

Regular Meeting – P.M.

February 16, 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, February, 16, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors B.A. Clark, C.B. Day, R.D. Hobson, E.A. Horning and S.A. Shepherd.

Council members absent: Councillors A.F. Blanleil, R.D. Cannan and B.D. Given.

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\*; Planner-Long Range, G. Routley\*; Financial Accounting & Systems Manager, R. Mayne\*; Transportation Manager, R.W. Westlake\*; Drainage Manager, A. Newcombe\*; Water Manager, D. Degen\*; Environment Manager, M. Watt\*; Electrical Utilities Manager, R. Carle\*; Transportation Demand Supervisor, J. Dombowski\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:32 p.m.

2. Councillor Horning was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Community Heritage Commission re: Heritage Week – February 16-22, 2004

Karen Alexander and Colleen Cornock:

- Presented an overview of the events scheduled for Heritage Week 2004.

Councillor Clark, as Council's liaison with the Museum:

- The Military Museum has been recording all of the locations where memorials have been placed throughout the Valley in order to help relatives determine where the memorials of their loved ones are located and the circumstances under which they died. The information will be made available to the public on the internet.

Mayor Gray:

- Read the story behind the Unknown Canadian Soldier portrait that is currently on display at the Art Gallery.

Keith Boehmer, Manager of the OK Military Museum:

- Introduced the members of the Colour Guard.
- Displayed and commented on heritage photos of men and women serving in the military in our community and of military facilities in Kelowna.

Doug Schram, member of the Kelowna Heritage Foundation:

- Acknowledged the 2003 Kelowna Heritage Foundation grant recipients: 2034 Padosy St (Cummings); 825 Lawrence Ave (Johnson); 334 Beach Ave (Thompson).

Regular Meeting – P.M.

February 16, 2004

4. PLANNING

- 4.1 Planning & Corporate Services Department, dated February 9, 2004 re: Rezoning Application No. Z01-1045 – Rychjohn Investments Ltd. – 3163 Richter Street

Moved by Councillor Hobson/Seconded by Councillor Day

**R144/04/02/16** THAT Council authorize an extension to Rezoning Application No. Z01-1045 (Bylaw No. 8757) for a period of not more than 180 days from December 11, 2003.

Carried

- 4.2 Planning & Corporate Services Department, dated February 3, 2004 re: Rezoning Application No. Z00-1013 – Vincent & Giovannina Magaldi – 2131 Scenic Road

Staff:

- Requesting defeat so that a new application on the subject property can move forward.

Moved by Councillor Horning/Seconded by Councillor Shepherd

**R145/04/02/16** THAT Bylaw 8714 for Rezoning Application No. Z00-1013 be advanced for defeat by Municipal Council in order to close the file on Rezoning Application No. Z00-1013.

Carried

- 4.3 Planning & Corporate Services Department, dated February 4, 2004 re: Rezoning Application No. Z03-0063 – Vincent & Giovannina Magaldi – 2131 Scenic Road

Staff:

- The property is subject to a land use contract which is being discharged to facilitate development of the property with 16 two-storey townhouse units.

Council:

- Staff to provide additional information at the Public Hearing regarding what would be provided in the way of open space, RV and visitor parking, noise attenuation measures from the future bypass road, and disclosure of the future bypass road to potential purchasers.

Moved by Councillor Day/Seconded by Councillor Hobson

**R146/04/02/16** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Secs. 4 & 9, Twp. 23, O.D.Y.D., Plan KAP61644, located on Scenic Road, Kelowna, B.C., from the A1 – Agriculture 1 (LUC78-1009) zone to the RM3 – Low Density Multiple Housing zone;

AND THAT Land Use Contract No. 78-1009 (Bylaw No. 4663-78) be quit claimed from Lot A, Secs. 4 & 9, Twp 23, O.D.Y.D., Plan KAP61644;

AND THAT the zone amending and Land Use Contract discharge bylaws be forwarded to a Public Hearing for further consideration;

Regular Meeting – P.M.

February 16, 2004

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

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 FURTHER THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

Carried

4.4 Planning & Corporate Services Department, dated February 5, 2004 re: Heritage Revitalization Agreement No. HRA03-0001 - Hughes-Games House – 2094 Abbott Street

Staff:

- Council dealt with the Heritage Revitalization Agreement (HRA) for the subject property last year. The HRA allowed the Hughes-Games house to be relocated from the centre of the lot to the northeast corner to facilitate subdivision to create an additional building lot. A condition of that approval was for the house to be designated a heritage building.
- The Hughes-Games house has been moved to its new location and this will initiate the necessary bylaw to designate the building as a heritage structure.

