

Regular Meeting – P.M.

June 13, 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, June 13, 2005.

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*; Subdivision Approving Officer, R.G. Shaughnessy*; Acting Manager of Policy, Research & Strategic Planning, G.L. Stephen*; Urban Design Planner, P.J. McCormick*; Recreation Manager, R. Oddleifson*; Civic Properties Manager, J. Waugh*; Inspection Services Manager, R. Dickinson*; Financial Accounting & Systems Manager, R. Mayne*; Wastewater Manager, W.J. Berry*; Electrical Utilities Manager, R. Carle*; Assistant Fire Chief, L. Wilde*; Assistant Fire Chief, K. Klonteig*; Roadways Engineer, F. Klotzbach*; 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 1:31 p.m.

2. Councillor Day was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.0 Coat of Arms - Veendam

Councillor Clark presented the Mayor with a painting of the redesigned Coat of Arms for Veendam, noting the redesign was done for their 350th anniversary and that he had received the painting from the Mayor of Veendam while on his recent visit to Veendam.

3.1 Presentations to Jeaven Asplico and Armelyn Dudero, Parents of Kelly Iona, Kelowna's Centennial Baby

Wayne Becker, Sponsorship Chair, Centennial Celebrations Committee, introduced the parents and baby girl Kelly Iona, born at 7:57 a.m. on May 5, 2005.

Mayor Gray presented the parents with an engraved sterling silver tray and \$200 in gift certificates for the Parkinson Recreation Centre.

Wendy Falkowski, Chair, Centennial Celebrations Committee and Reid Oddleifson, staff liaison to the committee presented a plaque with two centennial coins and the logo for the centennial; a solid silver charm engraved with 05-05-05, and centennial pins for Kelowna's 100th birthday.

Ron Russell, Russell & Associates Insurance & Financial Services, presented a \$1,000 donation toward a registered educational savings program for Kelly Iona.

3.2 CUTA Corporate Recognition Award Presentation

Mayor Gray advised that the Canadian Urban Transit Association corporate recognition award is to recognize outstanding achievement/exceptional performance and the prize for all of Canada has come to Kelowna.

Mike Docherty, manager of Transit in Kelowna, and Bob Grabinsky, Kelowna Transit, displayed the award and confirmed that the Farwest Transit employees were selected by the CUTA for this national award to recognize the Farwest transit employees for the emergency transportation they provided at the time of the firestorm in 2003.

3.3 Cliff McKenzie, Downtown Kelowna Association, and Chris Martin, President of CleanScapes in Seattle re: Dumpster Removal/Alley Improvement Program

Chris Martin, president of CleanScapes in Seattle:

- Outlined Seattle's dumpster-free alley program and issues for Kelowna to consider in making a similar program work in the downtown on a zone concept.
- CleanScapes is a for-profit company that gives employment to people in transition. The company is entirely privately funded.

Clint McKenzie, Executive Director, Downtown Kelowna Association (DKA):

- The purpose of the Downtown Kelowna Back Alley Enhancement Program is to encourage the removal of the garbage dumpsters currently serving the downtown. The DKA has been looking for ways to improve the downtown alleys for the last two years and is excited about implementing a program similar to Seattle's dumpster-free alley program.
- Displayed photos showing the unsightliness of dumpsters in downtown alleys, along with a photo of an alley where the dumpsters had been removed, the roadway cleaned, and sidewalk café tables set up to show how easily the ambience can be changed.
- The DKA is committed to implementing a dumpster removal/alley improvement program in Kelowna and would like a memorandum of agreement with the City to move this forward within a specified length of time. The DKA does not want to lose energy on this, and would be willing to start with the alleys west of Pandosy.
- The DKA also wants the opportunity to regulate the number of garbage contractors in the downtown.

Moved by Councillor Hobson/Seconded by Councillor Given

R546/05/06/13 THAT Kelowna City Council agrees in principle to support the phased removal of dumpsters in the downtown, subject to City staff working with the Downtown Kelowna Association to come up with a feasible alternative collection service and timelines for implementation.

Carried

Regular Meeting – P.M.June 13, 20054. DEVELOPMENT APPLICATIONS4.1 Rezoning Application No. Z05-0018 – Martin & Bonnie Dupree – 278 Old Vernon Road (BL9439)

- (a) Planning & Corporate Services report dated May 20, 2005.

