

Regular Meeting – P.M.July 25, 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, July 25, 2005.

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

Council members absent: Councillors A.F. Blanleil, B.D. Given

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce*; Community Planning Manager, T. Eichler*, Parks Manager J. Creron*, Recreation Manager R. Oddleifson*, Director of Parks and Leisure Services D. Graham*, Park Design & Construction Supervisor A. Gibbs*, Airport Assistant Manager S. Samaddar*, Director of Financial Services P. Macklem*, Wastewater Manager B. Berry*, Roadways Engineer F. Klotzbach*, and Recording Secretary I. Tilstra.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:33 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Mohini Singh on Behalf of the Kelowna Indo-Canadian Community re: City of Kelowna's 100th Birthday Celebrations

- Moved to end of meeting.

Mayor Gray added the following item to the agenda:

3.2 Presentation by Kim Calloway, CKOV-Radio re: Citizen of the Century

- Kelowna's "Citizen of the Century" was announced at this year's Fat Cat Festival.
- Presented the Mayor with a plaque listing the six finalists and the winner, the Late Richard William (Billy) Jennens.

4. DEVELOPMENT APPLICATIONS

4.1 Planning & Corporate Service Department, dated July 15, 2005 re: Rezoning Application No. Z04-0013 – 672499 BC Ltd (Don Lloyd) – 3690 Gordon Drive (BL9268)

Moved by Councillor Hobson/Seconded by Councillor Day

R694/05/07/25 THAT Municipal Council authorize a 6 month extension to Rezoning Application No. Z04-0013 (Bylaw 9268) to expire on January 27, 2006.

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4.2 Official Community Plan Amendment No. OCP03-0003; Zoning Bylaw Text Amendment No. TA03-0004 and Rezoning Application No. Z03-0016 – Pier Mac Petroleum Installations Ltd. (Dell Balfour) – 5220, 5520 & 5822 Highway 97 North and 3575 Lochrem Road

- (a) Planning & Corporate Service Department, dated July 20, 2005

Moved by Councillor Shepherd/Seconded by Councillor Day

R695/05/07/25 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Official Community Plan Amending Bylaw No. 9109 (OCP03-0003); Text Amending Bylaw No. 9110 (TA03-004); and Zone Amending Bylaw No. 9111 (Z03-0016) – Pier Mac Petroleum Installations – Highway 97 and Lochrem Road) be extended for two – six month periods from November 18, 2004 to November 18, 2005;

AND THAT OCP Amending Bylaw No. 9109 be amended at 3rd reading by replacing the term “Comprehensive Development Project” in Section 1 with “Industrial, Commercial, and Major Park/Open Space”, and replacing Map “A” with the Revised Map “A” attached to the report of the Planning and Corporate Services Department dated July 20, 2005;

AND THAT Final Adoption of OCP Amending Bylaw No. 9109 be considered by Council;

AND THAT Final Adoption of Text Amending Bylaw No. 9110 be considered by Council;

AND FURTHER THAT Final Adoption of Zone Amending Bylaw No. 9111 be considered by Council.

Carried

BYLAW PRESENTED TO BE AMENDED AT THIRD READING AND ADOPTION

- (b) Bylaw No. 9109 (OCP03-0003) – Pier Mac Petroleum Installations (Dell Balfour) – 5220, 5520 & 5822 Highway 97 N and 3575 Lochrem Road

Moved by Councillor Cannan/Seconded by Councillor Day

R696/05/07/25 THAT Bylaw No. 9109 be adopted.

Carried

BYLAWS PRESENTED FOR ADOPTION

- (c) Bylaw No. 9110 (TA03-0004) – Pier Mac Petroleum Installations (Dell Balfour) – 5220, 5520 & 5822 Highway 97 N and 3575 Lochrem Road

Moved by Councillor Day/Seconded by Councillor Cannan

R697/05/07/25 THAT Bylaw No. 9110 be adopted.

Carried

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- (d) Bylaw No. 9111 (Z03-0016) – Pier Mac Petroleum Installations (Dell Balfour) – 5220, 5520 & 5822 Highway 97 N and 3575 Lochrem Road

Moved by Councillor Day/Seconded by Councillor Cannan

R698/05/07/25 THAT Bylaw No. 9111 be adopted.

Carried

- (e) Bylaw No. 9112 – Amendment No. 10 to Sign Bylaw No. 8235

Moved by Councillor Clark/Seconded by Councillor Shepherd

R699/05/07/25 THAT Bylaw No. 9112 be adopted.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 9431 (TA05-0006) – City of Kelowna – Amendments to Zoning Bylaw No. 8000

Moved by Councillor Shepherd/Seconded by Councillor Clark

R700/05/07/25 THAT Bylaw No. 9431 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Planning & Corporate Services Department, dated July 13, 2005 re: Proposed Re-Naming of a portion of Guisachan Road and a portion of Byrns Road (BL9470; 5450-20)

Staff:

- Notices advising of proposed road name changes are circulated to the community; two letters of response were received, one opposed.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R701/05/07/25 THAT Municipal Council consider re-naming that portion of Guisachan Road situated between Nelson Road and Burtch Road to *Guisachan Place* and re-naming a portion of Byrns Road situated between the proposed Guisachan Place and the new Guisachan Road alignment to *Burtch Road*, as identified on Schedule "A" attached to the report from the Planning & Corporate Services Department dated July 13, 2005;

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

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- 6.2 Community Planning Manager, dated July 15, 2005 re: Housing Opportunities Reserve Fund Bylaw No. 8593 (BL9471,BL9472,BL9473 5040-20)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R702/05/07/25 THAT OCP Bylaw Text Amendment No. OCP05-0014 to amend Kelowna 2020 – Official Community Plan Bylaw No. 7600 by amending the wording of Section 8.1.20 as outlined in the report of the Community Planning Manager dated July 15, 2005 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA05-0008 to amend City of Kelowna Zoning Bylaw No. 8000 by amending the definition of Special Needs Housing in Section 2 – Interpretation, as outlined in the report of the Community Planning Manager dated July 15, 2005 be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP05-0014 and Zoning Bylaw Text Amendment No. TA05-0008 be forwarded to a Public Hearing for further consideration;

AND THAT Council proceed with amending Housing Opportunities Fund Bylaw No. 8593 in accordance with the document attached to the report of the Community Planning Manager dated July 15, 2005 showing the proposed changes;

AND FURTHER THAT final adoption of the amendment to Housing Opportunities Fund Bylaw No. 8593 be considered subsequent to final adoption of the OCP amendment and Zoning text amendment bylaws.

Carried

BYLAWS PRESENTED FOR FIRST READING

- (a) Bylaw No. 9471 – (OCP05-0014) – Official Community Plan Amendment No. OCP05-0014 – Text Amendment Re: Use of Housing Opportunities Reserve Fund

Moved by Councillor Clark/Seconded by Councillor Shepherd

R703/05/07/25 THAT Bylaw No. 9471 be read a first time.

Carried

- (b) Bylaw No. 9472 – (TA05-0008) – City of Kelowna – Amending the Definition of Special Needs Housing

Moved by Councillor Clark/Seconded by Councillor Shepherd

R704/05/07/25 THAT Bylaw No. 9472 be read a first time.

Carried

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BYLAW PRESENTED FOR FIRST THREE READINGS

(c) Bylaw No. 9473 – Amendment No. 2 to Housing Opportunities

Moved by Councillor Shepherd/Seconded by Councillor Clark

R705/05/07/25 THAT Bylaw No. 9473 be read a first, second and third time.

Carried

6.3 Parks Manager, dated July 6, 2005 re: Naming of a Sportsfield after Bob Harrison (6130-11)

Moved by Councillor Hobson/Seconded by Councillor Horning

R706/05/07/25 THAT the all weather field (P72) at Mission Recreation Park be named Harrison Field.

