

Regular Meeting – P.M.November 1, 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, November 1, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, 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; Acting City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi*; Manager of Development Services, A.V. Bruce*; Director of Works & Utilities, J. Vos*; Director of Parks & Leisure Services, D.L. Graham*; Community Planning Manager, T. Eichler*; Cultural Services Manager, L. Gunn*; Cemetery Manager, D. Radford*; Electrical Utility Manager, R. Carle*; Wastewater Manager, W.J. Berry*; Roads/Equipment Superintendent, D. Beaudry*; Transportation Demand Supervisor, J. Dombowsky*; 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. PUBLIC IN ATTENDANCE

3.1 Dr. Martha Piper, President and Vice Chancellor, University of British Columbia re: One Great University, Two Great Campuses – Vancouver and Kelowna

Dr. Martha Piper and Dr. Barry McBride, UBC:

- Overview of the new UBC Okanagan campus and how it will relate with the UBC campus in Vancouver.

3.2 Lesley Dieno, Executive Director and Don Nettleton, Financial Manager, Okanagan Regional Library District re: Upcoming Library Budget

Don Nettleton, Financial Manager:

- Overview of Okanagan Regional Library programs/accomplishments and their intended focus/goals for the future.

4. UNFINISHED BUSINESS

4.1 **Deferred from October 18, 2004 Regular Meeting** Planning & Corporate Services Department, dated October 7, 2004 re: Development Permit Application No. DP04-0111 – Mission Shores Developments (David Tyrell Architect Inc.) – 549, 557, 565 Glenmore Road

Staff:

- Council's decision regarding this application was deferred from the Regular Meeting of October 18, 2004 to this agenda. Since then, the applicant has met with representatives of the neighbourhood and agreed on a few changes to the project – none are significant enough to impact the overall form and character of the development.

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R1026/04/11/01 THAT Council authorize the issuance of Development Permit No. DP04-0111 for Lot 3, Section 32, Township 26, ODYD Plan KAP46006; Lot 1, Section 32, Township 26, ODYD Plan KAP46006; and Lot 4, Section 32, Township 26, ODYD Plan KAP46006, located on Glenmore 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;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

5. DEVELOPMENT APPLICATION REPORTS

- 5.1 Planning & Corporate Services Department, dated October 21, 2004 re: Development Permit Application No. DP04-0109 - The International Centre for Leadership Development and Evangelism (The Leadership Centre Willow Creek Canada) – 2000 Rutland Road North

Staff:

- The proposed 2-storey addition would be to the rear of the building. The application requires Council approval because the property is adjacent to ALR land on the south side.

Moved by Councillor Hobson/Seconded by Councillor Day

R1027/04/11/01 THAT Council authorize the issuance of Development Permit No. DP04-0109 for Lot 2, Section 10, Township 20, ODYD Plan 11852, located on Rutland Road, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building addition to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building addition to be constructed on the land be in general accordance with Schedule "B".

Carried

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- 5.2 (a) Planning & Corporate Services Department, dated October 20, 2004 re: Rezoning Application No. Z00-1012 – Edward and Kazimere Surowiec/Exclusive Investments (Edward Surowiec) – 145, 155, 165 Taylor Road and 1315, 1325, 1345 Highway 33 West

Moved by Councillor Hobson/Seconded by Councillor Day

R1028/04/11/01 THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 8587 (Z00-1012 – Exclusive Investments/Edward & Kazimere Surowiec – southeast corner of Highway 33 West/Taylor Road) **not** be given a further six month extension.

Carried

- (b) **BYLAW PRESENTED TO RESCIND 1ST, 2ND & 3RD READINGS AND CLOSE THE FILE**

Bylaw No. 8587 (Z00-1012) – Edward and Kazimere Surowiec/Exclusive Investments – Taylor Road and Highway 33 West

Moved by Councillor Day/Seconded by Councillor Cannan

R1029/04/11/01 THAT first, second and third readings given Bylaw No. 8587 under Resolution Nos. R734/00/08/29 and R759/00/09/12 be rescinded and the file closed.