Staff:

- The rezoning is required to facilitate a secondary suite in an accessory building proposed for construction at the rear of the property.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R547/05/06/13 THAT Rezoning Application No. Z05-0018 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Sec. 2, Twp. 23, ODYD Plan 11263 except that part lying west of a line drawn parallel to and perpendicularly distant 102.50 feet from the west boundary of said lot, located on Old Vernon Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone 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. 9439 (Z05-0018)
- Martin & Bonnie Dupree – 278 Old Vernon Road

Moved by Councillor Horning/Seconded by Councillor Given**R548/05/06/13** THAT Bylaw No. 9439 be read a first time.Carried

- 4.2 (a)
- BYLAW PRESENTED FOR 2nd & 3rd READINGS AND ADOPTION**
- (The Public Hearing was waived for this application).

Bylaw No. 9425 (Z05-0015) – P.R. Hotels (Kelowna) Ltd. (Barry Tomporowski Architect Ltd.) – 1651 Powick Road

Moved by Councillor Hobson/Seconded by Councillor Day

R549/05/06/13 THAT Bylaw No. 9425 be read a second and third time, and be adopted.

Carried

Regular Meeting – P.M.

June 13, 2005

- (b) Planning & Corporate Services Department, dated June 7, 2005 re: Development Permit Application No. DP05-0031 – P.R. Hotels (Kelowna) Ltd. (Barry Tomporowski Architect Ltd.) – 1651 Powick Road and 2480 Highway 97 North

Staff:

- The bylaw just adopted by Council rezones one of two properties that the applicant intends to consolidate and redevelop with two hotels. Phase one would be a 4-storey Marriott Hotel and phase two would be a 6-storey Hampton Inn.

Moved by Councillor Hobson/Seconded by Councillor Day

R550/05/06/13 THAT Council authorize the issuance of Development Permit No. DP05-0031 for Lot A, District Lot 125, ODYD Plan 39298 and Lot 3, District Lot 125, ODYD Plan 18724 located on Highway 97 North and Powick 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;
5. The eastern driveway access to the development on Powick Road be restricted with a delta island as per TAC page 3.2.9.3 Figure 3.2.9.1;
6. The applicant register a covenant on title alerting any future property owners that the left turns into Powick Road from Highway 97 are not necessarily there in perpetuity and Ministry of Transportation reserves the right to remove the left turns and restrict it to right turns only as traffic patterns change.

Carried

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

(BYLAWS PRESENTED FOR FIRST READING)

- 5.1 Bylaw No. 9437 (OCP05-0002) – Pasadena Estates Ltd./Gary Dober (Canwest Design Group/John Schlosser) – 4427, 4431 & 4433 Gordon Drive **Requires majority vote of Council (5)**

Moved by Councillor Shepherd/Seconded by Councillor Clark

R551/05/06/13 THAT Bylaw No. 9437 be read a first time.

Carried

Now that Council has given this OCP amendment first reading, in accordance with the Local Government Act this will confirm that the OCP amendment was considered in conjunction with the City's financial plan and waste management plan and staff have agreed that the application can go forward without affecting either of those two plans.

Regular Meeting – P.M.

June 13, 2005

- 5.2 Bylaw No. 9438 (Z05-0008) – Pasadena Estates Ltd./Gary Dober (Canwest Design Group/John Schlosser) – 4427, 4431 & 4433 Gordon Drive

Moved by Councillor Clark/Seconded by Councillor Shepherd

R552/05/06/13 THAT Bylaw No. 9438 be read a first time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 5.3 Bylaw No. 9374 (Z04-0086) - Gordon Wiancko and Jennie & Carey Coukell (Lynn Welder Consulting) – 727 & 737 Stremel Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R553/05/06/13 THAT Bylaw No. 9374 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Inspection Services Manager, dated June 1, 2005 re: ST04-25 – Application for Stratification of Tri-Plex – 190, 192 and 194 Scarboro Road

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward. There was no response.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R554/05/06/13 THAT the application to stratify the tri-plex at 190, 192 and 194 Scarboro Road be approved in the name of Gerry McDougall as agent for Jacquie McDougall and Gail Clark with no conditions.

Carried

- 6.2 Financial Accounting & Systems Manager, dated May 30, 2005 re: MFA Borrowing for Sewer Specified Area 20 (BL8929; 5341-20)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R555/05/06/13 THAT Council approves the borrowing from the Municipal Finance Authority of British Columbia, as part of their fall issue, **\$6,821,900**, as authorized through Loan Authorization Bylaw No. 8929, Sewer Specified Area No. 20 – North Rutland;

AND THAT the Regional District of the Central Okanagan be requested to consent to our borrowing over a 20 year term and include the borrowing in their security issuing bylaw.

