

Regular Meeting – P.M.

July 21, 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, July 21, 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; Deputy City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Financial Services, P.A. Macklem*; Financial Accounting & Systems Manager, R. Mayne*; Manager of Community Planning & Real Estate, D.L. Shipclark*; Community Planning Manager, T. Eichler*; Parks Manager, Parks Coordinator, J. Creron*; R. Zahara*; Recreation Manager, R. Oddleifson*; Sports & Facilities Manager, J. Gabriel*; Assistant Airport General Manager, S. Samaddar*; Wastewater Manager, W.J. Berry*; License & Bylaw Enforcement Supervisor, A. Dixon*; 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 Blanleil was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Sandra Kochan, Coordinator of Okanagan Cultural Corridor Project

Sandra Kochan:

- Updated Council on what has been accomplished since the Okanagan Cultural Corridor Project started 3 years ago with a view to identify, develop and promote cultural tourism experiences throughout the Okanagan Valley.
- Future plans include development of a Product Development Plan to build up and/or enhance the product inventory.

Moved by Councillor Hobson/Seconded by Councillor Given

R632/03/07/21 THAT the Mayor be authorized to write a letter to support the grant application by the Okanagan Cultural Corridor Society under the Softwood Industry Community Economic Adjustment Initiative (SICEAI).

Carried

Councillor Cannan opposed.

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4. UNFINISHED BUSINESS

- 4.1 **Deferred from June 9, 2003 Regular Meeting** – Parks Manager, dated July 15, 2003 re: Paws in Parks Program (6130-02)

Council:

- A question has been included in this year's citizens survey asking if the public would support allowing dogs on-leash on walkways in City Park and in waterfront parks.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R633/03/07/21 THAT existing special events that already include dogs as a specific attraction be permitted to continue in parks that ordinarily prohibit dogs, if approved under the conditions of the Outdoor Events Bylaw No. 8358 and related policies and procedures;

AND THAT the general public be permitted to bring dogs to new special events, runs or walks that want to include dogs for the first time and which are to take place in parks that ordinarily prohibit dogs, excluding all waterfront or beach parks with the exception of Cedar Creek Park which permits dogs, if approved under the conditions of the Outdoor Events Bylaw No. 8358 and related policies and procedures;

AND FURTHER THAT the necessary amendments to Parks Bylaw No. 6819, as outlined in the report of the Parks Manager dated July 14, 2003, be forwarded for reading consideration.

Carried

5. PLANNING

- 5.1 Planning & Corporate Services Department, dated July 9, 2003 re: Agricultural Advisory Committee (0540-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R634/03/07/21 THAT Municipal Council authorize the Agricultural Advisory Committee to arrange and hold an informal meeting with the Central Okanagan Regional District Agricultural Advisory Committee.

Carried

- 5.2 Planning & Corporate Services Department, dated July 11, 2003 re: Rezoning Application No. Z03-0032 – David & Karen Desjardins – 5399 Chute Lake Road

Moved by Councillor Hobson/Seconded by Councillor Given

R635/03/07/21 THAT Rezoning Application No. Z03-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Plan 38762, Sec. 23, Twp. 28, SDYD, located on Chute Lake Road, Kelowna, B.C. from the RR3 – Rural Residential 3 zone to the RU1 – Large Lot Housing zone be considered by Council;

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

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- 5.3 Planning & Corporate Services Department, dated July 15, 2003 re: Rezoning Application No. Z03-0020 – John & Sarina Weisbeck/Romesha Ventures Inc. (David Pauls/D.E. Pilling & Associates Ltd.) – 1494 Highway 33 East

Councillor Day declared a conflict of interest because he owns property within the notification area and left the Council Chamber at 2:19 p.m.

