

Regular Meeting – P.M.May 12, 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, May 12, 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, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi*; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Parks & Leisure Services, D.L. Graham*; Parks Manager, J. Creron*; Randy Zahara*; Cultural District Project Manager, L. Gunn*; Director of Financial Services, P.A. Macklem*; Financial Planning Manager, K. Grayston*; Director of Works & Utilities, J. Vos*; Transportation Manager, R.W. Westlake*; Recreation Manager, R. Oddleifson*; Ron Forbes*; 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. PUBLIC IN ATTENDANCE

3.1 Presentation by Regional Dog Advisory Committee of the recommendations in their letter dated May 2, 2003 (B/L 5880-88)

Councillor Given, Regional Dog Advisory Committee:

- Acknowledged the committee members and resource personnel.
- The committee mandate was to look at the bylaws governing dog control in the City of Kelowna and surrounding areas.
- This is the first set of recommendations. There are other dog issues yet to be looked at by the committee.

Bruce Lange and Dave Duncan, Dog Control:

- Showed photographs of people with dog bites.
- Only the courts can deem a dog to be vicious – requires proof of aggression towards humans for that.

Kelly Roth, Regional District of Central Okanagan:

- Reviewed the recommendations in his correspondence.
- Highlighted the proposed amendments to the Regional Bylaw noting the changes introduce stiffer regulations for dealing with dangerous dogs and more lenient regulations for people who are responsible with their dogs. The proposed changes assume that the City will become a participating municipality in the Regional District of Central Okanagan service of dog regulation and control.

Staff:

- The City of Kelowna would continue to handle the on and off-leash parks via Council policy.

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Council:

- Staff to consider allowing dogs in parks at certain times of the day for people who like to walk/run with their dogs daily and/or on fundraising walk/run events; offering special privileges for responsible dog owners who have well-trained dogs; and requiring the owners of aggressive dogs to have a certain colour collar to alert people to stay back from the dog.

Moved by Councillor Given/Seconded by Councillor Cannan

R442/03/05/12 THAT the correspondence dated May 2, 2003 from the Regional District of Central Okanagan putting forward recommendations from the Regional Governance Committee with respect to the regulation and control of dogs be received and referred to staff for a report back at the Regular Meeting of May 26, 2003 as follows:

- Recommending that the City of Kelowna become a participating municipality in the Regional District of Central Okanagan service of dog regulation and control and forwarding a bylaw to rescind City of Kelowna Dog Regulation and Impounding Bylaw No. 5880-88;
- Recommending amendments to City of Kelowna Council Policy No. 258 – Dog Walking and Dog Off-Leash Parks to remove Sutherland Park from the list of parks where dogs are permitted and to expand the list of parks and trails where dogs would be permitted on and off-leash as indicated in the City of Kelowna Dogs in Parks Access Proposal attachment to the letter from the Regional District;
- Recommending a budget allocation in the amount of \$25,000 to fund the initiatives precipitated by the changes to Council Policy 258.

Carried

4. PLANNING

- 4.1 Subdivision Approving Officer, dated May 5, 2003 re: Amendment to Development Application Fees Bylaw No. 8034 (B/L 9039)

Moved by Councillor Horning/Seconded by Councillor Given

R443/03/05/12 THAT Development Application Fee Bylaw No. 8034 be amended by adjusting the fees required for all ALR applications as outlined in the report dated May 5, 2003 from the Subdivision Approving Officer;

AND THAT Development Applications Fee Bylaw No. 8034 be amended by deleting the Soil Removal application fee;

AND FURTHER THAT the necessary amending bylaw be advanced for reading consideration by Council.

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4.2 Planning & Development Services Department, dated May 6, 2003 re: Rezoning Application No. Z03-0013 and OCP03-0004 – Monashee Financial Corp. (Patrick McBride) – 632 Craig Road

Staff:

- The proposed 6-lot subdivision would create two RU1s lots and four RU1 lots. The property is abutting ALR land to the east.
- The Advisory Planning Commission recommends support subject to provision of adequate buffering.
- The Agricultural Advisory Committee considered the application as an informal referral and also recommends support subject to buffering.
- Staff recommend non-support because the proposed zone change is not supported by the City of Kelowna Official Community Plan, Strategic Plan, Rutland Sector Plan or Agriculture Plan.