Carried

- 5.3 Planning & Corporate Services Department, dated October 27, 2004 re: Rezoning Application No. Z01-1063 – Luigi Giovanni Russo (Tom Smithwick) – 982 & 1040 Old Vernon Road (B/L 8832; B/L 8833)

Moved by Councillor Hobson/Seconded by Councillor Day

R1030/04/11/01 THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Official Community Plan Amending Bylaw No. 8832 and Zone Amending Bylaw No. 8833 (Z01-1063 - Tom Smithwick/Porter Ramsay for Luigi Russo - Old Vernon Road) be extended from October 30, 2004 to April 30, 2005.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 9189 (Z03-0072) – Okanagan Sikh Temple and Cultural Society – 1145 & 1125 Rutland Road North

Moved by Councillor Horning/Seconded by Councillor Given

R1031/04/11/01 THAT Bylaw No. 9189 be adopted.

Carried

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7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Cultural Services Manager, dated October 20, 2004 re: Public Art Project – City of Kelowna 100th Anniversary (7800)

Paul Skuchuck, past president of the Public Art Commission:

- Presented details of the commission.

Moved by Councillor Given/Seconded by Councillor Hobson

R1032/04/11/01 THAT City Council approve the recommendation of the Public Art Committee to award to the Alternator Gallery for Contemporary Art of Kelowna the commission for the production and screening of, and accompanying catalogue/DVD for, "Temporal Transmissions", a series of seven short videos commemorating Kelowna's Centenary;

AND THAT the Mayor and Clerk be authorized to sign a contract with the Alternator Gallery for Contemporary Art for an amount not to exceed \$25,000 (funded from the Public Art Reserve) for the production of the work and catalogue/DVD and screenings between the months of May and October, 2005.

Carried

Councillors Clark and Shepherd opposed.

- 7.2 Cemetery Manager, dated October 26, 2004 re: Cemetery Bylaw 8807 Amendments (B/L9289; 4100-00)

Moved by Councillor Hobson/Seconded by Councillor Day

R1033/04/11/01 THAT Council approves increasing all fees at the Kelowna Memorial Park Cemetery on January 1, 2005 and January 1, 2006 by 2.5%;

AND THAT housekeeping items required to conform to the new Provincial Legislation of the Business Practices and Consumer Protection Act and the Cremation, Interment and Funeral Services Act be implemented;

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

Carried

- 7.3 Water/Drainage Manager, dated November 1, 2004 re: Award of Construction Contract TE04-11 – UV Disinfection System Installation Contract (5600-05)

Moved by Councillor Day/Seconded by Councillor Shepherd

R1034/04/11/01 THAT Council consideration of the report dated November 1, 2004 from the Water/Drainage Manager regarding Construction Contract TE04-11 (UV Disinfection System Installation) be deferred to a future date.

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- 7.4 Wastewater Manager, dated October 26, 2004 re: Miscellaneous Local Service Area (Spec Area) Additions (B/L9320; BL9321; BL9322, BL9323; BL9324 and BL9325; 5340-09)

Moved by Councillor Hobson/Seconded by Councillor Horning

R1035/04/11/01 THAT Bylaw 6891 be amended to add the following property to Sewer Specified Area No. 14 (Henkel Road and North Glenmore Road):

Lot A, Sections 4 and 9, Township 23, ODYD, Plan KAP61644;

AND THAT Bylaw 9320 being Amendment No. 1 to Sewer Specified Area No. 14 – Henkel Road and North Glenmore Road, be forwarded to Council for reading consideration;

AND FURTHER THAT once included in Sewer Specified Area No. 14 - Henkel Road and North Glenmore Road, this parcel be subject to all fees and charges specified by the original Bylaw No. 6891.

Carried

Moved by Councillor Hobson/Seconded by Councillor Horning

R1036/04/11/01 THAT Bylaw 8658 be amended to add the following properties to Sewer Specified Area No. 21A (McKenzie Bench):

Lots 1 and 2, Section 26, Township 26, ODYD Strata Plan KAS2030;

AND THAT Bylaw 9321, being Amendment No. 3 to Sewer Specified Area No. 21A – McKenzie Bench, be forwarded to Council for reading consideration;

AND FURTHER THAT once included in Sewer Specified Area No. 21A - McKenzie Bench, these parcels be subject to all fees and charges specified by the original Bylaw No. 8658.

