

Regular Meeting – P.M.March 15, 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, March 15, 2004.

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

Council members absent: Councillors R.D. Cannan and C.B. Day.

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*; Airport General Manager, R. Sellick*; Director of Works & Utilities, J. Vos*; Environment Manager, M. Watt*; Wastewater Manager, W.J. Berry*; Water Manager, D. Degen*; Director of Parks & Leisure Services, D.L. Graham*; Recreation Manager, R. Oddleifson*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:34 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Nancy Cameron, Tourism Kelowna and Roger Sellick, General Manager of Kelowna International Airport re: Air Tourism Presentation

Roger Sellick:

- Nancy Cameron is unable to be here.
- Presented the findings of an Air Tourism study that looked at Kelowna visitor profiles at the airport including origin of visitors, destination, reason for travel, etc.

4. PLANNING

4.1 Planning & Corporate Services Department, dated March 5, 2004 re: Rezoning Application No. Z03-0075 – Frost Park Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.) – 5010 Frost Road

Staff:

- The subject property is 3.9 ha (13 ac.) in size and is proposed for subdivision to create 25 single family residential lots.

Moved by Councillor Shepherd/Seconded by Councillor Given

R258/04/03/15 THAT Rezoning Application No. Z03-0075 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Sec. 24, Twp. 28, SDYD, Plan 30827, located on Frost Road, Kelowna, B.C. from the A1 – Agriculture 1 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;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld pending the execution and registration, by the owner of the subject property, of a Servicing Agreement acceptable to the City of Kelowna.

Carried

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

Bylaw No. 9148 (Z03-0062) – Robtree Enterprises Ltd. (Robert Gaspari) – 2629 Richter Street

Council:

- Staff to reconsider the priorities for this year's lane paving program or bring forward a budget request for paving the rest of the lane for debate at final budget.

Moved by Councillor Blanleil/Seconded by Councillor Horning

R259/04/03/15 THAT Bylaw No. 9148 be adopted.

Carried

Councillors Clark and Shepherd opposed.

- (b) Planning & Corporate Services Department, dated March 9, 2004 re: Development Permit Application No. DP03-0155 – Robtree Enterprises Ltd. (Robert Gaspari) – 2629 Richter Street

Staff:

- The applicant proposes to develop the site with a 4-plex with 8 on-site parking stalls across the back portion of the property, accessed by the lane.

Moved by Councillor Hobson/Seconded by Councillor Horning

R260/04/03/15 THAT Council authorize the issuance of Development Permit No. DP03-0155 for Lot A, District Lot 135, ODYD Plan 11018, located on Richter 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. 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

Councillors Clark and Shepherd opposed.

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4.3 Planning & Corporate Services Department, dated March 9, 2004 re: Proposed Parking Credit Policy for Mixed Use Developments In Downtown Kelowna (0530-01)

Staff:

- The proposed policy provides criteria that would allow Council to relax parking standards as an incentive for mixed use developments in the downtown, without impacting the long term parking strategy.
- A Development Variance Permit would be required to waive the parking requirement which could only apply to the commercial component of parking. The maximum available would be 25 stalls in a year.
- Asked that the policy be retroactive to January 1, 2004 to capture a waiver of parking requirements that was granted by Council earlier this year.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R261/04/03/15 THAT the draft Council Policy to relax commercial parking requirements as an incentive for mixed use developments in the downtown be adopted as outlined in Schedule "A" attached to the Planning Department's report dated March 9, 2004, **amended** to expand the area covered by the policy to the Urban Centre boundaries shown as 'Area A' on Map 6.2 in the Official Community Plan.

Carried

Councillor Shepherd opposed.

4.4 Planning & Corporate Services Department, dated March 5, 2004 re: Ability to Require Development Permits for Institutional Uses (6480-00)

Staff:

- The report responds to the concern that 'Institutional' sites are not always being developed in accordance with what Council was told to expect on the sites.
- The Local Government Act does not allow municipalities to require a Development Permit for 'Institutional' development. The Community Charter has not changed that.