Moved by Councillor Blanleil/Seconded by Councillor Given

R444/03/05/12 THAT Council hear from the applicant.

Carried

Dan Midtdal, representing Monashee Financial Corp.

- Read a lengthy presentation in support of the application.

Council:

- Staff to ensure that a covenant is registered through the subdivision process to notify prospective buyers that the lots are adjacent to ALR lands.
- Staff to consider requiring a no-build covenant to control siting of buildings and ensure an appropriate buffer zone between the buildings and the adjacent ALR land.

Moved by Councillor Horning/Seconded by Councillor Blanleil

R445/03/05/12 THAT OCP Bylaw Amendment No. OCP03-0004 to amend Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Lot B, Plan 28885, Sec. 26, Twp. 26, ODYD, located on Craig Road, Kelowna, B.C., from the Rural/Agricultural designation to the Single/Two-Family designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated May 6, 2003, be considered by Council;

AND THAT Rezoning Application No. Z03-0013 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Plan 28885, Sec. 26, Twp. 26, ODYD, located on Craig Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing and the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

AND FURTHER THAT the OCP Bylaw Amendment No. OCP03-0004 and zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

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4.3 (a) **BYLAW PRESENTED FOR ADOPTION)**

Bylaw No. 8999 (TA03-0003) - Al Stober Construction (Mark Stober) – 1620/1632 Dickson Avenue

Moved by Councillor Given/Seconded by Councillor Horning

R446/03/05/12 THAT Bylaw No. 8999 be adopted.

Carried

- (b) Planning & Development Services Department, dated May 5, 2003 re: Development Permit Application No. DP02-0099 – Al Stober Construction Ltd. (Doug Lane/Water Street Architecture) – Harvey Avenue and Dickson Avenue

Staff:

- Displayed the site plan showing a 6-storey building as the second phase of development for the site.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R447/03/05/12 THAT Council authorize the issuance of Development Permit No. DP02-0099 for Lot A, D.L. 129, O.D.Y.D., Plan KAP68674, located on Dolphin 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;

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

5. **BYLAWS (ZONING & DEVELOPMENT)**

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 9003 (TA03-0002) – To amend the A1s Zone

Moved by Councillor Clark/Seconded by Councillor Given

R448/03/05/12 THAT Bylaw No. 9003 be adopted.

Carried

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5.2 Bylaw No. 9004 (Z03-0008) - Wendy Cunningham – 2290 Saucier Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

R449/03/05/12 THAT Bylaw No. 9004 be adopted.

Carried

6. REPORTS

6.1 Transportation Manager, dated May 2, 2003 re: Award of Enterprise Way Extension (TE03-02)

Moved by Councillor Day/Seconded by Councillor Cannan

R450/03/05/12 THAT the tender for the extension of Enterprise Way from Banks Road to Leathead Road (TE-03-02) be awarded to the low bidder R & L Excavating Ltd., in the amount of One Million Four Hundred Thirty-three Thousand, Nine Hundred Twenty-one dollars and Fifteen cents (\$1,433,921.15) including GST;

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

Carried

6.2 Transportation Manager, dated May 6, 2003 re: Award of Abbott Street Recreational Corridor – Phase 2 (TE03-03)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R451/03/05/12 THAT the tender for the construction of the Abbott Street Recreational Corridor Phase 2 (TE-03-03) be awarded to the low bidder Lawrence Enterprise Ltd., in the amount of Nine Hundred Sixty-four Thousand, Forty-seven Dollars and Fifty-three Cents (\$964,047.53) including GST;

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

Carried

6.3 Recreation Supervisor, dated May 7, 2003 re: City of Kelowna Bid to Host the 2006 B.C. Seniors Games

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R452/03/05/12 THAT the City of Kelowna prepare a bid to host the B.C. Seniors Games from September 6-9, 2006;

AND THAT the City of Kelowna contribute \$60,000 in support of the 2006 Kelowna Seniors Games, to be budgeted at \$20,000 per year in 2004, 2005 and 2006 budgets.

