

Regular Meeting – P.M.

April 18, 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, April 18, 2005.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, 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; Acting City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi*; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Manager of Community Development & Real Estate, D.L. Shipclark*; Special Projects Planning Manager, H.M. Christy*; Community Planning Manager, T. Eichler*; Director of Parks & Leisure Services, D.L. Graham*; Recreation Manager, R. Oddleifson*; Parks Manager, J. Creron*; Parks & Landscape Planning & Administration Supervisor, D. Lange*; Director of Financial Services, P.A. Macklem*; Financial Planning Manager, K. Grayston*; Revenue Supervisor, G. Davidson*; Director of Works & Utilities, J. Vos*; Transportation Manager, T.W. Westlake*; 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 1:33 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Presentation of the Government Finance Officers Association's Distinguished Budget Presentation Award to the City of Kelowna Financial Services Department

Withdrawn.

Councillor Cannan joined the meeting at 1:34 p.m.

3.2 Presentation by Harley Nyen and Clara Munro, Citizens' Assembly on Electoral Reform re: Proposed New Electoral System and Citizens' Engagement in City Issues

Harley Nyen and Clara Munro,

- Showed an 11 minute video regarding the Citizens' Assembly and their recommendation to change to a Single Transferable Voting system which is a preference, candidate based system rather than a party based system and intended to hold the candidate accountable to the voter.
- Whether to change to the BC-STV system will be asked of the public as a Referendum question on May 17th.

Regular Meeting – P.M.

April 18, 2005

4. DEVELOPMENT APPLICATIONS

4.1 Rezoning Application No. Z05-0013 and LUC05-0004 – Verena & Dirk Stroda – 394 Stellar Drive (BL9406)

- (a) Planning & Corporate Services report dated April 7, 2005

Staff:

- The Land Use Contract was entered into in the late 1970s to facilitate subdivision on septic disposal.
- The property is now serviced with sanitary sewer.

Moved by Councillor Shepherd/Seconded by Councillor Given

R349/05/04/18 THAT Application No. LUC05-0004 to discharge Land Use Contract No. 77-1002 (Bylaw 4468-77) from Lot 163, Sec. 23, Twp. 28, SDYD, Plan 32591, located on Stellar Drive, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z05-0013 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 163, Sec. 23, Twp. 28, SDYD, Plan 32591, located on Stellar Drive, Kelowna B.C. from the RR1 - Rural Residential 1 zone to the RU1 - Large Lot Housing zone be considered by Council;

AND THAT the Land Use Contract amendment and zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

BYLAW PRESENTED FOR FIRST READING

- (b) Bylaw No. 9406 (Z05-0013) – Verena & Dirk Stroda – 394 Stellar Drive

Moved by Councillor Shepherd/Seconded by Councillor Day

R350/05/04/18 THAT Bylaw No. 9406 be read a first time.

Carried

4.2 Rezoning Application No. Z05-0010 – Tessco Inc. (Ross Manning) – 1327 St. Paul Street (BL9407)

- (a) Planning & Corporate Services report dated April 8, 2005

Staff:

- The rezoning is requested to facilitate development of the site with a 4½ storey mixed use building.
- The APC recommends support.

Regular Meeting – P.M.

April 18, 2005

Moved by Councillor Given/Seconded by Councillor Hobson

R351/05/04/18 THAT Rezoning Application No. Z05-0010 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 139 Plan KAP77613, located on St. Paul Street, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the C7 – Central Business Commercial zone, be considered by Council;

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

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

Carried

BYLAW PRESENTED FOR FIRST READING

(b) Bylaw No. 9407 (Z05-0010) – Tessco Inc. – 1327 St. Paul Street

Moved by Councillor Given/Seconded by Councillor Horning

R352/05/04/18 THAT Bylaw No. 9407 be read a first time.