Council:

- Staff to provide additional information at the Public Hearing as to whether the building still has sufficient heritage value to warrant the heritage designation now that it has been relocated and the lower level removed, what the applicant plans to do in terms of preservation of the heritage building, and whether a new Public Hearing would be required in order to remove the designation requirement from the HRA if after the Public Hearing, Council decides not to proceed with the heritage designation of the building.

Moved by Councillor Hobson/Seconded by Councillor Horning

**R147/04/02/16** THAT City Council consider designation of the building located at 2094 Abbott Street, Kelowna B.C., commonly known as the 'Hughes-Games House' as a Municipal Heritage Building pursuant to Section 967 of the Local Government Act;

AND THAT the Heritage Designation Bylaw be forwarded to a Public Hearing for further consideration.

Carried

Regular Meeting – P.M.

February 16, 2004

4.5 Planning & Corporate Services Department, dated February 10, 2004 re: Heritage Revitalization Agreement No. HRA03-0002 – Robert & Benigna Cummings – 2034 Pandosy Street

Staff:

- The applicants intend to refurbish the Shepherd heritage dwelling and extend a driveway down the side of the property to access 2 parking stalls and the garage in the proposed new 1-storey building. The two dwellings would be separated by a hedge and a fence.
- The staff recommendation was to deal with the application via zoning but the Community Heritage Commission recommended using the Heritage Revitalization Agreement (HRA) process. Council directed staff to process the application via an HRA.

Council:

- Questioned why staff recommended the designation of the Hughes-Games house as a Municipal Heritage building as a condition of approval for its HRA application but are not recommending the designation of the Shepherd House as a condition of approval for this HRA.
- Staff to pursue the potential for designating the Shepherd House as a Municipal Heritage building with the applicant.

Moved by Councillor Hobson/Seconded by Councillor Day

**R148/04/02/16** THAT Council authorize by bylaw the City of Kelowna to enter into a Heritage Revitalization Agreement for Lot 16, Blk. 6, D.L. 14, O.D.Y.D., Plan 348, located at 2034 Pandosy Street, in the form of such Agreement attached as Schedule "A" to the report of the Planning & Corporate Services department dated February 10, 2004;

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

AND FURTHER THAT final adoption of the Heritage Revitalization Agreement authorizing bylaw be withheld until the applicant has executed the Heritage Revitalization Agreement and provided the necessary security and road dedication as identified in the Heritage Revitalization Agreement.

Carried

4.6 Planning & Corporate Services Department, dated February 10, 2004 re: Heritage Revitalization Agreement No. HRA03-0003 – Oak Lodge Centre Ltd. (Wayne Ross) – 2124 Pandosy Street

Staff:

- The applicant is proposing to renovate the Cadder House to accommodate four apartment units on the first and second floors and to preserve the option for adding two additional units in the basement of the heritage house in future.
- The existing small accessory building will be relocated on the site and refurbished to create an additional dwelling unit for a total of 5 units on the property.
- The applicant has agreed to designate the Cadder House as a municipal heritage building.
- Most of the proposed structural work is to the interior of the building. The exterior would be retained and restored.
- The parking layout conforms with Zoning Bylaw requirements.
- The Community Heritage Commission recommends support for the application.
- The Advisory Planning Commission recommends support subject to the site plan being revised to eliminate the need for variances.

Regular Meeting – P.M.February 16, 2004Moved by Councillor Hobson/Seconded by Councillor Day

**R149/04/02/16** THAT Council authorize by bylaw the City of Kelowna to enter into a Heritage Revitalization Agreement for Lot 3, District Lot 14, ODYD Plan 4551, located at 2124 Pandosy Street, in the form of in the form of such Agreement attached as Schedule "A" to the report of the Planning & Corporate Services department dated February 10, 2004;

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

AND THAT final adoption of the Heritage Revitalization Agreement bylaw be considered subsequent to the requirements of the Works & Utilities Department and Inspection Services Department being completed to their satisfaction;

AND FURTHER THAT final adoption of the Heritage Revitalization Agreement bylaw be considered subsequent to heritage designation of the property under Section 967 of the Local Government Act.