Carried

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- 6.4 City Clerk, dated May 6, 2003 re: Chapman Parkade Retail Space Leases – Counter Petition Opportunity (2380-20-1123; 2380-20-1124; 2380-20-1126; 2380-20-1127)

Moved by Councillor Hobson/Seconded by Councillor Day

R453/03/05/12 THAT Council receive the Certificates of Sufficiency dated May 6, 2003 in relation to the following leases for retail space at the City-owned facility known as the Chapman Parkade, Lot A, DL 139, ODYD, Plan 39412, located on Lawrence Avenue, Kelowna, BC:

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

Carried

- 6.5 Director of Works & Utilities, Director of Financial Services, and Director of Parks & Leisure Services, dated May 7, 2003 re: 20-Year Servicing Plan and Financing Strategy (6340-01)

Staff:

- Provided a brief overview of the program history and costs.
- Reviewed the servicing program for water, wastewater, transportation and drainage and highlighted the key changes since 1994.
- Reviewed the parks program and financing strategy.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R454/03/05/12 THAT Council receive the draft 20-Year Servicing Plan and Financing Strategy dated May 2003 for information;

AND THAT Council authorize staff to seek stakeholder input into the draft plan and report back following that feedback.

Carried

- 6.6 Director of Parks & Leisure Services, dated May 12, 2003 re: Annual Grant to the Okanagan Symphony Society (0230-20)

Staff:

- The Symphony Society is facing difficult financial issues. When the Arts Foundation Grants were considered by Council, staff recommended a delay in distribution of the grant to the Society. Checks and balances are now in place and staff are recommending release of those funds.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R455/03/05/12 THAT Council authorize payment of the 2003 grant to the Okanagan Symphony Society in the amount of \$60,200 as recommended by the Kelowna Arts Foundation.

Carried

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7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9039 – Amendment No. 19 to Development Application Fees
Bylaw No. 8034

Moved by Councillor Day/Seconded by Councillor Hobson

R456/03/05/12 THAT Bylaw No. 9039 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 7.2 Bylaw No. 9009 – 2003 Sterile Insect Release Program Parcel Tax

Moved by Councillor Day/Seconded by Councillor Hobson

R457/03/05/12 THAT Bylaw No. 9009 be adopted.

Carried

Councillor Blanleil opposed.

- 7.3 Bylaw No. 9012 – Amendment No 1 to Traffic Bylaw No. 8120

Staff:

- For mobile vendors, the current premium is \$750 for \$1 million deductible and \$900 for \$5 million deductible

Moved by Councillor Hobson/Seconded by Councillor Day

R458/03/05/12 THAT Bylaw No. 9012 be adopted.

Carried

- 7.4 Bylaw No. 9026 – Road Exchange Bylaw – Union Road

Moved by Councillor Hobson/Seconded by Councillor Day

R459/03/05/12 THAT Bylaw No. 9026 be adopted.

Carried

- 7.5 Bylaw No. 9027 – Five Year Financial Plan, 2003-2007

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R460/03/05/12 THAT Bylaw No. 9027 be adopted.

Carried

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7.6 Bylaw No. 9028 – Tax Structure Bylaw, 2003

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R461/03/05/12 THAT Bylaw No. 9028 be adopted.

Carried

7.7 Bylaw No. 9029 – Annual Rates Bylaw, 2003

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R462/03/05/12 THAT Bylaw No. 9029 be adopted.

Carried

7.8 Bylaw No. 9030 – Parking Reserve Fund Expenditure Bylaw, 2003
requires 2/3 majority vote of Council (6)

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R463/03/05/12 THAT Bylaw No. 9030 be adopted.

Carried

7.9 Bylaw No. 9031 – Development Cost Charge Reserve Fund Expenditure
Bylaw, 2003 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R464/03/05/12 THAT Bylaw No. 9031 be adopted.

Carried

7.10 Bylaw No. 9032 – Capital Works, Machinery and Equipment Reserve
Fund Expenditure bylaw, 2003 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R465/03/05/12 THAT Bylaw No. 9032 be adopted.