Carried

4.3 Rezoning Application No. Z04-0087 – JJW Holdings Ltd./Jacob Warkentin (New Town Planning Services Inc.) – 921, 923 Richter Street (BL9410)

(a) Planning & Corporate Services report dated April 11, 2005

Staff:

- Kelowna Steel Fabricators are seeking rezoning of the two adjacent lots to the north in order to expand their building so they can internalize some of the activities (i.e. spray painting, etc.) that are more disturbing for the neighbourhood, and to expand parking.
- The APC supported the rezoning when the application was to rezone all 4 adjacent lots to the north. The applicant subsequently reduced the application to include only two of the four lots.
- A Development Variance Permit would be required to allow the extended building to continue at the zero front yard setback of the existing building.
- A Development Permit application would also be required.

Moved by Councillor Shepherd/Seconded by Councillor Day

R353/05/04/18 THAT Rezoning Application No. Z04-0087 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 4 and 5, Section 30, Township 26, ODYD Plan 1304, located on Richter Street, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the I4 – Central Industrial 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 in conjunction with Council's consideration of a Development Permit on the subject property;

Regular Meeting – P.M.April 18, 2005

AND THAT final adoption of the zone amending bylaw be considered subsequent to the consolidation of the subject properties with the existing Kelowna Steel parcel;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND FURTHER THAT the applicant resolves all outstanding lease issues with the City of Kelowna Community Planning and Real Estate Department prior to final adoption of the zone amending bylaw.

Carried**BYLAW PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9410 (Z04-0087) – JJW Holdings Ltd./Jacob Warkentin (New Town Planning Services Inc.) – 921, 923 Richter Street

Moved by Councillor Horning/Seconded by Councillor Given**R354/05/04/18** THAT Bylaw No. 9410 be read a first time.Carried

- 4.4 Official Community Plan Amendment Application No. OCP04-0014 – Valendas Enterprises Ltd. (The Hulbert Group) – 180 Clifton Road North (BL9405)

- (a) Planning & Corporate Services report dated April 12, 2005

Staff:

- The subject property is commonly known as the Boppart property and is located immediately adjacent to Knox Mountain Park.
- The property is the remnant of a ¼ section that was developed many years ago and is linked across Clifton Road. The subject application deals with the portion of property below Clifton Road.
- The applicant is seeking an Official Community Plan (OCP) amendment to change the future land use designation to accommodate development upland of the foreshore through a Comprehensive Development (CD) zone loosely based on the RU4 – Low Density Cluster Housing and RM3 – Low Density Multiple Housing zones. The intent is to follow a housing form of duplex and single detached housing that would be on the downhill side of the internal roads, clustered in the areas with least slope.
- The concept plan also indicates a common amenity building (teahouse) and common moorage (shared dock). The concept plan also indicates three options for publicly accessible road corridors from Clifton Road down to the foreshore.
- The subject property is about 27.7 ha or 68 acres in size; the proposed buildings and roads would cover about 18% of the site.

Regular Meeting – P.M.

April 18, 2005

- The applicant would dedicate a linear trail along the foreshore, and develop a north/south linear path the length of the property which would be turned over to the City as a public amenity. A 32.5 m wide corridor would be achieved and the public access trail would be within that corridor.
- The applicant would be required to meet technical requirements for sewer, water, roads, etc.
- Development of the property under its current RR1 zoning would yield between 15-35 estate type lots without any input from Council, offsite improvements, or park dedications.
- The overall density of the proposed development has been reduced from over 200 to 131 units.
- The Advisory Planning Commission recommends support.

Moved by Councillor Blanleil/Seconded by Councillor Horning

R355/05/04/18 THAT OCP Bylaw Amendment No. OCP04-0014 to amend Map 19.1 of the Kelowna 2020 Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of the Fractional North East ¼ Section 6 Township 23 ODYD Except Plan 25017, located on Clifton Road, Kelowna, B.C., from the Rural Agricultural designation to the Multiple Unit Residential – low density designation, be advanced to a Public Hearing.

DEFEATED

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

BYLAW PRESENTED FOR FIRST READING

- (b) Bylaw No. 9405 (OCP04-0014) – Valendas Enterprises Ltd. (The Hulbert Group) – 180 Clifton Road North **requires majority vote of Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Day

R356/05/04/18 THAT Bylaw No. 9405 be read a first time.

