

Regular Meeting – P.M.

January 23, 2006

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, January 23, 2006.

Council members in attendance: Mayor Sharon Shepherd, Councillors A.F. Blangleil, B.A. Clark, C.B. Day, B.D. Given, C.M. Gran, R.D. Hobson, N.J. Letnick and M.J. Rule.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce*; Financial Accounting & Systems Manager, R. Mayne*; Water & Drainage Manager, D. Degen*; Director of Recreation Parks & Cultural Services, D.L. Graham*; Development Manager, Recreation Parks & Cultural Services, R. Oddleifson*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:30 p.m.

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

Moved by Councillor Rule/Seconded by Councillor Gran

R073/06/01/23 THAT an item be added to the agenda under Public in Attendance (Item No. 3.0).

Carried

3. PUBLIC IN ATTENDANCE

3.0 Acknowledgement of Mayor's Birthday

- 3.1 Dr. Piper and Dr. McBride, University of British Columbia-Okanagan re: UBC-Okanagan Update: Foundation for the Future

Dr. Martha Piper, President, UBC-Okanagan:

- Update of UBC-O activities and presentation of the Campus Master Plan.

4. UNFINISHED BUSINESS

- 4.1 Planning & Corporate Services Department dated January 16, 2006 re: Supplemental Report – Request for Clarification on Mayor's Entertainment District Task Force Policy Contained in Council Policy No. 315 – Liquor Licensing Procedures (lp) and Retail Liquor Sales (rls)

Staff:

- Staff reported to Council at the Regular Meeting of December 12, 2005 after learning that a business in the "yellow zone" of the downtown was offering banquet and entertainment facilities and relying on Special Occasion Liquor Licenses for liquor service. The staff recommendation at that time was to amend City policies to prohibit the issuance of Special Occasion Licenses in the "yellow zone"; however, Council instructed staff to have further dialogue with the business proprietor and the RCMP and consider options for reviewing special occasion liquor licenses in the downtown area.

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- Having done that, the recommendation before Council now is to hold off on amending the Council Policy and continue to allow issuance of Special Occasion Licenses for events at the Habitat facility for a 6 month trial period.
- Confirmed that the written submission from the business proprietor clarifying his understanding of the meetings with staff and the RCMP are consistent with staff's understanding of what was agreed upon at the meetings.

Moved by Councillor Given/Seconded by Councillor Gran

R074/06/01/23 THAT the report dated January 16, 2006 from the Planning and Corporate Services Department following-up on the request for clarification of Council's position regarding the issuance of special occasion liquor licenses for businesses in the "yellow area" and related amendments to Council Policy No. 315 be received for Council's information;

AND THAT Council direct staff to monitor the Habitat Banquet/Entertainment facility with regard to conformity to City Bylaws and Provincial Liquor Licensing Regulations and report back in six month's time.

DEFEATED

Mayor Shepherd and Councillors Blanleil, Clark, Day, Given, Gran, Hobson and Letnick opposed.

Moved by Councillor Gran/Seconded by Councillor Given

R075/06/01/23 THAT the report dated November 22, 2005 from the Planning and Corporate Services Department requesting clarification of Council's position regarding the issuance of special occasion liquor licenses for businesses in the "yellow area" and related amendments to Council Policy No. 315 be received for Council's information;

AND THAT Council direct staff to amend Council Policy No. 315 to prohibit the issuance of any Special Occasion Liquor Licenses in the "yellow area" as identified by the Downtown Plan;

AND FURTHER THAT Council formally request that the local detachment of the RCMP not endorse any Special Occasion License requests within the "yellow area" identified by the Kelowna Downtown Plan, effective December 1, 2005.

DEFEATED

Mayor Shepherd and Councillors Blanleil, Hobson, Letnick and Rule opposed.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R076/06/01/23 THAT staff bring back a more precise amendment to Council Policy No. 315 that provides for conditional issuance of special occasion liquor licenses for businesses in the "yellow area" of the downtown, and that takes into consideration the issues of concern for the RCMP.

Carried

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- (a) Planning & Corporate Services report dated January 11, 2006.

Moved by Councillor Given/Seconded by Councillor Blanleil

R077/06/01/23 THAT Rezoning Application No. Z05-0080 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 2, Township 26, ODYD Plan KAP55225, located on Seddon Road, Kelowna, B.C., from the RR2 – Rural Residential 2 zone to the RR2s – Rural Residential 2 with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the South East Kelowna Irrigation District being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Interior Health being completed to their satisfaction.

