

Regular Meeting – P.M.June 12, 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, June 12, 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, N.J. Letnick and M.J. Rule.

Staff members in attendance were: City Manager, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce*; Current Planning Supervisor, S. Gambacort*; Manager of Policy Research & Strategic Planning, S.K. Bagh*; Manager of Community Development & Real Estate, D.L. Shipclark*; Director of Recreation Parks & Cultural Services, D.L. Graham*; Civic Properties Manager, R. Cleveland*; Cultural Facilities Manager, R. Forbes*; Community Planning Manager, T. Eichler*; Planner-Specialist, G.L. Stephen*; Water/Drainage Engineer, R. Barnes*; Wastewater Engineer, J. Shaw*; Roadways Engineer, F. Klotzbach*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:31 p.m.

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

3. DEVELOPMENT APPLICATION REPORTS

3.1 Rezoning Application No. Z06-0018 – M 124 Enterprises Ltd. (Ted Thomas & Assoc.) – 120 Old Vernon Road (BL9628)

(a) Planning & Corporate Services report dated June 1, 2006.

Moved by Councillor Hobson/Seconded by Councillor Given

R518/06/06/12 THAT Rezoning Application No. Z06-0018 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 2, Twp. 23, O.D.Y.D., Plan 7301, located on Old Vernon Road, Kelowna, B.C. from the existing C2 – Neighbourhood Commercial zone to the proposed I2 – General Industrial 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 Servicing Agreement acceptable to the City of Kelowna.

Carried

Regular Meeting – P.M.

June 12, 2006

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

Bylaw No. 9628 (Z06-0018) - M 124 Enterprises Ltd. (Ted Thomas & Assoc.) – 120 Old Vernon Road

Moved by Councillor Given/Seconded by Councillor Letnick

R519/06/06/12 THAT Bylaw No. 9628 be read a first time.

Carried

Councillor Blanleil joined the meeting at 1:45 p.m.

3.2 Official Community Plan Amendment No. OCP06-0004 and Rezoning Application No. Z06-0016 – 612333 BC Ltd. (Hans Neumann) – 1642 Commerce Avenue (BL9626; BL9627)

(a) Planning & Corporate Services report dated June 1, 2006.

Moved by Councillor Letnick/Seconded by Councillor Given

R520/06/06/12 THAT OCP Bylaw Amendment No. OCP06-0004 to amend Map 15.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 5, DL 125, ODYD, Plan KAP73825 located on Commerce Avenue, Kelowna, B.C., from the Industrial designation to the Commercial designation be considered by Council;

AND THAT Rezoning Application No. Z06-0016 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5, DL 125, ODYD, Plan KAP73825 located on Commerce Avenue, Kelowna, B.C. from the I1 - Business Industrial zone to the C10 - Service Commercial zone be considered by Council;

AND FURTHER THAT the OCP Bylaw Amendment No. OCP06-0004 and zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

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

(i) Bylaw No. 9626 (OCP06-0004) – 612333 BC Ltd. (Hans Neumann) – 1642 Commerce Avenue **requires majority vote of Council (5)**

Moved by Councillor Letnick/Seconded by Councillor Given

R521/06/06/12 THAT Bylaw No. 9626 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

Regular Meeting – P.M.June 12, 2006

- (ii) Bylaw No. 9627 (Z06-0016) – 612333 BC Ltd. (Hans Neumann) – 1642 Commerce Avenue

Moved by Councillor Given/Seconded by Councillor Letnick**R522/06/06/12** THAT Bylaw No. 9627 be read a first time.Carried

- 3.3 Rezoning Application No. Z05-0073 – Echo Mountain Development (New Town Planning Services Inc.) – 2750, 2760, 2784, 2786 & 2788 Highway 97 North (BL9629)

- (a) Planning & Corporate Services report dated June 1, 2006.