DEFEATED

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

- 4.5 Planning & Corporate Services Department, dated April 13, 2005 re: Development Permit Application No. DP05-0005 – 698848 BC Ltd./Bob Buvyer (Thomas Gaffney) – 330 Highway 33 West

Staff:

- The property is within the Rutland Town Centre.
- The applicant is proposing a mixed use building, 4 storeys in height with ground floor commercial and 33 units of residential above.
- The Advisory Planning Commission recommends support.

Regular Meeting – P.M.

April 18, 2005

Moved by Councillor Day/Seconded by Councillor Blanleil

R357/05/04/18 THAT Council authorize the issuance of Development Permit No. DP05-0005 for Lot A, Section 26, Township 26, O.D.Y.D. Plan 18649, located on Highway 33 West, 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. The landscaping 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. Provide a copy of a "Certificate of Compliance" or a letter stating "no further action is required" from the BC Ministry of Water, Land & Air Protection to the satisfaction of the City of Kelowna Environment/Solid Waste Manager;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Revenue Supervisor, dated April 13, 2005 re: Bylaw to Charge the 2005 Sterile Insect Release (SIR) Parcel Tax to Specific Rolls (BL9409; 1970-02)

Moved by Councillor Day/Seconded by Councillor Cannan

R358/05/04/18 THAT Sterile Insect Release Program Parcel Tax Bylaw No. 9409, to charge the 2005 Sterile Insect Release (SIR) Parcel Tax to individual rolls in accordance with the 2005 SIR Parcel Tax Assessment Roll provided to the City of Kelowna by the Regional District of North Okanagan, be advanced to Council for reading consideration.

Carried

Councillor Blanleil opposed.

- 5.2 Financial Planning Manager, dated April 11, 2005 re: Amendment No. 2 to Bylaw No. 9220 – Five Year Financial Plan, 2004-2008 (BL9411)

Moved by Councillor Given/Seconded by Councillor Clark

R359/05/04/18 THAT Council approve amendment #2 to the Five Year Financial Plan, 2004-2008 Bylaw 9220 as required by the Community Charter, to reflect changes in the Operating Budget and Capital Expenditure Program for 2004;

AND THAT Bylaw No. 9411, containing amendment #2 information, be advanced for reading consideration.

Carried

Regular Meeting – P.M.

April 18, 2005

- 5.3 Financial Planning Manager, dated April 7, 2005 re: 2005 Tax Distribution Policy (1970-01)

Moved by Councillor Shepherd/Seconded by Councillor Given

R360/05/04/18 THAT Council approve a Municipal Tax Distribution Policy for the year 2005 that will result in a modification of the 2004 Tax Class Ratios to reflect the uneven market value changes which have been experienced between property classes, as follows:

<u>Property Class</u>	<u>Description</u>	<u>2005 Tax Class Ratios</u>	<u>2004 Tax Class Ratios</u>
01/08	Residential/Recreation/Non-Profit	1:0000:1	1.0000:1
02	Utilities	5.0002:1	4.3968:1
04	Major Industrial	3.9714:1	3.3888:1
05/06	Light Industrial/Business/Other	2.5927:1	2.2025:1
09	Farm Land	.1086:1	.0887:1
91	Farm Improvements	.5508:1	.5247:1

AND THAT Council approve development of 2005 tax rates to reflect the 2005 assessment changes in property market values.

Carried

- 5.4 Transportation Manager, dated April 12, 2005 re: Free On-Street Parking for Centennial Celebrations (5480-09)

Moved by Councillor Cannan/Seconded by Councillor Given

R361/05/04/18 THAT Council authorize FREE on-street parking from Thursday May 5, 2005 through Saturday May 7, 2005 for the Kelowna Centennial Celebrations.

Carried

- 5.5 Director of Works & Utilities, dated April 11, 2005 re: Amendment to City of Kelowna Subdivision, Development & Servicing Bylaw re Sidewalk Requirements for New Developments (5400-09)

Moved by Councillor Day/Seconded by Councillor Hobson

R362/05/04/18 THAT City Council approve in principle an amendment to the City of Kelowna Subdivision, Development and Servicing Bylaw No. 7900 to require sidewalks on both sides of all arterial and collector roads and on one side of all local roads as a new development standard;

AND THAT Council direct staff to seek input from the Urban Development Institute, residents groups, and other stakeholders into the proposed standard;

AND FURTHER THAT staff report back with the findings.

