

Regular Meeting – P.M.August 22, 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, August 22, 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; Deputy City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi*; Manager of Development Services, A.V. Bruce*; Acting Manager of Policy, Research & Strategic Planning, G.L. Stephen*; Urban Design Planner, P.J. McCormick*; Manager of Community Development & Real Estate, D.L. Shipclark*; Wastewater Manager, W.J. Berry*; Water/Drainage Manager, D. Degen*; Environment & Solid Waste Manager, M. Watt*; 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 Hobson was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Welcome to Visiting Delegation from Veendam Sister City

Withdrawn from the agenda.

3.2 Steven Francis, Canadian Blood Services re: Interior Drive for Life – Challenge Between Kelowna and Prince George

Steven Francis, Canadian Blood Services:

- The official kick-off for the annual challenge between Kelowna and Prince George, to see which city can donate the most units of blood, is August 23 to October 20, 2005. Kelowna and Prince George are tied with three wins each.
- The plaque from former challenges will be donated to the Kelowna Time Capsule. Displayed the trophy cup that will replace the plaque.

3.3 Gary August and John Whillis re: Presentation of a Digital Version of the 1905 Fire Map to the City of Kelowna Museum

John Whillis:

- The 1905 Fire Insurance Map was made by Chas E. Goad. On the back are the signatures of some of the old time residents and the dates they came to Kelowna.
- The map is very important as it identifies each of the commercial buildings at the time and includes critical information such as the type of building materials used for each building.
- On behalf of the Whillis family, presented a copy of the map to Nathalie Limbos-Bomberg, Associate Director of the Kelowna Museum.

Gary August:

- Presented duplicate colour copies of the fire insurance map to Mayor Gray for City Hall and to Fire Chief Gerry Zimmermann and Assistant Fire Chief Rene Blanleil for the Kelowna Fire Department.

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4. **UNFINISHED BUSINESS - Deferred from August 9, 2005 Regular Meeting**
(BYLAW PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)

4.1 **Bylaw No. 9466 (OCP03-0002) – Vintage Landing Area Structure Plan**
Requires majority vote of Council (5)

Councillor Blanleil noted that he was not in attendance at the Public Hearing on this application but that he has read the minutes of the Public Hearing as well as the correspondence that was forwarded to Council around this issue and so was prepared to vote on this issue.

A motion moved by Councillor Cannan to reopen the Public Hearing on Thursday, September 20, 2005 at 7:00 p.m. was lost due to lack of a seconder.

Moved by Councillor Given/Seconded by Councillor Horning

R786/05/08/22 THAT Bylaw No. 9466 be read a second and third time, and be adopted.

Carried

Councillors Cannan, Clark, Hobson and Shepherd opposed.

Council:

- Staff to review the timelines for providing a road connection between the Vintage Landing property and UBC-Okanagan and report back on the implications of accelerating the road connection.

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

4.2 **Bylaw No. 9467 (TA05-0007) – CD18 – Vintage Landing Comprehensive Resort Development Zone**

Moved by Councillor Given/Seconded by Councillor Horning

R787/05/08/22 THAT Bylaw No. 9467 be read a second and third time.

Carried

Councillors Cannan, Clark, Hobson and Shepherd opposed.

4.3 **Bylaw No. 9468 (Z03-0009) - 622664 BC Ltd., et al (Bob Evans and Grant Gaucher) – 1890 McKinley Road, end of Slater Road & West of Slater Road, 4001 & 3650 Finch Road, and Part of 2702 & 3650 Glenmore Road North**

Moved by Councillor Horning/Seconded by Councillor Given

R788/05/08/22 THAT Bylaw No. 9468 be read a second and third time.

Carried

Councillors Cannan, Clark, Hobson and Shepherd opposed.

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5. DEVELOPMENT APPLICATIONS

5.1 Official Community Plan Amendment No. OCP05-0013 – Bellasera Land Corp. (New Town Planning) – 1795 Country Club Drive (BL9479)

- (a) Planning & Corporate Services report dated July 29, 2005.