Carried

Regular Meeting – P.M.

June 13, 2005

- 6.3 Transportation Manager, dated June 8, 2005 re: Award of Construction Contract TE05-07 – KLO Road Widening (5400-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

R556/05/06/13 THAT the Contract TE05-07 for construction of the KLO Road Widening be awarded to Peters Bros. Construction Ltd. for the amount of \$3,992,942.54, including GST;

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

Carried

- 6.4 Fire Chief, dated June 7, 2005 re: Purchase of a 1250 GPM Fire Engine (1280-01)

Moved by Councillor Hobson/Seconded by Councillor Day

R557/05/06/13 THAT Council approve the purchase of a 1250 GPM Fire Engine and Equipment for \$350,000;

AND THAT the 2005 Financial Plan be amended to provide for the purchase with funding from the Fire Equipment Replacement Reserve.

Carried

- 6.5 Wastewater Manager, dated May 31, 2005 re: Revision of Council Policy 292 (Utility Services Across Private Property) (5340-01)

Moved by Councillor Given/Seconded by Councillor Shepherd

R558/05/06/13 THAT Council Policy No. 292 (Utility Services Across Private Property) be amended as attached to the May 31, 2005 report from the Wastewater Manager.

Carried

- 6.6 Electrical Utility Manager, dated June 8, 2005 re: FortisBC Electrical Service Contract (5520-06; 2320-20)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R559/05/06/13 THAT Council approves a two year contract with FortisBC based on the Master Agreement and Schedules Contract between the City of Kelowna and Utilicorp British Columbia Ltd. dated October 2000;

AND THAT the Mayor and Clerk are authorized to sign the amended contract documents.

Carried

Regular Meeting – P.M.

June 13, 2005

- 6.7 Civic Properties Manager, dated June 8, 2005 re: Justice Institute Lease for 825 Walrod Street (0870-20)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R560/05/06/13 THAT City Council approve a lease for up to 5 years with the Justice Institute of B.C. for the City-owned property at 825 Walrod Street, the former French Immersion School;

AND THAT the Civic Properties Manager be authorized to sign the Lease on behalf of the City of Kelowna, based on the criteria outlined in his report dated June 8, 2005;

AND FURTHER THAT the 2005 budget be amended to reflect this increased revenue source.

Carried

- 6.8 Planning & Corporate Services Department, dated May 31, 2005 re: Proposed Naming of a Portion of Benvoulin Road (5450-20)

Moved by Councillor Given/Seconded by Councillor Hobson

R561/05/06/13 THAT Municipal Council consider re-naming that portion of Benvoulin Road situated east of Cooper Road and west of Dilworth Drive, and as identified on Schedule "A" attached to the report from the Planning & Corporate Services Department dated May 31, 2005, to Benvoulin Court.

AND THAT Staff be directed to prepare the necessary road name change bylaw.

Carried

- 6.9 Planning & Corporate Services, dated June 1, 2005 re: Outdoor Food and Beverage Program (6530-18)
 - Consultant's Report (G.D. Hamilton Associates) - Traffic Safety Risk Management – Downtown Outdoor Seating Areas

Staff:

- Recommendations include changing the program from seasonal to year-round; adopting risk assessment performance criteria; increasing the maximum number of parking stalls that may be occupied; allowing operation of an outdoor seating area for an unlimited number of years; restricting storage of furniture within outdoor seating areas during off-season; requiring structures to remain open to the street and sky; requiring a building permit in order to attach the structure to an adjoining building; changing the name of the program to Sidewalk Café Extension Program thus eliminating reference to 'seasonal'; and revising the Terms of Reference and Traffic Bylaw as required.

Council:

- Agreed to add "...and the structure is in good and safe repair" at the end of the first sentence under recommendation No. 4 on page 6 of the report.

Regular Meeting – P.M.

June 13, 2005

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R562/05/06/13 THAT Council endorse revisions to the Terms of Reference for the Sidewalk Café Extension Program as set out in the report dated June 1, 2005 from the Planning and Corporate Services Department, with a further revision to add "...and the structure is in good and safe repair" at the end of the first sentence under recommendation No. 4 on page 6 of the report;

AND THAT staff be directed to prepare a bylaw to amend Traffic Bylaw No. 8120 as required to accommodate the revisions, and advance the amending bylaw to Council for reading consideration.

Carried

6.10 Councillor Colin Day, Chair, Kelowna Parking Committee, dated June 7, 2005 re: Appointments to Kelowna Parking Committee (0360-20)

Moved by Councillor Day/Seconded by Councillor Hobson

R563/05/06/13 THAT Council approve the appointment of Mr. Jerry Hlady and Mr. Ted Roth as voting members of the Kelowna Parking Committee for the balance of the term ending December, 2005.