Carried

Moved by Councillor Hobson/Seconded by Councillor Horning

R1037/04/11/01 THAT Bylaw 8929 be amended to add the following properties to Sewer Specified Area No. 20 – North Rutland:

- i) The North ½ Lot 3, Section 36, Township 26, ODYD, Plan 425;
- ii) Lot 1, Section 25, Township 26, ODYD, Plan 1515; and
- iii) Lot 8, Section 36, Township 26, ODYD, Plan 425;

AND THAT Bylaw 9322, being Amendment No. 2 to Sewer Specified Area No. 20 – North Rutland, be forwarded to Council for reading consideration;

AND FURTHER THAT once included in Sewer Specified Area No. 20 – North Rutland, these parcels be subject to all fees and charges specified by the original Bylaw No. 8929.

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Moved by Councillor Hobson/Seconded by Councillor Horning

R1038/04/11/01 THAT Bylaw 9088 be amended to add the following properties to Sewer Specified Area No. 28A – Okaview:

- i) Lot 116, Section 23, Township 28, SDYD, Plan 32591;
- ii) Lot 17, Section 23, Township 28, SDYD, Plan 18995;
- iii) Lot 3, Section 23, Township 28, SDYD, Plan 15234;
- iv) Lot 161, Section 23, Township 28, SDYD, Plan 32591; and
- v) Lot 141, Section 24, Township 28, SDYD, Plan 32591;

AND THAT Bylaw 9323, being Amendment No. 1 to Sewer Specified Area No. 28A – Okaview, be forwarded to Council for reading consideration;

AND THAT once included in Sewer Specified Area No. 28A – Okaview, these parcels be subject to all fees and charges specified by the original Bylaw No. 9088;

AND FURTHER THAT Bylaw No. 9324, being Amendment No. 15 to the Sewer Connection Charge Bylaw No. 8469, be amended to remove these parcels from Sewer Service Area No. 28.

Carried

Moved by Councillor Hobson/Seconded by Councillor Horning

R1039/04/11/01 THAT Bylaw 6440 be amended to add the following property to Sewer Specified Area No. 6 - Black Mountain and Toovey:

Lot 11, Sections 7 and 18, Township 27, ODYD, Plan 32945;

AND THAT Bylaw 9325, being Amendment No. 4 to Sewer Specified Area No. 6 – Black Mountain and Toovey, be forwarded to Council for reading consideration;

AND FURTHER THAT once included in Sewer Specified Area No. 6 – Black Mountain and Toovey, these parcels be subject to all fees and charges specified by the original Bylaw No. 8658.

Carried

7.5 Electrical Utilities Manager, dated October 27, 2004 re: Wholesale Power Purchase Agreement – FortisBC Inc. (1824-02)

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R1040/04/11/01 THAT the City of Kelowna enter into a new 5 year contract with FortisBC Inc. for the supply of power to the City of Kelowna's electrical utility in accordance to the terms and conditions outlined in the report of the Electrical Manager dated October 27, 2004;

AND THAT the Mayor and City Clerk be authorized to execute the contract documents.

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- 7.6 Director of Works & Utilities, dated October 27, 2004 re: Ditch Maintenance & Inspection Policy No. 321 (1280-01)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R1041/04/11/01 THAT Council approve the Ditch Maintenance and Inspection Policy as attached to the report dated October 27, 2004 from the Director of Works & Utilities;

AND THAT Council direct staff to bring forward a 2005 Provincial Budget submission to allow the hiring of a summer student in 2005 to put together an up to date ditch inventory.

Carried

- 7.7 Transportation Manager, dated October 22, 2004 re: On-Street Parking Meter Replacement Trial (5480-08)

Moved by Councillor Day/Seconded by Councillor Given

R1042/04/11/01 THAT City Council approve the issuance of an RFP for “Pay and Display” parking meters to be installed on Bernard Avenue on a limited trial basis with an option to purchase;

AND THAT Council approve the introduction of pay parking to Sunset Drive from Water Street to Manhattan Drive, and that it be included as part of the trial area.

