

Regular Meeting – P.M.May 3, 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, May 3, 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*, E.A. Horning and S.A. Shepherd.

Council members absent: Councillor R.D. Hobson.

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*; Manager of Policy, Research & Strategic Planning, S.K. Bagh*; Community Planning Manager, T. Eichler*; Planner-Long Range, G. Routley* Director of Finance & Corporate Services, P.A. Macklem*; Revenue Supervisor, G. Davidson*; Senior Accountant, J. Dueck*; Director of Parks & Leisure Services, D.L. Graham*; Parks Manager, J. Creron*; Civic Properties Manager, J. Waugh*; Recreation Manager, R. Oddleifson*; Sports & Facilities Manager, J. Gabriel*; Director of Works & Utilities, J. Vos*; Wastewater Manager, W.J. Berry*; Transportation Manager, R.W. Westlake*; Traffic & Transportation Engineer, H. Thompson*; Roadways Engineer, F. Klotzbach*; Inspection Services Manager, K. Skinner*; Licence & Bylaw Enforcement Supervisor, A. Dixon*; 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 Blanleil was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

- 3.1 Presentation by Allen Lueck, Chair of Mayor's Task Force on Community Safety and Harm Reduction and Central Okanagan Four Pillars Coalition re: Task Force Activities and Progress to Date and Proposal on How to Move Forward to the Next Step

Councillor Cannan entered the Council Chamber at 1:39 p.m. and took his place at the Council Table.

Allen Lueck, Chair:

- The 4 pillars program includes the prevention pillar, treatment pillar, enforcement pillar and the harm reduction pillar and is a 4-pillar approach toward treating people dealing with drug addictions.
- Asking for \$20,000 now in order to get started with implementation of the Central Okanagan 4 Pillars Plan, and a commitment from the City that the balance of the \$49,700 requested would be made available when needed.

Daryl Roberts, Living Positive Resource Centre:

- Funds for the program would be administered through the Living Positive Resource Centre.

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Council:

- The City of Kelowna can provide the seed money to allow the program to proceed; however, this is a regional initiative and as such a portion of the total cost will be attributable to the other jurisdictions in the Regional District.

Moved by Councillor Given/Seconded by Councillor Shepherd

R403/04/05/03 THAT the report from the Task Force on Community Safety and Harm Reduction be received and supported in principle by Council;

AND THAT Council approves the task force proceeding with holding a public meeting on May 10, 2004;

AND FURTHER THAT staff report back on either May 10 or 17, 2004 with a recommended source of funding for the Task Force.

Carried

4. PLANNING

- 4.1 Planning & Corporate Services Department, dated April 20, 2004 re: Rezoning Application No. Z04-0022 – City of Kelowna – Various Properties

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R404/04/05/03 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by updating Schedule “A” of Bylaw No. 8000 as outlined in the report of the Planning & Corporate Services Department dated April 19, 2004;

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

Carried

- 4.2 Planning & Corporate Services Department, dated April 27, 2004 re: Supplemental Report - Text Amendment No. TA04-0001 and Z04-0011 – Springfield Plaza Inc. – 1585 Springfield Road

Councillor Day declared a conflict of interest because a direct family member owns adjoining property to the south and left the Council Chamber at 2:20 p.m.

Councillor Given declared a conflict of interest because he works for an agency that derives money from this facility and left the Council Chamber at 2:21 p.m.

Staff:

- Council initially considered the subject application at the Regular Meeting of April 26, 2004, when staff were instructed to prepare a Comprehensive Development zone to accommodate existing uses at the Bingo Kelowna site and proposed uses including slot machines and liquor service.

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Moved by Councillor Clark/Seconded by Councillor Horning

R405/04/05/03 THAT Zoning Bylaw Text Amendment No. TA04-0001 to amend City of Kelowna Zoning Bylaw No. 8000 by adding the CD16 – Bingo and Gaming Zone to Section 17, Schedule 'B' of Zoning Bylaw No.8000 as outlined in the report of the Planning & Development Services Department dated April 27, 2004 be approved by Council;

AND THAT Rezoning Application No. Z04-0011 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 129, ODYD Plan KAP70110, located on Springfield Road, Kelowna, B.C. from the C10 – Service Commercial zone to the CD16 – Bingo and Gaming Zone be approved by Council ;

AND FURTHER THAT the zone amending and text amending bylaws be forwarded to a Public Hearing for further consideration.

