

Regular Meeting – P.M.May 29, 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 29, 2006.

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

Council members absent: Councillor C.M. Gran.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Manager of Development Services, A.V. Bruce\*; Current Planning Supervisor, S. Gambacort\*; Director of Works & Utilities, J. Vos\*; Director of Recreation Parks & Cultural Services, D.L. Graham\*; Financial Planning Manager, K. Grayston\*; Roadways Engineer, F. Klotzbach\*; Cultural Facilities Manager, R. Forbes\*; Assistant General Manager Airport Operations, D. Fuller\*; Airport Fire & Security Chief, N. Drachenberg\*; Electrical Utility Manager, R. Carle\*; Inspection Services Manager, R. Dickinson\*; and Council Recording Secretary, B.L. Harder.

Guests: Insp. Norm Gaumont, Langley RCMP Detachment, and Insp. Cam Forgues, Kelowna RCMP Detachment.

(\* 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.

Councillor Given joined the meeting at 1:35 p.m.

The order of business was altered and agenda item No. 3.2 was dealt with next.

3. PUBLIC IN ATTENDANCE

3.2 Superintendent Bill McKinnon, Kelowna RCMP Detachment re: Monthly Update

Inspector Cam Forgues, Kelowna RCMP Detachment:

- Brief overview of policing activity report for April 2006.

3.1 Inspector Norm Gaumont, Langley RCMP Detachment re: Traffic Services

Inspector Norm Gaumont, Langley RCMP Detachment:

- PowerPoint presentation outlining a 2006 harm reduction strategy based on statistical data used to determine areas where the RCMP need to target in an attempt to reduce traffic fatalities.

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Moved by Councillor Day/Seconded by Councillor Rule

**R470/06/05/29** THAT a letter be sent to Solicitor General Stockwell Day from the Mayor and Council to encourage the provincial government to update and expand the red light camera program for intersections, impose demerit points in addition to fines for seatbelt infractions, and introduce helmet regulations for motorcycles;

AND THAT the letter be copied to Premier Gordon Campbell, MLAs Sindi Hawkins, Al Horning, and Rick Thorpe, and the Langley and Kelowna RCMP detachments.

Carried

3.2 Superintendent Bill McKinnon, Kelowna RCMP Detachment re: Monthly Update

Dealt with after agenda item No. 2.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Text Amendment No. TA06-0001 – City of Kelowna Zoning Bylaw Amendment – Prospero Canadian Land Investment Fund Ltd. (Kim McKechnie/584121 BC Ltd.) – 1835 Gordon Drive and 1171 Harvey Avenue

(a) Planning & Corporate Services report dated May 10, 2006.

Staff:

- The application is to amend the permitted building height provisions of the C4 – Urban Centre Commercial zone as it applies to the Capri Centre Mall site from 4 storey to 16 storey buildings.
- The applicant has provided a concept plan showing an overall redevelopment scheme for the site, including five residential towers that would be constructed above two floors of commercial uses.
- Staff do not support a text amendment. Changing the C4 zone would allow 16 storey buildings anywhere on the site and on any other C4 zoned lands. Staff would prefer to see an overall redevelopment plan showing 8-10 storeys in the middle of the site with lower transitional buildings on the boundaries, and to deal with the height variance via a Development Variance Permit.
- The applicant wants to get the height issue settled before getting on with the detailed redevelopment planning.

Council:

- Discussed dealing with the application via a Comprehensive Development (CD) zone as opposed to the requested text amendment.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R471/06/05/29** THAT Council hear from the applicant.

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Kim McKechnie, representing the applicant:

- Anticipate that redevelopment of the site would be over at least 10-15 years.
- The owners are happy with the uses and density permitted with the existing C4 zone and do not wish to proceed under a CD zone.
- The plan before Council is very conceptual. Master planning of the site including how the buildings would be sited would occur once the height limitation has been determined.

