

Regular Meeting – P.M.

February 27, 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, February 27, 2006.

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

Council members absent: Councillors B.A. Clark and R.D. Hobson.

Staff members in attendance were: City Manager, R.A. Born; Deputy 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*; Electrical Manager, R. Carle*; Parks Manager, J. Creron*; Parks Supervisor Planning Design & Construction, A. Gibbs*; Traffic & Transportation, H. Thompson*; Transportation Demand Supervisor, J. Dombowsky*; Community Planning Manager, T. Eichler*; Property Officer, J. Hettinga*; 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 Letnick was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

- 3.1 Joni Metherell, Chair, Supportive Housing Site Review Task Force, dated February 23, 2006 re: Location Criteria to be Used by Supportive Housing Site Review Task Force (0540-20)

Joni Metherell, Chair, Supportive Housing Site Review Task Force:

- Presented the report noting one of the 13 Task Force members was opposed to the criteria Council is being asked to accept.

Ira Roness, Interior Health Authority:

- Responded to questions of Council regarding the harm reduction model for the facility and the importance of the key services being accessible to the clients.

Moved by Councillor Letnick/Seconded by Councillor Blanleil

R183/06/02/27 THAT Council decide on the weighting of the location criteria put forward by the Supportive Housing Site Review Task Force.

DEFEATED

Mayor Shepherd and Councillors Day, Given, Gran and Rule opposed.

Moved by Councillor Day/Seconded by Councillor Gran

R184/06/02/27 THAT Council accept the location criteria presented by the Supportive Housing Site Review Task Force to be used in evaluating alternative sites for the 30 unit supportive housing project that is to be built under a partnership between the City, Interior Health Authority, BC Housing and a housing provider under the funding delivered by the Premier's Task Force on Homelessness, Mental Illness and Addictions;

AND THAT the Task Force report back at the March 6, 2006 Regular Meeting with recommendations for weighting of the location criteria.

Carried

Councillor Blanleil opposed.

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3.2 Bob De Clark, BC Transit Director re: B.C. Transit Core Funding, Governance, Ridership and Upcoming Initiatives

Bob De Clark, Director, B.C. Transit:

- Spoke of the priorities of BC Transit at the Board of Director level to address funding for core services, transitional capital funding for the new buses, sustainable long term funding, and the governance issue.

Steve New, Senior Vice President, Municipal Systems Program, BC Transit:

- The 5% increase in ridership in Kelowna is double the national average Canada-wide.
- BC Transit is putting a team together to work with the communities on issues such as schedule reliability, etc.

3.3 Colleen Cornock, Graffiti Eradication & Prevention Coordinator re: Graffiti Eradication Program

Colleen:

- Updated Council on initiatives to reduce graffiti vandalism in Kelowna.

3.4 Supt. Bill McKinnon re: Monthly Update – Policing Activities

Supt. McKinnon:

- Elaborated on the statistics for the month of January.

Insp. Steve McVarnock:

- Briefed Council on drug activities for the month of January.

4. UNFINISHED BUSINESS

4.1 **Last considered at January 9, 2006 Regular Meeting** Supervisor of Planning Design & Construction, and Traffic & Transportation Engineer, dated February 23, 2006 re: Knowles Park Laneway – Supplemental Report (6140-20)

Staff:

- The purpose of this report is to address park and traffic issues relevant to Council's decision at the Regular Meeting of December 19, 2005 to support realignment of the Knowles Park lane so that the east end of the lane would connect with Lawrence Avenue instead of Ethel Street.

Moved by Councillor Rule/Seconded by Councillor Gran

R185/06/02/27 THAT staff conduct additional public consultation with the neighbourhood regarding the future of the Knowles Park laneway and report back to Council before any work is done.

Carried

Councillors Blanleil, Day and Given opposed.

Councillor Carol Gran left the meeting at 3:48 p.m.

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- 4.2 **Deferred from November 7, 2005 Regular Meeting** Planning & Corporate Services Department, dated February 14, 2006 re: Supplemental Report – Agricultural Land Reserve Appeals No. A05-0011 (Dempster), A05-0014 (Ivans) and A05-0015 (Lee)

Staff:

- The City Solicitor and the Agricultural Land Commission (ALC) both support the Approving Officer's position that he has no authority to consider approval of a subdivision of land within the Agricultural Land Reserve without the application first being considered by the ALC.

Moved by Councillor Day/Seconded by Councillor Blanleil

R186/06/02/27 THAT Council hear from the applicants' representative.

