

Regular Meeting – P.M.May 1, 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, May 1, 2006.

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

Council members absent: Councillor N.J. Letnick.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Director of Financial Services, P.A. Macklem*; Financial Planning Manager, K. Grayston*; Financial Accounting & Systems Manager, R. Mayne*; Subdivision Approving Officer, R.G. Shaughnessy*; Manager of Policy, Research & Strategic Planning, S.K. Bagh*; Planner Specialist, P.J. McCormick*; Director of Recreation Parks & Culture, D.L. Graham*; Cultural Services Manager, L. Gunn*; Cultural Facilities Manager, R. Forbes*; Airport General Manager, R. Sellick*; Assistant General Manager Airport Operations, D. Fuller*; Special Projects Planning Manager, H.M. Christy*; Community Planning Manager, T. Eichler*; 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 Day was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Jack McGee, President, and Pat Ross, Vice-President Education & Student Services, Justice Institute of B.C. re: JIBC Okanagan Campus

Jack McGee:

- Outlined the programs and services offered by JIBC and announced that the Okanagan campus will be moving to the City-owned property at 825 Walrod Street.

Mayor Shepherd altered the order of business and advised that agenda item No. 5.10 would be dealt with next.

5.10 Cultural Facilities Manager, dated April 26, 2006 re: Walrod School Lease (0870-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R375/06/05/01 THAT City Council approves a three year lease with two one-year renewal options with The Justice Institute of British Columbia for the Walrod School buildings and portables located at 825 Walrod Street;

AND THAT the Mayor and City Clerk be authorized to sign the lease based on the criteria attached to the Cultural Facilities Manager's April 26, 2006 report;

AND FURTHER THAT the 2006 budget be so amended.

Carried

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3.2 Tony Lockhorst, President, City of Kelowna Arts Foundation
(a) 2006 Grant Allocations

Tony Lockhorst, President, Kelowna Arts Foundation:

- Announced the 2006 grant allocations
- Grant requests totalled \$328,212. Asked that Council consider increasing the amount of grant money in future.

Moved by Councillor Hobson/Seconded by Councillor Rule

R376/06/05/01 THAT the 2006 Arts Foundation grant allocations totalling \$210,000 be approved as recommended by the City of Kelowna Arts Foundation in the correspondence dated March 24, 2006.

Carried

Moved by Councillor Hobson/Seconded by Councillor Given

R377/06/05/01 THAT staff consider an annual rate increase for the Arts Foundation and report back to Council with options.

Carried

(b) Appointments to the Arts Foundation Board

Moved by Councillor Rule/Seconded by Councillor Gran

R378/06/05/01 THAT the following individuals be appointed to the City of Kelowna Arts Foundation Board for the remainder of the 3-year term ending December 2008:

Marion Ashby
Kim Haythornthwaite
Brian Ratcliffe
Rod Shuttleworth
Gail Truesdell;

AND THAT a letter be sent to the retiring members that have resigned.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Planning & Corporate Services Department, dated April 20, 2006 re: Agricultural Land Reserve Appeal No. A06-0003 – Kaspar Moser (Gordon Hoffman) – 1080 Gibson Road

Staff:

- The staff recommendation is negative because the size of the homesite severance lot is larger than the ½ acre to 1 acre size supported by City and Agricultural Land Commission guidelines.

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Moved by Councillor Day/Seconded by Councillor Blanleil

R379/06/05/01 THAT Council hear from the applicant.

Carried

Gordon Hoffman, representing the applicant:

- Is a former neighbour of the applicant. The applicant's current residence is very old and is located on the lower parcel (Morrison Road property) which has only a small amount of road frontage. If the homesite severance was granted on that parcel, it would be very difficult to get access to the remaining parcel.
- The applicant would like to build a new house on the upper parcel (Gibson Road property) where there is a better view. The daughter will eventually take over the lower section of the main farm and they will want to be able to move farm equipment between the sites.
- The proposed site would be approximately the same size as the site of the existing house and existing buildings.
- A homesite severance of the existing house would result in more land being lost because of the need to construct road access for the parcel remainder and the owner of that parcel would likely want to build higher up where the view is better.
- The applicant could likely get a homesite severance approved for the existing residence on the lower parcel, but he wants the new lot to be on the upper parcel instead of the lower parcel.

Kaspar Moser, owner:

- The proposed homesite severance on Lot 1 (the upper parcel) is in an area that is frost-free and his intention is to farm peaches on the property.

Staff:

- Clarified that the applicant should be applying for a subdivision in lieu of a homesite severance; a homesite severance application would be turned down by the Agricultural Land Commission based on the proposed new location and the size.

Moved by Councillor Hobson/Seconded by Councillor Day

R380/06/05/01 THAT Agricultural Land Reserve Appeal No. A06-0003 for Lots 1 & 2, Sec. 25, Twp. 26, ODYD Plan 1515, located on Gibson and Morrison Roads, Kelowna, B.C. which is an application for subdivision in lieu of a homesite severance, pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Municipal Council.

Carried

4.2 Planning & Corporate Services Department, dated April 25, 2006 re: Agricultural Land Reserve Appeal No. A06-0008 – Judith Ohs (nee Horkoff) – 753-755 Glenmore Road

Moved by Councillor Hobson/Seconded by Councillor Day

R381/06/05/01 THAT Agricultural Land Reserve Appeal No. A06-0008 for Lot B, Sec. 9, Twp. 23, ODYD Plan 37110, located on 753-755 Glenmore Road, Kelowna, B.C. which is an application for a homesite severance, pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Municipal Council.

Carried

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4.3 OCP06-0003 - Bylaw 7600 Official Community Plan Amendment Bylaw No. 9580

- (a) Planning & Corporate Services report dated April 26, 2006.

Moved by Councillor Hobson/Seconded by Councillor Gran

R382/06/05/01 THAT OCP Bylaw Text Amendment No. 9580 received by Council on March 27, 2006 be advanced for First Reading by Council;

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

Carried

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

Bylaw No. 9580 (OCP06-0003) – Official Community Plan Amendment **Requires majority vote of Council (5)**

Moved by Councillor Given/Seconded by Councillor Clark

R383/06/05/01 THAT Bylaw No. 9580 be read a first time.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Mayor Shepherd, Audit Committee Chair, dated April 20, 2006 re: Financial Statements for the Year Ending December 31, 2005 (1830-20; 0540-20)

Moved by Councillor Hobson/Seconded by Councillor Given

R384/06/05/01 THAT the Statement of Financial Position, Statement of Financial Activities and Auditor's Report for the City of Kelowna for the year ending December 31, 2005 be received;

AND THAT Council approve the appropriation of \$4,350,000 of surplus generated from all general fund operations in 2005 to general reserves as detailed in the body of the report dated April 20, 2006 from Mayor Shepherd as Chair of the Audit Committee;

AND FURTHER THAT the Statement of Financial Position, Statement of Financial Activities and Auditor's Report be reprinted in, and form part of, the City of Kelowna's annual report.

Carried

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- 5.2 City Manager, dated April 25, 2006 re: 2006 Financial Plan – Final Budget (BL9599; 1700-20)

Moved by Councillor Hobson/Seconded by Councillor Given

R385/06/05/01 THAT Council approve the 2006-2010 Financial Plan;

AND THAT Council approve the formulation of 2006 Property Tax Rates that will raise the required funds in 2006, from General Taxation, of \$74,660,000, resulting in an average net property owner impact of 2.00%;

AND FURTHER THAT the bylaw to adopt the 2006-2010 Financial Plan be advanced for reading consideration by Council.

Carried

- 5.3 Director of Planning & Corporate Services, dated April 25, 2006 re: Rutland Town Centre Strategy Task Force (0540-20)

Moved by Councillor Given/Seconded by Councillor Hobson

R386/06/05/01 THAT the Terms of Reference for the Rutland Town Centre Strategy Task Force be amended to increase the representation from the community at large from seven to nine members and to extend the term for the committee from the end of 2006 to May 1, 2007;

AND THAT the following individuals be appointed to the Rutland Town Centre Strategy Task Force:

1. Joan Eichberger
2. Wayne Horning
3. Stafford McKergo
4. David Porteous
5. Lara Ramsay
6. Todd Sanderson
7. Jennifer Warawa
8. Dave Willoughby
9. Allison Wood.

Carried

- 5.4 Director of Planning & Corporate Services, dated April 19, 2006 re: Incentives for Downtown and Uptown (Rutland) Revitalization (6480-40)

Moved by Councillor Hobson/Seconded by Councillor Given

R387/06/05/01 THAT Council receive information on the Tax Incentive Program described in the Planning and Corporate Services report of April 19, 2006;

AND THAT the Tax Incentive Program described in the Planning and Corporate Services report of April 19, 2006 (Attachment 1) be endorsed and that the Official Community Plan Bylaw and Tax Exemption Program Bylaw amendments required to implement the program be brought forward at such time as there is developer interest in applying for a tax incentive for development within Downtown and Rutland (areas as identified in Attachment 1);

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AND THAT Council endorse amendments to Council Policy 314 (Parking Credits for Mixed-Use Developments within the Downtown Urban Centre) described in Attachment 2 of the Planning and Corporate Services report of April 19, 2006;

AND FURTHER THAT the Mayor, on behalf of Council, write a letter to the Minister of Community Services expressing dissatisfaction with Community Charter provisions for tax incentives and requesting a review of legislation with a view towards providing a wider, more effective, and easier-to-administer range of development incentives.

Carried

5.5 Community Planning Manager, dated April 19, 2006 re: Community Social Development Grants and Grants to Address the Sexual Exploitation of Youth (1855-20)

Sandi Oloffs, Grants Coordinator, Central Okanagan Foundation:

- A total of 13 grant applications were received requesting a total of \$79,968 for community social development and \$30,300 to address the sexual exploitation of youth.
- The committee recommends allocating a total of \$58,001.36 in community social development grants and \$22,000 in grants to address the sexual exploitation of youth.

Moved by Councillor Clark/Seconded by Councillor Day

R388/06/05/01 THAT Council adopt the recommendations from the Central Okanagan Foundation regarding agencies and amounts to be funded under the Community Social Development Grants and Grants to Address the Sexual Exploitation of Youth programs, in accordance with Council Policies 218 and 277 and as outlined in the attachment to the Community Planning Manager's report dated April 19, 2006;

AND THAT Council authorize an additional \$201.36 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

5.6 Special Projects Planning Manager, dated April 4, 2006 re: Advisory Committee for Community and Women's Issues (0540-20; 0550-01)

Moved by Councillor Day/Seconded by Councillor Hobson

R389/06/05/01 THAT Council adopt the Terms of Reference for the Advisory Committee on Community and Women's Issues attached to the report from the Special Projects Planning Manager dated April 4, 2006;

AND THAT funding of \$3,000.00 be allocated from Council Contingency for 2006;

AND FURTHER THAT Council direct staff to place an advertisement in the local papers seeking citizens interested in sitting on this committee.

Carried

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- 5.7 Cultural Services Manager, dated April 24, 2006 re: Sunshine Theatre Company Loan Repayment (0230-20)

Moved by Councillor Hobson/Seconded by Councillor Given

R390/06/05/01 THAT Council approve delaying repayment of the \$50,000 loan which was due November 15, 2005;

AND THAT Council approve the timing of the loan repayment to August 31st, 2007;

AND FURTHER THAT Kelowna Visual & Performing Arts Centre Society (KVPACS) provide an operational update by November 1st, 2006.

Carried

Moved by Councillor Hobson/Seconded by Councillor Clark

R391/06/05/01 THAT the Mayor write the Federal Minister of Finance to ask that he not roll back the additional Canada Council funding for the arts that was promised by the Liberals.

Carried

- 5.8 Airport General Manager, dated April 20, 2006 re: Airport Public Parking Facilities (2320-20-8027.01; 0550-05)

Moved by Councillor Day/Seconded by Councillor Blanleil

R392/06/05/01 THAT Council authorize Airport Administration to enter into a renewal of the sub-lease agreement with Royal Star Enterprises Inc. for the airport public parking facilities effective April 1, 2006 for a period of one year ending March 31, 2007 with a provision for two one-year renewals at the City's option;

AND THAT Council authorize the Mayor and City Clerk to sign the sub-lease agreement on behalf of the City of Kelowna.

Carried

- 5.9 Airport General Manager, dated April 18, 2006 re: Waiving of Airport Improvement Fees for Charitable Flights (BL9607; 0550-05)

Moved by Councillor Given/Seconded by Councillor Blanleil

R393/06/05/01 THAT Council authorize the Airport General Manager to at his discretion waive the \$8.00 Airport Improvement Fee where an airline has donated a departing passenger's flight for a charitable cause;

AND THAT Council approve amending Bylaw No. 7982, Airport Fees, Section 22. Airport Improvement Fees to add clause 22.3 "The Airport General Manager may at his discretion waive the Airport Improvement Fee where an airline has donated the departing passenger's flight for a charitable cause."

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- 5.10 Cultural Facilities Manager, dated April 26, 2006 re: Walrod School Lease (0870-20)

Dealt with after agenda item No. 3.1.

- 5.11 City Clerk, dated April 26, 2006 re: 2006 Parcel Tax Review Panel (1951-20)

Moved by Councillor Hobson/Seconded by Councillor Rule

R394/06/05/01 THAT the time and place for the sitting of the 2006 Parcel Tax Review Panel be set at 11:45 a.m. on May 15, 2006 in Meeting Room 3 at City Hall, 1435 Water Street, Kelowna, B.C.

Carried

6. RESOLUTIONS

- 6.1 Draft Resolution re: Crystal Meth Grant Application Through UBCM (0230-20)

Moved by Councillor Hobson/Seconded by Councillor Rule

R395/06/05/01 THAT Kelowna City Council supports the Okanagan Living Positive Resource Centre applying through the Union of British Columbia Municipalities to access grant monies available under the Community Methamphetamine Response Funding Program for community-based anti-meth programs.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9599 – Five Year Financial Plan, 2006-2010

Moved by Councillor Clark/Seconded by Councillor Gran

R396/06/05/01 THAT Bylaw No. 9599, 9600, 9601, 9602, 9603, 9604, 9605, 9606 and 9607 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 9600 – Tax Structure Bylaw, 2006

See resolution adopted under item No. 7.1.

- 7.3 Bylaw No. 9601 – Annual Tax Rates Bylaw, 2006

See resolution adopted under item No. 7.1.

- 7.4 Bylaw No. 9602 – Capital Works, Machinery and Equipment Reserve Fund Expenditure Bylaw, 2006

See resolution adopted under item No. 7.1.

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- 7.5 Bylaw No. 9603 – Amendment No. 1 to Sale of City-Owned Land Reserve Fund Expenditure Bylaw, 2005, No. 9419

See resolution adopted under item No. 7.1.

- 7.6 Bylaw No. 9604 – Sale of City-Owned Land Reserve Fund Expenditure Bylaw, 2006

See resolution adopted under item No. 7.1.

- 7.7 Bylaw No. 9605 – Development Cost Charge Reserve Fund Expenditure Bylaw, 2006

See resolution adopted under item No. 7.1.

- 7.8 Bylaw No. 9606 – Parking Reserve Fund Expenditure Bylaw, 2006

See resolution adopted under item No. 7.1.

- 7.9 Bylaw No. 9607 – Amendment No. 12 to Airport Fees Bylaw No. 7982

See resolution adopted under item No. 7.1.

(BYLAWS PRESENTED FOR ADOPTION)

- 7.10 Bylaw No. 9570 – Solid Waste Management Regulation Bylaw

Moved by Councillor Rule/Seconded by Councillor Blanleil

R397/06/05/01 THAT Bylaw No. 9570 be adopted.

Carried

- 7.11 Bylaw No. 9571 – Amendment No. 66 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Rule/Seconded by Councillor Blanleil

R398/06/05/01 THAT Bylaw No. 9571 be adopted.

Carried

- 7.12 Bylaw No. 9589 – Sterile Insect Release Program Parcel Tax Bylaw, 2006

Moved by Councillor Hobson/Seconded by Councillor Day

R399/06/05/01 THAT Bylaw No. 9589 be adopted.

Carried

- 7.13 Bylaw No. 9598 – Amendment No. 2 to Five Year Financial Plan 2005-2009

Moved by Councillor Hobson/Seconded by Councillor Day

R400/06/05/01 THAT Bylaw No. 9598 be adopted.

Carried

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8. COUNCILLOR ITEMS

(a) Good Neighbour Agreement – Supportive Housing Projects

Councillor Hobson advised that the City of Victoria has an excellent Good Neighbour Agreement in place for a supportive housing project in that community. Staff to obtain a copy.

9. TERMINATION

The meeting was declared terminated at 4:04 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am