Carried

Councillors Day and Given returned to the Council Chamber at 2:27 p.m. and took their respective place at the Council Table.

4.3 Planning & Corporate Services Department, dated April 29, 2004 re: Supplemental Report – OCP03-0002 - Grant Gaucher – McKinley Road/ Finch Road - Supplemental Information Requested by Council

Staff:

- At the Regular Meeting of April 26, 2004, Council adopted the alternate recommendation in the staff report, advancing the proposed amendment to change the OCP to identify properties as Area Structure Plan rather than Future Urban Reserve to Public Hearing.
- The recommendation before Council today clarifies specifically the boundary of the proposed development properties that would be in the ASP and indicates the respective future land use designations.
- Clarified that adoption of this OCP amendment would allow the developer to proceed with the necessary applications that would have to be processed and approved by Council in order for the development to occur.

Moved by Councillor Cannan/Seconded by Councillor Horning

R406/04/05/03 THAT Municipal Council consider OCP Bylaw Amendment No. OCP-0003 (Grant Gaucher for 622664 BC Ltd., Inc No. 6222664) on portions of; NW ¼ of Section 21, Township 23, ODYD, Except Plans DD24364 and 18403; SW ¼ of Section 28, Township 23, ODYD; NW ¼ of Section 28, Township 23, ODYD; and Fraction NE ¼ Section 29, Township 23, ODYD, Said to contain 91 Acres More or Less, as shown outlined on Schedule A attached to the report of the Planning and Corporate Services Department dated April 29, 2004 to change the Future Land Use Designation as shown on Map 19.1 of the City of Kelowna Official Community Plan from Future Urban Reserve to Area Structure Plan, which is comprised of a; Comprehensive Commercial Resort and Wellness Centre, Golf Course, Vineyard, and Future Urban Reserve areas;

AND THAT Municipal Council forward OCP Bylaw Amending application OCP03-0002 to a Public Hearing for further consideration.

Carried

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R407/04/05/03 THAT Bylaw No. 9235 (OCP03-0002 - Grant Gaucher – McKinley Landing) be removed from the Public Hearing agenda scheduled for Tuesday, May 18, 2004 and a new Public Hearing be scheduled for 7:00 p.m. on Tuesday, May 25, 2004 in order to deal with the application as a stand alone item on that night.

Carried

Mayor Gray and Councillors Day and Horning opposed

4.4 Planning & Corporate Services Department, dated April 26, 2004 re: Secondary Suite and Two Dwelling Housing Development Guidelines (6700-20)

Moved by Councillor Blanleil/Seconded by Councillor Day

THAT the Secondary Suite and Two Dwelling Housing Development Guidelines, as outlined in Appendix A of the Planning and Corporate Services report dated April 26, 2004, be endorsed by Council as a means of providing objectives and guidelines for the development of residential dwelling units where zoning permits the use of secondary suites and two dwelling housing;

AND THAT the Official Community Plan be amended, as outlined in Appendix A of the Planning and Corporate Services report dated April 26, 2004, to designate properties that are currently, or become zoned, to permit secondary suites and two dwelling housing as Intensive Residential Development Permit Areas pursuant to Section 919(1)(e) of the Local Government Act;

AND THAT the Official Community Plan Amendment No. OCP04-0009 to designate Intensive Residential Development Permit Areas and include the Development Guidelines in the Official Community Plan be advanced to a Public Hearing;

AND THAT the Development Application Procedures Bylaw No. 8140 be amended as outlined in Appendix B of the Planning and Corporate Services report dated April 26, 2004 and that final adoption of this amendment be withheld pending adoption of the OCP amendment;

AND THAT staff **not** initiate a public review process to consider the designation, under Section 970.1 of the Local Government Act, of the 700-1000 blocks of Bernard Avenue and Lawrence Avenue as a Heritage Conservation Area;

AND FURTHER THAT the design of new dwellings within the 700-1000 blocks of Bernard and Lawrence Avenue be addressed through the proposed Secondary Suite and Two Dwelling Housing Development Guidelines and the existing Multiple Unit Development Guidelines.

Amendment Moved by Councillor SS/Seconded by Councillor Cannan

R408/04/05/03 THAT the word “NOT” be removed from the second to last paragraph and that the last paragraph of the recommendation be removed completely.

DEFEATED

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

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The original motion was then voted on and carried, as follows:

Moved by Councillor Blanleil/Seconded by Councillor Day

R409/04/05/03 THAT the Secondary Suite and Two Dwelling Housing Development Guidelines, as outlined in Appendix A of the Planning and Corporate Services report dated April 26, 2004, be endorsed by Council as a means of providing objectives and guidelines for the development of residential dwelling units where zoning permits the use of secondary suites and two dwelling housing;

AND THAT the Official Community Plan be amended, as outlined in Appendix A of the Planning and Corporate Services report dated April 26, 2004, to designate properties that are currently, or become zoned, to permit secondary suites and two dwelling housing as Intensive Residential Development Permit Areas pursuant to Section 919(1)(e) of the Local Government Act;

AND THAT the Official Community Plan Amendment No. OCP04-0009 to designate Intensive Residential Development Permit Areas and include the Development Guidelines in the Official Community Plan be advanced to a Public Hearing;

AND THAT the Development Application Procedures Bylaw No. 8140 be amended as outlined in Appendix B of the Planning and Corporate Services report dated April 26, 2004 and that final adoption of this amendment be withheld pending adoption of the OCP amendment;

AND THAT staff **not** initiate a public review process to consider the designation, under Section 970.1 of the Local Government Act, of the 700-1000 blocks of Bernard Avenue and Lawrence Avenue as a Heritage Conservation Area;

AND FURTHER THAT the design of new dwellings within the 700-1000 blocks of Bernard and Lawrence Avenue be addressed through the proposed Secondary Suite and Two Dwelling Housing Development Guidelines and the existing Multiple Unit Development Guidelines.

Carried

Councillors Cannan and Shepherd opposed.

5. REPORTS

5.1 Sports & Facilities Manager, dated April 19, 2004 re: Policy & Procedure Manual for Recreation Facilities, Community Theatre, Sportsfields and Parks (1810-01)

Council:

- Staff to report back after the 2004 season rather than after the 2005 season regarding the impact of implementing a percentage based fee for ticketed waterfront events.

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Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R410/04/05/03 THAT City Council approve the changes to the Policy & Procedure Manual for Recreation Facilities, Community Theatre, Sportsfields & Parks, specifically including (a) general comprehensive insurance requirement for all rentals, (b) percentage of ticket sales for applicable outdoor events, (c) payment schedules and allocation priorities for arenas, sportsfields and the Apple Bowl Stadium as defined in the report from the Sports & Facilities Manager dated April 19, 2004.

Carried

5.2 Civic Properties Manager, dated April 27, 2004 re: Lease Operation – Tugboat Bay and Gyro Park Beach Concessions (5880-20)

Moved by Councillor Blanleil/Seconded by Councillor Given

R411/04/05/03 THAT staff be authorized to finalize a lease with The MEXI-CANA Restaurants Inc. to operate the beach concessions at Tugboat Bay and Gyro Park from May 15 to September 15 for the 2004 and 2005 seasons;

AND THAT the Civic Properties Manager be authorized to sign the lease.

Carried

5.3 Parks Manager, dated April 22, 2004 re: Knowles Park Open House (6140-20)

Moved by Councillor Clark/Seconded by Councillor Day

R412/04/05/03 THAT the Parks Division hold a Public Open House in June 2004 to present the three options attached to the Parks Manager's report of April 22, 2004 for dealing with the lane that bisects Knowles Park and report back to Council the a recommendation based on the feedback received.

Carried

5.4 Director of Parks & Leisure Services, dated April 28, 2004 re: Kelowna Memorial Cup 2004 Society Grant Request (1850-01)

Moved by Councillor Blanleil/Seconded by Councillor Clark

R413/04/05/03 THAT City Council consider a grant of \$15,000 to the Kelowna Memorial Cup Society;

AND THAT the grant funds be directed toward the costs of City services associated with hosting the Memorial Cup in Kelowna;

AND THAT in the event of a surplus after the payment of the costs of operating the Memorial Cup, surplus funds are used for a legacy to benefit the citizens of our community;

AND THAT the Society is asked to report to the City its legacy contribution or its financial results after the event;

AND FURTHER THAT funds for the grant come from the Council Contingency fund.

Carried

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- 5.5 Inspection Services Manager, dated April 19, 2004 re: Administrative Agreement – Gas Inspection (4000-00)

Moved by Councillor Given/Seconded by Councillor Day

R414/04/05/03 THAT Council authorize the signing by the City of the enclosed Administrative Agreement for the continuation of providing gas inspection services within its jurisdiction.

Carried

- 5.6 Licence & Bylaw Enforcement Supervisor, dated April 22, 2004 re: Amendments to City of Kelowna Nuisance Trees & Shrubs Bylaw No. 6469-89

Moved by Councillor Day/Seconded by Councillor Cannan

R415/04/05/03 THAT Nuisance Trees and Shrubs Bylaw No. 6469-89 be amended as follows:

- a) By adding the following definition to Section 1:

“Certified Arborist” – shall mean a person accredited as such by the International Society of Arboriculture or other recognized professional arborist association.;

- b) By adding a new section to the bylaw as Section 9 to read:

“9. This bylaw shall not apply to private property or conditions on private lands which affect other private properties only.”;

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

Carried

- 5.7 City Manager, dated April 27, 2004 re: 2004 Financial Plan – Final Budget (B/L 9220; 1700-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

R416/04/05/03 THAT Council approve the 2004-2008 Financial Plan;

AND THAT Council approve the formulation of 2004 Property Tax Rates that will raise the required funds in 2004, from General Taxation, of \$66,120,000, resulting in an average net property owner impact of 1.75%;

AND FURTHER THAT the bylaw to adopt the 2004-2008 Financial Plan be advanced for reading consideration by Council.

Carried

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- 5.8 Director of Financial Services, dated April 20, 2004 re: Bylaw to Charge the 2004 Sterile Insect Release (SIR) Parcel Tax to Specific Rolls (B/L 9216)

Moved by Councillor Day/Seconded by Councillor Shepherd

R417/04/05/03 THAT Sterile Insect Release Program Parcel Tax Bylaw 2004 No. 9216 to charge the 2004 Sterile Insect Release (SIR) Parcel Tax to individual rolls in accordance with the 2004 SIR Parcel Tax Assessment Roll provided to the City of Kelowna by the Regional District of North Okanagan be advanced for reading consideration by Council.

Carried

- 5.9 City Clerk, dated April 28, 2004 re: Local Service Area – Amendment No. 1 to Sewer Specified Area No. 20 (North Rutland) (B/L 9196; BL 8469)

Moved by Councillor Day/Seconded by Councillor Horning

R418/04/05/03 THAT Council receive the Certificate of Sufficiency dated April 28, 2004 pertaining to the proposed Amendment No. 1 to Sewer Specified Area No. 20 (North Rutland);

AND THAT Amendment No. 1 to Sewer Specified Area No. 20 (North Rutland) Bylaw No. 9196 be advanced for final adoption consideration;

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

Carried

- 5.9.1 Transportation Manager, dated April 29, 2004 re: Award of Construction Contract TE04-06 – Glenmore Road Widening and Improvements (5400-20)

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R419/04/05/03 THAT the Contract for construction of the Glenmore Road Widening and Improvements be awarded to Peters Bros. Construction Ltd. for the amount of \$4,147,203.90, including GST;

AND THAT the 2004 Financial Plan be amended to add \$649,200 from the Arterial Road Reserve (R025), \$92,000 from Wastewater Reserves and \$136,000 from the Glenmore Ellison Improvement District to Glenmore 1 Road Project (Glen Mead.-Dallas 10-3400-R3893);

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

Carried

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- 6.1 Draft Resolution re: DP03-0130 and DVP03-0131 – Kenneth Dickson and Gebhard Wager (Ernie Rempel/City Square Holdings) – 1451 Bertram Street

Moved by Councillor Day/Seconded by Councillor Horning

R420/04/05/03 THAT further consideration of Development Permit Application No. DP03-0130 and Development Variance Permit Application No. DVP03-0131 for Lot 3, Block E, District Lot 139, ODYD Plan 2345, located at 1451 Bertram Street, Kelowna, B.C.; be deferred to a future meeting of Council;

AND THAT the application be re-advertised at the applicant's cost.

Carried7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 7.1 Bylaw No. 9162 – Road Closure & Removal of Highway Dedication Bylaw – 3974 Todd Road

Moved by Councillor Given/Seconded by Councillor Horning

R421/04/05/03 THAT Bylaws No. 9162, 9216, 9220, 9221, 9222, 9223, 9224, 9225 and 9226 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 9216 – Sterile Insect Release Program Parcel Tax Bylaw 2004

See resolution adopted under item No. 7.1 above.

- 7.3 Bylaw No. 9220 – Five Year Financial Plan, 2004-2008

See resolution adopted under item No. 7.1 above.

- 7.4 Bylaw No. 9221 – Tax Structure Bylaw, 2004

See resolution adopted under item No. 7.1 above.

- 7.5 Bylaw No. 9222 – Annual Tax Rates Bylaw, 2004

See resolution adopted under item No. 7.1 above.

- 7.6 Bylaw No. 9223 – Parking Reserve Fund Expenditure Bylaw, 2004 **requires 2/3 majority vote of Council (6)**

See resolution adopted under item No. 7.1 above.

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- 7.7 Bylaw No. 9224 – Development Cost Charge Reserve Fund Expenditure Bylaw, 2004 **requires 2/3 majority vote of Council (6)**

See resolution adopted under item No. 7.1 above.

- 7.8 Bylaw No. 9225 – Capital Works, Machinery and Equipment Reserve Fund Expenditure Bylaw, 2004 **requires 2/3 majority vote of Council (6)**

See resolution adopted under item No. 7.1 above.

- 7.9 Bylaw No. 9226 – Sale of City-Owned Land Reserve Fund Expenditure Bylaw, 2004 **requires 2/3 majority vote of Council (6)**

See resolution adopted under item No. 7.1 above.

(BYLAWS PRESENTED FOR ADOPTION)

- 7.10 Bylaw No. 9215 – Amendment No. 2 to Five Year Financial Plan, 2003-2007 Bylaw No. 9027

Moved by Councillor Clark/Seconded by Councillor Shepherd

R422/04/05/03 THAT Bylaw No. 9215 be adopted.

Carried

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

Moved by Councillor Blanleil/Seconded by Councillor Day

R423/04/05/03 THAT Bylaw No. 9196 be adopted.

Carried

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

Moved by Councillor Day/Seconded by Councillor Blanleil

R424/04/05/03 THAT Bylaw No. 9197 be adopted.

Carried

8. COUNCILLOR ITEMS

- (a) Mission Sportsfields

Councillor Shepherd noted that a new indoor facility is under construction at the Mission Sportsfields and suggested that staff issue an information notice to advise the public what the facility is and when it will be finished.

- (b) Future Planning for Lakeshore Road – Vicinity of Rotary Beach

Councillor Shepherd commented that there is nothing in the transportation budget to deal with improving pedestrian access across Lakeshore Road to Rotary Beach and asked when future planning for Lakeshore Road will be discussed by Council. Referred to the City Manager.

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- (c) Notice of Motion – Councillor Cannan re: Royal Commission Report – Future of Health Care in Canada

Council:

- Copies of our letter of response to be sent to the Minister of Health, the Okanagan Similkameen Health Region and MP Werner Schmidt so that they know the City of Kelowna is supporting this report.

Moved by Councillor Cannan/Seconded by Councillor Day

R425/04/05/03 THAT Kelowna City Council respond to the correspondence dated April 14, 2004 from The Council of Senior Citizens' Organizations of B.C. by adopting the following resolution of support:

WHEREAS the under-funding, the de-listing of services and privatization has deteriorated Canada's Universal Healthcare System and put it into serious jeopardy,

AND WHEREAS the Royal Commission on the Future Healthcare in Canada, headed by the Honourable Roy Romanow, has presented a blueprint to correct, preserve and enhance Canada's Healthcare System;

THEREFORE BE IT RESOLVED THAT Kelowna City Council endorses the recommendations of the Royal Commission on the Future of Healthcare in Canada chaired by the Honourable Roy Romanow;

AND BE IT FURTHER RESOLVED THAT Kelowna City Council commends The Council of Senior Citizens' Organizations of B.C. for its efforts to have all of the recommendations of the Royal Commission on the Future of Healthcare in Canada implemented into federal legislation.

Carried

9. TERMINATION

The meeting was declared terminated at 5:31 p.m.

Certified Correct:

Mayor

Deputy City Clerk

/blh