

Regular Meeting – P.M.

March 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, March 27, 2006.

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

Council members absent: Mayor Sharon Shepherd and Councillor A.F. Blanleil.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Manager of Development Services, A.V. Bruce*; Director of Works & Utilities, J. Vos*; Roadways Engineer, F. Klotzbach*; Wastewater Engineer, J. Shaw*; Director of Financial Services, P.A. Macklem*; Acting Supervisor Investments & Payroll, J. Dueck*; Manager of Policy Research & Strategic Planning, S.K. Bagh*; Planner Specialist, G.L. Stephen*; Development Manager Recreation Parks & Cultural Services, R. Oddleifson*; Special Projects Planning Manager, H.M. Christy*; and Council Recording Secretary, B.L. Harder.

Guests: RCMP delegation*: Supt. Bill McKinnon, Insp. Cam Forgues, and Lorraine Nagy, Forensic Video Analyst.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Supt. Bill McKinnon re: Update - Policing Activities

Supt. Bill McKinnon:

- The 'gator' sport utility vehicle will be supplementing the foot and bike patrols. The 'gator' has locked storage for seized liquor or drugs, can travel up to 32 km/hr and can go along the boardwalk or on the grass without damaging the park areas. It is also licensed so it can also go on the road to get from park to park.
- Overview of some of the crime statistics, staffing resources, community policing initiatives, and the recent decision for police to not respond to certain motor vehicle accidents.

Insp. Cam Forgues

- Brief comment regarding the increase in break & enter statistics noting a small group is causing many of the offences, and regarding the MOU on disclosure which allows the police to provide only one copy of evidence to Crown Counsel and be reimbursed for the costs of copying if more are required.

Lorraine Nagy, Forensic Video Analyst:

- Is currently on contract with the detachments in Kelowna and Vernon.
- Gave a powerpoint presentation providing an overview of the services she provides to the detachment and the effects of CCTV (closed circuit cameras) technology.

Councillor Clark joined the meeting at 2:21 p.m.

The RCMP delegation left the meeting at 2:26 p.m.

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- 4.1 Planning & Corporate Services Department, dated March 1, 2006 re: Agricultural Land Reserve Appeal No. A05-0012 – Emil Anderson Construction Co. Ltd. – 1980 Saucier Road

Withdrawn from the agenda.

- 4.2 Rezoning Application No. Z06-0010 – Hume-Smith Contracting & Development Co., Larry Shoemaker, Varitec Enterprises Ltd. (Kenyon Sinclair) – 824 Galbraith Place (BL9586)

- (a) Planning & Corporate Services report dated March 13, 2006.

Moved by Councillor Hobson/Seconded by Councillor Given

R282/06/03/24 THAT Rezoning Application No. Z06-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 22, Section 26, Township 26, ODYD, Plan KAP76591, located on Galbraith Place, Kelowna, B.C. from the RU2 – Medium Lot Housing zone to the RU2s – Medium Lot Housing with Secondary Suite zone 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. 9586 (Z06-0010) - Hume-Smith Contracting & Development Co., Larry Shoemaker, Varitec Enterprises Ltd. (Kenyon Sinclair) – 824 Galbraith Place

Moved by Councillor Given/Seconded by Councillor Gran

R283/06/03/27 THAT Bylaw No. 9586 be read a first time.

Carried

- 4.3 Planning & Corporate Services Department, dated March 10, 2006 re: Heritage Alteration Permit Application No. HAP06-0004 – Doug Lee (Peter Chataway) – 732 Dehart Avenue

Staff:

- The City relocated the Pettigrew House, which is a designated heritage building, to the subject property and the new owner wishes to make minor changes to the exterior of the house.

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R284/06/03/27 THAT the Municipal Council authorize the issuance of Heritage Alteration Permit No. HAP06-0004 for Lot 2, DL 138, ODYD, Plan 490, located on Dehart 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. The front porch railing & stairs to be relocated to correspond with the front entry location;
4. Landscaping to be provided on the land be in general accordance with Schedule "C".

Carried

4.4 Heritage Revitalization Agreement Application No. HRA04-0002 – Tammy Moore and Scott Davis – 770 Bernard Avenue (BL9274)

- (a) Planning & Corporate Services Department report dated March 23, 2006.

Moved by Councillor Gran/Seconded by Councillor Clark

R285/06/03/27 THAT Municipal Council authorize two 6 month extensions to Heritage Revitalization Agreement Application No. HRA04-0002 (Bylaw No. 9274) from June 27, 2004;

AND THAT Heritage Revitalization Agreement Authorization Bylaw No. 9274 be advanced for adoption consideration by Council.

Carried

- (b) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9274 (HRA04-0002) – Tammy Moore and Scott Davis – 770 Bernard Avenue

Moved by Councillor Gran/Seconded by Councillor Given

R286/06/03/27 THAT Bylaw No. 9274 be adopted.

Carried

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Deputy Mayor Letnick altered the order of business and advised that agenda items No. 5.1 and 5.2 would be dealt with next.

