

Regular Meeting – P.M.

January 26, 2004

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, January 26, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil*, R.D. Cannan, C.B. Day, B.D. Given and S.A. Shepherd.

Council members absent: Councillors B.A. Clark and R.D. Hobson and E.A. Horning.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Manager of Development Services, A.V. Bruce*; Community Planning Manager, T. Eichler*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Financial Services, P.A. Macklem*; Financial Planning Manager, K. Grayston*; Investments & Payroll Manager, L. Walter*; Director of Parks & Leisure Services, D.L. Graham*; Transportation Manager, R.W. Westlake*; Development Engineering Manager, S. Muenz*; Environment Manager, M. Watt*; 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 Given was requested to check the minutes of the meeting.

3. PLANNING

3.1 Planning & Corporate Services Department, dated January 15, 2004 re: OCP Amendment – Use of Housing Reserve Fund (OCP04-0002)

Moved by Councillor Given/Seconded by Councillor Shepherd

R069/04/01/26 THAT Official Community Plan Bylaw No. 7600 be amended by replacing Policy 8.1.20 with the following:

8.1.20.1.1 **Use of Housing Reserve Fund.** Use the housing reserve fund for the purpose of acquiring lands to be leased or purchased from the City by non-profit groups or developers to provide housing by means including public/private partnership agreements, subject to the criteria specified in the Housing Reserve Fund Bylaw;

AND THAT the required amending bylaw be advanced to a Public Hearing.

Carried

Regular Meeting – P.M.

January 26, 2004

3.2 Planning & Corporate Services Department, dated January 21, 2004 re: Rezoning Application No. Z03-0061 – Scandilog Homes Ltd. (Carl Scholl Design) – 1937-1939 Harvey Avenue

Councillor Blanleil advised that he is in a conflict of interest for the application as owner of a retail store next door and left the Council Chamber at 1:35 p.m.

Staff:

- The applicant is proposing to redevelop the site with a 1-storey commercial building for retail use.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R070/04/01/26 THAT Rezoning Application No. Z03-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, D.L. 129, ODYD located on Harvey Avenue, Kelowna, B.C. from the C10 - Service Commercial zone to the C3 - Community Commercial zone be considered by Council;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

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

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

Councillor Blanleil returned to the Council Chamber at 1:40 p.m. and took his place at the Council Table.

3.3 Planning & Corporate Services Department, dated January 21, 2004 re: Rezoning Application No. Z03-0074 – Aberdeen Holdings Ltd. (Domenic Panucci/Pupus Enterprises Ltd.) – 2355-2395 Gordon Drive

Staff:

- The liquor primary license (Gotchas Nightclub) is in the downtown area. Changes in Provincial regulations no longer require licensee retail stores to be on the same, or appear to be on the same, site as the liquor primary license.
- The rezoning would facilitate the location of a private liquor store in the Guisachan Village Mall.
- The proposed liquor store would be about 130 m² (1,500 sq. ft.) in size.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R071/04/01/26 THAT Rezoning Application No. Z03-0074 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of LOT B, DISTRICT LOT 136, ODYD PLAN KAP46155, located on Gordon Drive, Kelowna, B.C. from the C3 – Community Commercial zone to the C3rfs – Community Commercial (Retail Liquor Sales) zone be considered by Council;

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

Carried

Regular Meeting – P.M.

January 26, 2004

- 3.4 Planning & Corporate Services Department, dated January 19, 2004 re: Development Permit Application No. DP03-0146 – Georg-Michael Holzey Ltd. (John Hertay) – 350 Prince Edward Drive

Staff:

- Referred Council's attention the a model of the proposed dwelling that is proposed for construction to show how the 1,591 m² building would respect the topography of the site with minimal impact on the environment.
- The geotechnical work and the fire assessment work that has been done supports the proposed building envelope.

Moved by Councillor Shepherd/Seconded by Councillor Given

R072/04/01/26 THAT Council authorize the issuance of Development Permit No. DP03-0146 for Remainder North-East Quarter, Section 7, Township 23, ODYD located on Prince Edward 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";
4. The applicant be required to complete a wildland fire assessment and mitigation plan with a covenant registered on title;
5. The applicant be required to protect all remaining land on the subject property with slopes greater than 30% with a no-disturb covenant;
6. The applicant be required to submit an environmental report that includes a mitigation plan (monitoring, tree and vegetation replacement);
7. The applicant be required to post with the City a Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the habitat restoration and enhancement, as determined by an environmental report;
8. The applicant must either post with the City a Performance Security deposit in the form of a "Letter of Credit" in amount of 140% for the estimated costs of an on-site reservoir that will provide adequate fire flows to the proposed home or come to agreement and pay a yet to be determined share of a local upgrade to the water system in order to achieve a water pressure that will satisfy the required fire flows;
9. The applicant be required to extend the access easement on Lot N/W ¼, Township 23, Section 8 to cover the proposed alignment of the driveway;

AND FURTHER 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.

