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, June 23, 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*; Special Projects Planning Manager, H.M. Christy*; Director of Financial Services, P.A. Macklem*; Financial Planning Manager, K. Grayston*; Senior Accountant, J. Dueck*; Director of Parks & Leisure Services, D.L. Graham*; Recreation Manager, R. Oddleifson*; Sports & Facilities Manager, J. Gabriel*; Drainage/Solid Waste Manager, A. Newcombe*; Wastewater Manager, W.J. Berry*; 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 Shepherd was requested to check the minutes of the meeting.

PUBLIC IN ATTENDANCE

3.1 Award Presentations - Go Green Commuter Challenge

Mayor Gray and Councillor Hobson, as Chairman of the Regional District of Central Okanagan Board of Directors presented Go Green Commuter Challenge awards in four categories:

- Large Organization with over 100 employees Interior Savings;
- Small Organization under 100 employees Remax of Canada;
- School Springvalley Elementary
- Church Church of the Nazareen.

3.2.0 Freedom of the City Award – Photo Display of Recipients

Mayor Gray read the names of the 14 Freedom of the City award recipients over the years and advised that their photos are now on display in the Queensway foyer entrance to the Council Chamber.

3.2 Tourism Kelowna re: Proposed 2% Hotel Tax

Ken Ficocelli, Chamber of Commerce president, and Bill Eager, Chamber director:

- Requested Council's support for implementation of a 2% hotel tax for increased marketing of the City of Kelowna as a tourism destination, noting Tourism Kelowna has the support of the tourism industry and is organized and structured in a way to effectively administer the funds.
- Propose implementation of the tax in January 2004 with an option to renew every five years.

Council:

- Would like more information on how the tax is administered in other communities to ensure that there is accountability in how the funds are spent.

City Clerk to find a way to include a review process in the bylaw, without changing

the intent of the bylaw as it now reads.

- Staff to clarify whether the imposition of the tax would put constraints on other local government funding to the Chamber of Commerce.

Moved by Councillor Blanleil/Seconded by Councillor Horning

<u>R554/03/06/23</u> THAT Kelowna City Council supports the application by the Chamber of Commerce to impose an additional 2% hotel tax within the municipal boundary of Kelowna effective January 1, 2004;

AND THAT the City Clerk be instructed to prepare the required bylaw, that includes a process for Council's review, for reading consideration by Council.

Carried

4.0 UNFINISHED BUSINESS

4.0.1 Deferred from Regular Meeting of June 9, 2003 - Planning & Corporate Services Department, dated May 23, 2003 re: <u>Development Permit Application No. DP03-0020 - Authentech Developments Ltd. (Bill Stuart) - 1910 Capistrano Drive</u>

Staff:

The Development Permit would allow 22 semi-detached townhomes to be created in the Quail Ridge neighbourhood.

The application was deferred to clarify issues surrounding the removal of trees that the adjacent residents expected would be retained as a privacy buffer between neighbourhoods.

- The area of contention is outside the boundaries of the subject application.

- The developer feels he has done everything he can to make the project acceptable within the community and has asked that the application come forward at this time.

- The development proposal is consistent with what has been envisaged for the site.

Council:

- Staff to encourage the applicant to plant trees in the area of contention and to inform Council of the outcome of their request when the development is complete.

Moved by Councillor Shepherd/Seconded by Councillor Given

R555/03/06/23 THAT Council authorize the issuance of Development Permit No. DP03-0020 Lot B, Sec. 15, Twp. 23, ODYD, Plan KAP68807, located on Capistrano Drive, 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", with consideration given to inclusion of landscape enhancements along the Casentino Crescent road boundary,

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.

Carried

4. PLANNING

4.1 Planning & Corporate Services Department, dated May 13, 2003 re: Agricultural Land Reserve Appeal No. A03-0006 – Al's Construction and 578933 BC Ltd. (Rick Bruschinsky) – 1095 Crawford Road/910 Westpoint Drive

Staff:

- The applicant is proposing to consolidate the rear half of the lot at 910 Westpoint with the neighbouring property at 1095 Crawford Road. The proposed lot line adjustment would allow street access rather than easement access for the property that is now 1095 Crawford Road.
- Staff and the Agricultural Advisory Committee recommend non-support of the application, as there is no demonstrated agricultural benefit to either lot as a result of the line adjustment.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R556/03/06/23 THAT Council hear from the applicant.

