

City of Kelowna

Regular Council Meeting

AGENDA



Monday, February 17, 2014

11:00 am

Knox Mountain Meeting Room (#4A)

City Hall, 1435 Water Street

Pages

1. Call to Order
2. Confirmation of Minutes 2 - 4
Regular AM Meeting - February 3, 2014
3. Reports

3.1 SILGA Resolutions 5 m 5 - 14

To provide Council with a list of the City of Kelowna resolutions forwarded to SILGA/UBCM over the past term.
4. Resolution Closing the Meeting to the Public

THAT this meeting be closed to the public pursuant to Section 90(1) (a) and (k) of the Community Charter for Council to deal with matters relating to the following:
 - Position Appointment;
 - Provision of a Municipal Service.
5. Adjourn to Closed Session
6. Reconvene Open Session
7. Issues Arising from Correspondence & Community Concerns

7.1 Deputy Mayor Given, re: Issues Arising from Correspondence 15 m
8. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, February 3, 2014
 Location: Knox Mountain Meeting Room (#4A)
 City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran*, Andre Blanleil, Maxine DeHart, Gail Given, Mohini Singh, Luke Stack* and Gerry Zimmermann

Council Members Absent: Councillor Robert Hobson

Staff Present: City Manager, Ron Mattiussi; Deputy City Manager, Paul Macklem*; Divisional Director, Human Resources & Corporate Performance, Stu Leatherdale; Fire Chief, Jeff Carlisle*; Deputy Fire Chief, Jason Brolund*; City Clerk, Stephen Fleming; and Council Recording Secretary, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 9:22 a.m.

The City Manager commented on the 'City Manager Shadowing Initiative'.

2. Confirmation of Minutes

Moved By Councillor Zimmermann/Seconded By Councillor Basran

R055/14/02/03 THAT the Minutes of the Regular AM Meeting of January 27, 2014 be confirmed as circulated.

Carried

3. Resolution Closing the Meeting to the Public

Moved By Councillor DeHart/Seconded By Councillor Singh

R056/14/02/03 THAT this meeting be closed to the public to Section 90(1) (e) and (k) of the Community Charter for Council to deal with matters relating to the following:

- Acquisition, Disposition, or Expropriation, of Land or Improvements; and
- Provision of a Municipal Service.

Carried

4. Adjourn to Closed Session

The meeting adjourned to a closed session at 9:25 a.m.

5. Reconvene Open Session

The meeting reconvened to an open session 12:07 p.m.

6. Issues Arising from Correspondence & Community Concerns

6.1. Mayor Gray, re: Issues Arising from Correspondence

Mayor Gray:

- Advised that staff is arranging a meeting with the three (3) local MLA's and Council and that it is anticipated that the meeting will be held sometime in March.
- Advised that staff is also arranging a meeting with the Ministry of Transportation.
- Reminded Council that the Lieutenant Governor will be attending Kelowna on February 17th.

6.2. Southern Interior Local Government Association (SILGA) Convention - Call for Nominations

Council:

- Had a general discussion regarding any Resolutions that Council may want to bring forward at the SILGA Convention.

Mayor Gray:

- Confirmed that Resolutions have to be vetted through SILGA before they can be presented to UBCM.
- Requested that staff provide Council with a list of previous Resolutions at the next Council Meeting.

6.3. City Manager, re: Grant-in-Aid Request - Urban Sustainability Forum

City Manager:

- Advised that a grant-in-aid request has been received by the City regarding the Urban Sustainability Forum.
- Confirmed that the request meets the grant-in-aid criteria.

Moved By Councillor Given/Seconded By Councillor Stack

R057/14/02/03 THAT Council receives, for information, the grant-in-aid request with respect to the Urban Sustainability Forum being held on February 13, 2014 at the Rotary Centre for the Arts;

AND THAT Council authorizes the amount of up to \$700.00 as per Council Policy No. 58, Grant-in-Aid Funding Requests, towards sponsorship of the 2014 Urban Sustainability Forum.

Carried

6.3. Councillor Stack, re: Pandosy Waterfront Project Website

Councillor Stack:

- Expressed a concern with the Pandosy Waterfront website.
- Noted that it is difficult to provide input on the project once on the website and expressed a concern that any difficulties may result in people not providing comment.