January 26, 2004

- 3.5 Planning & Corporate Services Department, dated January 14, 2004 re: Text Amendment No. TA03-0013 – City of Kelowna

Moved by Councillor Blanleil/Seconded by Councillor Day

R073/04/01/26 THAT Zoning Bylaw Text Amendment No. TA03-0013 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule “A” of the report of the Planning & Corporate Services Department dated January 14th, 2004 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA03-0013 be forwarded to a Public Hearing for further consideration.

Carried

4. REPORTS

- 4.1 Director of Parks & Leisure Services, dated January 21, 2004 re: Grant Request from United Nations/Hope for the Nations (1850-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

R074/04/01/26 THAT City Council approve a Grant In Aid of up to \$1,500 toward the cost of rentals of the Rotary Arts Centre for a United Nations Regional Network Forum;

AND THAT the funds be appropriated from Council Contingency.

Carried

- 4.2 Director of Works & Utilities, dated January 14, 2004 re: Latecomer Charges – Progressive Lands Ltd. – Reservoir – South Crest Road (2250-70-67)

Moved by Councillor Given/Seconded by Councillor Blanleil

R075/04/01/26 THAT the Municipal Council requires the owner of Lot B District Lot 357 SDYD Plan KAP 48057 Except Plan KAP 51584 which is to be subdivided or developed, to provide the excess or extended services shown in Appendix D of the Latecomer Agreement No. 2250-70-67, attached to the report of the Director of Works & Utilities, dated January 14, 2004;

AND THAT the Municipal Council consider the cost to provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-67, in whole or in part, to be excessive;

AND THAT the Latecomer charges be imposed for excess or extended services, as shown in Appendix D of Latecomer Agreement No. 2250-70-67, which are required to be installed as part of the referenced Development Project;

AND THAT the City enter into Latecomer Agreement No. 2250-70-67 with the owner to be effective upon Substantial Performance of the Excess or Extended Services, and the Mayor and City Clerk be authorized to execute and affix the corporate seal to this Latecomer Agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

Carried

Regular Meeting – P.M.

January 26, 2004

- 4.3 Director of Financial Services, dated January 19, 2004 re: Amendment to Utility Billing Customer Care Bylaw (BL9123; 1820-20)

Staff:

- The proposed changes are minor housekeeping changes to ensure the City's compliance with the new Community Charter which came into effect January 2004.

Moved by Councillor Given/Seconded by Councillor Day

R076/04/01/26 THAT the City amend the Utility Billing Customer Care Bylaw to incorporate the following changes that ensure the City of Kelowna is compliant with the terms of the new Community Charter which became effective January, 2004:

- Confirmation of security deposit requirements and procedures;
- Confirmation that utility services may be terminated for reasons of safety, non-compliance with City bylaws, and for non-payment;
- Outlining the notification processes used when services are terminated for non-payment;

AND THAT the City amend the Utility Billing Customer Care Bylaw to accommodate the following housekeeping changes that are not impacted by the new Community Charter:

- Increase of the notification requirement for customers closing a utility billing account from 24 hours to two full business days;
- Recognition that annual transfer to tax procedures are not performed in the cases of active accounts that are still incurring charges for the provision of utility services;
- Confirmation that annual transfer to taxes routines are applicable whether the customer service account is in the name of the property owner or the name of another customer;
- Confirmation that the unauthorized use of a utility service resulting in underbilling to a customer account, will result in back charging for those under billed services, along with associated administrative costs, to the customer account;

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

Carried

Regular Meeting – P.M.

January 26, 2004

- 4.4 Director of Financial Services, dated January 21, 2004 re: Conventional Transit – Annual Operating Agreement Amendments (2240-20)

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R077/04/01/26 THAT Council approve the 2003/2004 Annual Operating Agreement Amendments for conventional and custom transit services for the City of Kelowna encompassing the service hour and expenditure changes from amendment #1, the accelerated maintenance plan and the improvements to schedule maintenance and reliability;

AND THAT for the schedule maintenance and reliability costs the City of Kelowna shall contribute 53.31%, or any greater percentage the municipality agrees to contribute of the amounts required to defray the classes of expenditure prescribed in section 8 of British Columbia Transit Regulation, B.C. Reg. 30/91 in the annual operating agreement for that service;

AND THAT the City of Kelowna requests an amendment to section 7 of British Columbia Transit Regulation, B.C. Reg. 30/91 to provide additional transit service that is funded 100% by the City of Kelowna;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Operating Agreement Amendments between B.C. Transit, the City of Kelowna and Farwest Transit Services Inc. covering the period April 1, 2003 to March 31, 2004.

Carried

- 4.5 Transportation Manager, dated January 19, 2004 re: Kelowna Regional Transit Service Agreement (8500-01)

Moved by Councillor Day/Seconded by Councillor Shepherd

R078/04/01/26 THAT Council approve of the renewal of the Transit Service Agreement with BC Transit effective April 1, 2004;

AND THAT the Mayor and City Clerk be authorized to execute the agreement.