Carried

6.4 Parks and Leisure Services Department, dated July 19, 2005 re: Legacy Stadium Complex – Phasing and Financing Plan (0711-20)

Council:

- Stated that a final decision regarding artificial vs. natural turf should not be made until more information is available regarding COYSA's possible participation.
- A staff report regarding that potential partnership was requested.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R707/05/07/25 THAT Council approve the Legacy Stadium Complex Phasing and Financing Plan as attached to the report from the Parks and Leisure Services Department dated July 19, 2005;

AND THAT staff continue to pursue a partnership with COYSA regarding the provision of additional artificial turf sports fields and report back to Council;

AND FURTHER THAT staff report back regarding potential partnership.

Carried

6.5 Airport General Manager, dated July 25, 2005 re: 2005 Air Terminal Rehabilitation – Kelowna International Airport (0550-05/6640-20-ATB)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R708/05/07/25 THAT Council approve awarding a construction contract in the amount of \$2,378,900.00 to Tri-City Contracting Ltd. for construction of an expansion to the Air Terminal Building at the Kelowna International Airport;

AND THAT Council approve an amendment to the 2005 Financial Plan to increase the budget from \$1,477,490.00 to \$2,956,000.00 for this project with funding from the Airport Improvement Fee.

Carried

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- 6.6 Airport General Manager, dated July 18, 2005 re: Common Use Self Service Equipment Implementation (0550-05)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R709/05/07/25 THAT Council approve an amendment to the 2005 Financial Plan to transfer the approved capital budget of \$100,000 for the Common Use Self Service kiosk implementation project from the Terminal Fee Reserve to the Airport Improvement Fee Reserve and to increase that budget to \$277,000;

AND THAT Council authorize the Airport General Manager to sign an agreement with Vancouver International Airport for the provision of Common Use Self Service application hosting and support services;

AND FURTHER THAT Council approve amending Airport Fees Bylaw No. 7982 to reflect an increase in the General Terminal Fee of \$0.07 per aircraft seat effective November 1, 2005.

Carried

- 6.7 Director of Financial Services, dated July 20, 2005 re: Utility Billing Customer Care, Water Meter and Meter Reading Services Contract – Terasen Utility Services (1820-20)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R710/05/07/25 THAT Council authorize the Mayor and City Clerk to sign a five-year agreement for the provision of customer care, water meter and meter reading services with Terasen Utility Services (TUS) for the period beginning January 31, 2006 subject to successful final negotiation of appendices as described in the July 20, 2005 report by the Director of Financial Services;

AND THAT the Director of Financial Services be authorized to continue investigation of Municipal Opportunities Development with the objective of lowering the annual TUS cost per customer fee for utility billing customer care services.

Carried

- 6.8 Financial Planning Manager, dated July 20, 2005 re: Wastewater – 20 Year Servicing Plan and Financing Strategy (BL9474, 3150-20)

Moved by Councillor Clark/Seconded by Councillor Cannan

R711/05/07/25 THAT Council approve an extension to the Development Cost Charge Sector A for both the Wastewater Trunks and Treatment boundaries to include the northeast corner of the city (extending from the current north boundary of Sector A to the City of Kelowna northern boundary);

AND THAT Kelowna Development Cost Charge Bylaw No. 9474 be advanced for reading consideration by Council;

AND FURTHER THAT final adoption be considered following approval of Bylaw No. 9474 by the Inspector of Municipalities with the boundary change to take effect on October 1, 2005.

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- 6.9 Transportation Manager, dated July 20, 2005 re: Award of Gordon Drive Upgrade Contract, Dehart to Stonybrook (5400-20-Gordon Drive Upgrade)

Staff:

- Will examine sidewalk maintenance issues and report back to Council.