Moved by Councillor Horning/Seconded by Councillor Given

R636/03/07/21 THAT Rezoning Application No. Z03-0020 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Sec. 13, Twp. 26, ODYD, Plan 14039 except Plans H8433 and KAP72297 and part of Lot 3, Sec. 13, Twp. 26, ODYD, Plan 14039, located on Highway 33 East, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated July 15, 2003, be considered by Council;

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

Carried

Councillor Day returned to the Council Chamber at 2:20 p.m.

- 5.4 Planning & Corporate Services Department, dated June 25, 2003 re: Rezoning Application No. Z03-0025 and OCP03-0006 – Mike Jacobs/Summit South Developments Joint Venture – 5198 South Ridge Drive

Moved by Councillor Hobson/Seconded by Councillor Clark

R637/03/07/21 THAT OCP Bylaw Amendment No. OCP03-0006 to amend Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use by re-designating a portion of Lot A, DL 1688s, SDYD, Plan KAP68646 except Plans KAP68647, KAP70485, KAP71342 and KAP72474, located on South Ridge Drive, Kelowna, B.C., from the Single/Two Unit Residential & Educational/Major Institutional designation to the Single/Two Unit Residential & Educational/Major Institutional designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated June 25, 2003, be considered by Council;

AND THAT Rezoning Application No. Z03-0025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, DL 1688s, SDYD, Plan KAP68646 except Plans KAP68647, KAP70485, KAP71342 and KAP72474, located on South Ridge Drive, Kelowna, B.C., from the RU2 – Medium Lot Housing zone and the P2 – Education & Minor Institutional zone to the RU2 – Medium Lot Housing zone and the P2 – Education & Minor Institutional zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated June 25, 2003, be considered by Council;

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

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5.5 Planning & Corporate Services Department, dated June 10, 2003 re: Rezoning Application No. Z03-0019 and OCP03-0005 – George Kasdorf – 1038-1040 Cawston Avenue

Staff:

- Council deferred this item from the July 7 Regular Meeting because the staff recommendation was negative and the applicant was not in attendance.
- Recommend against the rezoning because it is contrary to the City of Kelowna Official Community Plan and because the applicant constructed the building as a 4-plex despite knowing up-front that the site was zoned for 2 units.
- If approved, a Development Variance Permit would also be required to relax the lot width requirements.
- The applicant has already applied to the Superintendent of Real Estate and stratified the four units. However, the City will not grant Occupancy Permits for the suites until either the property is rezoned for a 4-plex or the second kitchens are removed.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R638/03/07/21 THAT Council hear from the applicant.

Carried

George Kasdorf, applicant:

- Cawston Avenue is unique and not a typical residential street because the front of the homes on Cawston face the rear yards of the homes on Wilson and there are no homes built on the south side of Cawston.
- Cawston Avenue needs special consideration.
- Did not get a copy of the staff report that went to the Advisory Planning Commission (APC) until after the meeting and so, not knowing what information the APC had, did not get errors that were in the report corrected.
- There was no opposition expressed at the APC, just three people asking questions about the application.
- Precedent for what he built has already been set in the area and that information should also have been given to the APC.
- The building permit he obtained was for a duplex and with nothing in the basement. What he wanted to build was a side-by-side semi-detached dwelling with suites in the basement and he made it very clear that was his intention from the start.
- There is demand for secondary suites; he received in excess of 100 phone calls for the two suites.
- Before the concrete slab was poured he provided a revised set of plans to the City showing everything for the suites except the kitchen and received approval to proceed on October 29, 2002. Nine days later he received a letter saying that the City was considering seeking a court injunction. This spring he was refused the permit to allow him to install the kitchens in the suites. The suites have never been occupied and so therefore they are not illegal.
- People who willingly break the law do not ask questions. He sought advice from a variety of sources and has been wrongly accused.
- Put forward suggestions for developing criteria to differentiate between duplexes with suites and stratified 4-plexes.

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Moved by Councillor Clark/Seconded by Councillor Given

R639/03/07/21 THAT OCP Bylaw Amendment No. OCP03-0005 to amend Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Strata Lot 1, DL 138, ODYD, Strata Plan KAS2488 located on Cawston Avenue, Kelowna, B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential (Low Density) designation; and Rezoning Application No. Z03-0019 to amend the City of Kelowna Bylaw No. 8000 by changing the zoning classification of Strata Lot 1, DL 138, ODYD, Strata Plan KAS2488 from the RU6 - Two Dwelling Housing zone to the RM1 – Fourplex Housing zone **not** be advanced to Public Hearing.

Carried

Councillors Blanleil, Cannan, Horning and Shepherd opposed.

5.6 Planning & Corporate Services Department, dated July 10, 2003 re: Rezoning Application No. Z03-0026 – Gary Norkum (New Town Planning Services) – 587 Fitzpatrick Road

Staff:

- The rezoning is required to facilitate a subdivision to create 4 residential lots with suites on the land that is on the north side of Francis Brook, to develop 34-units of stacked row housing in a total of three 2-storey buildings on the south side of the Brook, and dedicate public open space along either side of the Brook.

Moved by Councillor Horning/Seconded by Councillor Given

R640/03/07/21 THAT Rezoning Application No. Z03-0026 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 35, Twp. 26, ODYD, Plan 4705 except plans 15281 & 18811, located on Fitzpatrick Road, Kelowna, B.C., from the A1- Agriculture 1 zone to the RU1s – Large Lot Housing with Secondary Suite, the RM3 – Low Density Multiple Housing, and the P3 – Parks and Open Space zones as shown on Map "A" attached to the report of Planning & Corporate Services Department dated July 10, 2003 be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer and the registration of a Block Plan to create separate titles for the RU1s - Large Lot Housing with Secondary Suite, the RM3 - Low Density Multiple Housing, and the P3 – Parks and Open Space portions of the subject property;

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

Carried

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- 5.7 Planning & Corporate Services Department, dated July 16, 2003 re: Development Permit Application No. DP03-0063 – Stober Construction Ltd. (Ken Stober) – 460 Buckland Avenue and 1760 Ellis Street

Moved by Councillor Hobson/Seconded by Councillor Day

R641/03/07/21 THAT Council authorize the issuance of Development Permit No. DP03-0063 for Lot A & Lot B, D.L. 14 & 1148, O.D.Y.D., Plan 35262, located on Buckland Avenue and Ellis Street, 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. The applicant install temporary protection measures to protect Mill Creek from any impact during construction to the satisfaction of the City's Environmental Manager.

Carried

- 5.8 Planning & Corporate Services Department, dated July 16, 2003 re: Development Permit Application No. DP03-0044 – CPAC (Lakeshore Gardens) Inc. (Tom Smithwick/Porter Ramsay Lawyers) – 654 Cook Road

Moved by Councillor Shepherd/Seconded by Councillor Given

R642/03/07/21 THAT Council authorize the issuance of Development Permit No. DP03-0044 for Lot A, DL 134, O.D.Y.D., Plan 34182, located on Cook 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 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 registration of appropriate creek dedication for the limited public access along Wilson Creek;

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

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- 5.9 Planning & Corporate Services Department, dated July 16, 2003 re: Development Permit Application No. DP03-0048 – Gallaghers Canyon Land Development Ltd. (Tom Weisbeck) – 4575 Gallaghers Parkland

Staff:

- The permit would allow construction of 18 semi-detached multi-family units as part of the golf resort development.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R643/03/07/21 THAT Municipal Council authorize the issuance of Development Permit No. DP03-0048, Gallaghers Canyon Land Development Ltd. (Tom Weisbeck), on lands described as Lot 3, Sec. 1, Twp. 26, ODYD, Plan KAP71295 and an undivided 1/6 share in Lot 7, Plan KAP71295, located off of Field Road, Kelowna, BC, subject to the following terms and conditions:

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.

Carried

- 5.10 Community Planning Manager, dated July 15, 2003 re: 260 Franklyn Road

A motion moved by Councillor Clark to amend the eighth bullet in the recommendation to say "...the highest identified need *in the City*" rather than in the Rutland area was lost for lack of a seconder.

Moved by Councillor Given/Seconded by Councillor Cannan

R644/03/07/21 THAT Council authorize staff to proceed with a call for proposals for development of the property at 260 Franklyn Road according to the following:

- The property will be rezoned to "RM3 – Low Density Multiple Housing";
- The project is to feature housing where a portion of the units is affordable (owned or rented), according to the City's definitions of affordable housing, set out in 8.1.16 of the OCP;
- Some of the units would be handicapped accessible or adaptable and affordable, in accordance with policy 8.1.16;
- The opportunity to provide a non-profit community recreation service (as defined in the Zoning By-law) in a building space not exceeding 464.5 m² (5,000 sq. ft.) is to be included in the RFP;
- Alternatively, if no community recreation space is provided, additional residential units must meet the City's definition of affordability;

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- Staff will be authorized to negotiate a reduction in market value of up to 25% by the means of lease or sale, in return for achieving a combination of the features outlined above;
- 40% of the revenue from the lease or sale of this land shall be allocated to the City's Housing Reserve Fund;
- The remainder of the revenue be directed towards the highest identified park need in the Rutland area;

AND THAT Housing Opportunities Bylaw No. 8593 be amended by replacing the first paragraph of Clause 4.1 and the first paragraph of 4.2 to read as follows:

Clause 4.1:

"Monies in the **Reserve Fund**, including any interest earned, shall only be used to acquire lands which are to be purchased or leased from the City by non-profit groups or developers to provide housing by means of public/private partnership or subject to housing agreements. The following shall guide the locations of land acquisition:"

Clause 4.2:

"Any land, or a portion thereof, acquired with the **Reserve Fund** shall be used, pursuant to the public/private partnership, or housing agreements noted in subsection 4.1, for the development of **special needs housing** or **affordable housing**, the availability of which shall be limited to households identified by the City as requiring such housing, including, but not necessarily limited to:"

Carried

- 5.11 Community Planning Manager, dated July 15, 2003 re: Text Amendment – Community Recreation Services & Rezoning of 260 Franklyn Road

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R645/03/07/21 THAT Council authorize staff to proceed with a text amendment to add "Community Recreation Services" as a permitted secondary use in the RM3 - Low Density Multiple Housing; RM4 – Transitional Low Density Housing; RM5 – Medium Density Multiple Housing; and RM6 – High Rise Apartment Housing zones;

AND THAT Council authorize staff to proceed with a City-initiated rezoning for 260 Franklyn Road from RU1 – Large Lot Housing to RM3 – Low Density Multiple Housing, with all fees and costs associated with the text amendment and rezoning to be funded from the Land Sales Reserve.

Carried

- 5.12 Community Planning Manager, dated July 16, 2003 re: Process for Emergency Grants from the Social Development Grant Reserve (1850-20)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R646/03/07/21 THAT Council approve a process for authorizing emergency grant requests, to be funded by the Social Development Grant Reserve, as outlined in the draft Council Policy attached to the Community Planning Manager's report dated July 16, 2003.

Carried

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6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 8460 (Z98-1032) – Hilltop Sand & Gravel Co. Ltd. (New Town Planning Services) – 5065 Frost Road and 611 & 625 Barnaby Road

Moved by Councillor Day/Seconded by Councillor Blanleil

R647/03/07/21 THAT Bylaw No. 8460 be adopted.

Carried

- 6.2 Bylaw No. 9041 (TA03-0001) – City of Kelowna Zoning Bylaw Text Amendment

Moved by Councillor Day/Seconded by Councillor Hobson

R648/03/07/21 THAT Bylaw No. 9041 be adopted.

Carried

- 6.3 Bylaw No. 9046 (Z03-0011) – VGM Holdings Ltd. (Axel Hilmer) – 1250 Gaggin Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R649/03/07/21 THAT Bylaw No. 9046 be adopted.

Carried

Mayor Gray altered the order of business and advised that agenda item No. 7.6 would be dealt with next.

- 7.6 Licence & Bylaw Enforcement Supervisor, dated July 16, 2003 re: Prohibited Animal Bylaw (4000-03)

Kelly Roth, Regional District of Central Okanagan:

- It will probably be October before the service can be provided.
- Lake Country and Ellison-Joe Rich electoral area not supporting the bylaw.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R650/03/07/21 THAT the establishment of a new Prohibited Animal Bylaw by the Regional District of Central Okanagan be endorsed by Kelowna City Council, as outlined in the attachments to the report dated July 16, 2003 from the Licence & Bylaw Enforcement Supervisor;

AND THAT the City of Kelowna become a participating municipality in the Regional District of Central Okanagan's Prohibited Animal Bylaw;

AND FURTHER THAT Council direct staff to prepare a bylaw to repeal City of Kelowna Wild or Exotic Animal Prohibition Bylaw No. 8318 and hold final adoption of the repealing bylaw until the Regional District of Central Okanagan has regional service in place under its new bylaw.

Carried

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7. REPORTS

- 7.1 Director of Financial Services, dated July 16, 2003 re: Terasen Utility Services Inc. Legacy Opportunity – 2001/02 Additions (2240-20)

Moved by Councillor Hobson/Seconded by Councillor Clark

R651/03/07/21 THAT the City exercise its option to lease the Terasen Utility Services Inc. ("Terasen"), previously called BC Gas Utility Ltd., distribution system 2002 additions contained within the City of Kelowna boundary and having a declared capital cost of \$673,705 and a net book value at the City's option exercise date of \$662,402;

AND THAT the Director of Financial Services initiate all processes to obtain necessary approvals prior to October 10, 2003 as required in the Additions Option portion of the Lease-in, Lease-out documents;

AND THAT Council authorize the Mayor and City Clerk to execute the Additions Capital Lease and Operating Lease Amendment for 2002 additions, and any further or other documents related to the re-exercise of the 2001 additions, subject to a counter petition opportunity open to all electors within the City of Kelowna, being initiated concurrently with this report and expiring on or about August 27, 2003 and followed by a determination and certification by the City Clerk that such counter petition opportunity has not defeated the City's initiative;

AND THAT the counter petition opportunity include the re-exercise of the option to lease the 2001 additions having a declared capital cost of \$605,089 and a net cost to the City on the option exercise date of \$592,483, to address a minor procedural error in advertising of the counter petition opportunity prior to the additions agreements dated November 1, 2002;

AND THAT 4:00 p.m., Wednesday, August 27, 2003 be set as the deadline for receipt of Counter Petitions in the form attached to the July 2, 2003 report of the Director of Financial Services as Schedule "A", by the City Clerk in relation to lease of the Terasen Utility Services Inc. Gas Distribution System 2001 and 2002 additions;

AND FURTHER THAT costs associated with the acquisition of the 2002 additions in the amount of \$662,402 be financed from the Terasen Legacy Opportunity fund and the 2003 Financial Plan be amended to reflect this expenditure.

Carried

- 7.2 Director of Financial Services, dated July 4, 2003 re: Council Appointment of the Library Society Directors (1830-20)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R652/03/07/21 THAT Council appoint as Directors of the Library Society Board, Phyllis Paine, Barry Williamson, Eileen Sadlowski and Wayne Wilson effective June 19, 2003 and accept the resignation of William J. Theissen, Dominic A. Petrarola, Ross Langford and Barb Degan.

Carried

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7.3 Director of Financial Services, dated July 15, 2003 re: Renewal of Downtown Kelowna Business Improvement Area (B/L 9042; 1950-06)

Staff:

- This would be the third 5-year renewal of the Downtown Business Improvement Area. The boundary has changed slightly for the 2004-08 term to include the KSS property.

Clint McKenzie, Downtown Kelowna Association (DKA):

- The DKA is trying to make the downtown a people place and this year's MardiGras was the most successful ever.
- The DKA proposes to take on a façade improvement grant program for the downtown commercial property owners.
- Proposing a 7% increase over the 5 year period.

Council:

- The complaint they hear most often about the downtown is the need for consistency in the hours that the shops in the downtown are open for business.

Moved by Councillor Given/Seconded by Councillor Shepherd

R653/03/07/21 THAT Council approve the renewal of a specified area for the purpose of annually funding, over a 5 year period, the Downtown Business Improvement Area pursuant to Sections 651.1 of the Local Government Act, for the properties included within the boundary as outlined on Schedule "A" attached to the report of the Director of Financial Services dated July 15, 2003;

AND THAT Bylaw 9042 to establish the specified area be advanced to Council for first three readings of the bylaw;

AND FURTHER THAT 4:00 p.m., Tuesday, August 26, 2003 be set as the deadline for receipt of petitions against the proposed Downtown Business Improvement Area renewal bylaw.

Carried

7.4 Assistant Airport General Manager, dated July 10, 2003 re: Shell Canada Products – Land Sub-Lease – Kelowna International Airport (2380-20-8037; 0550-05)

Moved by Councillor Horning/Seconded by Councillor Blanleil

R654/03/07/21 THAT Council approve entering into a new land sub-lease with Shell Canada Products for an aviation fuel and lubricating oil bulk storage facility to service general aviation, commercial and corporate aircraft at the Kelowna International Airport;

AND THAT Council authorize the Mayor and City Clerk to sign the sub-lease on behalf of the City of Kelowna;

AND FURTHER THAT Council direct staff to prepare the sub-lease authorization for the required counter petition procedure.

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- 7.5 City Clerk, dated July 16, 2003 re: Shell Canada Products – Land Sub-Lease at Kelowna International Airport (2380-20-8037)

Moved by Councillor Shepherd/Seconded by Councillor Horning

R655/03/07/21 THAT 4:00 p.m., Wednesday, August 27, 2003 be set as the deadline for receipt of Counter Petitions, in the form attached to the July 16, 2003 report of the City Clerk as Schedule "A", by the City Clerk in relation to a sub-lease of land at the Kelowna International Airport to Shell Canada Products.

Carried

- 7.6 Licence & Bylaw Enforcement Supervisor, dated July 16, 2003 re: Prohibited Animal Bylaw (4000-03)

Dealt with after agenda item No. 6.3

- 7.7 Wastewater Manager, dated July 15, 2003 re: Federal/Provincial Infrastructure Grant – 2003 Applications (0410-01)

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R656/03/07/21 THAT Council endorse the list of priorities for projects to be submitted for consideration of Grant applications for 2003, as follows;

1. Ultraviolet Water Treatment system (submitted earlier this year),
2. Fisher Road Water & Sewer Specified Area project;

AND THAT staff be directed to prepare and submit an application under the Federal/Provincial Infrastructure Grant program, to the Ministry of Community, Aboriginal and Women's Services (Municipal Affairs), for the Fisher Road Water & Sewer Specified Area project.

Carried

- 7.8 Drainage/Solid Waste Manager, dated July 15, 2003 re: Award of Construction Contract Tender TE03-16 – Greenwood Court/June Springs Road Drainage Upgrade (5225-40)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R657/03/07/21 THAT the tender for the Greenwood Court/June Springs Road Drainage Upgrade be awarded to the low bidder, Ansell Construction Ltd., in the amount of Two Hundred Seventy-Four Thousand, Four Hundred Eighty-Two dollars and Eighty-Two cents (\$274,482.82) including GST;

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

Carried

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- 7.9 Sport & Facilities Manager, dated July 15, 2003 re: Liquor Primary (Stadium) Temporary Extensions