Carried

Don Jensen, owner of 910 Westpoint Drive:

- Displayed photos of the easement area noting the land is of no use to him as it dips down into a ravine that is protected by a no-build covenant.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R557/03/06/23 THAT Agricultural Land Reserve Appeal No. A03-0006, Lot 4, Plan 41375 & Lot A, Plan 30717, Except Plan KAP51477 & KAP51479, all of Sec. 31, Twp. 29, located on Crawford Road and Westpoint Drive, Kelowna, B.C. for a lot line adjustment subdivision within the Agricultural Land Reserve, pursuant to Section 21(2) of the Agricultural Land Reserve Act be supported by Municipal Council.

Carried

4.2 Planning & Corporate Services Department, dated June 12, 2003 re: Supplemental Report - Rezoning Application No. Z03-0013 - Monashee Financial Corp. (Patrick McBride) – 632 Craig Road

Withdrawn at the request of the applicant.

4.3 Planning & Corporate Services Department, dated June 18, 2003 re: HRA03-0001 - Heritage Revitalization Agreement - Cheryl & David Negrin - 2094 Abbott Street

Staff:

 The applicant is proposing to move the heritage house to the northeast corner of the site, build a new dwelling on the southwest corner of the site, and subdivide the property into two lots.

The Community Heritage Advisory Commission has been unable, to date, to formalize their recommendation to Council because advertising requirements were not met for the meetings when the application came forward. The CHAC will be meeting in the next couple of weeks and should have a recommendation for Council by the Public Hearing which is targeted for the end of July.

Council:

- Staff to clarify for Council, prior to the Public Hearing on this application, whether there could be a tax incentive for keeping heritage buildings in their original form when they are designated for heritage.

Moved by Councillor Blanleil/Seconded by Councillor Given

R558/03/06/23 THAT Council authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for Lot A, District Lot 14, ODYD, Plan KAP47142, located at 2094 Abbott Street, in the form of such agreement attached as Schedule "A" to the report of the Planning & Corporate Services Department dated June 18, 2003;

AND THAT the Heritage Revitalization Agreement be forwarded to a Public Hearing.

Carried

Councillors Hobson and Shepherd opposed.

4.4 Planning & Corporate Services Department, dated June 17, 2003 re: Kelowna Downtown Sign Plan Images (7800-01)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R559/03/06/23 THAT City Council endorse the recommendation from the Public Art Committee to use a series of images designed by David James Pacholko for use in signage within the Downtown Urban Centre.

Carried

4.5 Planning & Corporate Services Department, dated June 18, 2003 re: Rezoning Application No. Z02-1061 – Glenwest Properties Ltd. (Paul Rosenau/Ekistics Town Planning Inc.) – West of Union Road and East of Clifton Road & Rio Drive

Staff:

- The subject application deals with the balance of the Glenmore Highlands lands that are slated for development within the 20 year timeframe of the OCP. The wildlife corridor is the dividing line between what is inside/outside the 20 year planning horizon.

- Phase 1 was approved last year for approximately 450 units and is currently in the subdivision and servicing stages. This phase includes development of approximately 1,250 single and multi-family units along with a commercial component and associated utilities and parks and open space.

Council:

 Staff to provide details of staging, the traffic work that has been done so far, and what the road traffic patterns will be at the Public Hearing.