Carried

- 4.7 Planning & Corporate Services Department, dated February 11, 2004 re: Brent's Mill Buildings (6800-00)

Staff:

- The Brent's Mill buildings have been relocated from their original site to a City-owned site at the northwest corner of Leckie Road and Dilworth Drive.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R150/04/02/16** THAT Council consider designation of the property legally described as DL 531 Except Plan B1589, 25187, 30395 & M14878, Except Part Red on PL attached to DD19525& Part Lying to the North of the Railway shown on PL Attached to DD 1952D located at the 2135 Leckie Place, Kelowna B.C., commonly known as the future 'Brent's Mill Heritage Park' as a Municipal Heritage Site pursuant to Section 967 of the Local Government Act;

AND THAT the Heritage Designation Bylaw be forwarded to a Public Hearing for further consideration.

Carried

## 5. BYLAWS (ZONING & DEVELOPMENT)

### **(BYLAWS PRESENTED FOR FIRST READING)**

- 5.1 Bylaw No. 9176 (Z03-0055) – Maxwell House Developments Ltd. – 245 Glenmore Road

Moved by Councillor Horning/Seconded by Councillor Clark

**R151/04/02/16** THAT Bylaws No. 9176 and 9177 be read a first time.

Carried

Regular Meeting – P.M.

February 16, 2004

- 5.2 Bylaw No. 9177 (Z03-0070) – 653332 BC Ltd. (George Barnes) – 415 Glenmore Road

See resolution adopted under Item No. 5.1 above.

**(BYLAWS PRESENTED FOR ADOPTION)**

- 5.3 Bylaw No. 8985 (Z03-0004) – Al Stober Construction Ltd. & R.A. McKenzie Enterprises Ltd. – 1699 Powick Road (see information report)

Moved by Councillor Day/Seconded by Councillor Hobson

**R152/04/02/16** THAT Bylaw No. 8985 be adopted.

Carried

- 5.4 Bylaw No. 9098 (LUC03-0003) – Discharge Land Use Contract No. LUC76-1109 - 1889 Spall Road

Moved by Councillor Day/Seconded by Councillor Hobson

**R153/04/02/16** THAT Bylaw No. 9098 be adopted.

Carried

**(BYLAW PRESENTED FOR DEFEAT AT FOURTH READING)**

- 5.5 Bylaw No. 8714 (Z00-1013) – Vincent & Giovannina Magaldi – 2131 Scenic Road, and Discharge Land Use Contract No. LUC78-1009

Moved by Councillor Day/Seconded by Councillor Hobson

**R154/04/02/16** THAT Bylaw No. 8714 be **defeated** at fourth reading.

Carried

6. REPORTS

- 6.1 Transportation Manager, dated February 10, 2004 re: Amendment to City of Kelowna Parks and MTI Bylaws with Respect to Temporary or Permanent Abode in a Public Space (BL9174; BL9175; 5480-08)

Staff:

- It is already unlawful to take up abode in City Parks; the proposed amendments would extend that to other City facilities, allow for ticketing of offenders, and give the authority for the gear to be removed.

Regular Meeting – P.M.February 16, 2004Moved by Councillor Hobson/Seconded by Councillor Day

**R155/04/02/16** THAT Bylaw No. 9175 be advanced for reading consideration to amend City of Kelowna Parks Bylaw No. 6819-91 as attached to the Transportation Manager's report dated February 10, 2004 in order to extend the application of certain provisions of the bylaw to other public property as well as parks;

AND THAT Bylaw No. 9174 be advanced for reading consideration to amend City of Kelowna Ticket Information Utilization Bylaw No. 6550-89 as attached to the Transportation Manager's report dated February 10, 2004 in order to establish fines for taking up abode or establishing campsites in a public park or public space, and to delete the Dog Control Bylaw from Schedule 1 of Bylaw 6550-89.

Carried

6.2 Transportation Manager, dated February 11, 2004 re: Logging Operations for South Slopes (BL9178; 5460-09)

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R156/04/02/16** THAT Council approve of an extension of early morning logging (4:00 a.m. instead of 7:00 a.m. bylaw start time) on the City's south slopes to March 31, 2004.

Carried

6.3 Water Manager, dated February 10, 2004 re: South Mission Water Quality (5600-07)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R157/04/02/16** THAT Council authorize staff to proceed with improvements to the Steele Road and McClure Booster Pump Stations at an estimated cost of \$235,000;

AND THAT the 2004 Financial Plan be amended to include a provision for the cost of these improvements with funding from the MFA Debt Water Reserve.

Carried

6.4 Drainage/Solid Waste Manager, dated February 11, 2004 re: Signing Authority – Fire Related Drainage Upgrades (5225-05)

Moved by Councillor Shepherd/Seconded by Councillor Day

**R158/04/02/16** THAT Council waive the current procedure for awarding of construction contracts and authorize the City Manager to award contracts in excess of \$250,000 related to the Okanagan Mountain Park Fire Drainage Upgrades.