Staff:

- The rezoning would allow the 58 units of stacked rowhousing that, under the current zoning, are limited to a minimum 1 month residency period to be operated as an apartment hotel.
- Outlined minor changes that have been made to the site plan.
- The Advisory Planning Commission did not support the change in use. Staff feel that the proposed change would have minimal impact as the development would continue to have the form and character of a residential development. However, staff do not endorse the process the applicant has followed – marketing the project as a commercial product in advance of the rezoning.
- If approved, variances would be required for some setbacks and to allow no principal common entrance to the facility.

Council:

- Advertisements in the newspaper clearly state the potential for daily/monthly rentals.
- There are already two other similar developments to the north in the Quail Ridge development.
- The president of the Residents Association has sent in a letter expressing opposition to the monthly rental concept.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R789/05/08/22 THAT OCP Bylaw Amendment No. OCP05-0013 to amend Map 19.1 of the *Kelowna 2020* Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot C, Section 15, Township 23, ODYD, Plan KAP76105 located on Country Club Drive, Kelowna, B.C., from the Low Density Multiple Unit Residential designation to the Commercial designation be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the OCP amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

DEFEATED

Councillors Cannan, Clark, Day, Given, Hobson, Horning and Shepherd opposed.

5.1 **BYLAW PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9479 (OCP05-0013) – Bellasera Land Corp. (New Town Planning) – 1795 Country Club Drive

Not applicable because the application under 5.1(a) was defeated.

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- 5.2 Planning & Corporate Services Department, dated August 9, 2005 re: Rezoning Application No. Z01-1018 – Terry Robertson and Kelly Lawrence – 300 Dundas Road (BL8698)

Moved by Councillor Hobson/Seconded by Councillor Given

R790/05/08/22 THAT in accordance with the Development Application Procedures Bylaw No. 8698 the deadline for the adoption of Zone Amending Bylaw No. 8698 (Z01-1018, original applicant Tracy Arnold), 300 Dundas Road, be extended for a six month period to January 17, 2006.

Carried

- 5.3 Planning & Corporate Services Department, dated August 12, 2005 re: Rezoning Application No. Z02-1052 – Okanagan Manufacturer's Ltd. (Grant Maddock) – 3732 Highway 97 North (BL9105)

Moved by Councillor Shepherd/Seconded by Councillor Given

R791/05/08/22 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9105 (Z02-1052 – Grant Maddock), 3272 Highway 97 North be extended from May 18, 2005 to November 18, 2005.

Carried

- 5.4 Planning & Corporate Services Department, dated August 17, 2005 re: Rezoning Application No. Z03-0069 – Mary Cresswell – 902 Skyline Street (BL9276)

Moved by Councillor Hobson/Seconded by Councillor Given

R792/05/08/22 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9276 (Z03-0069 – Mary Cresswell), 902 Skyline Street be extended from August 10, 2005 to February 10, 2006.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST READING)

- 6.1 Bylaw No. 9480 (OCP05-0009) – R A Quality Homes Ltd. (Tony Kuhn Kuhn) – 632 Craig/Lacombe Road

Moved by Councillor Shepherd/Seconded by Councillor Clark

R793/05/08/22 THAT Bylaw No. 9480 be read a first time.

Carried

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- 6.2 Bylaw No. 9481 (Z05-0023) – R A Quality Homes Ltd. (Tony Kuhn Kuhn)
– 632 Craig/Lacombe Road

Councillor Cannan declared a conflict of interest because he has a political association with the applicant and left the Council Chamber at 3:08 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R794/05/08/22 THAT Bylaw No. 9481 be read a first time.

Carried

Councillor Cannan returned to the Council Chamber at 3:09 p.m.

(BYLAWS PRESENTED FOR ADOPTION)

- 6.3 Bylaw No. 9299 (LUC04-0001) – K. Kaminski Construction Ltd. – 2441-2453 Highway 97 North

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R795/05/08/22 THAT Bylaw No. 9299 be adopted.

Carried

- 6.4 Bylaw No. 9300 (Z04-0043) – K. Kaminski Construction Ltd. and City of Kelowna – 2441-2453 Highway 97 North and 2455 Highway 97 North

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R796/05/08/22 THAT Bylaw No. 9300 be adopted.

Carried

- 6.5 Bylaw 9385 (Z04-0083) - John & Sarina Weisbeck (David Pauls/D.E. Pilling & Associates Ltd.) – 1494 Feedham Avenue

Councillor Day declared a conflict of interest because owns property within the notification radius for this application and left the Council Chamber at 3:10 p.m.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R797/05/08/22 THAT Bylaw No. 9385 be adopted.