Carried

- 7.8 Chair, Kelowna Parking Committee, dated October 27, 2004 re: Free Saturday Parking in Late November and December (5480-08)

Moved by Councillor Day/Seconded by Councillor Hobson

R1043/04/11/01 THAT Council approve free on-street parking in the Downtown area during Saturdays on November 27th, December 4th, 11th and 18th, 2004.

Carried

8. **BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

Mayor Gray enquired whether Council wished to deal with the first reading bylaws in one resolution. Councillor Cannan asked that agenda item No. 8.1 be considered separately.

- 8.1 Bylaw No. 9072 – Road Closure and Removal of Highway Dedication (Coronation Avenue)

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R1044/04/11/01 THAT Bylaw No. 9072 be read a first, second and third time.

Carried

Councillor Cannan opposed.

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- 8.2 Bylaw No. 9289 – Amendment No. 1 to Kelowna Memorial Park Cemetery Bylaw No. 8807

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R1045/04/11/01 THAT Bylaws No. 9289, 9320, 9321, 9322, 9323, 9324 and 9325 be read a first, second and third time.

Carried

- 8.3 Bylaw No. 9320 – Amendment No. 1 to Local Service Area (Sewer Specified Area) No. 14 Bylaw No. 6891 (Henkel Road and North Glenmore Road)

See resolution adopted under 8.2 above.

- 8.4 Bylaw No. 9321 – Amendment No. 3 to Local Service Area (Sewer Specified Area) No. 21A Bylaw No. 8658 (McKenzie Bench)

See resolution adopted under 8.2 above.

- 8.5 Bylaw No. 9322 – Amendment No. 2 to Local Service Area (Sewer Specified Area) No. 20 Bylaw No. 8929 (North Rutland)

See resolution adopted under 8.2 above.

- 8.6 Bylaw No. 9323 – Amendment No. 1 to Local Service Area (Sewer Specified Area) No. 28A Bylaw No. 9088 (Okaview)

See resolution adopted under 8.2 above.

- 8.7 Bylaw No. 9324 – Amendment No. 15 to Sewer Connection Charge Bylaw No. 8469

See resolution adopted under 8.2 above.

- 8.8 Bylaw No. 9325 – Amendment No. 4 to Local Service Area (Sewer Specified Area) No. 6 Bylaw No. 6440 (Black Mountain and Toovey)

See resolution adopted under 8.2 above.

(BYLAWS PRESENTED FOR ADOPTION)

- 8.9 Bylaw No. 9319 – Amendment No. 1 to Five Year Financial Plan, 2004-2008, Bylaw No. 9220

Moved by Councillor Shepherd/Seconded by Councillor Clark

R1046/04/11/01 THAT Bylaw No. 9319 be adopted.

Carried

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9. COUNCILLOR ITEMS

(a) Facility Rental – Laurel Packinghouse

Councillor Clark gave Council the heads-up that they may receive complaints from the public as a result of a recent decision of the Board of Directors for the Kelowna Museum to impose a moratorium on accepting bookings in the next month for private functions in the Laurel Packinghouse.

(b) OCP Guidelines for Multi-Family Development

Councillor Cannan noted that current OCP development guidelines do not address fire protection (i.e. materials being used) for multi-family developments. Referred to staff.

(c) Hillside Development Guidelines

Councillor Cannan commented that he is hearing negative feedback from the public regarding the hillside development taking place on Dilworth Mountain and requested a report from staff with suggestions on how the guidelines can be improved.

(d) Letter of Thanks to Irving K. Barber

Mayor Gray advised that he would be sending a letter from Mayor and Council on behalf of the community to express appreciation to Mr. Irving K. Barber who donated \$15 million to help establish the Irving K. Barber School of Arts and Sciences at UBC Okanagan.

10 TERMINATION

The meeting was declared terminated at 4:42 p.m.

Certified Correct:

Mayor

Acting City Clerk

BLH/am