Carried

Regular Meeting – P.M.

April 18, 2005

- 5.6 Transportation Manager, dated April 18, 2005 re: Award of Construction Contract TE05-01 – Benvoulin 2 – Benvoulin Road Realignment, Springfield to Cooper Roads (5400-20)

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R363/05/04/18 THAT the Contract TE05-01 for construction of the Benvoulin Road Realignment be awarded to Ansell Construction Ltd. for the amount of \$2,442,782.18, including GST;

AND THAT costs, additional to the approved budget, totalling \$337,533 be charged to Account No. 10-3400-R3031 with funding in the amount of \$42,000 from the Arterial Road Reserve (R025), in the amount of \$65,533 from the DCC Roads I Reserve (R749) and in the amount of \$230,000 from ICBC; and that the 2005 Financial Plan be amended accordingly;

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

Carried

- 5.7 Transportation Manager, dated April 18, 2005 re: Award of 2005 Asphalt Overlay Contract T05-043 (5400-10)

Moved by Councillor Hobson/Seconded by Councillor Day

R364/05/04/18 THAT the tender for the 2005 Asphalt Overlay Contract be awarded to the low bidder, Emil Anderson Construction Ltd., in the amount of \$497,608.10 including GST;

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

Carried

- 5.8 Transportation Manager, dated April 18, 2005 re: Award of 2005 Asphalt Mill and Fill Contract T05-046 (5400-10)

Moved by Councillor Given/Seconded by Councillor Hobson

R365/05/04/18 THAT the tender for the 2005 Asphalt Mill and Fill Contract be awarded to the low bidder, Peters Bros. Paving Ltd., in the amount of \$651,961.70 including GST;

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

Carried

Regular Meeting – P.M.

April 18, 2005

- 5.9 Special Projects Planning Manager, dated April 13, 2005 and consultant's presentation re: Rutland Community Connections Concept Plan (0920-20; 0550-01)

Marnie Skobalski, Stantec Consulting:

- Presented an overview of the Rutland Community Connections concept plan, the goals to hopefully be achieved with its implementation, and the public process.
- Noted that concerns expressed about the proposed bluff trail extending south from Highway 33 below Dougall Road were from residents along the bottom of the slope regarding potential loss of privacy and increased vandalism.

Moved by Councillor Given/Seconded by Councillor Shepherd

R366/05/04/18 THAT Council endorse the Rutland Community Connections Concept Plan in principle as part of its long term planning goals for the Rutland area;

AND THAT appropriate amendments to add the Rutland Connections Concept to the Linear Park Concept Plan 14.2 and the Future Land Use Map 19.1 of the Official Community Plan be brought forward for Council consideration;

AND FURTHER THAT Council direct staff to immediately commence detailed design planning for the priority one area (Routes 1,2,3,4,5) so that it can be coordinated with the work planned for Sewer Specified Area No. 23.

Carried

- 5.10 Community Planning Manager, dated April 13, 2005 re: Community Social Development Grants & Grants to Address the Sexual Exploitation of Youth (18550-20)

Sandi Oloffs, Grants Coordinator, Central Okanagan Foundation:

- Presented the grants applied for and the recommended allocations.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R367/05/04/18 THAT Council receive for information, the Community Planning Manager's report dated April 13, 2005 along with the attached correspondence dated April 5, 2005 from the Central Okanagan Foundation regarding the allocation of \$82,750 under the Community Social Development Grants program and \$22,000 under the Grants to Address the Sexual Exploitation of Youth program, in accordance with Council Policies 218 and 277;

AND THAT Council authorize an additional \$24,950 to be directed from Social Grants Reserve R117 for the Community Social Development Grants, in accordance with the recommendations of the Central Okanagan Foundation.

Carried

Regular Meeting – P.M.