Moved by Councillor Given/Seconded by Councillor Horning

R658/03/07/21 THAT Council, having received and considered the background information provided by staff, and subject to the approval under, and any conditions imposed pursuant to, the City's Outdoor Events Bylaw No. 8358 and all respective policies and procedures, endorses the temporary extension of the licensed area of the City's existing Liquor Primary (Stadium) License from the Kelowna Apple Bowl Stadium to:

- City Park during the Heartland Music Festival to be held on August 1st and 2nd, 2003;
- Waterfront Park during the Dragon Boat Festival to be held September 12th, 13th and 14th, 2003;

AND THAT Council directs staff to forward the appropriate resolution to the Liquor Control and Licensing Branch.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.1 Bylaw No. 9042 – Kelowna Downtown Business Improvement Area bylaw **circulated with agenda item No. 7.3**

Moved by Councillor Given/Seconded by Councillor Horning

R659/03/07/21 THAT Bylaws No. 9042 and 9061 be read a first, second and third time.

Carried

- 8.2 Bylaw No. 9061 – Amendment No. 6 to City of Kelowna Parks Bylaw No. 6819-91

See resolution adopted under item No. 8.1.

(BYLAWS PRESENTED FOR ADOPTION)

- 8.3 Bylaw No. 8981 – Amendment No. 9 to Subdivision, Development & Servicing Bylaw No. 7900

Moved by Councillor Clark/Seconded by Councillor Shepherd

R660/03/07/21 THAT Bylaw No. 8981 be adopted.

Carried

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8.4 Bylaw No. 8982 – Amendment No. 8 to Sign Bylaw No. 8235

Moved by Councillor Shepherd/Seconded by Councillor Clark

R661/03/07/21 THAT Bylaw No. 8982 be adopted.

Carried

8.5 Bylaw No. 8983 – Amendment No. 18 to Development Application Fees
Bylaw No. 8034

Moved by Councillor Shepherd/Seconded by Councillor Clark

R662/03/07/21 THAT Bylaw No. 8983 be adopted.

Carried

8.6 Bylaw No. 9037 – Road Exchange Bylaw – Haynes Road and Underhill
Road

Moved by Councillor Horning/Seconded by Councillor Given

R663/03/07/21 THAT Bylaw No. 9037 be adopted.

Carried

8.7 Bylaw No. 9049 – Byrns Road Water Specified Area No. 16 Security
Issuing Bylaw

Moved by Councillor Hobson/Seconded by Councillor Cannan

R664/03/07/21 THAT Bylaw No. 9049 be adopted.

Carried

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

Moved by Councillor Given/Seconded by Councillor Horning

R665/03/07/21 THAT Bylaw No. 9051 be adopted.

Carried

8.9 Bylaw No. 9053 – Additional Hotel Room Tax

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R666/03/07/21 THAT Bylaw No. 9053 be adopted.

Carried

Regular Meeting – P.M.

July 21, 2003

9. COUNCILLOR ITEMS

(a) Aquatic Centre – City Park

Councillor Shepherd suggested that the Parks Committee investigate whether there is potential for another Aquatic Centre to be constructed in City Park noting that on several occasions while attending the Regatta, people commented that they would be willing to pay more taxes for that purpose.

(b) City Park Pavilion

Councillor Shepherd asked for an update on where we are in the process with respect to determining the future use of the City Park Pavilion building. Referred to the City Manager.

(c) Left Turns onto Burtch Road from Highway 97

Councillor Blanleil commented that the Burtch Plaza merchants have been petitioning for left turns onto Burtch Road from Highway 97 and asked that staff follow-up on the request with the Ministry of Transportation.

(d) Bus Tours to Knox Mountain Park

Mayor Gray suggested that the Transit Committee pick a day in September and arrange for one of the double decker buses to make a few trips up Knox Mountain to take pioneers and other people who otherwise may not get a chance, to see the new Pioneer Pavilion Building.

10. TERMINATION

The meeting was declared terminated at 5:20 p.m.

Certified Correct:

Mayor

BLH/am

Deputy City Clerk