Council:

- Staff to investigate whether Institutional uses could be subject to a Comprehensive Development zone in order to tie what is developed to a particular plan; whether Council can deny rezoning on the basis that they do not like the proposed Institutional use; and whether Council can force a proponent of an Institutional development to build what they say they will build, once approved by Council.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R262/04/03/15 THAT Municipal Council receive for information, the report dated March 5, 2004 from the Planning and Corporate Services Department regarding the ability to require Development Permits to address the form and character of Institutional buildings;

AND THAT staff report back to Council with a draft resolution for the UBCM to lobby the Ministry of Community, Aboriginal & Women's Services for local governments to be granted the ability to require development permits for all Institutional uses.

Carried

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5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST READING)

5.1 Bylaw No. 9198 – Heritage Designation – 2124 Pandosy Street

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R263/04/03/15 THAT Bylaws No. 9198, 9199, 9201 and 9202 be read a first time.

Carried

5.2 Bylaw No. 9199 (Z03-0039) – Eldon James Veitch – 1301 Lewis Road

See resolution under 5.1 above.

5.3 Bylaw No. 9201 (Z04-0006) – Wyllie Suisdahl – 215 Arab Road

See resolution under 5.1 above.

5.4 Bylaw No. 9202 (Z04-0007) – Melanie & Mathias Steppuhn – 1635 Smithson Place

See resolution under 5.1 above.

(BYLAWS PRESENTED FOR ADOPTION)

5.5 Bylaw No. 9017 (Z03-0021b) – MS Development Inc. (Yamas) – 1630 & 1654 Ellis Street **see information report**

Moved by Councillor Horning/Seconded by Councillor Given

R264/04/03/15 THAT Bylaw No. 9017 be adopted.

Carried

6. REPORTS

6.1 Water Manager, dated March 5, 2004 re: Award of Water Conservation Program Contract (5600-08)

Moved by Councillor Hobson/Seconded by Councillor Given

R265/04/03/15 THAT H2Okanagan be awarded a 2 year contract to manage and deliver the Water Utility Water Conservation and Public Education Program at a cost of \$158,644 per year, GST included.

Carried

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- 6.2 Wastewater Manager, dated March 10, 2004 re: Addition No. 1 to Sewer Specified Area No. 20 (North Rutland) (5340-09-20)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R266/04/03/15 THAT the City of Kelowna initiate the enlargement of Local Service Area (Sewer Specified Area) No. 20 (North Rutland) so as to include those properties identified on FIGURE 1 as attached to the report of the Wastewater Manager dated March 10, 2004;

AND THAT Council direct staff to take the necessary steps to advise and involve the affected property owners as required by the *Community Charter*;

AND THAT Bylaw No. 9196, being Amendment No. 1 to Sewer Specified Area No. 20 Bylaw No. 8929 (North Rutland) be advanced for reading consideration;

AND FURTHER THAT Bylaw No. 9197, being Amendment No. 13 to Sewer Connection Charge Bylaw No. 8469 be advanced for reading consideration.

Carried

- 6.3 Wastewater Manager, dated March 10, 2004 re: Award of Construction Contract TE04-04 – North Rutland Sanitary Sewer Specified Area No. 20 – Zone C (5340-09-20)

Moved by Councillor Horning/Seconded by Councillor Blanleil

R267/04/03/15 THAT the contract for construction of the Sanitary Sewer Specified Area No. 20 – **Zone C** be awarded to Peters Bros Construction Ltd. for the amount of \$4,127,773.24 which includes GST;

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

Carried

- 6.4 Environment Manager, dated March 10, 2004 re: Pesticide Notification Registry Information (5280-05)

Staff:

- The registry was developed on the direction of Council. The registry gives residents the opportunity to register for previous day or same day notification of when a commercial operator will be conducting spray operations on an abutting residential property.