Moved by Councillor Cannan/Seconded by Councillor Clark

R712/05/07/25 THAT the contract to upgrade Gordon Drive from Dehart Road to Thorneloe Road; Paret Road from Thorneloe Road to Stonybrook Road; and Stonybrook Road from Paret Road to east end be awarded to Peters Bros. Construction Ltd for the amount of \$3,585,865.32, including GST;

AND THAT the 2005 Financial Plan be amended to add \$200,000 to the Gordon Drive upgrade project with funding of 69% from the DCC and 31% from Arterial Roads reserves;

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

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9204 – Road Closure and Removal of Highway Dedication Bylaw – Walkway off Maranda Court.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R713/05/07/25 THAT Bylaws No. 9204, 9445, 9470 and 9474 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 9445 – A bylaw to change the name of a portion of Benvoulin Road east of Cooper Road and west of Dilworth Drive

See resolution adopted under agenda item No. 7.1.

- 7.3 Bylaw No. 9470 – A bylaw to change the name of a portion of Guisachan Road and Byrns Road

See resolution adopted under agenda item No. 7.1.

- 7.4 Bylaw No. 9474 – Amendment No. 1 to Kelowna Development Cost Charge Bylaw No.9095

See resolution adopted under agenda item No. 7.1.

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(BYLAWS PRESENTED FOR ADOPTION)

7.5 Bylaw No. 9395 – Road Closure Bylaw – Lane off Swordy Road

Moved by Councillor Cannan/Seconded by Councillor Day

R717/05/07/25 THAT Bylaw No. 9395 be adopted.

Carried

7.6 Bylaw No. 9446 – Amendment No. 5 to Traffic Bylaw No. 8120

Moved by Councillor Day/Seconded by Councillor Cannan

R718/05/07/25 THAT Bylaw No. 9446 be adopted.

Carried

7.8 Bylaw No. 9453 – Amendment No. 9 to City of Kelowna Parks and Public Spaces Bylaw No. 6819-91

Moved by Councillor Cannan/Seconded by Councillor Day

R719/05/07/25 THAT Bylaw No. 9453 be adopted.

Carried

7.9 Bylaw No. 9454 – Amendment No. 64 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Day/Seconded by Councillor Cannan

R720/05/07/25 THAT Bylaw No. 9454 be adopted.

Carried

7.10 Bylaw No. 9465 – Amendment No. 11 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Cannan/Seconded by Councillor Day

R721/05/07/25 THAT Bylaw No. 9465 be adopted.

Carried

8. COUNCILLOR ITEMS

(a) Hollywood Road Pedestrian Safety

Councillor Horning expressed concern regarding pedestrian safety crossing Hollywood Road between Willow Park Shopping Centre and Tim Horton's. City Manager will have staff take look.

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(b) Patio Entertainment

A local restaurant's patio entertainment had been shut down because of a complaint from an adjacent business. Currently, bylaws do not allow for any music on restaurant patios, although it does animate the downtown.

Moved by Councillor Cannan/Seconded by Councillor Horning

R722/05/07/25 THAT Council request city staff to review our present policies and report back to Council in two weeks with a recommendation as to how we can permit business owners to provide entertainment on their patio.

Carried

(c) Clement Avenue Construction

Councillor Cannan said that a resident on Clement Avenue is concerned about the lack of communication regarding the planned upgrade of the street.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R723/05/07/25 THAT Council direct staff to write a letter to the Clement Avenue property owners/residents providing them with the details as to when on-street parking on Clement Avenue will no longer be permitted and also how the property owners can initiate a local improvement to their lane and/or lighting to improve their public safety.

Carried

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Mohini Singh on Behalf of the Kelowna Indo-Canadian Community re: City of Kelowna's 100th Birthday Celebrations

- Mohini Singh, on behalf of the Kelowna Indo-Canadian Community, presented the Mayor with a framed photograph, video and DVD.
- The framed photograph is of the original Indo-Canadian families who settled in Kelowna; the video and DVD is a history of the contributions of the community to the history of Kelowna over the past 100 years.
- Mohini indicated that the names of those in the photo would be passed along to the City.

9. TERMINATION

The meeting was declared terminated at 3:52 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SCF/IT/am