

Regular Meeting – P.M.March 29, 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 29, 2004.

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

Council members absent: Councillor R.D. Cannan.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi*; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Manager of Community Development & Real Estate, D.L. Shipclark*; Airport General Manager, R. Sellick*; Water Manager, D. Degen*; Electrical Manager, R. Carle*; Transportation Manager, R.W. Westlake*; Roadways Engineer, F. Klotzbach*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:33 p.m.

2. Councillor Shepherd to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Kevin Irvine, ICBC re: Community Crash Reduction Challenge

Kevin Irvine, ICBC:

- May 5-27th, 2004 will be community crash reduction challenge with an objective of reducing crashes in B.C. Based on an average there would be 16,025 crashes. Challenging 165 municipalities competing for road safety grants based on population categories. Our 5 year average shows a crash prediction for Kelowna of 522 crashes. The community with the highest percent reduction in crashes wins the grant. For our population category the grant would be \$35,000.
- Winners will be selected June 20th. People who log onto the ICBC website can make personal pledges to drive safely and be eligible to win prizes too.

Const. Rick Aselton, Kelowna RCMP Detachment:

- The Kelowna RCMP detachment is in full support of this program.
- Outlined what the RCMP will be doing to educate people and step up enforcement of intersection violations.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R315/04/02/29 THAT Community Crash Reduction Campaign initiated by the Insurance Corporation of British Columbia for May 5-27, 2004 be endorsed by Kelowna City Council;

AND THAT the City of Kelowna challenge the City of Kamloops to compete for the highest percentage reduction in vehicle crashes during the campaign period.

Carried

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4. PLANNING

- 4.1 Planning & Corporate Services Department, dated March 22, 2004 re: Rezoning Application No. Z04-0009 – Mamre Holdings Inc. (Renee Wasylyk) – 1832/1844/1856 Ambrosi Road

Staff:

- The applicant is proposing to develop a mixed use building that would stretch over the 3 lots. The rezoning of one of the 3 lots is already at 3rd reading. The 2 subject properties were added after the fact.
- The building will provide for 7 commercial spaces at grade and 7 commercial spaces on the second floor along with 5 residential units.
- The application meets all bylaw requirements and is consistent with relevant planning documents.
- The Advisory Planning Commission recommends support.

Moved by Councillor Hobson/Seconded by Councillor Given

R316/04/03/29 THAT Rezoning Application No. Z04-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 4 and 5, Block 1, District Lot 129, ODYD Plan 5109, located on Ambrosi Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C5 – Transition Commercial zone 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 in conjunction with Council's consideration of a Development Permit on the subject property;

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

Carried

- 4.2 Planning & Corporate Services Department, dated March 24, 2004 re: Development Permit Application No. DP04-0003 – Tae Bong Yoo (Doug Lane/Water Street Architecture) – 633 Lequime Road

Staff:

- Staff did not recommend in support of the OCP or Zoning amendments when this application was considered by Council last week; that is why this Development Permit application was not brought forward for consideration concurrent with adoption of those bylaws.
- The applicant is proposing to construct a 3-storey, 26-unit apartment building on the site.
- Parking would be both at-grade, at the east end of the site, and below about half of the building.
- The Advisory Planning Commission did not comment on the subject application because they also did not recommend in support of the rezoning.

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Moved by Councillor Hobson/Seconded by Councillor Shepherd

R317/04/03/29 THAT Council authorize the issuance of Development Permit No. DP04-0003 for Lot 2, Section 6, Township 26, ODYD Plan 4912, located on Lequime 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.

Carried

- 4.3 Planning & Corporate Services Department, dated March 24, 2004 re: Rezoning Application No. Z02-1056 – 417860 Alberta Ltd. (Robert Bennett) – 5065 Frost Road

Councillor Clark declared a conflict of interest because his home is within the notification area for this application and left the Council Chamber at 2:11 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Day

R318/04/03/29 THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 8978 (Z02-1056 – 417860 Alberta Ltd.) Frost Road be extended to September 18, 2004.

Carried

Councillor Clark returned to the Council Chamber at 2:12 p.m. and took his place at the Council Table.

- 4.4 Planning & Corporate Services Department, dated March 22, 2004 re: Rezoning Application No. Z03-0066 – Bell Mountain Estates Ltd./Black Mountain Irrigation District (Marlin Weninger/Bell Mountain Estates) – Swainson and Joe Riche Roads

Councillor Day declared a conflict of interest as owner of adjoining property for this application as well as for the next application (agenda item No. 4.5) and left the Council Chamber at 2:12 p.m.

Staff:

- The application is to rezone approximately 145 acres (48 ha) of the property to facilitate the second phase of the proposed development which includes the 18 hole golf course and a total of 98 residential lots.
- The application is supported by relevant planning documents.
- The Advisory Planning Commission recommends support.

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Moved by Councillor Given/Seconded by Councillor Horning

R319/04/03/29 THAT Rezoning Application No. Z03-0066 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot D1, Sec 3 & 19, Twp 27, ODYD, Plan 1760, Except Plan 33849; part of Lot A, Sec 18 & 19, Twp 27, ODYD, Plan 16599; part of Lot A, Sec 19, Twp 27, ODYD, Plan 31717; part of Lot B, Sec 19, Twp 27, ODYD, Plan 31717 & part of Lot 8, Sec 18 & 19, Twp 27, ODYD, Plan 1991, located on Swainson Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside); RU1hs – Large Lot Housing (Hillside/Suite); RU4 – Low Density Cluster Housing; RM3 – Low Density Multiple Housing; and P3 – Parks and Open Space zones as shown on Map "A" attached to the report of Planning & Corporate Services Department dated March 22, 2004 be considered by Council;

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

Carried

- 4.5 Planning & Corporate Services Department, dated March 22, 2004 re: Rezoning Application No. Z03-0033 – John, Patricia, Walter and Henk Verwoerd; Romesha Ventures Inc., and John & Sarina Weisbeck (David Pauls/D.E. Pilling & Associates Ltd.) – 1374, 1494 Highway 33 East and 1177 Oswell Drive

Staff:

- The property is directly south of Bell Mountain Estates within the Highway 33 Area Structure Plan.
- The rezoning would facilitate an approximately 65-lot subdivision.
- Access would be from an extension of Loseth Drive.
- The Advisory Planning Commission recommends support.

Moved by Councillor Shepherd/Seconded by Councillor Horning

R320/04/03/29 THAT Rezoning Application No. Z03-0033 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Part of Lot 2, Sec. 13, Twp. 26, ODYD, Plan 14039 except Plans H8433 and KAP72297; Part of Lot 3, Sec. 13, Twp. 26, ODYD, Plan 14039; and Lot 14, Sec. 13, Twp. 26, ODYD, Plan KAP72297, located on (Highway 33 & Oswell Drive), Kelowna, BC, from the A1 – Agriculture 1; RR3 – Rural Residential 3; RU1 – Large Lot Housing zone to the RU1h – Large Lot Housing (Hillside Area) zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated February 24, 2004, 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 2:19 p.m. and took his place at the Council Table.

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- 4.6 Planning & Corporate Services Department, dated March 24, 2004 re: Appointments to Advisory Planning Commission (0540-00)

Moved by Councillor Shepherd/Seconded by Councillor Given

R321/04/03/29 THAT Council appoint Norm Letnick to the Advisory Planning Commission effective immediately for the term expiring December 31, 2005;

AND THAT Council appoint Paul Winger as Alternate #1 and Lorne Antle as Alternate #2 to the Advisory Planning Commission effective immediately for the term expiring December 31, 2005.

Carried

5. REPORTS

- 5.1 Assistant Airport General Manager, dated March 17, 2004 re: Securiguard Services Ltd. Air Terminal Building Space Sub-Lease – Kelowna International Airport (0550-05; 2380-20-8126)

Withdrawn from the agenda.

- 5.2 Airport General Manager, dated March 22, 2004 re: Additional Vehicle Parking – Kelowna International Airport (0550-05; 6640-20)

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R322/04/03/29 THAT Council approve deferring the proposed Airport Parkade until the next major airport expansion program (approximately 2010);

AND THAT Council approve completing the current terminal expansion program by expanding the Economy Parking Lot by 325 stalls at a cost of \$1,200,000;

AND THAT Council approve a 2004 budget amendment in the amount of \$930,000 from the AIF Reserve for Phase #1 of the Economy Lot expansion;

AND FURTHER THAT Council approve amending Bylaw No. 7982 to reflect an increase in the parking fees in the Main Parking Lot to \$2.00 per hour after the first hour to a maximum of \$10.00 per day effective November 1, 2004.

Carried

- 5.3 Manager of Community Development & Real Estate, dated March 23, 2004 re: Road Exchange Bylaw Process (0914-20-001; 0550-01)

Staff:

- The Community Charter has changed the road exchange process into two separate agreements; one being a purchase of land to be dedicated as road, and the second being the creation of title from a closed City road and the sale of that City land.
- This policy will allow the Land Agent to approve the road exchange process where the area of land being dedicated as road is greater than the area of City land being sold (closed road) and the purchase price of the excess land being dedicated is within Council's policy.