7. Termination

The meeting was terminated at 12:20 p.m.

Mayor

/slh



City Clerk

Report to Council



Date: February 17, 2014

File: 0700-20

To: City Manager

From: City Clerk

Subject: SILGA Resolutions

Report Prepared by: Deputy City Clerk

Recommendation:

THAT Council receive the report of the City Clerk, dated February 17, 2014 regarding SILGA Resolutions from 2011-2014 for information.

Purpose:

To provide Council with a list of the City of Kelowna resolutions forwarded to SILGA/UBCM over the past term.

Background:

During discussions at the February 03, 2014 meeting of Council regarding SILGA nominations, Council requested a list of **previous SILGA/UBCM Resolutions that were previously brought forward by the City of Kelowna in order to determine if there are further resolutions Council would like to be considered at the upcoming SILGA Convention.**

The Resolutions (attached) are as follows:

**2012 Increase Funding and Resources for Agricultural Protection
Increase Funding and Resources for Stream Protection**

**2013 Prohibiting Excessive Vehicle Noise
Recreational Water Quality Testing Procedures**

Considerations not applicable to this report:

Internal Circulation:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:

S. Fleming, City Clerk

Attachments:

SILGA Resolutions:

Increase Funding and Resources for Agricultural Protection

Increase Funding and Resources for Stream Protection

Prohibiting Excessive Vehicle Noise

Recreational Water Quality Testing Procedures

February 25, 2013

SILGA Resolution (1 of 2)



Recreational Water Quality Testing Procedures

City of Kelowna

WHEREAS the BC Health Authorities are considering changes to the testing procedures for recreational water based upon the 3rd Edition of the Guidelines for Canadian Recreational Water Quality published by Health Canada;

AND WHEREAS the new Guidelines advise the issuing of a beach water quality advisory after a single sample maximum concentration of 400 E.coli/100ml which may result in significantly more beach water advisories but may not result in a significant benefit to public health;

THEREFORE BE IT RESOLVED THAT the BC Health Authorities do not adopt the new Health Canada (3rd Edition) Guidelines for Canadian Recreational Water Quality.

Background

See Attached: Report to Council dated February 06, 2013

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kelowna.ca

Report to Council



Date: February 6, 2013
Rim No. 6130-00
To: City Manager
From: Ian Wilson, Park Services Manager
Subject: Beach Water Quality Update and Recommendation to SILGA

Recommendation:

THAT Council receives, for information, the Report from the Manager, Park Services dated February 6, 2013 regarding beach water quality update and recommendation to the Southern Interior Local Government Association;

AND THAT Council directs staff to forward the Resolution outlined in the Report of the Manager, Park Services dated February 6, 2013 to the Southern Interior Local Government Association;

AND FURTHER THAT Council directs senior staff to write letters to the local health authority, as well as the Provincial and Federal governments expressing concern with proposed changes to the beach water quality sampling procedures.

Purpose:

To update Council on the beach water sampling program with Interior Health, and gain Council approval to forward a recommendation on the future of the program to the Southern Interior Local Government Association (SILGA).

Background:

Until 2012, the Interior Health Authority (IHA) collected and tested water samples from public beaches in the Central and South Okanagan to help protect public health and inform the public about possible beach advisories. Last summer, IHA asked local governments within the Central and South Okanagan to collect beach water samples at their own cost. IHA would then continue to test and analyze the samples, at their cost, and request advisory notification when required.

The City of Kelowna did not issue a beach advisory in 2012; however, some challenges with the new program and communication protocols were identified. For example, the time lag between the collection of samples and the communication of the results to staff sometimes led to delays of re-testing when required. This area needs more work between IHA and City staff.

Of more concern to staff, is the possibility that the testing and beach advisory protocol may be changing in 2014. Recently Health Canada published a new edition of the Guidelines for Canadian Recreation Water Quality. Staff received a letter from IHA stating that the new guidelines are being considered by the BC Health Authorities for possible implementation in 2014. No changes to the program are being considered in 2013.