Carried

7. RESOLUTIONS

7.1 Draft Resolution re: 2005 Community Excellence Awards Program

Moved by Councillor Hobson/Seconded by Councillor Day

R564/05/06/13 THAT staff be authorized to submit applications to the Union of British Columbia Municipalities for awards in the **Leadership and Innovation category** as follows:

- Application by the Urban Forestry Supervisor re the City's comprehensive Fire/Fuel Management Plan, one of the first major planning projects for an entire urban area in B.C., which provided a forest inventory and risk assessment, and determined detailed short and long term fuel management strategies for City-owned lands;
- Application by the Water and Drainage Manager re the City's Ultra Violet Light water treatment system. UV transmitters are being installed at all four lake intakes to enhance the quality of the City's drinking water; the UV light inactivates *Giardia* and *Cryptosporidia*, water-borne parasites.
- Application by the Environment/Solid Waste Manager re the City's gas recovery project at the Glenmore Landfill. A microturbine will convert the gas to electricity which will be used to power landfill operations. In the future, power will be exported offsite and potential revenues could be realized.

AND THAT staff be authorized to submit an application to the Union of British Columbia Municipalities for an award in the **Partnerships category** as follows:

- Application by the Urban Forestry Supervisor re the City's involvement with School District 23 in planning and executing the mass tree planting event on May 5, 2005 which may qualify for the Guinness Book of World Records.

Carried

Regular Meeting – P.M.

June 13, 2005

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.1 Bylaw No. 9377 – Road Closure Bylaw – 140 Dougall Road

Carried

Moved by Councillor Hobson/Seconded by Councillor Day

R565/05/06/13 THAT Bylaws No. 9377 and 9417 be read a first, second and third time.

Carried

8.2 Bylaw No. 9417 – Road Closure Bylaw – Paret Road

See resolution adopted under 8.1.

8.3 Bylaw No. 9436 – Amendment No. 6 to Council Remuneration & Expense
Bylaw No. 7547

Moved by Councillor Hobson/Seconded by Councillor Day

R566/05/06/13 THAT Bylaw No. 9436 be read a first, second and third time.

Carried

Councillors Blanleil and Clark opposed.

(BYLAWS PRESENTED FOR ADOPTION)

8.4 Bylaw No. 9397 – Road Closure Bylaw – Union Road

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. There was no response.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R567/05/06/13 THAT Bylaw No. 9397 be adopted.

Carried

9. COUNCILLOR ITEMS

(a) Assistive Devices for the Hearing Impaired – City-Owned Facilities

Councillor Shepherd noted there are many products available for helping the hearing impaired and suggested that staff investigate potentially providing assistive devices in the Council Chamber and other City-owned facilities.

Regular Meeting – P.M.June 13, 2005(b) Letters of AppreciationMoved by Councillor Shepherd/Seconded by Councillor Hobson

R568/05/06/13 THAT letters be sent from the Mayor to the City of Kamloops and the City of Prince George to express appreciation to their firefighters who happened to be on the scene to take immediate action in the rescue of people when an overloaded houseboat capsized on the shores of Okanagan Lake in downtown Kelowna.

Carried(c) 3-1-1 Call System for Non-Emergency Information on City Services

Councillor Day commented on a workshop at the recent FCM convention in St. John's, Newfoundland, regarding a 3-1-1 call system for providing non-emergency information to the public about City-provided services. The City Manager advised that work is progressing on implementing 3-1-1 in Kelowna. Councillor Shepherd noted that an objective of the Four-Pillars Approach is to implement a 2-1-1 number for social agencies and suggested that the City Manager consider implementation of both numbers.

(d) Gas Tax Revenue

Councillor Day expressed frustration that the tiered system in the Province of British Columbia for the gas tax rebate is not equitable and asked that staff investigate and report to Council. Councillor Hobson clarified that there are three tiers in B.C. The Central Okanagan is in tier 2 and our agreement does not allow us to spend money on highways and bridges. UBCM staff are looking at the agreements signed with other provinces to ensure we get the same rights for how the money can be spent as the other provinces have. Councillor Clark noted there is unfairness between Kelowna, Kamloops and Prince George, and asked that the report from staff also address the inequities within the Province of British Columbia.

10. TERMINATION

The meeting was declared terminated at 4:47 p.m.

Certified Correct:

 Mayor

BLH/am

 City Clerk