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R323/04/03/29 THAT Council Policy No. 127 be amended by adding the following new section “(i)”:

Standard Land Registry Document	Approving Position
(i) The sale of road rights-of-way that have been declared excess to the City’s transportation needs, where the closure is an exchange for an equal or greater area of land to be dedicated as road on a plan of subdivision and the acquisition cost of any excess area of road being dedicated does not exceed Council policy.	Land Agent

Carried

5.4 Transportation Manager, dated March 24, 2004 re: Tender No. T04-027 – 2004 Super Pave Trial (5400-10)

Moved by Councillor Blanleil/Seconded by Councillor Horning

R324/04/03/29 THAT the tender for the 2004 Super Pave Trial be awarded to the low bidder Emil Anderson Construction Ltd. in the amount of Six Hundred Thirty-one Thousand, Two Hundred Ninety-six dollars & Fifty-eight cents (\$631,296.58) including GST.

Carried

5.5 Energy Management Committee, dated March 24, 2004 re: Energy Management Committee Program Update and Application for Participation in a Community Action on Energy Efficiency (CAEE) Pilot Project (0360-20)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R325/04/03/29 THAT the report dated March 24, 2004 from the Energy Management Committee (EMC) providing an update on past and current initiatives be received by Council;

AND THAT Council endorses the City of Kelowna EMC Sustainable Building Pilot Project Plan and Letter of Interest applying to be the Heartland participant in the BC Ministry of Energy and Mines and Natural Resources Canada joint pilot initiative entitled “Community Action on Energy Efficiency” (CAEE);

AND FURTHER THAT Council approves a budget amendment to provide the necessary funds to allow the EMC to contribute its planned share under the cost sharing agreement, with Aquila Power Sense and the CAEE Pilot Project, up to a maximum of \$40,000 from the Electrical Utility Reserve.

Carried

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- 5.6 City Clerk, dated March 23, 2004 re: Conflict of Interest – Draft Council Policy No. 313 (0550-06)

Council:

- Amend No. 3 of the draft policy to indicate that the City Manager will make the determination as to whether it is in the City's best interest to seek legal advice as to the possible conflict of interest.
- Add to the draft policy that when a member of Council deems themselves to be in a conflict of interest, they will participate in the matter **only** to the extent of stating their reason for being in a conflict, and then withdraw from the meeting without further commentary.
- Investigate whether No. 2 of the policy could be amended to allow the City Manager to also include the **name** of the individual/group suggesting there is a possible conflict interest when notifying the member of Council that the question has been raised.

Moved by Councillor Hobson/Seconded by Councillor Day

R326/04/03/29 THAT further consideration of the draft Council Policy (No. 313) regarding Conflict of Interest be deferred for revision.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Given/Seconded by Councillor Horning

R327/04/03/29 THAT Bylaw No. 9196 be adopted.

Carried

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

Moved by Councillor Shepherd/Seconded by Councillor Clark

R328/04/03/29 THAT Bylaw No. 9197 be adopted.

Carried

7. COUNCILLOR ITEMS

- (a) Public Access Along the foreshore of Okanagan Lake

Councillor Clark referred to a memo from the Policy, Research & Strategic Planning Manager regarding the illegal wharfs and structures blocking public access to the foreshore saying the Province has neither the staff nor the resources to deal with the matter.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R329/04/03/29 THAT staff investigate the implications of the City entering into a Head Lease with the Province for control of the Okanagan Lake foreshore within the City of Kelowna.

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(b) Maude Roxby Bird Sanctuary

Councillor Blanleil relayed concern on behalf of residents living near the Maude Roxby bird sanctuary about the coyotes living in the sanctuary. Referred to staff.

(c) Travel Authorization – Mayor to Victoria

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R330/04/03/29 THAT Mayor Gray be authorized to travel to Victoria to attend a meeting with the Minister of Community, Aboriginal & Women's Affairs on Monday, April 5, 2004, with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547, using funds from Account No. 351-10-011-0-001.

Carried

(d) Pesticide Notification Registry

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R331/04/03/29 THAT Resolution No. R269/04/03/15 adopted by Council at the Regular Meeting of March 15, 2004 be amended to change the advance notification opportunity for intent to spray pesticides from '24-hours' to 'previous day' notification.

Carried

8. TERMINATION

The meeting was declared terminated at 3:45 p.m.

Certified Correct:

Mayor

BLH/am

Deputy City Clerk