Carried

- (b)
- BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9551 (Z05-0080) – Ray Bergen – 4150 Seddon RoadMoved by Councillor Letnick/Seconded by Councillor Gran**R078/06/01/23** THAT Bylaw No. 9551 be read a first time.Carried5.2 Planning & Corporate Services Department, dated January 16, 2006 re: Rezoning Application No. Z05-0016 and OCP05-0004 – Gazelle Enterprises et al (Grant Gaucher) – 565 South Crest Drive (BL9432; BL9433)Moved by Councillor Given/Seconded by Councillor Day

R079/06/01/23 THAT the report dated January 16, 2006 from the Planning & Corporate Services Department regarding Rezoning Application No. Z05-0016 be received for information;

AND THAT the OCP and zone amending bylaws No. 9432 and No. 9433 be advanced to Public Hearing and for second and third reading consideration on February 21, 2006.

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- 5.3 Planning & Corporate Services Department, dated January 18, 2006 re: Rezoning Application No. Z04-0048 – 218555 BC Ltd., Cheville Investments Ltd., and 298874 BC Ltd. (Wayne Rains/Advance Precast Ltd.) – 745, 765 & 793 Stremel Road (VL9354)

Moved by Councillor Given/Seconded by Councillor Blanleil

R080/06/01/23 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9354 (Z04-0048 – 21844 BC Ltd., et al – Stremel Road) be extended from February 22, 2006 to August 22, 2006.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Financial Accounting & Systems Manager, dated January 5, 2006 re: Mileage Reimbursement Allowance (1800-00)

Moved by Councillor Given/Seconded by Councillor Day

R081/06/01/23 THAT Council Policy 253 – Use of City Owned and Personal Vehicles for City Use be amended as follows:

- specify that “persons eligible for this program are those who travel greater than 2,000 kilometres and less than 10,000 per year for business purposes”;
- increase the monthly flat rate from \$150.00 per month to \$200.00 per month;
- change the per kilometre rate for the first 5,000 kilometres driven in a calendar year from “\$0.45 per kilometre” to, “the tax exempt per kilometre allowance recommended by the Canada Revenue Agency”;
- reaffirm the rate for kilometres driven over 5,000 in a calendar year remains at \$0.24;

AND THAT Council Policy 164 – Travel Expenses be amended to change the rate for occasional users from “\$0.45 per kilometre” to “the tax exempt per kilometre allowance recommended by the Canada Revenue Agency”.

Carried

- 6.2 Water/Drainage Manager, dated January 18, 2006 re: 2005 Water Smart Program Overview and 2006 Plan (5600-08)

Moved by Councillor Given/Seconded by Councillor Rule

R082/06/01/23 THAT Council receive, as information, the 2005 Water Smart Program overview and the 2006 Water Smart Program Plan.

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- 6.3 Director of Recreation, Parks and Cultural Services, dated January 16, 2006 re: Early Partnering Agreement for the Design of the Mission Recreation Park Aquatic Centre (0760-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R083/06/01/23 THAT City Council approve the Early Partnering Agreement with PCL Constructors Westcoast Inc. as attached to the January 16, 2006 report from the Director of Recreation Parks and Cultural Services;

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

Carried

- 6.4 City Clerk, dated January 13, 2006 re: Alternative Approval Process – Disposition of City Land – 510 Bernard Avenue (0930-20-097)

Moved by Councillor Day/Seconded by Councillor Hobson

R084/06/01/23 THAT Council receive the Certificate of Sufficiency dated January 13, 2006 pertaining to the City of Kelowna entering into an Agreement for a Licence of Occupation with 0726550 B.C. Ltd to allow the Licensee to use a portion of the Dedicated Road in order to complete the building façade renovations for the building located at 510 Bernard Avenue (the Land known as Lot A, DL 139, ODYD, Plan 22310) for a term of 25 years.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 7.1 Bylaw No. 9545 – Parcel Tax Bylaw – Pasadena Road

Moved by Councillor Day/Seconded by Councillor Blanleil

R085/06/01/23 THAT Bylaw No. 9545 be adopted.

Carried

- 7.2 Bylaw No. 9546 – Parcel Tax Bylaw – Wilkinson Street

Moved by Councillor Rule/Seconded by Councillor Day

R086/06/01/23 THAT Bylaw No. 9546 be adopted.

Carried

- 7.3 Bylaw No. 9549 – Amendment No. 12 to Subdivision, Development and Servicing Bylaw No. 7900

Moved by Councillor Rule/Seconded by Councillor Blanleil

R087/06/01/23 THAT Bylaw No. 9549 be adopted.

Carried

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8. COUNCILLOR ITEMS

(a) Contract Wording - Lease for Use of City Facilities

Councillor Clark referred to the recent decision made by the head of the Kelowna Minor Hockey Association to ban the mother of one of the players from attending games in response to a letter she sent to the Association after the January 11-14 tournament that was held in Kelowna. Councillor Clark asked that staff review the City's leasing contract to ensure the wording does not give the lessee the authority to ban people from entering the facility. Referred to City Manager.

(b) Alternative Approval Process

Mayor Shepherd asked that staff check to see if other municipalities have a policy for when Council should and should not use the Alternative Approval Process as opposed to going to Referendum for elector approval.

9. TERMINATION

The meeting was declared terminated at 4:10 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/am