Moved by Councillor Blanleil/Seconded by Councillor Given

THAT Zoning Bylaw Text Amendment No. TA06-0001 to amend City of Kelowna Zoning Bylaw No. 8000 by adding the following to the existing Section 14.4.5 (c)  
**Development Regulations:**

“Notwithstanding any other requirements in this sub-paragraph 14.4.5 (c), the maximum permitted height for Lot A, D.L. 137, O.D.Y.D., Plan KAP64836, is the lesser of 55m or 16 storeys“

AND THAT Zoning Bylaw Text Amendment No. TA06-0001 be forwarded to a Public Hearing for further consideration.

Council:

- Concerned about dealing with the text amendment to allow for increased building height without first having considered the broader issues.

Moved by Councillor Hobson/Seconded by Councillor Given

**R472/06/05/29** THAT further Council consideration of Zoning Bylaw Text Amendment No. TA06-0001 be deferred for staff to consider dealing with the application for redevelopment of the Capri Mall site via a Comprehensive Development (CD) zone instead of a Zoning Bylaw Text Amendment (TA) in order to ensure the following concerns are addressed prior to the Public Hearing for the application:

- due diligence by the applicant to ensure the neighbourhood is informed,
- provision of proportionate green space for the residential buildings,
- shadow and view impacts of the taller buildings,
- density bonusing for an affordable housing component.

Carried

4.2 Rezoning Application No. Z06-0002 – Robert, Roger and Darlene Ducharme (Robert Ducharme) – 3059 Gordon Drive (BL9615)

(a) Planning & Corporate Services report dated May 18, 2006.

Moved by Councillor Given/Seconded by Councillor Letnick

**R473/06/05/29** THAT Rezoning Application No. Z06-0002 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, District Lot 131, O.D.Y.D. Plan 17696 except Plan H16127, located on Gordon Drive, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

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

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

Bylaw No. 9615 (Z06-0002) - Robert, Roger and Darlene Ducharme (Robert Ducharme) – 3059 Gordon Drive

Moved by Councillor Clark/Seconded by Councillor Letnick

**R474/06/05/29** THAT Bylaw No. 9615 be read a first time.

Carried

4.3 Rezoning Application No. Z06-0015 – Helga Rochford (Helga & Leslie Rochford) – 498 Okaview Road (BL9616)

(a) Planning & Corporate Services report dated May 19, 2006.

Moved by Councillor Letnick/Seconded by Councillor Day

**R475/06/05/29** THAT Rezoning Application No. Z06-0015 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 24, Township 28, S.D.Y.D. Plan 17367, located on Okaview Road, Kelowna, B.C. from the RR2 – Rural Residential 2 zone to the RU1 – Large Lot Housing 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. 9616 (Z06-0015) - Helga Rochford (Helga & Leslie Rochford) – 498 Okaview Road

Moved by Councillor Clark/Seconded by Councillor Letnick

**R476/06/05/29** THAT Bylaw No. 9616 be read a first time.

Carried

4.4 Rezoning Application No. Z05-0084 – Brian and Cheryl Kokayko (Brian Kokayko) – 4523 Gordon Drive (BL9617)

(a) Planning & Corporate Services report dated May 18, 2006.

Moved by Councillor Letnick/Seconded by Councillor Given

**R477/06/05/29** THAT Rezoning Application No. Z05-0084 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 358, O.D.Y.D. Plan 24635, located on Gordon Drive, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

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

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

Bylaw No. 9617 (Z05-0084) - Brian and Cheryl Kokayko (Brian Kokayko) – 4523 Gordon Drive

Moved by Councillor Letnick/Seconded by Councillor Given

**R478/06/05/29** THAT Bylaw No. 9617 be read a first time.

Carried

4.5 Official Community Plan Amendment No. OCP06-0001 and Rezoning Application No. Z06-0012 – Rose Enterprises Ltd. (Doug Clark) – 2480 – 2490 Richter Street (BL9618 and BL9619)

(a) Planning & Corporate Services report dated May 19, 2006.