The new guidelines include a provision that requires a beach water quality advisory to be issued after a single test yields a bacterial count greater than 400 *E. coli*/100 mL. Based on test results over the past 15 years, staff has seen temporary spikes in Okanagan Lake's bacterial count over the summer months; however, none of these have resulted in an advisory being issued after staff followed the existing IHA testing protocol.

Staff has seen considerable variation in sample counts and, for the most part, this is unexplained. On any given day the testing can yield a count greater than 400 *E. coli*/100 mL (although this is infrequent) and then return a normal or low count the following day. This inconsistency exists not only at a single site but between the testing sites along the lake. When a high count has been returned, staff has been instructed to re-test daily and calculate the geometric mean (requiring five samples), to ensure that the water is safe (the mean is below the 200 *E. coli*/100 mL threshold). An additional concern with the new test protocol is that it takes a minimum of 24 hours to do the test in the laboratory. With the passing of short term spikes this means posting of the beach can occur after the incident occurs and water has returned to low values.

These high *E. coli* counts are infrequent but could have a major impact under the proposed change in procedures. The City and IHA have established communication protocols regarding the testing of beach water as well as public notification. The challenge the City, other municipalities and IHA would have in implementing the timely notification of advisories is significant, especially if those advisories are rescinded the next day. A fragile tourism economy could be damaged if an advisory is issued when in fact there is no significant concern.

Our first mutual priority (the City and IHA) is to protect the public. If there is a significant risk to public health that needs to be communicated it should be done; however, when that risk is extremely low, the fear or confusion a temporary notice could cause may not be beneficial. From previous communication with the IHA, we understand that one per cent of the population might become ill (gastrointestinal discomfort and diarrhea) at 200 *E. coli*/100 mL; when the count doubles to 400 *E. coli*/100 mL, the percentage of people who might become ill only increases by 0.2 per cent. In other words if 1,000 people are on the beach, this is only an increased risk to two people. Therefore, even at 400 *E. coli*/100 mL, it does not appear the new guideline significantly improves the protection of public health.

For these reasons, staff recommends that IHA does not adopt the new Guidelines for Recreational Water Quality and that the program should be funded and run entirely by IHA in order to eliminate the delays and issues with communication protocols. Since this is a

Province-wide issue, staff are asking that Council endorse a resolution which would be forwarded to the Southern Interior Local Government Association (SILGA) prior to the March deadline. If accepted by SILGA, the resolution would then be forwarded to the Union of BC Municipalities (UBCM). Staff are also proposing to write letters to the IHA, the Provincial government and the Federal government to express these same concerns.

Proposed SILGA Resolution:

RECREATIONAL WATER QUALITY TESTING PROCEDURES

WHEREAS the BC Health Authorities are considering changes to the testing procedures for recreational water based upon the 3rd Edition of the Guidelines for Canadian Recreational Water Quality published by Health Canada;

AND WHEREAS the new Guidelines advise the issuing of a beach water quality advisory after a single sample maximum concentration of 400 *E. coli* / 100mL which may result in significantly more beach water advisories but may not result in a significant benefit to public health;

THEREFORE BE IT RESOLVED the Health Authorities do not adopt the new (3rd Edition) Guidelines for Canadian Recreational Water Quality.

Internal Circulation:

Communications
City Clerk

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:



Ian Wilson, Park Services Manager

Approved for inclusion:



Joe Creron, Director, Civic Operations

February 25, 2013

SILGA Resolution (2 of 2)



Prohibiting Excessive Vehicle Noise

City of Kelowna

WHEREAS the *Motor Vehicle Act* of BC requires all motor vehicles have mufflers to ensure exhaust is expelled without excessive noise, yet with modifications of these muffler and baffler exhaust systems, the result is excessive motorcycle and motor boat noise;

AND WHEREAS the standards of noise levels established by the Society of Automotive Engineers; which were reviewed, evaluated and supported by the Canadian Motorcycle and Moped Industry Council and Transport Canada; have been set at 92 dB(A) when engine is at idle and 96 dB(A) when engine is at 2000 rpm and are measurable with appropriate decibel reading equipment;

THEREFORE BE IT RESOLVED THAT exhaust noise emitted from motorcycles and motor boats under the *Motor Vehicle Act*, be amended to the standards of noise levels supported by Transport Canada thus providing police officers clear definitions of "excessive vehicle noise";

AND FURTHER THAT police officers be provided the legislative tools necessary to enforce the *Motor Vehicle Act* prohibiting noise in excess of 92 dB(A) at engine idle and 96 dB(A) at 2000 rpm.