Carried

Councillor Day returned to the Council Chamber at 3:10 p.m.

- 6.6 Bylaw No. 9441 (Z04-0064) - Alfred & Christine Kempf (Pushor Mitchell) – 1276 Teasdale Road

Moved by Councillor Day/Seconded by Councillor Hobson

R798/05/08/22 THAT Bylaw No. 9441 be adopted.

Carried

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- 6.7 Bylaw No. 9444 (TA05-0004) – Zoning Bylaw Amendment – Industrial High Technology Research and Product Design – I4 – Central Industrial Zone

Moved by Councillor Hobson/Seconded by Councillor Day

R799/05/08/22 THAT Bylaw No. 9444 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.0 Planning & Corporate Services Department, dated August 18, 2005 re: Appointment to Advisory Planning Commission (0540-00)

Moved by Councillor Horning/Seconded by Councillor Shepherd

R800/05/08/22 THAT Council appoint Janet Digby to the Advisory Planning Commission effective immediately for the term expiring December 31, 2005;

AND THAT Council appoint Bill Wostradowski as an Alternate member to the Advisory Planning Commission effective immediately for the term expiring December 31, 2005.

Carried

- 7.1 Director of Planning & Corporate Services, dated August 17, 2005 re: Outdoor Food and Beverage Programs (6530-18)

Staff:

- The proposed changes set out the conditions by which entertainment could be provided in outdoor seating areas. Entertainment would be limited to live music, unamplified instruments and/or voices, restricted to stringed instruments, and confined within the permit area, with hours of operation restricted to 7 a.m. to 10 p.m. Permit holders would be required to use discretion regarding sound volumes and the permit could be revoked for lack of cooperation.
- Explained how enforcement would be done.

Council:

- Outdoor entertainment adds to the vitality/ambience of the area.
- Did not support restricting the type of instruments.
- Agreed to allow continued outdoor entertainment without imposing conditions for the remainder of the 2005 season to give the business owners an opportunity to demonstrate that they can cooperate with each other and have patio entertainment without problems.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R801/05/08/22 THAT further consideration of the Planning Department's report dated August 17, 2005 be deferred pending a report back from staff at the end of 2005 recommending how to incorporate patio entertainment into the food and beverage programs.

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- 7.2 Airport General Manager, dated August 18, 2005 re: Airporter Bus Service Licences – Kelowna International Airport (2320-20-8048; -8100 & -8045)

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R802/05/08/22 THAT Council award 5-year Airporter Bus Service Licences to the following companies:

593697 B.C. Ltd. d.b.a. Kelowna Airport Shuttle
Peach City Cabs (1986) Ltd. d.b.a. Penticton Airport Limo Shuttle
Vernon Airport Limousine Ltd.;

AND THAT Council authorize the Mayor and City Clerk to sign the agreements on behalf of the City of Kelowna;

AND THAT a bylaw be advanced for reading consideration by Council to amend Airport Fees Bylaw No. 7982 to reflect the following change in the concession fee:

20. Airporter Bus Service

Effective July 1, 2005 - 2% of gross revenue
Effective July 1, 2006 - 2.5% of gross revenue
Effective July 1, 2007 - 3% of gross revenue
Effective July 1, 2008 - 3.5% of gross revenue
Effective July 1, 2009 - 4% of gross revenue.

Carried

- 7.3 Wastewater Manager, dated August 9, 2005 re: Amend the 2005 Financial Plan – Sewer Replacement in Gordon Drive (5340-01)

Moved by Councillor Hobson/Seconded by Councillor Given

R803/05/08/22 THAT the 2005 Financial Plan be amended to include an expenditure of \$70,000 to allow the sewer main to be replaced in Gordon Drive, from High Road to Brant Avenue.