Carried

Regular Meeting – P.M.

February 16, 2004

- 6.5 Director of Financial Services, dated February 11, 2004 re: Council Policy No. 164 – Travel Expenses (1800-00)

Council:

- Staff to review the per km rate that is currently paid for car mileage for use of a personal vehicle for authorized travel purposes, and the per diem rates that are paid for out-of-town travel.

Moved by Councillor Shepherd/Seconded by Councillor Horning

**R159/04/02/16** THAT Council approve an amendment to Council Policy 164, Travel Expenses, to reflect changes in travel expense payment options, flight booking privileges and references to Human Resource administrative policies.

Carried

- 6.6 Environment Manager, dated February 11, 2004 re: Agricultural Wood Waste Chipping Project (5280-02)

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R160/04/02/16** THAT Council receive for information, a summary of the Agricultural Wood Waste Chipping test project to determine the feasibility of operating a full scale agricultural wood waste program within the Central Okanagan.

Carried

- 6.7 Electrical Utilities Manager, dated February 12, 2004 re: Assignment of the UCBC/Aquila Master Services Agreement to Fortis Pacific Holdings Inc. (5520-06; 2240-01)

Moved by Councillor Horning/Seconded by Councillor Day

**R161/04/02/16** THAT the Mayor and City Clerk be authorized to execute an Assignment, Consent and Release Agreement document being brought forward by Aquila Networks Canada Ltd. due to their sale of shares to Fortis Pacific Holdings Inc.

Carried

## 7. DRAFT RESOLUTIONS

- 7.1 Draft Resolution re: Start Time for March 9, 2004 Public Hearing (0550-01)

Moved by Councillor Hobson/Seconded by Councillor Horning

**R162/04/02/16** THAT the rules of procedure under Section 3.1.4 of Council Bylaw No. 7906 be waived and the Public Hearing on Tuesday, March 9, 2004 be scheduled to begin at 5:00 p.m. rather than 7:00 p.m.

Carried

Councillor Clark opposed.

Regular Meeting – P.M.

February 16, 2004

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 8.1 Bylaw No. 9174 – Amendment No. 62 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R163/04/02/16** THAT Bylaws No. 9174, 9175 and 9176 be read a first, second and third time.

Carried

- 8.2 Bylaw No. 9175 – Amendment No. 8 to City of Kelowna Parks Bylaw No. 6819-91

See resolution adopted under agenda item No. 8.1 above.

- 8.3 Bylaw No. 9178 – Amendment No. 3 to Kelowna Noise Control Bylaw No. 6647-90

See resolution adopted under agenda item No. 8.1 above.

**(BYLAWS PRESENTED FOR ADOPTION)**

- 8.4 Bylaw No. 9085 – Amendment No. 1 to Sewer Specified Area No. 30, Bylaw No. 8917 (Acland Road)

Moved by Councillor Horning/Seconded by Councillor Shepherd

**R164/04/02/16** THAT Bylaw No. 9085 be adopted.

Carried

- 8.5 Bylaw No. 9129 – Amendment No. 3 to Traffic Bylaw No. 8120

The City Clerk read the comments received from the Downtown Kelowna Association Board of Directors indicating no concerns with the changes to the sidewalk café program that would be implemented with the adoption of this bylaw.

Moved by Councillor Horning/Seconded by Councillor Clark

**R165/04/02/16** THAT Bylaw No. 9129 be adopted.

Carried

Councillor Shepherd opposed.

- 8.6 Bylaw No. 9171 – Dease Road Local Improvement Parcel Tax Bylaw

Moved by Councillor Hobson/Seconded by Councillor Day

**R166/04/02/16** THAT Bylaw No. 9171 be adopted.

Carried

Regular Meeting – P.M.

February 16, 2004

8.7 Bylaw No. 9172 – Hein Road Local Improvement Parcel Tax Bylaw

Moved by Councillor Hobson/Seconded by Councillor Day

**R167/04/02/16** THAT Bylaw No. 9172 be adopted.

Carried

9. COUNCILLOR ITEMS

(a) Energy Management

Councillor Shepherd noted she had attended an energy management workshop hosted by Community Futures this past Friday and suggested that City staff consider holding a workshop with a view to developing an Energy Plan for the Central Okanagan region. Referred to staff.

10. TERMINATION

The meeting was declared terminated at 3:40 p.m.

Certified Correct:

---

Mayor

City Clerk

BLH/am