Background:

A frequent complaint City Council members receive in the summer months from citizens is that excessive noise from motor cycles and motor boats is disturbing. This noise is the result of modifications made to exhaust pipes that are designed to purposely increase the noise from the vehicle. Often "straight pipes" or "shot gun" pipes with no muffler baffles are installed on motor cycles to maximize noise. Speed Boats (Cigar Boats) can also be modified to exhaust the engine directly into the atmosphere without mufflers. This noise is offensive to many people and causes an unreasonable and unnecessary disturbance.

When a proposed Noise and Disturbance Bylaw was developed in the City of Kelowna, the Superintendent of Police informed city council that this type of enforcement must be Provincial and not just at a civic level. Enforcing motor vehicle noise should be done under the *Motor Vehicle Act* of BC. This is under the jurisdiction of the Provincial Government. Current levels established by regulation to the Provincial *Motor Vehicle Act* are slightly lower at 91 dB(A).

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Currently, Division 7 of the Motor Vehicle Act of BC states:
(Underline emphasis added)

Motor Vehicle Act

Motor Vehicle Act Regulations

[includes amendments up to B.C. Reg. 90/2012, April 20, 2012]

Division 7 — Other Equipment

Muffler

7.03 (1) A motor vehicle propelled by an internal combustion engine shall be equipped with an exhaust muffler consisting of a series of pipes or chambers which ensures that the exhaust gases from the engine are cooled and expelled without excessive noise.

Cut-outs prohibited

(2) No person shall drive or operate a motor vehicle propelled by an internal combustion engine when the muffler with which the vehicle is equipped is cut out or disconnected from the engine.

Part removal prohibited

(3) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler from which has been removed any baffle plate or other part.

Alteration prohibited

(4) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler the exhaust outlet of which has been opened or widened.

Noise increase or flames prohibited

(5) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler or exhaust system to which is attached any device which increases the noise of the expulsion of the gases from the engine or allows a flame to be emitted from the exhaust system.

[am. B.C. Reg. 29/59.]

SILGA Resolution

Endorsed by Council: February 13, 2012

Increase Funding and Resources for Agricultural Protection

WHEREAS agricultural land is a finite resource and the ongoing success of agriculture is reliant on both the implementation and the enforcement of regulations and standards;

AND WHEREAS the protection of agricultural land is principally a responsibility of the Province under the Agricultural Land Commission Act and Farm Practices Protection Act;

AND WHEREAS the Province has proposed new standards to local governments to ensure the long term viability of agriculture (e.g. Regulating the Siting and Size of Residential Uses in the ALR) and proposed legislation to further expand enforcement by allowing qualified officials from other government agencies and levels of government to conduct enforcement activities;

THEREFORE BE IT BE RESOLVED that the Province provides increased funding to local governments commensurate with the additional resources required to support the implementation of new regulations and standards and the enforcement of existing regulations and standards.

SILGA Resolution

Endorsed by Council: February 13, 2012

Increase Funding and Resources for Stream Protection

WHEREAS the protection and restoration of watercourses are of benefit to local governments and the general public insofar as healthy watercourses and supporting ecosystems provide valuable ecosystem services, such as filtration, purification and delivery of water; mitigation of floods; renewal of soil and soil fertility; maintenance of biodiversity; and cultural and spiritual value;

AND WHEREAS the protection of water resources is principally a responsibility of the Province under the Water Act and the Fish Protection Act;

AND WHEREAS reduced provincial funding for critical water resource regulatory and enforcement services is placing increased pressure on local governments to take on additional responsibility for the regulation of development in and about watercourses;

THEREFORE BE IT RESOLVED that the Province provide increased human resources to the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) in order to uphold its mandate, and additional resources to support local government efforts in protecting and restoring watercourses.