

Regular Meeting – P.M.June 14, 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, June 14, 2004.

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

Council members absent: Councillor B.A. Clark.

Staff members in attendance were: City Manager, R.A. Born; Acting City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi*; Manager of Policy, Research & Strategic Planning, S.K. Bagh*; Director of Parks & Leisure Services, D.L. Graham*; Civic Properties Projects Supervisor, B. Germaniuk*; Director of Works & Utilities, J. Vos*; Wastewater Manager, W.J. Berry*; Financial Accounting & Systems Manager, R. Mayne*; 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 Cannan was requested to check the minutes of the meeting.

3. PLANNING

- 3.1 Planning & Corporate Services Department, dated May 12, 2004 re: Heritage Revitalization Agreement No. HRA04-0001 – 457539 BC Ltd. (Paul Winkers/Assured Software) – 710 Sutherland Avenue

Withdrawn from the agenda.

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 4.1 Bylaw No. 9183 (HRA03-0002) – Heritage Revitalization Agreement Authorization Bylaw - Robert & Benigna Cummings – 2034 Pandosy Street

Moved by Councillor Given/Seconded by Councillor Horning

R587/04/06/14 THAT Bylaw No. 9183 be adopted.

Carried

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- 5.1 Civic Properties Projects Supervisor, dated June 9, 2004 re: Award of Contract for Memorial Arena Rink Floor Replacement (0760-20-24)

Staff:

- On May 20, 2004 this project was awarded to another firm but they were unable to meet the requirements and therefore the intent is to offer the contract to the second lowest bidder.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R588/04/06/14 THAT the contract for the Memorial Arena Rink Floor Replacement be awarded to PCL Contractors Westcoast Inc. (formerly Monad Construction Ltd.) for the amount of \$687,000.00 (GST excluded);

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

Carried

- 5.2 Wastewater Manager, dated June 8, 2004 re: Creation of Local Service Area No. 23 (South West Rutland) (B/L 9244; 5340-09-23)

Moved by Councillor Horning/Seconded by Councillor Shepherd

R589/04/06/14 THAT the City of Kelowna initiate Sewer Local Service Area No. 23 (South West Rutland) so as to include those properties identified on Map 'A' as attached to the report of the Wastewater Manager dated June 8, 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. 9244, being a bylaw to create Local Service Area No. 23 (South West Rutland), be advanced for reading consideration;

AND THAT upon fourth and final reading and adoption of this bylaw, that Bylaw 8469 be amended so that all the properties within this Local Service Area be removed from Sewer Service Area No. 23;

AND FURTHER THAT Council authorize the payment of all the funds collected from the Service Area Reserve Account No. 995-73-*FU520-R923 (Service Area 23) to be used for the South West Rutland Local Service Area sewer project.

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- 5.3 Director of Works & Utilities, dated June 3, 2004 re: Rutland Senior Secondary School Access (5400-15)

Staff:

- The School District is expanding the school in order to replace the portables.
- There has been considerable community concern about the access from Rutland Road to the school parking lot. The School District has purchased a property on Bach Road to provide an access to the school parking lot and for safe movement of the buses.
- Contributing toward the cost of constructing this access is supported by City transportation staff. The alternative would be to install a traffic light but that is not a preferred option and would be at considerably more cost to the City.

Moved by Councillor Hobson/Seconded by Councillor Day

R590/04/06/14 THAT Council approve funding support to School District #23 in the amount of \$60,000 toward the construction of a new driveway access to Rutland Senior Secondary School;

AND THAT the funding be transferred from unspent General Revenue funds in various delayed 2004 Transportation Projects.

Carried

- 5.4 Director of Financial Services, dated June 7, 2004 re: MFA Borrowing for Bryns Baron Sewer Trunk (B/L 8884; 5340-07)

Moved by Councillor Given/Seconded by Councillor Shepherd

R591/04/06/14 THAT Council approves the borrowing of \$3,865,700 over fifteen (15) years to fund the construction of the Bryns Baron Road Trunk Sewer Main;

AND THAT the Regional District of the Central Okanagan be notified and authorized to borrow from the Municipal Finance Authority of British Columbia under Loan Authorization Bylaw 8884.

Carried

- 5.5 Director of Financial Services, dated June 7, 2004 re: MFA Borrowing for South Lakeshore Water Specified Area 18 (B/L 9089; 5341-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

R592/04/06/14 THAT Council approves the borrowing of \$23,507 over 20 years for the non commuted portion of the South Lakeshore Water Specified Area 18.

AND THAT the Regional District of the Central Okanagan be notified and authorized to borrow from the Municipal Finance Authority of British Columbia under Loan Authorization Bylaw 9089.