Moved by Councillor Given/Seconded by Councillor Blanleil

R560/03/06/23 THAT OCP Bylaw Amendment No. OCP03-0009 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 A, Sec. 6, Twp. 23, ODYD, Plan KAP70041; Lot A, Sec. 32, Twp. 26, ODYD, Plan KAP55949 except Plan 70047; South West 1/4 of Sec. 5, Twp. 23, ODYD; North West ½ of Sec. 5, Twp. 23, ODYD except Plan 20895; Part of Lot 8, Sec. 8, Twp. 23, ODYD, Plan 29568; North East ½ of Sec. 5, Twp. 23, ODYD, except Plans 896, B645 & KAP69724; Part of Lot A, Secs. 4, 5, 8, & 9, Twp. 23, ODYD, Plan KAP69724 except Plan KAP71944; Part of South East ½ of Sec. 8, Twp. 23, ODYD except Plan 22400 & KAP69724; Part of North East ¼ of Sec. 8, Twp. 23, ODYD except Plan KAP69724; Part of South East ¼ of Sec. 17, Twp. 23, ODYD; Part of South West ¼, Sec. 16, Twp. 23, ODYD, located west of Union Road and East of Clifton Road & Rio Drive, Kelowna, BC, from the Single/Two Unit Residential, Multiple Unit Residential – low density, Multiple Unit Residential – low density transition, Mixed Residential Commercial, Major Park/Open Space, Future Urban Reserve designations to the Single/Two Unit Residential, Multiple Unit Residential – low density, Neighbourhood Commercial, Public Services/Utilities, Major Park/Open Space designations, as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated June 18, 2003, be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP03-0009 to amend Map 7.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by refining the Natural Environment/Hazardous Condition Development Permit Area Designation (slopes over 30%) for Lot A, Sec. 6, Twp. 23, ODYD, Plan KAP70041; Lot A, Sec. 32, Twp. 26, ODYD, Plan KAP55949 except Plan 70047; South West 1/4 of Sec. 5, Twp. 23, ODYD; North West ¼ of Sec. 5, Twp. 23, ODYD except Plan 20895; Part of Lot 8, Sec. 8, Twp. 23, ODYD, Plan 29568; North East ¼ of Sec. 5, Twp. 23, ODYD, except Plans 896, B645 & KAP69724; Part of Lot A, Secs. 4, 5, 8, & 9, Twp. 23, ODYD, Plan KAP69724 except Plan KAP71944; Part of South East ¼ of Sec. 8, Twp. 23, ODYD except Plan 22400 & KAP69724; Part of North East ¼ of Sec. 8, Twp. 23, ODYD except Plan KAP69724; Part of South East ¼ of Sec. 17, Twp. 23, ODYD; Part of South West ¼, Sec. 16, Twp. 23, ODYD, located west of Union Road and east of Clifton Road & Rio Drive, Kelowna, B.C., as shown on Map "B" attached to the report of Planning & Corporate Services Department, dated June 18, 2003, be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP03-0009 to amend Map 6.2 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by adding the General Commercial Development Permit Area Designation for that Part of the South West ¼ of Sec. 5, Twp. 23, ODYD; located west of Union Road and east of Clifton Road & Rio Drive, Kelowna, B.C., as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated June 18, 2003, be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP03-0009 to amend Map 14.2 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by adding the Trail Network for Lot A, Sec. 6, Twp. 23, ODYD, Plan KAP70041; Lot A, Sec. 32, Twp. 26, ODYD, Plan KAP55949 except Plan 70047; South West 1/4 of Sec. 5, Twp. 23, ODYD; North West ½ of Sec. 5, Twp. 23, ODYD except Plan 20895; Part of Lot 8, Sec. 8, Twp. 23, ODYD, Plan 29568; North East ¼ of Sec. 5, Twp. 23, ODYD, except Plans 896, B645 & KAP69724; Part of Lot A, Secs. 4, 5, 8, & 9, Twp. 23, ODYD, Plan KAP69724 except Plan KAP71944; Part of South East ¼ of Sec. 8, Twp. 23, ODYD except Plan 22400 & KAP69724; Part of North East ¼ of Sec. 8, Twp. 23, ODYD except Plan KAP69724; Part of South East ¼ of Sec. 17, Twp. 23, ODYD; Part of South West ¼, Sec. 16, Twp. 23, ODYD, located west of Union Road and East of Clifton Road & Rio Drive, Kelowna, B.C., as shown on Map "C" attached to the report of Planning & Corporate Services Department, dated June 18, 2003, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA03-0007 to amend City of Kelowna Zoning Bylaw No. 8000 as detailed in Schedule "A", attached to the report of the Planning & Corporate Services Department dated June 18, 2003, be considered by Council;

