing Committee;

AND THAT City Council appoint Grant Maddock the Social Planning and Housing Committee for the balance of the Committee's three-year term expiring December 2005.

Carried

- 3.6 Planning & Development Services Department, dated April 9, 2003 re: Community Social Development Grants and Grants to Address the Sexual Exploitation of Youth for 2003

Councillor Shepherd advised that she is on the Board of Directors of one of the agencies being considered for a grant to address sexual exploitation of youth and therefore would be declaring a conflict of interest for the vote on those grants.

Regular Meeting – P.M.

April 14, 2003

Council:

- Agreed to deal with the two grant programs in separate resolutions.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R332/03/04/14 THAT Council approve the recommendations from the Social Planning and Housing Committee for \$50,000 in grant monies to be allocated for 2003 under the Community Social Development Grant program as set out in the report from the Community Planning Manager dated April 9, 2003.

Carried

Councillor Shepherd declared a conflict of interest because of being on the Board of an agency receiving a grant to address the sexual exploitation of youth and left the Council Chamber at 2:10 p.m.

Staff:

- Clarified, at the request of Council, the funding source for the monies that are allocated as grants to address the sexual exploitation of youth.

Council:

- Requested an opportunity to debate the appropriateness of that funding source before business license fees are established for next year.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R333/03/04/14 THAT Council approve the recommendations from the Social Planning and Housing Committee for \$23,000 in grant monies to be allocated for 2003 under the Grants to Address the Sexual Exploitation of Youth program as set out in the report from the Community Planning Manager dated April 9, 2003.

Carried

Councillor Shepherd returned to the Council Chamber at 2:20 p.m. and took her place at the Council Table.

4. REPORTS

- 4.1 Civic Properties Manager, dated April 9, 2003 re: Lease Operation of Beach Concessions (5880-20)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R334/03/04/14 THAT City Council instruct staff to finalize a lease with RG Properties Ltd. (Skyreach Place) to operate the beach concessions at Tugboat Bay, City Park Pavilion, Hot Sands Beach and Gyro Park for the 2003 season with an optional extension for 2004;

AND THAT the Mayor and City Clerk be authorized to sign the lease.

Carried

Regular Meeting – P.M.

April 14, 2003

- 4.2 Recreation and Cultural Services Manager, dated April 7, 2003 re: Kelowna Art Foundation – 2003 Grant Allocations (0230-20)

Dealt with after agenda item 3.2.

- 4.3 Transportation Manager, dated April 9, 2003 re: Lakeshore Road Improvements at Gyro Park TE03-09 (5400-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R335/03/04/14 THAT tender TE03-09 for Lakeshore Road Improvements at Gyro Park be awarded to the low bidder, Sierra Landscaping Ltd., in the amount of Four Hundred Sixty-five Thousand, Nine Hundred Eighty-one Dollars and Fifty Cents (\$465,981.50) including GST;

AND THAT Council approve additional funding of \$300,000 as outlined in the report from the Transportation Manager dated April 9, 2003, which will be brought forward at final budget.

Carried

5. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 5.1 Bylaw No. 8995 – Road Exchange Bylaw – Palmer Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

R336/03/04/14 THAT Bylaw No. 8995, 9005, 9006, 9007 and 9008 be read a first, second and third time.

Carried

- 5.2 Bylaw No. 9005 – Officer Positions Establishment Bylaw

See resolution adopted under agenda item No. 5.1.

- 5.3 Bylaw No. 9006 – Municipal Employees Financial Disclosure Bylaw

See resolution adopted under agenda item No. 5.1.

- 5.4 Bylaw No. 9007 – Amendment No. 4 to Disbursement of City Funds Bylaw No. 6090-87.

See resolution adopted under agenda item No. 5.1.

- 5.5 Bylaw No. 9008 – Amendment No. 15 to Garbage Collection Bylaw No. 7173

See resolution adopted under agenda item No. 5.1.

Regular Meeting – P.M.

April 14, 2003

(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Hobson/Seconded by Councillor Clark

R337/03/04/14 THAT adoption consideration of Bylaws No. 8692 and 8997 be deferred to the Regular Meeting agenda of April 15, 2003.

Carried

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

See resolution adopted under agenda item No. 5.6.

6. COUNCILLOR ITEMS

(a) Bylaw Enforcement - Investigation of Complaints

Councillor Cannan asked what guides Bylaw Enforcement staff as to when to respond to complaints about a possible bylaw infraction. The Acting City Manager explained that if a call is received, City Bylaw Enforcement staff have an obligation to respond. Staff focus on health and safety issues as the highest priorities and then move down to the nuisance issues. Staff use their judgement when it is apparent that the complaint is the result of a neighbourhood squabble. Zoning Bylaw infractions have to be rectified and staff follow-up to ensure that happens. The City has a new tracking system in place that identifies the complaints that are received and how they are handled. The system also allows staff to see when calls are continuously being received from the same source. Staff will prepare a report for Council listing the types of complaints that have been coming up and what the officers are doing about them. Council can review the list and identify priorities for staff.

7. TERMINATION

The meeting was declared terminated at 2:56 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk