

Regular Meeting – P.M.July 11, 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 11, 2005.

Council members in attendance were: Deputy Mayor R.D. Cannan, Councillors A.F. Blanleil, B.A. Clark, C.B. Day, B.D. Given, E.A. Horning and S.A. Shepherd.

Council members absent: Mayor Walter Gray and Councillor R.D. Hobson.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi\*; Manager of Development Services, A.V. Bruce\*; Director of Financial Services, P.A. Macklem\*; Financial Planning Manager, K. Grayston\*; Director of Works & Utilities, J. Vos\*; Transportation Manager, R.W. Westlake\*; Director of Parks & Leisure Services, D.L. Graham\*; Parks Manager, J. Creron\*; Civic Properties Manager, J. Waugh\*; Sports & Facilities Manager, J. Gabriel\*; Event Development Coordinator, M. Collens\*; Recreation Manager, R. Oddleifson\*; Inspection Services Manager, R. Dickinson\*; Deputy City Clerk, S.C. Fleming\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

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

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

3. DEVELOPMENT APPLICATIONS

- 3.1 Planning & Corporate Services Department dated June 14, 2005 re: Development Permit Application No. DP05-0091 – The Woodfield Development Corporation (New Town Planning Inc./Patrick McCusker) – 1329 Ellis Street

Staff:

- The applicant is asking to amend the original development permit to allow one of the two levels of under-building parking for the proposed 11 storey building to be above grade.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R649/05/07/11** THAT Council authorize the issuance of Development Permit No. DP05-0091 for Parcel X (KW161266), District Lot 139, ODYD Plan KAP56315, located on Ellis Street, 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. Landscaping to be provided on the land be in general accordance with Schedule "C";

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

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3.2 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9163 (Z03-0061) – Jabs Construction Ltd. – 1937-1939 Harvey Avenue

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R650/05/07/11** THAT the deadline for adoption of Zone Amending Bylaw No. 9163 (Z03-0061) be extended;

AND THAT Bylaw No. 9163 be adopted.

Carried

- (b) Planning & Corporate Services Department, dated July 6, 2005 re: Development Permit Application No. DP03-0145 – Jabs Development Ltd. – 1937-1939 Harvey Avenue (BL9163)

Staff:

- The applicant is proposing to construct a new commercial building on the site.

Councillor Blanleil realized that his store is next door to the subject property, declared a conflict of interest and left the Council Chamber at 1:37 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R651/05/07/11** THAT Council authorize the issuance of Development Permit No. DP03-0145 for Lot 2, DL 128, ODYD, Plan 18138, located on Harvey Avenue, 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. Landscaping to 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. Signage is to be in accordance with Sign Bylaw No. 8235;
6. The applicant be required to provide confirmation of registration of easement agreements providing the subject property with access to Windsor Road in accordance with Schedule "D";

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

Councillor Blanleil returned to the Council Chamber at 1:39 p.m.

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3.3 Rezoning Application No. Z05-0019 – 564913 BC Ltd. (Hans Neumann) – 1347 Ellis Street (BL9460)

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

Staff:

- The applicant is requesting a lot line adjustment to move the south property line 4.5 m to the north to accommodate façade improvements proposed to the north building elevation of the commercial building on the lot to the south.
- The application is consistent with the Official Community Plan and there are no residential properties nearby so staff also recommend that the Public Hearing be waived.

Moved by Councillor Horning/Seconded by Councillor Shepherd

**R652/05/07/11** THAT Rezoning Application No. Z05-0019 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 1, DL 139, O.D.Y.D., Plan KAP66437, located on Ellis Street, Kelowna, B.C. from the existing I4 – Central Industrial zone to the proposed C7 – Central Business Commercial zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated June 29, 2005, be considered by Council;

AND THAT pursuant to the provisions of the City of Kelowna Development Application Procedures Bylaw No. 8140 and section 890 of the Local Government Act, the requirement for the public hearing be waived;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision for the lot line adjustment and access right of way for public access through plaza;

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

Carried

**BYLAW PRESENTED FOR FIRST READING**

(b) Bylaw No. 9460 (Z05-0019) – 564913 BC Ltd. (Hans Neumann) – 1347 Ellis Street

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R653/05/07/11** THAT Bylaw No. 9460 be read a first time.