Carried

- 7.4 Water/Drainage Manager, dated August 22, 2005 re: Glenmore-Ellison Improvement District Boundary Amendment; South Okanagan Mission Improvement District Property Exclusion (5600-14)

Moved by Councillor Hobson/Seconded by Councillor Day

R804/05/08/22 THAT Council approve a request by the Glenmore Ellison Improvement District (GEID), as attached to the report dated August 22, 2005 from the Water/Drainage Manager, to amend its service area boundary to include the property described as:

- 1) Shayler Court – Lot 1 Plan 70569 Sec 20 Tp 29 ODYD;

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AND THAT Council approve the request by the South Okanagan Mission Improvement (SOMID), as attached to the report dated August 22, 2005 from the Water/Drainage Manager, to exclude four properties from its boundary described as:

- 2) Lot B Plan 30827 Windmill Ventures Ltd
- 3) Lot 1 Plan 33972 Windmill Ventures Ltd
- 4) Lot B Plan 30848 Similkameen Division Yale, 427743 B.C Ltd
- 5) Lot 1 Plan 25794 South Slopes Development Group.

Carried

7.5 Environment & Solid Waste Manager, dated August 17, 2005 re: Compost Site Grading and Project Update (TE05-12; 5380-03)

Moved by Councillor Day/Seconded by Councillor Blanleil

R805/05/08/22 THAT Council award the Site Grading Contract TE05-12, for the Kelowna–Vernon Compost Site to Intercoast Utilities Ltd. in the amount of \$519,277.42, including GST.

Carried

7.6 Transportation Demand Supervisor, dated August 16, 2005 re: Video Surveillance at Queensway Transit Station (8500-04)

Staff:

The costs would be for the new cameras for the Chapman Parkade and the necessary wiring for the conduit.

Council:

- Staff to bring forward the policies being drafted for use of the cameras, once the policies have been finalized, for Council's information.

Moved by Councillor Hobson/Seconded by Councillor Day

R806/05/08/22 THAT City Council endorse the use of Video Surveillance at the Queensway Transit Station in the interests of maintaining safety and security for Transit patrons;

AND THAT City Council approve the cost of implementing this proposal amounting to \$3,848.75 from Transit funding (Finance to confirm source) and \$9,760.44 from the Parking Reserve (plus taxes and permits), with a 10% contingency to allow for potential increases in external contract costs.

Carried

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7.7 Transportation Demand Supervisor, dated August 16, 2005 re: Downtown Parking Lot Landscape Plan (5480-08)

Staff:

- The plan sets a standard for redevelopment of parking lots in the downtown.
- The Kelowna Parking Committee has endorse the plan.

Gary Dewhurst, Landscape Architect with Sustainable Urban Systems:

- Showed the proposed conceptual landscape design for five different downtown parking lots, based on the plan before Council.
- Explained how the proposed landscape standards would make the downtown parking lots more environmentally friendly and provide identity to the parking lots.

Staff:

- Some parking stalls would be lost but how many will not be determine until the detailed design is completed for each parking lot.
- If the Downtown Parking Lot Landscape Plan is approved by Council, the Ellis/Lawrence parking lot would be first to be redeveloped, then the St. Paul South parking lot next to the former Mosaic Books building.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R807/05/08/22 THAT City Council adopt the Downtown Parking Lot Landscape Plan as the standard for parking lot re-development as presented.

Carried

7.8 Deputy City Clerk, dated August 18, 2005 re: Disclosure of Contract with Council Member (0930-20-082; 0550-01)

Staff:

- The City purchased the property at 1810 Spall Road in 1989 as part of the Spall Road widening project.
- The property at 1810 Spall Road (southwest corner of Highway 97 and Spall Road) was offered for sale in the early 1990s and an offer was accepted but they defaulted and the City kept their \$60,000 deposit.
- The property was relisted in 2004 through MLS. Offers were received, each time subject to due diligence which resulted in the offers being withdrawn.
- In June 2005, the City accepted an offer from Blanleil Holdings Ltd. to purchase the property for \$280,000. Two days later, a back-up offer was also accepted from another firm for the same price. The subject to clauses on Blanleil's offer were removed first and the transaction was finalized.
- Every time this offer was reviewed with Council, Councillor Blanleil was advised in advance and he removed himself from the meetings.
- The value is deemed to be fair market value, supported by third party appraisal and through a real estate agent.

Moved by Councillor Hobson/Seconded by Councillor Given

R808/05/08/22 THAT the report of the Deputy City Clerk dated August 18th, 2005 disclosing the City's acceptance of an offer from a company owned by Councillor Andre Blanleil to purchase the City-owned property at 1810 Spall Road be received for information.

Carried

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8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

8.1 Bylaw No. 9475 – Amendment No. 10 to Airport Fees Bylaw No. 7982

Moved by Councillor Day/Seconded by Councillor Hobson

R809/05/08/22 THAT Bylaw No. 9475 be adopted.

Carried

8.2 Bylaw No. 9478 – Amendment No. 13 to Sign Bylaw No. 8235

Moved by Councillor Horning/Seconded by Councillor Given

R810/05/08/22 THAT Bylaw No. 9478 be adopted.

Carried

(BYLAW PRESENTED TO RESCIND ADOPTION)

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

Moved by Councillor Clark/Seconded by Councillor Shepherd

R811/05/08/22 THAT final adoption given Bylaw No. 9474 on August 9, 2005 be rescinded.

Carried

9. COUNCILLOR ITEMS

(a) Traffic Movement Across Okanagan Lake Bridge

Councillor Shepherd noted that many people were inconvenienced (missed airline flights, missed appointments, were late for work, etc.) on August 11th when a Pepsi truck caught fire on the Westside resulting in an inordinately long traffic delay. She suggested that Economic Development Officer Robert Fine be asked to evaluate the economic impact of that incident (obtain data from the airline industry and local businesses) so that the information can be used when arguing for a second bridge crossing sooner than later with Transportation Minister Kevin Falcon. City Manager will contact Mr. Fine.

Councillor Hobson commented on the need to have adequate equipment available to deal with this type of emergency, and that the procedure used by the RCMP and the trucking companies for removal of the vehicle should also be reviewed. He suggested that Council write the Minister of Transportation to see what can be learned from this incident and what can be done to prevent this from happening again.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R812/05/08/22 THAT a letter be sent from the Mayor and Council to The Hon. Kevin Falcon, Minister of Transportation, asking for a full explanation of what happened in the August 11th truck fire incident on the Westside and how the prolonged delay in traffic can be avoided in future.

Carried

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(b) Resignation from Council – Councillor Horning

Councillor Horning read and submitted a letter of resignation effective September 1, 2005 having been elected to the B.C. legislative assembly.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R813/05/08/22 THAT there not be a bi-election to fill the Council position that will be vacated with Councillor Horning's resignation taking effect September 1, 2005.

Carried

(c) Letters of Appreciation

Councillor Blanleil asked that the Mayor write a letter on behalf of Council to Bob Nicholson of Hockey Canada, congratulating him on the successful Olympic orientation camp held at Prospera Place last week, and thanking him for choosing Kelowna for the event.

Councillor Cannan asked that the Mayor write a letter on behalf of Council thanking the volunteers from Diving Dynamics for cleaning garbage from the lake and making our beaches safer and cleaner for the public.

(d) Paving at Benvoulin/KLO Roads

Councillor Hobson advised that the area farmers want the road paved at Benvoulin/KLO next week to reduce the risk of bruising when they are hauling their apples out of Southeast Kelowna. The City Manager responded advising that the contractor is already working overtime but staff will do what they can to try to get the road paved by Labour Day.

(e) Request for Speed Control Measures for Dehart Road

Councillor Hobson referred to a letter from residents of upper Dehart Road offering suggested road improvements to address safety concerns as a result of motorists speeding and poor sight lines at Crawford/Dehart. Referred to staff.

(f) Bike Lanes on the Okanagan Lake Bridge

Mayor Gray outlined an idea for how a single 3 m wide sidewalk/bike lane on one side of the new Bennett bridge (as opposed to having one on each side), could be a potential solution for getting emergency vehicles across the 5-lane bridge.

Moved by Councillor Hobson/Seconded by Councillor Given

R814/05/08/22 THAT the Mayor write a letter on behalf of Council to The Hon. Kevin Falcon, Minister of Transportation, with copies as appropriate, to officially propose that the new 5-lane Okanagan Lake Bridge be designed with a single sidewalk/bike lane as opposed to sidewalks along both sides, with bulges at regular intervals and a method of telling pedestrians/cyclists when to move to one of the bulges in order that emergency vehicles can use the lane to cross the bridge.

Carried

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10. TERMINATION

The meeting terminated at 5:20 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/am