

Regular Meeting – P.M.April 19, 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, April 19, 2004.

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; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi*; Manager of Development Services, A.V. Bruce*; Director of Financial Services, P.A. Macklem*; Financial Planning Manager, K. Grayston*; Director of Works & Utilities, J. Vos*; Transportation Manager, R.W. Westlake* Fire Chief, G. Zimmermann*; 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 was requested to check the minutes of the meeting.

3. UNFINISHED BUSINESS

3.1 DEFERED ITEM (from the Regular Meeting of March 29, 2004)

Deputy City Clerk, dated April 14, 2004 re: Draft Council Policy No. 313 – Conflict of Interest (0550-06)

Staff:

- The proposed policy was originally considered March 29th and deferred for staff to investigate questions raised with regard to Sections 1, 2 and 3 of the policy as originally drafted, including section 2 of the policy could be amended to require the City Manager to also include the name of the individual/group alleging a possible conflict of interest when notifying the member of Council that the question has been raised.
- In the opinion of staff, the policy could be changed without violating the provisions of the Freedom of Information and Protection of Privacy Act provided that the City Manager only took the complaint if the person making the accusation first agreed to having their name released.

Amendment Moved by Councillor Clark/Seconded by Councillor Hobson

R364/04/04/19 THAT the word 'not' be deleted from section 2 of the draft Council Policy No. 313 – Conflict of Interest.

DEFEATED

Mayor Gray and Councillors Blanleil, Cannan, Day and Given opposed.

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Moved by Councillor Hobson/Seconded by Councillor Day

R365/04/04/19 THAT Council adopt the draft Council Policy No. 313 – Conflict of Interest, as attached to the Deputy City Clerk's report dated April 14, 2004.

Carried

Councillors Clark and Horning opposed.

Mayor Gray altered the order of business and advised that the item added late to the report section of the agenda as item No. 6.1 would be dealt with next.

6.1 City Manager re: Agreement with Ministry of Transportation re Okanagan Lake Bridge

Staff:

- Reviewed the agreement, highlighting the changes that have been made since Council reviewed the previous draft.
- Outlined the performance capacity means by which the alternatives will be measured in comparison to the one-way couplet.

Moved by Councillor Blanleil/Seconded by Councillor Day

R366/04/04/19 THAT Council approve the draft agreement with the Ministry of Transportation regarding a new Okanagan Lake Bridge, as circulated at this Council meeting;

AND THAT the Mayor and City Clerk be authorized to sign the agreement on behalf of the City of Kelowna.

Carried

Councillors Cannan and Shepherd opposed.

4. PLANNING

4.1 Planning & Corporate Services Department, dated April 14, 2004 re: OCP Amendment Application No. OCP04-0001 and Rezoning Application No. Z04-0004 – Canada Lands Co. CLC Ltd (Canada Lands Co./Dale Knowlan) – 1187 Sunset Drive

Staff:

- There was a hotel proposal for the subject property a couple of years ago. At that time, extra land was added via consolidation of lots to accommodate that proposal. This application reverses that and allows the site to go back to its original size.
- The applicant proposes to develop the site with a residential tower with townhomes on either side, as phase 1 of the Brandt's Creek Crossing development.

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Moved by Councillor Cannan/Seconded by Councillor Hobson

R367/04/04/19 THAT OCP Bylaw Amendment No. OCP04-0001 to amend Map 19.1 of the *Kelowna 2020* Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of part of Lot A, DL 139, O.D.Y.D., Plan KAP73017, located on Sunset Drive, Kelowna, B.C., from the existing "Commercial" designation to the proposed "Multiple Unit Residential – high density" designation, as shown on Map "A" attached to the report of the Planning & Corporate Services Department dated April 14, 2004, be considered by Council;

AND THAT Rezoning Application No. Z04-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, DL 139, O.D.Y.D., Plan KAP73017, located on Sunset Drive, Kelowna, B.C., from the existing C4 – Town Centre Commercial zone to the proposed RM6 – High Rise Apartment Housing zone as shown on Map "B" attached to the report of the Planning & Corporate Services Department dated April 14, 2004, be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP04-0004 and 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 and Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

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

4.2 Planning & Corporate Services Department, dated April 13, 2004 re: Rezoning Application No. Z04-0008 – Freda Shanko – 840 Princess Court

Moved by Councillor Shepherd/Seconded by Councillor Horning

R368/04/04/19 THAT Rezoning Application No. Z04-0008 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13, Section 23, Township 26, ODYD, Plan 27679, located on Princess Court, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

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

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- 4.3 Planning & Corporate Services Department, dated April 5, 2004 re: Rezoning Application No. Z00-1052 – Mr. & Mrs. Drosdovech – 1561 Sutherland Avenue

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R369/04/04/19 THAT Municipal Council authorize a 6-month extension to Rezoning Application No. Z00-1052 (Bylaw 8726) to expire on October 3, 2004.

Carried

- 4.4 Planning & Corporate Services Department, dated April 14, 2004 re: Rezoning Application No. Z04-0018 – Kelowna Speedometer Ltd (664918 BC Ltd) – 441 Lawrence Avenue

Moved by Councillor Horning/Seconded by Councillor Hobson

R370/04/04/19 THAT Rezoning Application No. Z04-0018 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 139, ODYD Plan 3508, located on Lawrence Avenue, Kelowna, B.C. from the C7 – Central Business Commercial zone to the C7lp – Central Business Commercial (Liquor Primary) 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 considered in conjunction with Council's consideration of a Liquor License application on the subject property.

Carried

- 4.5 Planning & Corporate Services Department, dated April 14, 2004 re: Heritage Designation Application No. HD04-0001 – G.D. Loane House – 1858 Abbott Street

Moved by Councillor Shepherd/Seconded by Councillor Given

R371/04/04/19 THAT City Council consider designation of the building located at 1858 Abbott Street, Kelowna B.C., commonly known as the 'G.D. Loane 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.

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5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST READING)

Mayor Gray asked Council whether they wished to deal with all of the first reading bylaws in one resolution. Councillor Day advised that he was in a conflict of interest for the bylaws under agenda items No. 5.3, No. 5.4 and No. 5.6 because he or direct family members own land in close proximity to the lands under application and asked that those bylaws be dealt with separately.

- 5.1 Bylaw No. 9207 (Z04-0009) – Mamre Holdings Inc. (Renee Wasyluk) – 1832/1844 Ambrosi Road

Moved by Councillor Given/Seconded by Councillor Horning

R372/04/04/19 THAT Bylaws No. 9207, 9208 and 9213 be read a first time.

Carried

- 5.2 Bylaw No. 9208 (Z03-0066) – Bell Mountain Estates Ltd./Black Mountain Irrigation District (Marlin Weninger/Bell Mountain Estates) – Swainson and Joe Riche Roads

See resolution adopted under item No. 5.1 above.

- 5.5 Bylaw No. 9213 (Z04-0017) – Edgar Fenwick and Corneil Therrien – 5570 Lakeshore Road

See resolution adopted under item No. 5.1 above.

- 5.3 Bylaw No. 9211 (OCP03-0014) – John & Ingrid Paavilainen (Keith Funk/New Town Planning) – 1170 Band Road

Councillor Day left the Council Chamber (due to a previously declared conflict of interest) at 3:24 p.m.

Moved by Councillor Given/Seconded by Councillor Horning

R373/04/04/19 THAT Bylaw No. 9211, 9212 and 9214 be read a first time.

Carried

- 5.4 Bylaw No. 9212 (Z03-0071) - John & Ingrid Paavilainen (Keith Funk/New Town Planning) – 1170 Band Road

See resolution adopted under item No. 5.3 above.

- 5.6 Bylaw No. 9214 (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

See resolution adopted under item No. 5.3 above.

Councillor Day returned to the Council Chamber at 3:24 p.m. and took his place at the Council Table.

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(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 5.7 Bylaw No. 9210 - Portion of Chute Lake Road Name Change to Hedemen Court

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R374/04/04/19 THAT Bylaw No. 9210 be read a first, second and third time.

Carried

6. REPORTS

- 6.1 Director of Financial Services, dated April 14, 2004 re: Fire Protection Services in RDCO – Lakeshore Road (7201-30)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R375/04/04/19 THAT the Mayor and City Clerk be authorized to execute a 3-year agreement beginning July 1, 2004 for the provision of fire protection to 13 properties located adjacent to Okanagan Mountain Provincial Park.

Carried

- 6.2 Director of Financial Services, dated April 13, 2004 re: Conventional & Custom Transit-Annual Operating Agreements (2240-20)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R376/04/04/19 THAT Council approve the 2004/2005 Annual Operating Agreements for conventional and custom transit services for the City of Kelowna based on successful negotiations with Farwest Transit Services Inc.;

AND THAT the Mayor and City Clerk be authorized to execute the Operating Agreements between BC Transit, the City of Kelowna and Farwest Transit Services Inc. covering the period April 1, 2004 to March 31, 2005.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 7.1 Bylaw No. 9200 – Council Procedure Bylaw

Moved by Councillor Day/Seconded by Councillor Cannan

R377/04/04/19 THAT Bylaw No. 9200 be adopted.

Carried

8. COUNCILLOR ITEMS(a) School Crossing – Lakeshore Road at Anne McClymont School

Councillor Shepherd reported that she has received complaints about the safety of children crossing Lakeshore Road to get to Anne McClymont School, particularly in the mornings between 8:00 a.m. and 8:35 a.m. when traffic is very heavy, and about the long line of traffic that backs up in both directions during these times. She asked that staff work with the school to see what can be done to improve the situation. Referred to City Manager.

(b) Recognition of Original Owner of Parkinson Recreation Centre Site

Councillor Clark referred to an email that members of Council received from the grandchildren of Mike and Jenny Johnson who started Willowbrook Farms on the Parkinson Recreation Centre (PRC) site and who planted the Willow trees along the creek on the PRC site. Councillor Clark asked that staff consider some of recognition of this pioneer family. Referred to City Manager.

(c) Safe Streets Coalition

Councillor Given commented that the Safe Streets Coalition has come up with a Safe Streets Initiative across British Columbia in pursuit of legislation to assist the police in dealing with individuals displaying unwanted and aggressive behaviour. To this end, Vancouver-Burrard MLA Lorne Mayencourt is expected to introduce a private members bill within the next few weeks to introduce a Safe Streets Act and Urban Trespass Act.

Moved by Councillor Given/Seconded by Councillor Shepherd

R378/04/04/19 THAT the provincial government enact a “Safe Streets Act” similar to the legislation already in existence in Ontario to allow police and communities to more effectively deal with aggressive behaviour and to ensure that the penalties and laws are consistent throughout the province;

AND THAT the provincial government amend the Trespass Act to provide useful statutory authority or enforcement action for businesses and private property owners in urban settings;

AND THAT Mayor Gray send a letter on behalf of Council to Premier Gordon Campbell with copies to the Solicitor General and our local MLAs requesting support for such legislation;

AND FURTHER THAT a late resolution to this effect be prepared for presentation at the 2004 Okanagan Mainline Municipal Association convention.

Carried

(d) Homesite Severances

Councillor Horning asked that staff review the process for extensions to Preliminary Layout Review letters for homesite severances, noting that the approval of the Land Reserve Commission is ongoing, but the City approval is only good for 180 days and after that a \$100 fee is charged for each extension. Referred to City Manager.

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(e) Lift Times for Span – Okanagan Lake Bridge

Mayor Gray reported that instead of asking that the Coast Guard eliminate the 2:00 p.m. lift time for the bridge span, efforts are now being directed toward moving that lift time to 1:00 p.m. The Yacht Club and the Regional Transit Manager have both indicated support for taking that approach as it is anticipated that changing the time will have a better chance of success than eliminating a lift time.

9. TERMINATION

The meeting was declared terminated at 3:56 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am