Carried

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3.4 Rezoning Application No. Z05-0025 – Tarcisio & Angelina Niccoli (Hans Neumann) – 3920 Bluebird Road (BL9457)

- (a) Planning & Corporate Services report dated June 30, 2005.

Councillor Day declared a conflict of interest because he owns property within the notification radius for this application and left the Council Chamber at 1:45 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R654/05/07/11** THAT Rezoning Application No. Z05-0025 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 1, Township 25, O.D.Y.D. Plan 3107, located on Bluebird Road, Kelowna, B.C. from RU1 – Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite, be considered by Council;

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

Carried

**BYLAW PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9457 (Z05-0025) - Tarcisio & Angelina Niccoli (Hans Neumann) – 3920 Bluebird Road

Moved by Councillor Given/Seconded by Councillor Shepherd

**R655/05/07/11** THAT Bylaw No. 9457 be read a first time.

Carried

Councillor Day returned to the Council Chamber at 1:49 p.m.

3.5 Rezoning Application No. Z05-0007 – Kevin & Pamela Purnell – 4110 Tatlow Road (BL9404)

- (a) Planning & Corporate Services report dated July 5, 2005.

Staff:

- The zone amending bylaw for the subject application is at third reading. Adoption of the bylaw has been withheld pending the requirements of the South East Kelowna Irrigation District (SEKID) being completed to their satisfaction. In order to fulfil their requirements, the applicant must pay the SEKID fees associated with the hook up of the proposed secondary suite to their water supply.
- The applicant subsequently decided that he did not want to hook up to SEKID and has drilled a well which staff are told has sufficient quantity of water for servicing the suite.
- Staff view this as new information and given that Council has in the past shown concern when the principle dwelling and the suite are on different water supplies, recommend that second and third readings of the bylaw be rescinded in order that the application can be scheduled to a new Public Hearing.

Council did not agree to rescind the bylaw readings and so the bylaw remains at third reading. Adoption consideration will continue to be withheld pending confirmation that the outstanding requirement has been met.

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3.6 Rezoning Application No. Z05-0032 – Phillip & Gerti Bachmann – 3753 East Kelowna Road (BL9462)

- (a) Planning & Corporate Services report dated June 30, 2005.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R656/05/07/11** THAT Rezoning Application No. Z05-0032 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 14, Township 26, O.D.Y.D. Plan KAP72697, located on East Kelowna Road, Kelowna, B.C. from A1 – Agriculture 1 to A1s – Agriculture 1 with Secondary Suite, 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 Variance Permit on the subject property.

Carried

**BYLAW PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9462 (Z05-0032) - Phillip & Gerti Bachmann – 3753 East Kelowna Road

Moved by Councillor Horning/Seconded by Councillor Given

**R657/05/07/11** THAT Bylaw No. 9462 be read a first time.

Carried

3.7 Rezoning Application No. Z05-0017 – Kee Sing & Mei Low (Protech Consultants) – 1277 Houghton Road (BL9464)

- (a) Planning & Corporate Services report dated June 30, 2005.

Staff:

- The rezoning is requested in order to create an internal lot for a side-by-side duplex.

Moved by Councillor Given/Seconded by Councillor Shepherd

**R658/05/07/11** THAT Rezoning Application No. Z05-0017 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 6, Section 27, Township 26, O.D.Y.D. Plan 4558 Except Plans B6628 and 12644, located on Houghton Road, Kelowna, B.C. from the RU1s – Large Lot Housing with Secondary Suite zone to the RU6 – Two Dwelling Housing zone, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated June 30, 2005 be considered by Council;

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

Carried

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**BYLAW PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9464 (Z05-0017) - Kee Sing & Mei Low (Protech Consultants) – 1277 Houghton Road

Moved by Councillor Given/Seconded by Councillor Clark

**R659/05/07/11** THAT Bylaw No. 9464 be read a first time.

Carried

3.8 Area Structure Plan No. ASP04-0001; Official Community Plan Amendment No. OCP03-0002; Zoning Bylaw Amendment No. TA05-0007; and Rezoning Application No. 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 (BL9466, BL9467; BL9468)

- (a) Planning & Corporate Services report dated June 30, 2005.

