

Regular Meeting – P.M.

January 9, 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 9, 2006.

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

Council members absent: Councillor A.F. Blanleil.

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 Recreation, Parks & Culture, D.L. Graham*; Manager of Community Development & Real Estate, D.L. Shipclark*; Community Planning Manager, T. Eichler*; Environment & Solid Waste Manager, M. Watt*; Cultural Services Manager, L. Gunn*; Civic Properties Manager, R. Forbes*; Roadways/Equipment Superintendent, D. Beaudry*; Risk Manager, L. Kayfish*; Public Art Coordinator, S. Kochan*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:32 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Bruce Baron, Coordinator, Central Okanagan Crime Stoppers re: 2005 Program Highlights; 2006 Program Goals

Bruce Baron:

- Introduced other members of Crime Stoppers who were in the gallery.
- Spoke about the community support and successes of the program.

Vern Neilson, First Vice-President of Crime Stoppers:

- Talked about how the number of tips being received has increased and announced that funds are now available to hire three more police officers who will focus full-time on the tips received through Crime Stoppers.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Rezoning Application No. Z05-0052 – Cerco Developments Ltd. and Frank & Laura Pells (Cerco Developments Ltd.) – 950, 962, 970, 982, 994, 1004 & 1010 Harvey Avenue and 951, 961, 971, 981, 1001 & 1011 Leon Avenue (BL9544)

(a) Planning & Corporate Services report dated December 20, 2005.

Staff:

- The applicant is proposing to develop the properties with 144 units of rental apartment housing in four buildings varying in height from 4 storeys to 7 storeys and that would be constructed on top of a parking structure that would cover the majority of the site.
- The applicant is also seeking a density bonus by committing to enter into a Housing Agreement to provide affordable housing. About half of the additional area (5 or 6 units) would be affordable housing.

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Council:

- Would like to know what the applicant is proposing for green energy technology for the Public Hearing.
- Applicant to address the question of wheelchair accessibility to the project from Harvey Avenue at the Public Hearing.
- Development Variance Permit report to include information to support the requested parking variance.

Moved by Councillor Hobson/Seconded by Councillor Day

R026/06/01/09 THAT Rezoning Application No. Z05-0052 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1 to 12, DL 138, O.D.Y.D., Plan 7202, and Lots 1 & 2, DL 138, O.D.Y.D., Plan 7385, located on Harvey Avenue and Leon Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing 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 and 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 and the Ministry of Transportation being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Housing Agreement for Accessible and Affordable housing, and registered a plan of subdivision to consolidate the properties and dedicate required road widenings.

Carried

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

Bylaw No. 9544 (Z05-0052) - Cerco Developments Ltd. and F.J. & L.H. Pells (Cerco Developments Ltd.) – 950, 962, 970, 982, 994, 1004 & 1010 Harvey Avenue and 951, 961, 971, 981, 1001 & 1011 Leon Avenue (BL9544)

Moved by Councillor Letnick/Seconded by Councillor Given

R027/06/01/09 THAT Bylaw No. 9544 be read a first time.

Carried

5. **NON-DEVELOPMENT APPLICATION REPORTS**

5.1 Environment & Solid Waste Manager, dated January 3, 2006 re: Tender Award No. TE05-15 – Contract 3, Joint Composting Facility (5380-03)

Moved by Councillor Given/Seconded by Councillor Clark

R028/06/01/09 THAT Council award tender TE05-15, Kelowna/Vernon Composting Facility, to Maple Reinders Inc. for the amount of \$4,179,000.00 excluding GST.

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- 5.2 Interim Civic Properties Manager, dated January 3, 2006 re: Kelowna Curling Club Loan for Installation of a Heat Recovery System (0870-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R029/06/01/09 THAT Council authorize lending the Kelowna Curling Club the sum of \$69,000 on the terms and conditions outlined in the staff report dated January 3, 2006 for the purposes of installing a heat exchange system at the Kelowna Curling Club facility at 551 Recreation Avenue;

AND THAT prior to advancing the loan, Council give notice of its intention to do so in accordance with the requirements of sections 24 and 94 of the Community Charter;

AND FURTHER THAT Council authorize the Mayor and City Clerk to execute the loan agreement on behalf of the City of Kelowna.

Carried

Mayor Shepherd altered the order of business and advised that agenda item No. 5.4 would be dealt with next.

- 5.3 Roads & Equipment Superintendent, dated December 30, 2005 re: Winter Road Maintenance and Sidewalk Inspection Policies (1280-01)

Dealt with after agenda item No. 5.4.

- 5.4 Cultural Services Manager, dated January 4, 2006 re: Public Art Project – Mission Creek Greenway (7800)

Council:

- Work with the Risk Manager and Parks staff to address safety concerns.

Moved by Councillor Hobson/Seconded by Councillor Given

R030/06/01/09 THAT City Council approve the recommendation of the Public Art Committee to award to Richard Watts of Toronto the commission for the design and installation of "Run" (a metal sculpture in 3 parts) on Phase I of the Mission Creek Greenway.