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- 5.6 Director of Financial Services, dated June 7, 2004 re: MFA Borrowing for McKenzie Bench Sewer Specified Area 21A (B/L 8658; 5341-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

R593/04/06/14 THAT Council approves the borrowing of \$1,350,000 over 20 years for the non commuted portion of the McKenzie Bench Sewer Specified Area 21A;

AND THAT the Regional District of the Central Okanagan be notified and authorized to borrow from the Municipal Finance Authority of British Columbia under Loan Authorization Bylaw 8658.

Carried

- 5.7 Director of Financial Services, dated June 7, 2004 re: MFA Borrowing for Vista Road Sewer Specified Area 22B (B/L 8911; 5341-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

R594/04/06/14 THAT Council approves the borrowing of \$79,496 over 20 years for the non commuted portion of the Vista Road Sewer Specified Area 22B;

AND THAT the Regional District of the Central Okanagan be notified and authorized to borrow from the Municipal Finance Authority of British Columbia under Loan Authorization Bylaw 8911.

Carried

- 5.8 Director of Financial Services, dated June 7, 2004 re: MFA Borrowing for Hein Road Sewer Specified Area 22C (B/L 8912; 5341-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

R595/04/06/14 THAT Council approves the borrowing of \$266,156 over 20 years for the non commuted portion of the Hein Road Sewer Specified Area 22C;

AND THAT the Regional District of the Central Okanagan be notified and authorized to borrow from the Municipal Finance Authority of British Columbia under Loan Authorization Bylaw 8912.

Carried

- 5.9 Director of Financial Services, dated June 7, 2004 re: MFA Borrowing for Elwyn Road Sewer Specified Area 22D (B/L 8914; 5341-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

R596/04/06/14 THAT Council approves the borrowing of \$148,508 over 20 years for the non commuted portion of the Elwyn Road Sewer Specified Area 22D;

AND THAT the Regional District of the Central Okanagan be notified and authorized to borrow from the Municipal Finance Authority of British Columbia under Loan Authorization Bylaw 8914.

Carried

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- 5.10 Director of Financial Services, dated June 7, 2004 re: MFA Borrowing for Dease Road Sewer Specified Area 22E (B/L 8962; 5341-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

R597/04/06/14 THAT Council approves the borrowing of \$95,908 over 20 years for the non commuted portion of the Dease Road Sewer Specified Area 22E;

AND THAT the Regional District of the Central Okanagan be notified and authorized to borrow from the Municipal Finance Authority of British Columbia under Loan Authorization Bylaw 8962.

Carried

- 5.11 Director of Financial Services, dated June 7, 2004 re: MFA Borrowing for Mills Road Sewer Specified Area 22F (B/L 8965; 5341-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

R598/04/06/14 THAT Council approves the borrowing of \$342,477 over 20 years for the non commuted portion of the Mills Road Sewer Specified Area 22F;

AND THAT the Regional District of the Central Okanagan be notified and authorized to borrow from the Municipal Finance Authority of British Columbia under Loan Authorization Bylaw 8965.

Carried

- 5.12 Director of Financial Services, dated June 7, 2004 re: MFA Borrowing for Campion/Cambro Road Sewer Specified Areas 29, 29A, 29B and 29C (B/L 8771; 5341-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

R599/04/06/14 THAT Council approves the borrowing of \$874,087 over 20 years for the non commuted portion of the Campion/Cambro Road Sewer Specified Area 29, 29A, 29B, 29C;

AND THAT the Regional District of the Central Okanagan be notified and authorized to borrow from the Municipal Finance Authority of British Columbia under Loan Authorization Bylaw 8771.

Carried

- 5.13 Director of Financial Services, dated June 7, 2004 re: MFA Borrowing for Acland Road Sewer Specified Area 30 (B/L 8917; 5341-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

R600/04/06/14 THAT Council approves the borrowing of \$364,376 over 20 years for the non commuted portion of the Acland Road Sewer Specified Area 30;

AND THAT the Regional District of the Central Okanagan be notified and authorized to borrow from the Municipal Finance Authority of British Columbia under Loan Authorization Bylaw 8917.

Carried

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6. RESOLUTIONS

6.1 Draft Resolution re: Appointment of Deputy City Clerk (2630-40)

Moved by Councillor Hobson/Seconded by Councillor Day

R601/04/06/14 THAT Donna Fediuk be appointed as Acting Deputy City Clerk for the City of Kelowna for the period starting June 7, 2004 and ending May 20, 2005.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

7.1 Bylaw No. 9244 – Local Service Area No. 23 – South West Rutland

Moved by Councillor Shepherd/Seconded by Councillor Given

R602/04/06/14 THAT Bylaw No. 9244 be read a first, second and third time.

Carried

8. COUNCILLOR ITEMS

(a) Notice of Motion – Councillor Shepherd re: Public Review Process – Designation of Heritage Conservation Area (6800-05)

Councillor Shepherd:

- Commented on the success of the Abbott Street and Marshall Street Heritage Conservation Area (HCA), noted the benefits to the community that are a result of such designations, and asked for Council support of her notice of motion.
- The owners of properties in the identified area would be notified of the process and based on their comments Council would decide whether to proceed with another HCA.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

THAT staff initiate a public review process to consider the designation, under Section 970.1 of the Local Government Act, of the 700-800 block of Bernard Avenue and the 700-1000 blocks of Lawrence Avenue as a heritage conservation area.

Staff, in response to questions of Council:

- There is no staff resources nor funding for this year; if the motion to designate the area as a heritage conservation area is adopted asked that this project be part of the 2005 budget.
- Based on experience, there is a public expectation that the Heritage Conservation Area (HCA) designation is a tool for growth management rather than heritage preservation.
- The current Official Community Plan (OCP) designates portions of the areas in question for development at higher densities not just single family. If the intent is to preserve the single family form for the entire area, designating it a heritage conservation area may not be the best tool and would conflict with the future land uses in the OCP.

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- There are incentives in place to encourage the preservation of homes that are on the Heritage Register. Density changes have been proven to be able to happen in neighbourhoods while still maintaining the character of the area.

Amendment Moved by Councillor Shepherd/Seconded by Councillor Hobson

R603/04/06/14 THAT staff consider a public review process that could designate, under Section 970.1 of the Local Government Act, of the 700-800 block of Bernard Avenue and the 700-1000 blocks of Lawrence Avenue as a heritage conservation area, but as an initial step, staff evaluate the land use density of the area.

DEFEATED

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

Staff:

- Reviewing the applicable OCP designations and policies could be added to the OCP review work that is currently underway.

Amendment Moved by Councillor Hobson/Seconded by Councillor Blanleil

R604/04/06/14 THAT staff initiate a process to review the OCP designations and policies of 700/800 block of Bernard east of Richter and the 700-1000 blocks of Lawrence areas with a view to further preserving its heritage value and encouraging sensitive infill.

Carried

(b) Queensway Transit Station

Councillor Given commented that security at the Queensway Transit Station was raised at last week's Council meeting. However, he noted that cleanliness is also a concern as well as lighting and asked that these issues also be taken into consideration in efforts to make the area clean and safe for users of the transit system.

(c) Highway 97, Leathead Road to the Airport

Councillor Horning enquired whether anything has been done yet to resolve the lack of lighting on Highway 97 between Leathead and the airport. The City Manager advised that staff are working with the Ministry of Transportation to come up affordable improvements in that area to make night time visibility easier for the motoring public and will keep Council updated.

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- (d) Councillor Cannan re: Amendment to Minutes of Public Hearing – May 18, 2004 (B/L 9211 and B/L 9212)

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R605/04/06/14 THAT the minutes of the May 18, 2004 Public Hearing dealing with agenda items 3(a) OCP03-0014 (Bylaw No. 9211) and 3(b) Z03-0071 (Bylaw No. 9212) (Paavilainen – 1170 Band Road), be amended on page 369 to correct the last bullet under comments by Linda Monti, 1160 Band Road, as follows:

Replace:

- “If the future park site is to be between Ray and Toovey Roads, then the people on Band Road would be gravely concerned about road safety.”;

With:

- “If the proposed new access road to the care home facility is to be off Band Road, then the Band Road residents would have a grave safety concern because all driveways would be funnelling out at the same point onto Band Road.”

Carried

- (e) Odour from Sewage Treatment Plant – Industrial Area off Bay Avenue

Councillor Day referred to a letter members of Council received about odour from the sewage treatment plant in the Bay Avenue area of the city. He noted that the replacement plant is in the design stage but the project is taking longer than anticipated because of the time it is taking to get an agreement in place between the participating industries that use the plant. The City Manager agreed to work with staff to see what can be done about the odour problem.

- (f) New Okanagan Lake Bridge

Councillor Hobson commented that if the contractor for the new bridge is going to be paid for every vehicle trip going over the bridge, in order to encourage transit a higher amount needs to be paid for buses than for cars. Also for the buses to get to their destinations on time, more consideration should be given to designing the approaches to the bridge to support the easy movement of transit (i.e. allow buses to cue jump to get around lines of traffic).

The City Manager advised that he discussed credit for buses with the Minister of Transportation and was told that the main issue is lane availability versus counting the number of vehicles going over the bridge, and that payment would be based on the number of hours per day that lanes are available for traffic. However, design changes to the bridge approaches may still be a possibility

Moved by Councillor Hobson/Seconded by Councillor Day

R606/04/06/14 THAT a letter be sent from the Mayor to the Minister of Transportation asking that more consideration be given to designing the approaches to the new Okanagan Lake bridge to support the easy movement of transit.

Carried

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9. TERMINATION

The meeting was declared terminated at 3:24 p.m.

Certified Correct:

Mayor

Acting City Clerk

BLH/am