Carried

- 4.6 Environment Manager, dated January 20, 2004 re: West Nile Virus Funding and Response Planning (5280-01)

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R079/04/01/26 THAT Council amend the 2004 Financial Plan to include West Nile Virus mitigation project costs of \$50,000 funded from a one-time Province of British Columbia grant.

Carried

Regular Meeting – P.M.

January 26, 2004

- 4.7 Subdivision Approving Officer, dated January 21, 2004 re: Appointments to the Board of Variance (3730-01)

Moved by Councillor Blanleil/Seconded by Councillor Given

R080/04/01/26 THAT Council appoint Larry Chalmers as a member of the Board of Variance for a twenty-three month term commencing January 14, 2004 and expiring December 31, 2005;

AND THAT Council confirm the previous appointments of Peter Chataway, Friedrich Goldammer, Shirley Staley, and James Stuart as members of the Board of Variance for terms expiring December 31, 2005.

Carried

5. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 5.1 Bylaw No. 9123 – Amendment No. 2 to Utility Billing Customer Care
Bylaw No. 8754

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R081/04/01/26 THAT Bylaw No. 9123 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 9134 – Parcel Tax Bylaw - Sewer Specified Area No. 29
(Campion Street/Campro Road)

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R082/04/01/26 THAT Bylaw No. 9134 be adopted.

Carried

- 6.2 Bylaw No. 9146 – Parcel Tax Bylaw - Sewer Specified Area No. 30
(Acland Road)

Moved by Councillor Day/Seconded by Councillor Cannan

R083/04/01/26 THAT Bylaw No. 9146 be adopted.

Carried

- 6.3 Bylaw No. 9151 – Parcel Tax Bylaw - Sewer Specified Area No. 22B
(Vista Road)

Moved by Councillor Cannan/Seconded by Councillor Day

R084/04/01/26 THAT Bylaw No. 9151 be adopted.

Carried

Regular Meeting – P.M.

January 26, 2004

- 6.4 Bylaw No. 9152 – Parcel Tax Bylaw - Sewer Specified Area No. 22C
(Hein Road)

Moved by Councillor Given/Seconded by Councillor Shepherd

R085/04/01/26 THAT Bylaw No. 9152 be adopted.

Carried

- 6.5 Bylaw No. 9153 – Parcel Tax Bylaw - Sewer Specified Area No. 22D
(Elwyn Road)

Moved by Councillor Given/Seconded by Councillor Shepherd

R086/04/01/26 THAT Bylaw No. 9153 be adopted.

Carried

- 6.6 Bylaw No. 9154 – Parcel Tax Bylaw - Sewer Specified Area No. 22E
(Dease Road)

Moved by Councillor Shepherd/Seconded by Councillor Given

R087/04/01/26 THAT Bylaw No. 9154 be adopted.

Carried

- 6.7 Bylaw No. 9155 – Parcel Tax Bylaw - Sewer Specified Area No. 22F
(Mills Road)

Moved by Councillor Given/Seconded by Councillor Shepherd

R088/04/01/26 THAT Bylaw No. 9155 be adopted.

Carried

- 6.8 Bylaw No. 9156 – Parcel Tax Bylaw – Water Specified Area – South
Lakeshore Road

Moved by Councillor Shepherd/Seconded by Councillor Given

R089/04/01/26 THAT Bylaw No. 9156 be adopted.

Carried

7. COUNCILLOR ITEMS

(a) Media Broadcasting of Council Meetings

Mayor Gray advised that live streaming audio of Kelowna City Council meetings will be available on the internet starting February 2, 2004 by clicking on an icon on the Castanet website (casanet.net) on Monday afternoons and Tuesday evenings when Council is in session.

Regular Meeting – P.M.

January 26, 2004

(b) Task Force – Transportation Alternatives for One Way Couplet

Mayor Gray advised that the Task Force will be struck once an agreement has been negotiated between the City and the Province for how the proposed new bridge would work, and staff and Terms of Reference have been established for the Task Force. Anticipate that the Task Force could be formed in March or April, 2004. Individuals interested in serving on the Task Force can submit resumes to the City via the Mayor's office or the Transportation Division of the Works & Utilities Department).

Councillor Blanleil clarified that his decision to remove the couplet from the OCP was made on the premise that the cost of any alternate solution would not exceed the \$12 million budgeted for the couplet.

Councillor Day commented that the mandate of the Task Force needs to include a deadline for a decision being made and suggest they be required to report back to Council with a recommendation within 6 months.

(c) Events at the Facility Formerly Known as Skyreach

Mayor Gray advised that members of the public who take exception to events taking place at the facility formerly known as Skyreach Place should direct their comments to Dave Dakers, General Manager of the facility.

8. TERMINATION

The meeting was declared terminated at 3:24 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk