

Regular Meeting – P.M.

February 14, 2005

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, February 14, 2005.

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; Manager of Development Services, A.V. Bruce*; Community Planning Manager, T. Eichler*; Director of Parks & Leisure Services, D.L. Graham*; Civic Properties Manager, J. Waugh*; Environment/Solid Waste Manager, M. Watt*; 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 Horning was requested to check the minutes of the meeting.

2.1 Travel Grant Presentation

Mayor Gray presented a bouquet of flowers and cheque in the amount of \$1,000 to Kelly Scott, Accounting Assistant and skip of the women's curling team who will be travelling to St. John's, to represent British Columbia in the 2005 Scott Tournament of Hearts, the Canadian National championships.

3. PUBLIC IN ATTENDANCE

3.1 Pat Hickerson, General Manager and Bob Hrasko, Engineer, Glenmore-Ellison Irrigation District (GEID) re: Presentation of the GEID 20 Year Capital Plan

Pat Hickerson and Bob Hrasko, GEID:

- Gave a power point presentation of the 2004 capital works plan for GEID and responded to questions of Council regarding the provision of water services.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R128/05/02/14 THAT Mayor Gray forward a letter to the GEID Board extending an invitation to meet with Council to discuss the future opportunities and challenges for providing water services within the region.

DEFEATED

Mayor Gray and Councillors Day, Given, Hobson, Horning and Shepherd opposed.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R129/05/02/14 THAT upon completion, the Joint Water Committee's strategic plan be forwarded to Council.

Carried

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4. DEVELOPMENT APPLICATIONS

- 4.1 Planning & Corporate Services Department, dated February 4, 2005 re: Development Permit Application No. DP04-0097 – Lexington Enterprises Ltd. (Steve Shoranick/MKS Resources Inc.) – 110-250 Hollywood Road South

Staff:

- The applicant is proposing to revise the layout from a previously approved Development Permit to allow for construction of a 4-storey, 67-unit, U-shaped building over an underground parking structure.

Moved by Councillor Horning/Seconded by Councillor Given

R130/05/02/14 THAT Council authorize the issuance of Development Permit No. DP04-0097 for Lot B, Sec. 22, Twp. 26, O.D.Y.D., Plan KAP65621 Exc. Strata Plan KAS2403 (Phases 1, 2 & 3), located on Hollywood 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

- 4.2 Text Amendment Application No. TA05-0001 – City of Kelowna (Mixed Use Developments in Urban Centre Areas) (BL9369)

- (a) Planning & Corporate Services Department, dated February 4, 2005

Staff:

- The wording of the C4 zone is unclear as to density. To clarify that, bonusing provisions are being added similar to what is in the RM5 zone to allow for an increased floor area ratio for projects incorporating some affordable housing or for underground parking.
- The C4 and C7 zones are being amended to clarify requirements for street front commercial in a mixed use building.
- The parking requirement is being reduced for the residential component of mixed use developments in the C4 zone to 1 per dwelling unit similar to the C7 zone.

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Councillor Blanleil declared a conflict of interest as an owner of a property that is zoned C4 and left the Council Chamber at 3:07 p.m.

Councillor Shepherd declared a conflict of interest because she has business interests in a property that is zoned C4 and left the Council Chamber at 3:08 p.m.

Moved by Councillor Hobson/Seconded by Councillor Given

R131/05/02/14 THAT Zoning Bylaw Text Amendment Application No. TA05-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by amending the wording in the C4 – Urban Centre Commercial zone, C7 – Central Business Commercial zone, and Section 8 – Parking and Loading, as outlined in the report of the Planning and Corporate Services Department dated February 4, 2005 be considered by Council;

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

Carried

BYLAW PRESENTED FOR FIRST READING

(b) Bylaw No. 9369 (TA05-0001) – City of Kelowna Zoning Bylaw Amendment (Mixed Use Developments)

Moved by Councillor Horning/Seconded by Councillor Given

R132/05/02/14 THAT Bylaw No. 9369 be read a first time.

Carried

Councillors Blanleil and Shepherd returned to the Council Chamber at 3:23 p.m.

Moved by Councillor Hobson/Seconded by Councillor Horning

R133/05/02/14 THAT Council direct staff and the Urban Centres Implementation Committee to develop a process/timeline and budget for considering additional height and density in the Rutland urban centre and report back to Council.

Carried

5. **BYLAWS (ZONING & DEVELOPMENT)**

(BYLAWS PRESENTED FOR ADOPTION)

5.1 Bylaw No. 9337 (Z04-0067a) – Kelowna Central Park Properties Ltd. and Salco Management Ltd. – 1500 Banks Road

Moved by Councillor Horning/Seconded by Councillor Given

R134/05/02/14 THAT Bylaw No. 9337 be adopted.

Carried

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- 5.2 Bylaw No. 9338 (Z04-0067b) – Kelowna Central Park Properties Ltd. and Salco Management Ltd. – 2400-2402 Highway 97 North

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R135/05/02/14 THAT Bylaw No. 9338 be adopted.

Carried

- 5.3 Bylaw No. 9343 (Z04-0068) – RAH Investments (Protech Consultants) – 644 Mugford Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R136/05/02/14 THAT Bylaw No. 9343 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Planning & Corporate Services Department, dated January 25, 2005 re: Appointment to Advisory Planning Commission (0540-00)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R137/05/02/14 THAT Council appoint Lorne Antle to the Advisory Planning Commission effective immediately for the term expiring December 31, 2005.

Carried

- 6.2 Planning & Corporate Services Department, dated February 1, 2005 re: Increased Dispersal Times and Liquor Primary Establishments

Staff:

- The Liquor Primary establishments listed in Table “A” of the report are the only establishments that are open until 2 a.m. and so qualify for this extension without a further resolution.
- If the ½ hour extension is supported by Council, any of the listed establishments would simply sign a revised Good Neighbour Agreement and forward it to the City of Kelowna with a copy to the Liquor Control Branch (LCB) in Victoria. The signed agreement and Council’s resolution of support would make it possible for Victoria to grant the extension. The General Manager of the Liquor Licensing Branch would determine if the trial period becomes permanent or gets rescinded.

Council:

- Staff to remind the managers of these establishments that they are responsible for what goes on in and outside of their facility.
- This extension allows patrons a full hour to finish their drinks and leave. For this to be successful, the establishments have to stop people from loading up with drinks at last call. Staff to relay this concern to the liquor inspector.
- Staff to let Council know after three month’s time how many of the establishments that qualify actually apply for the ½ hour extension.
- Agreed that the trial period can start anytime but end October 31, 2005.

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Moved by Councillor Horning/Seconded by Councillor Given

R138/05/02/14 THAT the report dated February 1, 2005 from the Planning and Corporate Services Department outlining recommended action for increased dispersal times for liquor primary licensed establishments be received for Council's information;

AND THAT Council support a half hour extension to dispersal times (from 2:30 a.m. to 3:00 a.m.) during a six month trial period ending October 31, 2005 for all liquor primary licensed establishments listed in Schedule "A" of this report;

AND FURTHER THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Branch in Victoria.

Carried

6.3 Community Planning Manager, dated February 2, 2005 re: 4 Pillars Health Canada Fund (0360-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

R139/05/02/14 THAT Council recognize that work conducted to this point by the Central Okanagan Four Pillars Coalition has expended funding from all sources, including the grant awarded by the City in 2004;

AND THAT Council authorize the necessary budget amendment and work necessary to administer a \$30,000 grant from Health Canada to assist the Central Okanagan Four Pillars Coalition in completing the Framework document and costing the recommended actions from the report;

AND FURTHER THAT Council authorize the Living Positive Resource Centre Society to continue to act as a host agency in administering the Health Canada funds and work that remains to be completed on behalf of the Central Okanagan Four Pillars Coalition.

Carried

6.4 Environment/Solid Waste Manager, dated February 9, 2005 re: Consultant Award for Compost Pre-Design & Design (5380-04)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R140/05/02/14 THAT Council approve the award for the pre-design, design and construction services for the new joint Vernon/Kelowna Biosolids Compost Facility to Associated Engineering Ltd for a total cost of \$351,362.00.

Carried

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- 6.5 Civic Properties Manager, dated February; 9, 2005 re: Renovations to City Hall and City Park Pavilion (0870-20)

Council:

- Staff to consider future potential for the downtown patrol and/or City bylaw enforcement staff sharing the RCMP office space in the Park Pavilion building.
- Staff to consider having the public washrooms accessed from inside the building instead of from outside the building for better security.
- Staff to consider submitting a budget request for upgrading the public washrooms in City Park this year.

Moved by Councillor Hobson/Seconded by Councillor Day

R141/05/02/14 THAT City Council approve the departmental relocation plan as outlined in the report from the Civic Properties Manager dated February 9, 2005;

AND THAT Council approve the allocation of \$85,000 from the Civic Facilities Reserve for the provision of an RCMP office, interview and support space at the City Park Pavilion;

AND THAT Council approve the transfer of \$35,000 from the Building Repair Reserve to replace the existing Pavilion HVAC system;

AND FURTHER THAT the 2005 Financial Plan be so amended.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9330 – Road Closure Bylaw – Abbott Street

Moved by Councillor Day/Seconded by Councillor Hobson

R142/05/02/14 THAT Bylaw No. 9330 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 7.2 Bylaw No. 9360 – Amendment to Sewerage System User Bylaw, 1972, No. 3480

Moved by Councillor Hobson/Seconded by Councillor Day

R143/05/02/14 THAT Bylaw No. 9360 be adopted.

Carried

- 7.3 Bylaw No. 9363 – Parcel Tax Bylaw – Bertram Street Local Area Service

Moved by Councillor Shepherd/Seconded by Councillor Given

R144/05/02/14 THAT Bylaw No. 9363 be adopted.

Carried

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8. COUNCILLOR ITEMS

(a) Dumpsters in Downtown Alleys

Councillor Shepherd asked for an update on plans to remove the dumpsters from the alleys behind commercial businesses in the downtown. Referred to staff.

(b) Letter from Mayor and Council to Mari McIntosh

Councillor Shepherd asked that a letter be sent from the Mayor and Council thanking Mari McIntosh for all her work in the community and wishing her a belated Happy Birthday. Her 90th birthday was on February 12, 2005.

(c) Long Term Plan for Transportation Corridor Protection

Councillor Cannan asked for an opportunity for Council to discuss whether there is interest in directing staff to look at a long term (30-50 year) plan for transportation corridor protection. Referred to City Manager.

(d) 100 Year Plan – Regional Growth Strategy

Councillor Hobson suggested that the regional growth strategy be reviewed with a view to identifying long term land use trends that can be used to build on a 100 year plan on a Valley wide basis.

9. TERMINATION

The meeting was declared terminated at 5:03 p.m.

Certified Correct:

Mayor

Acting City Clerk

/blh