AND THAT Rezoning Application No. Z02-1061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 6, Twp. 23, ODYD, Plan KAP70041; Lot A, Sec. 32, Twp. 26, ODYD, Plan KAP55949 except Plan 70047; South West 1/4 of Sec. 5, Twp. 23, ODYD; North West 1/4 of Sec. 5, Twp. 23, ODYD except Plan 20895; Part of Lot 8, Sec. 8, Twp. 23, ODYD, Plan 29568; North East ¼ of Sec. 5, Twp. 23, ODYD, except Plans 896, B645 & KAP69724; Part of Lot A, Secs. 4, 5, 8, & 9, Twp. 23, ODYD, Plan KAP69724 except Plan KAP71944; Part of South East ¼ of Sec. 8, Twp. 23, ODYD except Plan 22400 & KAP69724; Part of North East ¼ of Sec. 8, Twp. 23, ODYD except Plan KAP69724; Part of South East ¼ of Sec. 17, Twp. 23, ODYD; Part of South West ¼, Sec. 16, Twp. 23, ODYD, located west of Union Road and east of Clifton Road & Rio Drive, Kelowna, BC, from the A1 – Agriculture 1; RR3 Rural Residential 3; RU1 – Large Lot Housing, RU4 – Low Density Cluster Housing, RM3 - Low Density Multiple Housing; RM5 - Medium Density Multiple Housing; C2 – Neighbourhood Commercial; P2 – Education & Minor Institutional; and P3 – Parks & Open Space zones **to** the RU1h – Large Lot Housing (Hillside Area), RU2h – Medium Lot Housing (Hillside Area), RU3hs – Small Lot Housing (Hillside Area) with Secondary Suite, RU4 – Low Density Cluster Housing, RM2h Low Density Row Housing (Hillside Area), RM3 - Low Density Multiple Housing; RM5 – Medium Density Multiple Housing; C1 – Local Commercial; C2 – Neighbourhood Commercial – Community Commercial; P2 – Education & Major Institutional; P3 – Parks & Open Space, and P4 – Utilities zones as shown on Map "D" attached to the report of Planning & Corporate Services Department, dated June 18, 2003, be considered by Council;

AND FURTHER THAT the OCP Amending Bylaw, the Zoning Bylaw Text Amendment, and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

5.1 <u>Bylaw No. 9044 (OCP03-0004)</u> – Monashee Financial Corporation – 632 Craig Road **Requires majority vote of full Council (5)**

Withdrawn from the agenda.

(BYLAW PRESENTED FOR AMENDMENT AT 1ST READING AND 2ND & 3RD READINGS AND ADOPTION, AS AMENDED)

5.2 <u>Bylaw No. 9045 (Z03-0013)</u> – Monashee Financial Corporation – 632 Craig Road

Withdrawn from the agenda.

6. REPORTS

6.1 Drainage/Solid Waste Manager, dated May 28, 2003 re: <u>Biosolids</u> <u>Composting – Kelowna/Vernon Joint Venture</u> (5380-04)

Moved by Councillor Shepherd/Seconded by Councillor Given

R561/03/06/23 THAT Council receive the report of the Drainage/Solid Waste Manager dated May 28, 2003 as information;

AND THAT Council direct staff to continue the investigation and assessment of a potential Joint Venture with the City of Vernon for a biosolids/organics composting operation;

AND FURTHER THAT staff prepare a detailed report to Council upon completion and acceptability of the "draft" Joint Venture Agreement.

Carried

6.2. Wastewater Manager, dated June 18, 2003 re: <u>Award of Construction Contract TE03-13 – Central Rutland Sanitary Sewer Specified Areas No. 22 B, C, D & E and Local Improvement Construction for Dease Road and Hein Road</u>

Moved by Councillor Shepherd/Seconded by Councillor Given

R562/03/06/23 THAT the Contract for construction of the Sanitary Sewer Specified Areas No. 22 B, C, D, & E and Local Improvement construction for Dease Road and Hein Road be awarded to Peters Brothers Construction Ltd. for the amount of \$1,111,130.80 which includes contingency and GST;

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

6.3 Regional Transportation Committee, dated June 18, 2003 re: 2003 Supplementary Funding & Transit Fares (2240-20)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

<u>R563/03/06/23</u> THAT Council approve transit service efficiency measures and application to the Provincial Government for supplementary transit program funding to provide for additional extra service hours;

AND THAT Council approve a fare increase for Custom Transit effective July 1, and for Conventional Transit effective September 1, 2003, as per the schedules attached to the report dated June 18, 2003 from the Regional Transportation Committee.

Carried

Councillors Cannan and Shepherd opposed.

Councillor Clark left the meeting at 5:21 p.m.

6.4 Parks & Facilities Committee and Future Aquatic Facility Staff Investigation Team, dated June 2, 2003 re: Future Aquatic Facility Preliminary Investigation Report (6240-20)

Staff:

- Reviewed the 4 prototypes being considered for a major leisure aquatic facility at Mission District Park noting the tax impact in today's dollars would range from 3.56% to 5.51%.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R564/03/06/23 THAT Council accept the Future Aquatic Facility Preliminary Investigation Report as attached to the report from the Parks and Facilities Committee dated June 2, 2003;

AND THAT Council approve "in principle" a major leisure aquatic facility to be constructed at the Mission District Park site with a target completion date in 2007;