Carried

Neville McDougall, Benson Edwards LLP:

- Maintained that Section 946 of the Local Government Act is designed to circumvent the ALC and gives the municipality the right to approve a subdivision to smaller parcels for family members without necessity of the ALC.
- Submitted that all three applicants meet the intent of Section 946.

- (a) Planning & Corporate Services report dated November 2, 2005 re: Agricultural Land Reserve Appeal No. A05-0011 – Richard & Marie Dempster – 1325 McKenzie Road

Moved by Councillor Day/Seconded by Councillor Blanleil

R187/06/02/27 THAT Agricultural Land Reserve Appeal No. A05-0011 (Dempster – 1325 McKenzie Road) be forwarded to the Agricultural Land Commission *without* a recommendation from Council;

AND THAT staff develop a policy for handling appeals for subdivisions within the Agricultural Land Reserve to provide residence for a relative pursuant to Section 946 of the *Local Government Act*.

Carried

- (b) Planning & Corporate Services report dated November 2, 2005 re: Agricultural Land Reserve Appeal No. A05-0014 – Gordon Ivans – 1355 McKenzie Road

Moved by Councillor Day/Seconded by Councillor Blanleil

R188/06/02/27 THAT Agricultural Land Reserve Appeal No. A05-0014 (Ivans – 1355 McKenzie Road) be forwarded to the Agricultural Land Commission *without* a recommendation from Council;

AND THAT staff develop a policy for handling appeals for subdivisions within the Agricultural Land Reserve to provide residence for a relative pursuant to Section 946 of the *Local Government Act*.

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- 4.2 (c) Planning & Corporate Services report dated November 2, 2005 re: Agricultural Land Reserve Appeal No. A05-0015 – Carolyn and Gillian Lee (Colin Lee) – 1998-2020 Heimlich Road

Moved by Councillor Day/Seconded by Councillor Blanleil

R189/06/02/27 THAT Agricultural Land Reserve Appeal No. A05-0015 (Lee – 1998-2020 Heimlich Road) be forwarded to the Agricultural Land Commission ***without*** a recommendation from Council;

AND THAT staff develop a policy for handling appeals for subdivisions within the Agricultural Land Reserve to provide residence for a relative pursuant to Section 946 of the *Local Government Act*.

Carried

5. DEVELOPMENT APPLICATION REPORTS

- 5.1 Rezoning Application No. Z05-0074 – Lamberton/Johnson & Appleby (Grant Maddock/Protech Consultants Ltd.) - 5031 Killdeer Road, 5080 & 5090 Frost Road (BL9567)

- (a) Planning & Corporate Services report dated February 21, 2006.

Moved by Councillor Blanleil/Seconded by Councillor Letnick

R190/06/02/27 THAT Rezoning Application No. Z05-0074 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, DL 1688s, SDYD, Plan 23489 located on Frost Road, Lot 1, Sec. 24, Twp. 28, SDYD, Plan 30846 located on Frost Road and Lot 2, Sec. 24, Twp. 28, SDYD, Plan 39945, located on Killdeer Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing and P3 – Parks & Open Space zones as shown on Map "A" attached to the report of Planning & Corporate Services Department dated February 21, 2006, be considered by Council;

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

Carried

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

Bylaw No. 9567 (Z05-0074) - Lamberton/Johnson & Appleby (Grant Maddock/Protech Consultants Ltd.) - 5031 Killdeer Road, 5080 & 5090 Frost Road

Moved by Councillor Given/Seconded by Councillor Letnick

R191/06/02/27 THAT Bylaw No. 9567 be read a first time.

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- 5.2 Rezoning Application No. Z05-0075 – Okanagan Chinese Baptist Church (Peter Chataway/Fine Home Designs) – 1025 Rutland Road North (BL9563)
 (a) Planning & Corporate Services report dated February 16, 2006.

Moved by Councillor Given/Seconded by Councillor Day

R192/06/02/27 THAT Rezoning Application No. Z05-0075 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 26, Twp. 26, O.D.Y.D., Plan 4841, located on Rutland Road North, Kelowna, B.C. from the existing A1 – Agriculture 1 zone to the proposed P2 – Education and Minor Institutional 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 Variance Permit on the subject property.

Carried

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

Bylaw No. 9563 (Z05-0075) - Okanagan Chinese Baptist Church (Peter Chataway/Fine Home Designs) – 1025 Rutland Road North

Moved by Councillor Letnick/Seconded by Councillor Given

R193/06/02/27 THAT Bylaw No. 9563 be read a first time.

Carried

- 5.3 Rezoning Application No. Z05-0079 and OCP05-0017 – ATM Properties Ltd. – 1641 Commerce Avenue (BL9565; BL9566)
 (a) Planning & Corporate Services report dated February 17, 2006.