April 18, 2005

- 5.11 Parks Manager, dated April 11, 2005 re: Community Gardens Pilot Project – Rutland Recreation Park (6120-20)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R368/05/04/18 THAT the Parks Division be instructed to report back to City Council in September 2005 on the results of the community garden pilot project in Rutland Recreation Park by the Central Okanagan Community Gardens including implications of supporting the initiative proposed by the Central Okanagan Community Gardens;

AND THAT a Letter of Understanding between the Parks Division and Central Okanagan Community Gardens be entered into based upon the guiding principles outlined in Schedule 1 attached to the Parks Manager's report dated April 11, 2005.

Carried

- 5.12 Recreation Manager, dated April 11, 2005 re: Future Legacy Aquatic Centre (6240-20)

Moved by Councillor Given/Seconded by Councillor Clark

R369/05/04/18 THAT City Council approve the financing plan and public communication campaign for the future Legacy Aquatic Centre as attached to the report from the Recreation Manager dated April 11, 2005;

AND THAT Legacy Aquatic Centre Construction Loan Authorization Bylaw No. 9359 be advanced for reading consideration by Council.

Carried

- 5.13 Director of Parks & Leisure Services, dated April 12, 2005 re: Request for Authorization to Negotiate a Partnership for a New Indoor Tennis Facility

Moved by Councillor Horning/Seconded by Councillor Given

R370/05/04/18 THAT staff commence negotiations with the TennisKelowna.com group to establish a Partnering Agreement for an indoor and outdoor tennis facility in Recreation Park located at Gaston and Recreation Avenue;

AND THAT negotiations be based on a set of principles that are included in the report from the Director of Parks and Leisure Services, dated March 15, 2005;

AND FURTHER THAT the City proceeding be subject to obtaining the support of the Kelowna Curling Club; receipt and acceptance of a business plan demonstrating the viability of the business operations; identification of acceptable capital and operational funding sources; reaching agreements in accordance with the identified principles, and an Alternate Approval Process as required by the Community Charter.

Carried

Regular Meeting – P.M.

April 18, 2005

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 9359 – Legacy Aquatic Centre Construction Loan Authorization Bylaw

Moved by Councillor Clark/Seconded by Councillor Shepherd

R371/05/04/18 THAT Bylaws No. 9359, 9409 and 9411 be read a first, second and third time.

Carried

- 6.2 Bylaw No. 9409 – Sterile Insect Release Program Parcel Tax Bylaw 2005

See resolution adopted under agenda item No. 6.1.

- 6.3 Bylaw No. 9411 – Amendment No. 2 to Five Year Financial Plan, 2004-2008, Bylaw No. 9220

See resolution adopted under agenda item No. 6.1.

(BYLAWS PRESENTED FOR ADOPTION)

- 6.4 Bylaw No. 9373 – Parcel Tax Bylaw for Local Service Area (Sewer Specified Area) No. 20 – North Rutland

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R372/05/04/18 THAT Bylaw No. 9373 be adopted.

Carried

- 6.5 Bylaw No. 9396 – Parcel Tax Bylaw – Local Area Service (Sewer Specified Area) No. 28A - Okaview

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R373/05/04/18 THAT adoption consideration of Bylaws No. 9396 and No. 9398 be deferred for one week in order for staff to report back to Council on whether the residents in the Sterling Park area could proceed with their sewer connections separate from the rest of Okaview.

Carried

- 6.6 Bylaw No. 9398 – Amendment No. 16 to Sewer Connection Charge Bylaw No. 8469

See resolution adopted under item No. 6.5.

- 6.7 Bylaw No. 9384 – Amendment No. 9 to Airport Fees Bylaw No. 7982

Moved by Councillor Day/Seconded by Councillor Cannan

R374/04/05/18 THAT Bylaw No. 9384 be adopted.

Carried

Regular Meeting – P.M.

April 18, 2005

7. COUNCILLOR ITEMS

(a) 'Well Come Inn' Transition House

Councillor Clark referred to a letter received from Peter & Margaret Harshenin regarding the "Well Come Inn" transition house that has moved into their Rutland neighbourhood. Referred to City Manager to investigate.

8. TERMINATION

The meeting was declared terminated at 6:24 p.m.

Certified Correct:

Mayor

BLH/am

Acting City Clerk