AND THAT Council direct staff to conduct a public consultation and input process to include a series of presentations utilizing the Future Aquatic Facility Preliminary Investigation Report at a number of shopping malls and public facilities, and to include a statistically valid survey, in order to guide Council in its decision on a new aquatic facility;

AND THAT the major leisure aquatic facility project be placed on the list of potential projects eligible for the federal/provincial infrastructure grant for Council's future consideration;

AND THAT Council direct staff to further investigate the next stages of the aquatic facility development including funding sources, potential partnerships, development process and the timing and funding requirements of each of these next stages;

AND FURTHER THAT staff report back to Council in 2003.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

7.1 <u>Bylaw No. 9037</u> – Road Exchange Bylaw – Haynes Road and Underhill Road

Moved by Councillor Horning/Seconded by Councillor Given

R565/03/06/23 THAT Bylaws No. 9037, 9043 and 9051 be read a first, second and third time.

Carried

7.2 <u>Bylaw No. 9043</u> – Repeal Dog Regulation and Impounding Bylaw No. 5880-88

See resolution adopted under agenda item No. 7.1.

7.3 <u>Bylaw No. 9051</u> – Amendment No. 11 to Subdivision, Development & Servicing Bylaw No. 7900 **requires 2/3 majority vote of Council (6)**

See resolution adopted under agenda item No. 7.1.

(BYLAWS PRESENTED FOR ADOPTION)

7.4 <u>Bylaw No. 9048</u> – Amendment No. 8 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Horning/Seconded by Councillor Given

R566/03/06/23 THAT Bylaw No. 9048 be adopted.

Carried

7.5 <u>Bylaw No. 9050</u> – Tenancy Agreement Approval Bylaw - Patricia Vineyards Ltd. – 1690 Saucier Road

Moved by Councillor Horning/Seconded by Councillor Given

R567/03/06/23 THAT Bylaw No. 9050 be adopted.

Carried

- 8. <u>COUNCILLOR ITEMS</u>
- (a) New Opportunities for Women Society

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R568/03/06/23 THAT Council allocate \$740.41 to the New Opportunities for Women Society to cover the municipal portion of their 2003 property taxes;

AND THAT the funds be appropriated from Council's Contingency account.

(b) <u>UBCM Resolution – Guide Dogs</u>

Moved by Councillor Given/Seconded by Councillor Shepherd

<u>R569/03/06/23</u> WHEREAS persons with sensory or physical disabilities use trained and certified guide/assistance animals to enable their independence, confidence and ability to actively participate in mainstream society;

AND WHEREAS persons accompanied by a guide/assistance animal are too often denied access to taxi services, on which they rely to further their travel throughout the community, for no apparent valid reason, and in spite of the fact that such persons carry photo identification of themselves and their guide/assistance animals:

THEREFORE BE IT RESOLVED THAT the member municipalities of the Union of British Columbia Municipalities agree to revise their respective taxi licensing regulations to require taxi licensees to provide unrestricted access to their service for persons accompanied by a guide/assistance animal, as provided for under the **City of Calgary's** taxi licensing regulation 1/78, excerpts of which follow:

"41. Every taxi driver shall:

- (c) accept all persons as customers except when entitled to refuse such persons pursuant to these Regulations.
- (d) be entitled to refuse a person as a customer if such a person:
 - (iv) requested the taxi driver to carry an animal or any baggage which might be detrimental to the repair, cleanliness or sanitary condition of the taxi, with the exception of a blind person's guide dog.

Carried

(c) Notice of Motion – Tax Grant

Councillor Horning put Council on notice that he would be bringing forward a request for another tax grant for a centre in Rutland.

(d) Request for Traffic Light – Spiers/KLO Road

Councillor Cannan asked that staff look into potential installation of a traffic light at the Spiers/KLO Road intersection.

(e) Application for OCP Amendment

Councillor Cannan asked when the proposed Chateau on the Lake Wellness Centre in McKinley Landing would be coming forward to Council. City Manager to find out whether a formal application has been received yet.

(f) Amber Alert Program

Councillor Shepherd noted that on May 26, 2003, Council adopted a resolution for the Mayor to send a letter to the Solicitor General in support of the Amber Alert Program (a system that is activated when established criteria is met to help find abducted children by immediately getting the pertinent details to the public through media outlets). The Solicitor General has since given his commitment to move forward with such a system and in fact is looking into a plan for how to implement Amber Alert in B.C.

9.	TERMINATION
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Certified Correct:

Mayor City Clerk

BLH/am