Moved by Councillor Day/Seconded by Councillor Letnick

**R479/06/05/29** THAT OCP Bylaw Amendment No. OCP06-0001 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Parcel A (KV157498) District Lot 14, O.D.Y.D. Plan 5291 and Lot 33 District Lot 14, O.D.Y.D., Plan 1141, located on Richter Street, Kelowna, B.C., from the single/two unit designation to the multiple unit residential – low density designation, as shown on Map “A” attached to the report of Planning & Corporate Services Department dated May 19, 2006, be considered by Council;

AND THAT Rezoning Application No. Z06-0012 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Parcel A (KV157498) District Lot 14, O.D.Y.D. Plan 5291 and Lot 33 District Lot 14, O.D.Y.D., Plan 1141, located on Richter Street, Kelowna, B.C. from the P4 – Utilities zone to the RM1 – Four Dwelling Housing zone be considered by Council;

AND THAT the OCP amending bylaw and zone amending bylaw be forwarded to a Public Hearing for further consideration;

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

AND FURTHER THAT final adoption of the OCP amending bylaw and zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

Carried

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

- (i) Bylaw No. 9619 (OCP06-0001) - Rose Enterprises Ltd.  
(Doug Clark) – 2480 – 2490 Richter Street **requires majority vote of Council (5)**

Moved by Councillor Letnick/Seconded by Councillor Given

**R480/06/05/29** THAT Bylaw No. 9619 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

- (ii) Bylaw No. 9620 (Z06-0012) - Rose Enterprises Ltd.  
(Doug Clark) – 2480 – 2490 Richter Street

Moved by Councillor Letnick/Seconded by Councillor Given

**R481/06/05/29** THAT Bylaw No. 9620 be read a first time.

Carried

5. **BYLAWS (ZONING & DEVELOPMENT)**

**(BYLAW PRESENTED FOR AMENDMENT AT FIRST READING)**

- 5.1 Bylaw No. 9581 (Z05-0039) – City of Kelowna – Various Park Sites

Moved by Councillor Rule/Seconded by Councillor Blanleil

**R482/06/05/29** THAT Bylaw No. 9581 be amended at first reading by deleting the legal description of Pacific Court Park, Lot 12, Sec. 35, Twp. 26, ODYD Plan 34873 and replacing the legal description with Lot Park, Plan 28485.

Carried

6. **NON-DEVELOPMENT APPLICATION REPORTS**

- 6.1 Airport General Manager, dated May 17, 2006 re: Airport Security Contract Renewal (0550-05)

Moved by Councillor Hobson/Seconded by Councillor Letnick

**R483/06/05/29** THAT Council authorizes Airport Administration to enter into an extension of the Airport Security Contract with the Commissionaires of B.C. for five (5) years effective July 1, 2006 ending June 30, 2011.

Carried

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- 6.2 Transportation Manager, dated May 23, 2006 re: Asphalt Overlay/Reclamation Contract T05-062 (5400-10)

Moved by Councillor Given/Seconded by Councillor Letnick

**R484/06/05/29** THAT the tender (T05-062) for the 2006 Asphalt Overlay/Reclamation Contract be awarded to the low bidder, Westlake Paving and Aggregates Ltd., for the amount of \$1,087,914.75;

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

Carried

- 6.3 Transportation Manager, dated May 24, 2006 re: Central Okanagan Bypass – Phase 1, Gordon to Spall, Award of Construction Contract TE06-01 (5400-20)

Moved by Councillor Letnick/Seconded by Councillor Blanleil

**R485/06/05/29** THAT Contract TE06-01 for construction of the Central Okanagan Bypass from Gordon to Spall be awarded to Hayter Construction Ltd. in the amount of \$8,507,647.33, including GST;

AND THAT costs additional to the approved budget totalling \$3,020,000, be charged to Account No. 10-3400-R2555 with funding in the amount of \$1,350,000 be transferred from 10-3400-R2540 (Clifton 1), \$270,000 from 10-3400-R4250 (High 2), \$400,000 from 10-3300-R5934 (McIntosh/Mugford Connector) and 10-3300-R2690 (Crawford), with the remaining \$1,000,000 funded from internal financing; and that the 2006 Financial Plan be amended accordingly;

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

Carried

Moved by Councillor Day/Seconded by Councillor Hobson

**R486/06/05/29** THAT staff be directed to review the cost sharing methodology for funding the construction of the Central Okanagan Bypass and report back to Council.