AND THAT the Mayor and Clerk be authorized to sign a contract with Richard Watts for an amount not to exceed \$50,000 (funded from the Public Art Reserve) for the design and installation of the artwork.

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- 5.3 Roads & Equipment Superintendent, dated December 30, 2005 re: Winter Road Maintenance and Sidewalk Inspection Policies (1280-01)

Moved by Councillor Hobson/Seconded by Councillor Clark

R031/06/01/09 THAT Council approve continuing with the present day service level for sidewalk snow clearing;

AND THAT staff reconsider the current requirement for abutting homeowners to be responsible for sidewalk snow/ice clearing in areas where such maintenance by the homeowner would be unreasonable because of topographic conditions, and report back to Council;

AND THAT Council adopt Snow & Ice Control Policy No. 332 as attached to the staff report dated December 30, 2005;

AND THAT Council adopt Sidewalk Inspection Policy No.331 as attached to the staff report dated December 30, 2005

AND FURTHER THAT Council approve the Salt Management Plan, prepared by Ecoplans Limited and dated November 2005, as attached to the staff report dated December 30, 2005.

Carried

- 5.4 Cultural Services Manager, dated January 4, 2006 re: Public Art Project – Mission Creek Greenway (7800)

Dealt with after agenda item No. 5.2.

- 5.5 Community Planning Manager, dated January 4, 2006 re: Site Review Task Force (0870-20-040)

Moved by Councillor Given/Seconded by Councillor Gran

R032/06/01/09 THAT Council approve the Terms of Reference for the Site Review Task Force as attached to the Community Planning Manager's report dated January 4, 2006, and appoint the following thirteen individuals to the Task Force:

Joni Metherell	Citizen at Large
Brad Dunlop	Rutland Town Centre
Judy Good Sky	United Way
Clay Williams	Downtown Kelowna Association
Weldon Leblanc	Chamber of Commerce
Ian Graham	Homelessness Steering Committee
Marguerite Sisett	South Padosy Town Centre
Rick Miller	Highway 97 / Springfield Town Centre
Pat Munro	Kelowna South Central Association of Neighbourhoods & North End Residents Association
	BC Housing
James Munro	Interior Health – Alcohol and Drug
Ira Roness	Interior Health – Mental Health
Randy Murray	City of Kelowna.
Theresa Eichler	

Carried

Mayor Shepherd opposed.

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Moved by Councillor Clark/Seconded by Councillor Hobson

R033/06/01/09 THAT an individual from the St. Paul area be identified by Mayor Shepherd and appointed to the Task Force.

DEFEATED

Councillors Day, Given, Gran, Hobson, Letnick and Rule opposed.

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

6.1 Bylaw No. 9539 – Amendment No. 5 to Local Service Area (Sewer Specified Area) No. 6 Bylaw No. 6440 (Black Mountain and Toovey)

Moved by Councillor Clark/Seconded by Councillor Gran

R034/06/01/09 THAT Bylaw No. 9539 be adopted.

Carried

6.2 Bylaw No. 9540 – Amendment No. 4 to Local Service Area (Sewer Specified Area) No. 20 Bylaw No. 8929 (North Rutland)

Moved by Councillor Clark/Seconded by Councillor Gran

R035/06/01/09 THAT Bylaw No. 9540 be adopted.

Carried

6.3 Bylaw No. 9541 – Amendment No. 2 to Local Service Area (Sewer Specified Area) No. 30 Bylaw No. 8917 (Acland Road)

Moved by Councillor Day/Seconded by Councillor Rule

R036/06/01/09 THAT Bylaw No. 9541 be adopted.

Carried

6.4 Bylaw No. 9542 – Amendment No. 12 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Rule/Seconded by Councillor Day

R037/06/01/09 THAT Bylaw No. 9542 be adopted.

Carried

Councillor Letnick opposed.

6.5 Bylaw No. 9543 – Sewer Service Parcel Tax Bylaw No. 8924, Amendment No. 3

Moved by Councillor Letnick/Seconded by Councillor Given

R038/06/01/09 THAT Bylaw No. 9543 be adopted.

Carried

Regular Meeting – P.M.January 9, 20067. COUNCILLOR ITEMS(a) Lane Realignment – Knowles Park

Councillor Rule noted that before Christmas Council adopted a resolution to proceed with realignment of the east end of the Knowles Park laneway. The residents of the area feel they were not consulted regarding the proposed dog leg option and want to have input.

Moved by Councillor Rule/Seconded by Councillor Hobson

R039/06/01/09 THAT staff provide a supplemental report back to Council to provide the following with respect to the proposed realignment of the Knowles Park laneway:

- Information on the physical impact of the dog leg option on the park and what the trade off is from the Parks perspective;
- Statistics on traffic accidents at Lawrence and Ethel and at Richter and the lane.

Carried

(b) Scrap Metal Business – McCurdy Road

Mayor Shepherd commented that the scrap metal business on McCurdy Road seems to be increasing in size and requested an update from staff on when the business is going to relocate. Referred to City Manager.

8. TERMINATION

The meeting was declared terminated at 3:26 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am