Staff:

- The proposed development includes a wellness centre/resort (CD18 zone) and golf course (P3 zone). The balance of the land would remain zoned A1 and continue to be in the Future Urban Reserve.
- Described changes that have been made since the application was last before Council, including adding property to the development site in order to avoid the need to connect to McKinley Road; eliminating the proposed 17-storey chateau building at the water; locating the village centre, the main convention buildings and the wellness components within the upper zone of the site, dropping the plans for accommodation over the water, and changing the orientation of the dock.
- Processing of the application has proceeded on the basis that there would be no impact on the City's 20 year servicing plan and capital plan.
- The Area Structure Plan is a guiding document to be used in determining whether the OCP amendments are appropriate or not.
- Recognizing that it will be several months before a servicing agreement is in place, the applicant is hoping that Council will agree to allow the OCP amending bylaw to be considered for adoption in advance of the other bylaws.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R660/05/07/11** THAT Council endorse the "Vintage Landing" Area Structure Plan dated June 30, 2005, attached as Schedule "A" to the report of the Planning and Corporate Services Department dated June 30, 2005;

AND THAT OCP Bylaw Amendment No. OCP03-0002 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of: *Frac. NE ¼, Twp. 23, Sec. 29, O.D.Y.D.; SW ¼, Twp. 23, Sec. 33, O.D.Y.D, Exc. Plan 13462; NW ¼, Twp. 23, Sec. 28, O.D.Y.D; NW ¼, Twp. 23, Sec. 21, O.D.Y.D, Exc. Plans DD24364 and 18402; the W ½ of SE ¼, Twp. 23, Sec. 28, O.D.Y.D. Exc. Plan 20134; SW ¼, Twp. 23, Sec. 28, O.D.Y.D; Part of Lot A, Plan 5353, Sec. 21 & 28, ODYD, except Plans B7114, 17921, 18046, 19773, 22105, 23083 and 29083; Part of the SE ¼ of Sec. 33, Twp. 23, ODYD, except parcel A (DD W18607) and Plans H10783 & KAP66567, located on Glenmore Road, Finch Road, and Slater Road, Kelowna, B.C., from the Future Urban Reserve designation to the Future Urban Reserve, Rural/Agriculture, Commercial, and Private Recreation designations, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated June 30, 2005, be considered by Council;*

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AND THAT Text Amendment No. TA05-0007 to amend City of Kelowna Zoning Bylaw No. 8000 by adding the CD18 – Vintage Landing Comprehensive Development zone as outlined in Schedule “B” attached to the report of the Planning & Corporate Services Department dated June 30, 2005 be considered by Council;

AND THAT Rezoning Application No. Z03-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Frac. NE ¼, Twp. 23, Sec. 29, O.D.Y.D.; SW ¼, Twp. 23, Sec. 33, O.D.Y.D, Exc. Plan 13462; NW ¼, Twp. 23, Sec. 28, O.D.Y.D; NW ¼, Twp. 23, Sec. 21, O.D.Y.D, Exc. Plans DD24364 and 18402; the W ½ of SE ¼, Twp. 23, Sec. 28, O.D.Y.D. Exc. Plan 20134; SW ¼, Twp. 23, Sec. 28, O.D.Y.D; Part of Lot A, Plan 5353, Sec. 21 & 28, ODYD, except Plans B7114, 17921, 18046, 19773, 22105, 23083 and 29083; Part of the SE ¼ of Sec. 33, Twp. 23, ODYD, except parcel A (DD W18607) and Plans H10783 & KAP66567, located on Glenmore Road, Finch Road, and Slater Road, Kelowna, B.C., from the existing A1 – Agriculture 1 zone to the P3 – Parks and Open Space, W2 – Intensive Water Use, and the CD18 – Vintage Landing Comprehensive Resort Development zones as shown on Map "B" attached to the report of Planning & Corporate Services Department dated June 30, 2005, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP03-0002, Text Amendment No. TA05-0007, and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Official Community Plan and zone amending bylaw be considered subsequent to the requirements of the Works & Utilities and Parks Departments being completed to their satisfaction;

AND FURTHER THAT final adoption of the amending bylaws be withheld pending confirmation from the Agricultural Land Commission that all land reserve issues have been satisfied.

Carried

Councillor Clark opposed.

Moved by Councillor Shepherd/Seconded by Councillor Day

**R661/05/07/11** THAT the start time for the August 9, 2005 Public Hearing be changed from 7:00 p.m. to 5:00 p.m.

Carried

### **BYLAWS PRESENTED FOR FIRST READING**

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

Moved by Councillor Given/Seconded by Councillor Day

**R662/05/07/11** THAT Bylaws No. 9466, 9467 and 9468 be read a first time.

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

See resolution adopted under 3.8(b).

- (d) 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

See resolution adopted under 3.8(b).

#### 4. BYLAWS (ZONING & DEVELOPMENT)

##### (BYLAW PRESENTED FOR ADOPTION)

- 4.1 Bylaw No. 9214 (Z03-0033) – John, Patricia, Walter and Henk Verwoerd; Romesha Ventures Inc., and John & Sarina Weisbeck (David Pauls/D.E. Pilling & Associates Ltd.) – 1374, 1494 Highway 33 East and 1177 Oswell Drive

Councillor Day declared a conflict of interest because he owns adjoining property and left the Council Chamber at 3:09 p.m.

Moved by Councillor Given/Seconded by Councillor Horning

**R663/05/07/11** THAT Bylaw No. 9214 be adopted.

Carried

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

- 4.2 Bylaw No. 9302 (Z04-0050) – Caroline Kaltenhauser – 3473 Moberly Road

Moved by Councillor Day/Seconded by Councillor Blanleil

**R664/05/07/11** THAT Bylaw No. 9302 be adopted.

Carried

#### 5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Inspection Services Manager, dated July 4, 2005 re: ST05-08 - Application for Stratification of Four Unit Row Housing at 335-341 Primrose Road

Deputy Mayor Cannan invited anyone in the public gallery who deemed themselves affected to come forward. There was no response.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R665/05/07/11** THAT the application to stratify the four unit row housing at 335 – 341 Primrose Road be approved in the name of L & M Marketing Ltd. with no conditions.

Carried



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5.2 Director of Financial Services, dated July 5, 2005 re: Federal Gas Tax Transfer (0230-20)

Staff:

- Agreement in principle has been reached between the Federal Government, the Provincial Government and the Union of British Columbia Municipalities (UBCM) for the transfer of federal gas tax revenues.
- The UBCM is representing all municipalities in the province and is working to transform the agreement in principle into a final agreement.
- The City of Kelowna has been placed with the Regional District of Central Okanagan as a Tier 2 community which, with our population means we would not be eligible to use our funds for the rehabilitation of roads or bridges or for developing trails. The UBCM is working to get that changed before the agreement is finalized.

Moved by Councillor Day/Seconded by Councillor Clark

**R666/05/07/11** THAT Council accept the report of the Director of Financial Services on the Federal Gas Tax transfer dated July 5, 2005;

AND THAT staff be instructed to provide Council with a strategy for application and expenditures of the Gas Tax allocations within two months of the execution of a final agreement between the Federal Government, the Provincial Government and the Union of British Columbia Municipalities (UBCM).

Carried

Moved by Councillor Day/Seconded by Councillor Clark

**R667/05/07/11** THAT Council immediately request the UBCM to reclassify the City of Kelowna as a Tier 1 community for purposes of funding allocations under the Community Works and Strategic Investment funds.