Carried

- 6.4 Cultural Services Facilities Manager, dated May 24, 2006 re: Brent's Grist Mill Site Memorandum of Understanding (0870-20)

Moved by Councillor Hobson/Seconded by Councillor Day

**R487/06/05/29** THAT City Council approves the Memorandum of Understanding with the Central Okanagan Heritage Society as attached to the report of the Cultural Services Facilities Manager dated May 24, 2006;

AND THAT the Civic Properties Manager be authorized to enter into negotiations for a use agreement based on the Memorandum of Understanding.

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Moved by Councillor Hobson/Seconded by Councillor Day

**R488/06/05/29** THAT staff report back with a recommendation on how the City could assume the \$100,000 debt that the Central Okanagan Heritage Society incurred when an anticipated millennium grant was not received from the federal government.

Carried

6.5 Cultural Services Facilities Manager, dated May 24, 2006 re: Guisachan Park Site Memorandum of Understanding (0870-20)

Moved by Councillor Day/Seconded by Councillor Hobson

**R489/06/05/29** THAT City Council instructs staff to finalize an operating agreement with the Central Okanagan Heritage Society based on the terms in the Memorandum of Understanding attached to the report of the Cultural Services Facilities Manager dated May 24, 2006;

AND THAT the Civic Properties Manager be authorized to approve the agreement.

Carried

6.6 Inspection Services Manager, dated May 23, 2006 re: Application for Stratification of 5 Unit Row Housing at 580-588 McCurdy Road (ST05-01)

Moved by Councillor Hobson/Seconded by Councillor Day

**R490/06/05/29** THAT the application to stratify the 5 Unit Row Housing at 580 – 588 McCurdy Road be approved in the name of Kevin and Jackie Fierbach with no conditions.

Carried

6.7 Electrical Utility Manager, dated May 24, 2006 re: Amendment to Electricity Regulation Bylaw No. 7639 (BL9614)

Moved by Councillor Hobson/Seconded by Councillor Day

**R491/06/05/29** THAT Council approve an additional rate increase of **1.243%** 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 August 2006;

AND FURTHER THAT the amending bylaw No. 9614 be forwarded for reading consideration.

Carried

Councillor Letnick opposed.

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Moved by Councillor Hobson/Seconded by Councillor Day

**R492/06/05/29** THAT the basic underground connect/service up-grade or relocation fee be increased by \$45.00 effective with the adoption of Bylaw No. 9614 being amendment No. 14 to Electricity Regulation Bylaw No. 7639.

Carried

6.8 Financial Planning Manager, dated May 24, 2006 re: Transit – 2005/2006 Annual Operating Agreement Amendments (8501-01)

Moved by Councillor Hobson/Seconded by Councillor Day

**R493/06/05/29** THAT Council approve the 2005/2006 Annual Operating Agreement Amendments for conventional and custom transit services for the City of Kelowna;

AND THAT the Mayor and City Clerk be authorized to execute the Operating Agreement Amendments between BC Transit, the City of Kelowna and Farwest Transit Services Inc. covering the period April 1, 2005 to March 31, 2006.