Carried

7.11 Bylaw No. 9033 – Sale of City-Owned Land Reserve Fund Expenditure
Bylaw, 2003 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R466/03/05/12 THAT Bylaw No. 9033 be adopted.

Carried

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7.12 Bylaw No. 9036 – Amendment No. 16 to Solid Waste Management Bylaw No. 7173

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R467/03/05/12 THAT Bylaw No. 9036 be adopted.

Carried

8. COUNCILLOR ITEMS

(a) Kelowna Rockets

Mayor Gray to send a letter to the Kelowna Rockets to congratulate them on winning the WHL Championships and wish them the best of luck as they vie for the Memorial Cup in Quebec City.

(b) Okanagan Innovative Foresters Society

Councillor Horning noted that Council had deferred consideration of his motion from the Regular Meeting of April 7, 2003 in order to get assurance that the affected water purveyors are in support of the application for an uplift in allowable annual cut in the Okanagan Timber Supply Area and to ensure that Westbank First Nations was consulted. That assurance has now been provided by Glen Dick, Executive Director of the Okanagan Innovative Forestry Society.

Moved by Councillor Horning/Seconded by Councillor Hobson

R468/03/05/12 THAT a letter be sent 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, provided that the request is consistent with the Okanagan-Shuswap Land and Resource Management Plan and subject to the caveats to the support by the water districts.

Carried

(c) Closing of Kamloops Land Title Office

Councillor Cannan noted that the Minister of Sustainable Resource Management is proposing to close the Land Title office in Kamloops. There are already delays in processing time for documents for property transfers and closure of this office would result in further delays and a significant disadvantage to the region economically.

Mayor Gray noted that he has already sent a letter of opposition on behalf of Council.

Moved by Councillor Cannan/Seconded by Councillor Hobson

THAT Kelowna City Council request OMMA to encourage all members to write letters to the Hon. Stan Hagen, Minister of Sustainable Resource Management opposing the proposed closure of the Kamloops Land Title Office.

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Moved by Councillor Shepherd/Seconded by Councillor Day

R469/03/05/12 THAT further consideration of the motion for OMMA to ask its members to write letters opposing the proposed closure of the Kamloops Land Title Office be deferred to the Regular Meeting of May 26, 2003 so that the information from Ken Webster, President of the Kelowna Chapter of the Urban Development Institute that is included in the May 12, 2003 Regional District agenda package can be copied to all of Council.

Carried

(d) Minister of Transportation's Announcement re the Coquihalla

Members of Council voiced their opposition to the new maintenance and operations arrangement for the Coquihalla Highway announced by Transportation Minister Judith Reid in a press release on May 6th. They agreed that to have any impact a cumulative protest is needed from the electorate throughout the Interior.

Suggestions included:

- Encourage the electorate in the Valley to demonstrate their opposition through a steady barrage of letters, emails, petitions and through talk shows, etc.
- Encourage the Minister and MLAs to participate in a town hall meeting to allow the people an opportunity to make their views known.
- Put pressure on the local MLAs to speak out against the government's proposal and ask Senator Fitzpatrick and our MPs to also put pressure on the MLAs.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R470/03/05/12 THAT the Mayor write a letter to Transportation Minister Judith Reid advising that Kelowna City Council is opposed to the Provincial Government proceeding with the new maintenance and operations arrangement for the Coquihalla Highway announced by her on May 6, 2003;

AND THAT Kelowna City Council request OMMA to encourage all members to also write the Minister opposing the Province's plan for this important transportation link to the Interior.

Carried

Moved by Councillor Clark/Seconded by Councillor Given

R471/03/05/12 THAT the Mayor send a letter to three Central Okanagan MLAs expressing disappointment and concern with their support of the announced proposals regarding the maintenance and operation of the Coquihalla Highway.

Carried

(e) Mayor Gray re: Naming of the New Pavilion Being Built on Knox Mountain

Deferred to the Regular Meeting of May 26, 2003 because of the lateness of the hour.

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9. TERMINATION

The meeting was declared terminated at 5:58 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am