Moved by Councillor Given/Seconded by Councillor Shepherd

R268/04/03/15 THAT Council hear from Mr. John Holland, representing the pesticide spray applicators.

Carried

John Holland, Manager of Okanagan Tree & Lawn Care, and Vice-President of the Interior Environmental Pest Management Association (IEPMA):

- The nature of the industry does not lend well to previous day notifications because the weather is so unreliable. Locally the industry is already providing same day notification (usually half-hour before arrival time) and that has been working well. This registry just makes what they have been doing for years official.

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Council:

- Staff to report back to Council at the end of this season regarding the success of the program.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R269/04/03/15 THAT the Pesticide Registry program be endorsed by Council, with the opportunity to request a 24-hour advance notification of intent to spray, but without requiring the note from the doctor.

Carried

Councillor Given opposed.

6.5 Recreation Manager, dated March 8, 2004 re: Future Aquatic Facility (6240-20)

Staff:

- Individuals who indicate they are willing to participate in the proposed survey will be sent an information package in advance of being phoned.
- The survey would be conducted in mid-April with a report back to Council in mid-May. Anticipate that with the results of this survey the design can be narrowed down to one option to allow the additional design detail to proceed in order to show the community exactly what would be built and at what cost.
- Borrowing for such a project would require public approval, either by referendum or alternate approval process; staff recommend at this time that a referendum be considered, once the cost and details of the proposal have been determined.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R270/04/03/15 THAT Council direct staff to conduct a new statistically valid telephone survey, in order to determine the public preference for a new aquatic facility and public support for property tax increases related to this project;

AND THAT the results of the statistically valid telephone survey be considered by Council to determine whether to proceed with a borrowing bylaw referendum for the future aquatic facility project;

AND FURTHER THAT Ipsos-Reid Global Marketing and Research be appointed to conduct the new statistically valid telephone survey on behalf of the City of Kelowna at a cost not to exceed \$15,000.

Carried

7. RESOLUTIONS

7.1 Draft Resolution re: 2004 Memorial Cup Canadian Forces Fly-Past Request for Airspace Clearances (8100-20)

Moved by Councillor Blanleil/Seconded by Councillor Horning

R271/04/03/15 THAT Council supports the proposed low-altitude Canadian Air Force fly-past over downtown Kelowna as part of the 2004 Memorial Cup celebrations.

Carried

Regular Meeting – P.M.March 15, 20048. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 8.1 Bylaw No. 9196 – Amendment No. 1 to Sewer Specified Area No. 20 Bylaw No. 8929 (North Rutland)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R272/04/03/15 THAT Bylaws No. 9196 and 9197 be read a first, second and third time.

Carried

- 8.2 Bylaw No. 9197 – Sewer Connection Charge Bylaw Amendment No. 13

See resolution under 8.1 above.

9. COUNCILLOR ITEMS

- (a)
- Taking the Tax off Transit

Councillor Shepherd asked that Council support an initiative to lobby the federal government to allow employers to provide non-taxable transit benefits for their employees.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R273/04/03/15 THAT the Mayor write a letter on behalf of Council to the Hon. Ralph Goodale, Minister of Finance, with copies to Prime Minister Paul Martin and the Hon. John Godfrey, Parliamentary Secretary for Cities, asking that the Income Tax Act be amended to allow employers to provide non-taxable transit benefits for their employees.

Carried

- (b)
- Public Safety in the Downtown

Councillor Given referred to a recent article in a local newspaper indicating that transients are making people uncomfortable on some streets in the downtown. He suggested that the City Manager meet with the RCMP, the Downtown Kelowna Association, the Downtown Patrol and City Bylaw Enforcement Officers to consider what will be done to deal with issues of transients and safety of the public through the upcoming summer tourist season, and report back to Council.

10. TERMINATION

The meeting was declared terminated at 4:33 p.m.

Certified Correct:_____
Mayor_____
City Clerk

BLH/am