Carried

5.3 Director of Financial Services, dated July 5, 2005 re: Terasen Gas Inc. Legacy Opportunity – 2004 Additions (2250-20)

Moved by Councillor Day/Seconded by Councillor Blanleil

**R668/05/07/11** THAT the City exercise its option to lease the Terasen Gas Inc. ("Terasen"), previously called BC Gas Utility Ltd., distribution system 2004 additions contained within the City of Kelowna boundary and having a declared capital cost of \$1,679,377 and a net book value at the City's option exercise date of \$1,649,922;

AND THAT the Director of Financial Services initiate all processes to obtain necessary approvals prior to October 10, 2005 as same may be extended by agreement with Terasen and required in the Additions Option portion of the Lease-in, Lease-out documents;

AND THAT Council authorize the Mayor and City Clerk to execute the Additions Capital Lease and Operating Lease Amendment for 2004 additions, and any documents needed to reflect the extension described above, in the form presented to Council, subject to an alternative approval process open to all electors within the City of Kelowna, being initiated concurrently with this report and expiring on or about August 22, 2005 and followed by a determination and certification by the City Clerk that such alternative approval process has passed and elector approval has been obtained in accordance with Section 86 of the Community Charter;

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AND THAT 4:00 p.m., Monday, August 22, 2005 be set as the deadline for receipt of alternative approval process response forms in the form attached to this report as Schedule "A", by the City Clerk in relation to lease-in, lease-out of the Terasen Gas Inc. Gas Distribution System 2004 additions;

AND THAT the elector response form, attached as Schedule "A", be established as the form for this opportunity;

AND THAT Council approve the basis on which the number of electors is determined as a fair determination of the number of electors, that being 82,080, the number indicated by the most recent available estimates for Kelowna;

AND FURTHER THAT costs associated with the acquisition of the 2004 additions in the amount of \$1,649,922 be financed from the Terasen Legacy Opportunity fund and the 2005 Financial Plan be amended to reflect this expenditure.

Carried

5.4 Director of Works & Utilities; Director of Financial Services; Director of Parks & Leisure Services, dated July 6, 2005 re: 20-Year Servicing Plan and Financing Strategy (6430-01)

Staff:

- Outlined key changes within the updated 2020 Servicing Plan and Financing Strategy and the impact of the changes on Development Cost Charges.

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R669/05/07/11** THAT Council receive the draft 20-Year Servicing Plan and Financing Strategy update for information;

AND THAT Council authorize staff to seek stakeholder input into the draft plan and report back following that feedback.

Carried

5.5 Transportation Manager, dated July 6, 2005 re: Extension of Abbott Street Recreation Corridor (5400-20)

Staff:

- Introduced a design team from Urban Systems Consulting, who gave a powerpoint presentation of their preliminary design for phase 3 of the Abbott Street Recreation Corridor, from Strathcona Park to Gyro Park.

Council:

- Staff to arrange for a workshop with Council to determine project priorities and identify funding sources.

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Moved by Councillor Blanleil/Seconded by Councillor Given

**R670/05/07/11** THAT Council receives the report of the Transportation Manager dated July 6, 2005 for information.

AND THAT Council direct staff to bring forward any procedural or bylaw amendments necessary to allow implementation of Phase Three of the Abbott Street Recreation Corridor, through development of adjacent properties;

AND FURTHER THAT Council direct staff to come back with funding and implementation strategies in conjunction with other off road corridor and community beautification projects as part of the 10 Year Capital Plan updates later this year.

Carried

5.6 Sports and Facilities Manager, dated July 5, 2005 re: Sport Tourism and Development (7710-01)

Staff:

- Summarized proposed strategies and work plans to further position Kelowna as a preferred sports destination.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R671/05/07/11** THAT City Council receive the report from the Sports and Facilities Manager dated July 5, 2005 regarding Sport Tourism and Development.