Carried

6.9 Financial Planning Manager, dated May 23, 2006 re: Conventional and Custom Transit – Annual Operating Agreements (8501-01)

Moved by Councillor Day/Seconded by Councillor Hobson

**R494/06/05/29** THAT Council approve the 2006/2007 Annual Operating Agreements for conventional and custom transit services for the City of Kelowna;

AND THAT the City of Kelowna wishes to provide additional expanded service and the cost of that service will be funded 100% by the City of Kelowna requiring an amendment to section 7 of British Columbia Transit Regulation, BC Reg. 30/91, where the City agrees to contribute a greater percentage of the amounts required to defray the classes of expenditure prescribed in sections 8 (1) (a)(i), (iii) and (iv) and 8 (1)(b)(i), (iii) and (iv) of British Columbia Transit Regulation, B.C. Reg. 30/91 in the annual operating agreement for that service;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Operating Agreements between BC Transit, the City of Kelowna and Farwest Transit Services Inc. covering the period April 1, 2006 to March 31, 2007.

Carried

## 7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

### (BYLAW PRESENTED FOR FIRST THREE READINGS)

7.1 Bylaw No. 9614 – Amendment No. 14 to Electricity Regulation Bylaw No. 7639

Moved by Councillor Rule/Seconded by Councillor Blanleil

**R495/06/05/29** THAT Bylaw No. 9614 be read a first, second and third time.

Carried

Councillor Letnick opposed.

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**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.2 Bylaw No. 9552 – Establishment of Local Service Area No. 26 – Fisher Road – Sanitary Sewer

Moved by Councillor Rule/Seconded by Councillor Blanleil

**R496/06/05/29** THAT Bylaw No. 9552 be adopted.

Carried

- 7.3 Bylaw No. 9557 – Establishment of Local Service Area No. 26 – Fisher Road – Water Service

Moved by Councillor Hobson/Seconded by Councillor Day

**R497/06/05/29** THAT Bylaw No. 9557 be adopted.

Carried

- 7.4 Bylaw No. 9558 – Loan Authorization Bylaw – Local Service Area No. 26 – Fisher Road – Sanitary Sewer

Moved by Councillor Day/Seconded by Councillor Hobson

**R498/06/05/29** THAT Bylaw No. 9558 be adopted.

Carried

- 7.5 Bylaw No. 9559 – Loan Authorization Bylaw – Local Service Area No. 26 – Fisher Road – Water Service

Moved by Councillor Hobson/Seconded by Councillor Day

**R499/06/05/29** THAT Bylaw No. 9559 be adopted.

Carried

8. COUNCILLOR ITEMS

- (a) Mayor Shepherd re: Resolution to reconsider Bill 30

Moved by Councillor Clark/Seconded by Councillor Rule

**R500/06/05/29** THAT a letter be sent from the Mayor and Council to Premier Gordon Campbell in support of the resolution put forward by the Municipal Council of the City of Victoria urging the provincial government to immediately set Bill 30 aside and return to working with the Union of British Columbia Municipalities to complete the commitments of the Memorandum of Understanding on Independent Power Projects;

AND THAT the letter be copied to the UBCM and MLAs Sindi Hawkins, Al Horning and Rick Thorpe.

Carried

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(b) Mayor Shepherd re: Resolution Regarding the EnerGuide Program

Moved by Councillor Given/Seconded by Councillor Hobson

**R501/06/05/29** THAT a letter be sent from the Mayor and Council to Prime Minister Stephen Harper with a copy to MP Ron Cannan asking that the 'EnerGuide' home renovation program not be cancelled.

Carried

Councillors Blanleil and Letnick opposed.

(c) Mayor Shepherd re: Central Okanagan Parks and Wildlife Trust

Moved by Councillor Hobson/Seconded by Councillor Day

**R502/06/05/29** THAT Dr. Barry Jones be appointed as the City's representative in place of Councillor Hobson on the board of the Central Okanagan Parks and Wildlife Trust for the balance of the 2006/07/08 Council term.

Carried

(d) Provincial Funding Initiative to Support Tourism

Councillor Letnick referred to an email from the Premier's office announcing a new tourism initiative to support resort communities. The Province is returning approximately \$10 million in provincial hotel room tax to participating municipalities for development of their tourism economies. Referred to the City Manager to look into why the City of Kelowna is not one of the municipalities receiving some of this funding.

## 9. TERMINATION

The meeting was declared terminated at 5:04 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/am