Council:

- Staff to provide information at the Public Hearing on the current inventory of I1 – Business Industrial land in the City of Kelowna.

Moved by Councillor Given/Seconded by Councillor Blanleil

R194/06/02/27 THAT OCP Bylaw Amendment No. OCP05-0017 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot 7, DL 125, O.D.Y.D., Plan KAP 73825, located on Commerce Avenue, Kelowna, B.C., from the existing “Industrial” designation to the proposed “Commercial” designation, as shown on Map “A” attached to the report of Planning & Corporate Services Department dated February 17, 2006, be considered by Council;

AND THAT Rezoning Application No. Z05-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7, DL 125, O.D.Y.D., Plan KAP 73825, located on Commerce Ave., Kelowna, B.C. from the existing I1 – Business Industrial zone to the proposed C10 – Service Commercial zone as shown on Map “B” attached to the report of Planning & Corporate Services Department, dated February 17, 2006, be considered by Council;

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AND THAT the OCP Bylaw Amendment No. OCP05-0017 and zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

5.3 (b) **BYLAWS PRESENTED FOR FIRST READING**

- (i) Bylaw No. 9565 (OCP05-0017) - ATM Properties Ltd. – 1641 Commerce Avenue **requires majority vote of Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Rule

R195/06/02/27 THAT Bylaw No. 9565 be read a first time.

Carried

- (ii) Bylaw No. 9566 (Z05-0079) - ATM Properties Ltd. – 1641 Commerce Avenue

Moved by Councillor Rule/Seconded by Councillor Blanleil

R196/06/02/27 THAT Bylaw No. 9566 be read a first time.

Carried

6. **NON-DEVELOPMENT APPLICATION REPORTS**

- 6.1 Councillor Day, Chair of Kelowna Parking Committee, dated February 22, 2006 re: Free Veterans Parking Request – Recommendation from Parking Committee (5480-08)

A motion by Councillor Letnick to extend the “Free Parking for Veterans” program through to December 31, 2006 was lost for lack of a seconder.

Moved by Councillor Day/Seconded by Councillor Given

R197/06/02/27 THAT Council extend the “Free Parking for Veterans” program through to May 31, 2006;

AND THAT the program be discontinued from that point forward.

Carried

- 6.2 Electrical Manager, dated February 23, 2006 re: Electrical Utility Rates (BL9568; 1824-02)

Moved by Councillor Day/Seconded by Councillor Given

R198/06/02/27 THAT Council approve a revised rate increase of **4.6%** to the City’s electrical utility rates for all annual residential customer revenues, municipal and school customer revenues and commercial customer revenues;

AND THAT the approved changes are for consumption that would appear on the Cycle 1 billing in March 2006;

AND FURTHER THAT the necessary amending bylaw be advanced for reading consideration by Council.

Carried

Councillor Letnick opposed.

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7. RESOLUTIONS

- 7.1 Draft Resolution re: Travel Authorization – New Council Orientation Conference February 9, 10 & 11, 2006 – Penticton, B.C. (1800-01)

Moved by Councillor Letnick/Seconded by Councillor Day

R199/06/02/27 THAT Councillors Carol Gran and Michele Rule be authorized to travel to attend the New Council Orientation Conference hosted by the Union of British Columbia Municipalities in Penticton, B.C., on February 9-11, 2006, with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547, using funds from Account No. 351-10-015-0-001.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.1 Bylaw No. 9564 – Road Closure and Removal of Highway Dedication Bylaw – Part of Lakeshore and Barnaby Roads

Moved by Councillor Letnick/Seconded by Councillor Day

R200/06/02/27 THAT Bylaw No. 9564 be read a first, second and third time.

Carried

- 8.2 Bylaw No. 9568 – Amendment No. 13 to Electricity Regulation Bylaw No. 7639

Moved by Councillor Day/Seconded by Councillor Rule

R201/06/02/27 THAT Bylaw No. 9568 be read a first, second and third time.

Carried

Councillor Letnick opposed.

9. COUNCILLOR ITEMS

- (a) Royal Bank Building – Corner of Bernard and Ellis Street

Councillor Given asked that a letter be sent from the Mayor and Council to congratulate Worman Homes on their restoration of the Royal Bank building.

- (b) Kasugai Youth Delegation – Funding Contribution

Moved by Councillor Rule/Seconded by Councillor Day

R202/06/02/27 THAT \$750 be appropriated from the Sister City Fund to cover half the costs of the 2006 youth delegation that will be visiting Kelowna from Kasugai, Japan.

Carried

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10. TERMINATION

The meeting was declared terminated at 4:44 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/am