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Roadways Engineer, dated March 22, 2006 re: Tender Award – 2006 Roads Microsurfacing Program (T06-040; 5400-10)

Moved by Councillor Given/Seconded by Councillor Hobson

R287/06/03/27 THAT the tender for the 2006 Roads Microsurfacing Program be awarded to the low bidder, McAsphalt Western Ltd. in the amount of Three Hundred Eighty-eight Thousand, Five Hundred Sixty-one Dollars and Fifty-one Cents (\$388,561.51 including GST).

Carried

- 5.2 Wastewater Engineer, dated March 22, 2006 re: Award of Construction Contract TE06-03 – Southwest Rutland Sewer Local Area Service Area No. 23 – Zone B (5340-09-23)

Moved by Councillor Day/Seconded by Councillor Given

R288/06/03/27 THAT the Contract for the construction of Local Sewer Service Area No. 23 – **Zone B** and Phase 1 of the Rutland Community Connections (RCC) Pathway be awarded to Peters Bros. Construction Ltd. for the amount of \$6,663,280.55, which includes \$100,000 contingency and GST that will be fully rebated;

AND THAT the 2006 Financial Plan be amended for the drainage works in the amount of \$100,000 with funding from the Downstream Storm Drain Reserve;

AND THAT Council approve the transfer of \$1,081,600 from the Abbott Street Corridor project and the Rails with Trails project to cover the cost of the RCC Pathway;

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

Carried

- 4.5 Planning & Corporate Services Department, dated March 22, 2006 re: Bylaw 7600 Official Community Plan – Amendment Bylaw No. 9580

Moved by Councillor Given/Seconded by Councillor Gran

R289/06/03/27 THAT OCP Text Amendment Bylaw No. 9580 to amend *Kelowna 2020* - Official Community Plan Bylaw No. 7600 as outlined in Schedule 1 attached to the report of the Planning and Corporate Services Department dated March 22, 2006 be considered by Council;

AND THAT staff be directed to follow the consultation process outlined in the report of the Planning and Corporate Services Department dated March 22, 2006, prior to forwarding OCP Text Amendment Bylaw No. 9580 for First Reading;

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AND THAT OCP Text Amendment Bylaw No. 9580 be forwarded to the Agricultural Land Commission for comment after First Reading and then forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Future Urban Reserve Council Policy No. 323 be rescinded when OCP Text Amendment Bylaw No. 9580 has been adopted.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

5.1 Roadways Engineer, dated March 22, 2006 re: Tender Award – 2006 Roads Microsurfacing Program (T06-040; 5400-10)

Dealt with after item No. 4.4.

5.2 Wastewater Engineer, dated March 22, 2006 re: Award of Construction Contract TE06-03 – Southwest Rutland Sewer Local Area Service Area No. 23 – Zone B (5340-09-23)

Dealt with after item No. 4.4.

5.3 Acting Supervisor Investments & Payroll, dated March 17, 2006 re: Investment of City of Kelowna Surplus Funds for 2005 (1860-01)

Moved by Councillor Clark/Seconded by Councillor Given

R290/06/03/27 THAT Council receive the Compliance and Benchmark reports related to City of Kelowna Investments for 2005, as attached to the report dated March 17, 2006 from the Acting Supervisor Investments and Payroll.

Carried

5.4 Development Manager Recreation Parks & Cultural Services, dated March 20, 2006 re: Youth Advisory Committee – Terms of Reference (0760-20)

Moved by Councillor Hobson/Seconded by Councillor Rule

R291/06/03/27 THAT Council approve the Youth Advisory Committee – Terms of Reference as attached to the report from the Development Manager, Recreation Parks and Cultural Services dated March 20, 2006;

AND THAT funding of \$10,000 be allocated from Council Contingency to conduct two (2) Youth Forums in 2006;

AND THAT Council consider annual funding for up to four (4) Youth Forums in the 2007 Financial Plan.

Carried

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- 5.5 City Clerk, dated March 21, 2006 re: 2005 General Local Government Elections – Campaign Financing Disclosure Statements (4200-01)

Moved by Councillor Day/Seconded by Councillor Gran

R292/06/03/27 THAT Council receive the report of the City Clerk, dated March 21, 2006, with regard to the filing of Campaign Financing Disclosure Statements for the 2005 General Local Government Election.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 9572 – Amendment No. 5 to Clean Air and Smoking Regulation Bylaw No. 5980-86

Moved by Councillor Day/Seconded by Councillor Rule

R293/06/03/27 THAT Bylaw No. 9572 be read a first, second and third time.

Carried

7. COUNCILLOR ITEMS

(a) Garburators

Councillor Letnick referred to a leaflet outlining what the public can do to reduce the impact on sewer treatment by what they put down the drain, and noted that during a recent tour of the wastewater treatment plant he learned that use of garburators is prohibited in the City of Kelowna. The City Manager was asked to investigate the consequences of having garburators when their use is illegal.

8. TERMINATION

The meeting was declared terminated at 3:40 p.m.

Certified Correct:

Deputy Mayor Letnick

City Clerk

BLH/am