Carried

5.7 Parks Manager, dated June 27, 2005 re: Community Park at Old KSS Site (6120-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R672/05/07/11** THAT City Council approve the conceptual configuration proposed for the community park at the old Kelowna Secondary School (KSS) site as far as it relates to the size, location and boundaries of parkland proposed for the property and illustrated on Figure 1 attached to the Parks Manager's report dated June 27, 2005;

AND THAT the Parks Division undertake design work and consultation as necessary to prepare a master plan for the park.

Carried

5.8 Parks Manager, dated July 5, 2005 re: Bellevue Creek Elementary School Adventure Playground (6200-00)

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R673/05/07/11** THAT the City of Kelowna enter into a standard form lease of the Bellevue Creek Elementary School Adventure Playground from School District No. 23 under the base terms and conditions outlined in the July 5, 2005 report from the Parks Manager;

AND THAT the Mayor and City Clerk be authorized to execute the lease.

Carried

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5.9 Future Legacy Aquatic Centre (6240-20)

- (a) City Clerk Department report dated July 6, 2005 (6240-20)

Moved by Councillor Clark/Seconded by Councillor Given

**R674/05/07/11** THAT Council receive the Certificate of Sufficiency dated July 6, 2005 pertaining to the Legacy Aquatic Centre Construction Loan Authorization Bylaw No. 9359;

AND THAT Bylaw No. 9359 be forwarded for final adoption consideration.

Carried

**(BYLAW PRESENTED FOR ADOPTION)**

- (b) Bylaw No. 9359 – Legacy Aquatic Centre Construction Loan Authorization Bylaw

Moved by Councillor Day/Seconded by Councillor Blanleil

**R675/05/07/11** THAT Bylaw No. 9359 be adopted.

Carried

- (c) Legacy Aquatic Centre – Design/Build Selection Committee, dated July 4, 2005 re: Legacy Aquatic Centre – Qualified Design/Build Teams and RFP Schedule (6240-20)

Moved by Councillor Blanleil/Seconded by Councillor Day

**R676/05/07/11** THAT Council approve the following proponents as pre-qualified to submit a design/build proposal for the Legacy Aquatic Centre:

- PCL Westcoast Inc.
- Ledcor Design Build (BC) Ltd.
- Septra Projects Ltd.
- D & T / VVI Construction Ltd. (as an alternate);

AND THAT Council receive the schedule outline for the design/build RFP as attached to the report from the Legacy Aquatic Centre Design/Build Selection Committee dated July 4, 2005.

Carried

- 5.10 Deputy City Clerk, dated June 22, 2005 re: Amendments to the Parks and Public Spaces Bylaw and the City of Kelowna Ticket Information Utilization Bylaw (BL9453 & BL9454)

Moved by Councillor Clark/Seconded by Councillor Given

**R677/05/07/11** THAT Council forwards draft Amendment No. 9 to the City of Kelowna Parks and Public Spaces Bylaw and draft Amendment No. 64 to the City of Kelowna Ticket Information Utilization Bylaw No. 6550-89, as attached to the report of the Deputy City Clerk dated June 22, 2005, for reading consideration.

Carried

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6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

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

Moved by Councillor Day/Seconded by Councillor Blanleil

**R678/05/07/11** THAT Bylaw No. 9395, 9427, 9446, 9452, 9453, 9454, 9465 and 9469 be read a first, second and third time.

Carried

6.2 Bylaw No. 9427 – Road Closure Bylaw – Lane Between Bernard Avenue and Lawson Avenue

See resolution adopted under item No. 6.1 above.

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

See resolution adopted under item No. 6.1 above.

6.4 Bylaw No. 9452 – Road Closure Bylaw – 2530 Enterprise Way

See resolution adopted under item No. 6.1 above.

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

See resolution adopted under item No. 6.1 above.

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

See resolution adopted under item No. 6.1 above.

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

See resolution adopted under item No. 6.1 above.

6.8 Bylaw No. 9469 – Road Closure – 4540 Walker Road

See resolution adopted under item No. 6.1 above.

7. COUNCILLOR ITEMS - Nil.

8. TERMINATION

The meeting was declared terminated at 6:03 p.m.

Certified Correct:

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Mayor

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City Clerk

/blh