Mayor Shepherd left the meeting at 2:04 p.m. to attend the opening ceremony of the new Highway 33/Highway 97 intersection with Enterprise Way. Deputy Mayor Day assumed the Chair.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R523/06/06/12 THAT Rezoning Application No. Z05-0073 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of; Part of Lot 1, DL 124 & 415, O.D.Y.D., Plan 1879, EXC. Plan 8341, Part of Lot 2, DL 124, O.D.Y.D., Plan 1879, Part of Lot 3, DL 124, O.D.Y.D., Plan 1879 EXC. Plan 4571, Part of Lot A, DL 124, O.D.Y.D., Plan 8341, and Part of Lot A, DL 124, O.D.Y.D., Plan 4571, located on Highway 97 N., Kelowna, B.C. from the existing A1 – Agriculture 1 zone to the proposed I1 – Business Industrial and I2 – General Industrial zones as shown on Map "A" attached to the report of Planning & Corporate Services Department dated June 1, 2006 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 an Environmental Development Permit/ Development Variance Permit with respect to Mill Creek Mitigation on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer;

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 THAT final adoption of the zone amending bylaw be considered subsequent to the;

- Registration of all required road and creek dedications,
- Agriculture Land Commission confirmation of the Agriculture Land Reserve exclusion boundary adjustment;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

Carried

Regular Meeting – P.M.

June 12, 2006

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

Bylaw No. 9629 (Z05-0073) – Echo Mountain Development (New Town Planning Services Inc.) – 2750, 2760, 2784, 2786 & 2788 Highway 97 North

Moved by Councillor Clark/Seconded by Councillor Gran

R524/06/06/12 THAT Bylaw No. 9629 be read a first time.

Carried

3.4 Official Community Plan Amendment No. OCP06-0003 – Amendment to Kelowna 2020 Official Community Plan Bylaw No. 7600 (BL9580)

(a) Planning & Corporate Services report dated June 7, 2006.

Moved by Councillor Hobson/Seconded by Councillor Given

R525/06/06/12 THAT the June 7, 2006 report of the Planning & Corporate Services department regarding a proposed linear trail on the Black Mountain Irrigation District ditch right-of-way more or less located on the Rutland Bench north of Highway 33 be received for information.

Carried

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

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

Moved by Councillor Day/Seconded by Councillor Rule

R526/06/06/12 THAT Bylaw No. 9580 (OCP06-0003) be amended at first reading to address concerns of the Agricultural Land Commission as outlined in the report of the Planning & Corporate Services department dated June 7, 2006;

AND THAT Bylaw No. 9580, as amended, be forwarded to a Public Hearing for further consideration.

Carried

3.5 Official Community Plan Amendment No. OCP06-0013 – Amendment to Kelowna 2020 Official Community Plan Bylaw No. 7600 (BL9630), and advancement of Revitalization Tax Exemption Bylaw No. 9561 for reading consideration (BL9630; BL9561)

(a) Planning & Corporate Services report dated June 7, 2006.

Moved by Councillor Hobson/Seconded by Councillor Given

R527/06/06/12 THAT OCP Text Amendment Bylaw No. 9630 to amend Kelowna 2020 Official Community Plan Bylaw No. 7600 to designate Tax Incentive Areas in Downtown and Rutland as outlined the report of the Planning and Corporate Services Department dated June 7, 2006 be considered by Council and forwarded to a Public Hearing;

AND THAT Revitalization Tax Exemption Bylaw No. 9561 be advanced for first three readings by Council.

Carried

Regular Meeting – P.M.

June 12, 2006

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

Bylaw No. 9630 (OCP06-0013) - Amendment to Kelowna 2020 Official Community Plan Bylaw No. 7600

Moved by Councillor Clark/Seconded by Councillor Gran

R528/06/06/12 THAT Bylaw No. 9630 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

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

(BYLAWS PRESENTED FOR ADOPTION)

4.1 Bylaw No. 9195 (Z00-1059) – Romesha Ventures Inc. – 1374 Highway 33 East

Moved by Councillor Clark/Seconded by Councillor Gran

R529/06/06/12 THAT Bylaw No. 9195 be adopted.

Carried

4.2 Bylaw No. 9512 (Z05-0051) – Irandokht Khodarahmi (Grant Maddock/Protech Consultants Ltd.) – 5110 Frost Road

Moved by Councillor Rule/Seconded by Councillor Day

R530/06/06/12 THAT Bylaw No. 9512 be adopted.

Carried

5. **NON-DEVELOPMENT APPLICATION REPORTS**

5.1 Planning & Corporate Services Department, dated June 6, 2006 re: Proposed Bylaw Amendments for Secondary Suites

Moved by Councillor Gran/Seconded by Councillor Hobson

R531/06/06/12 THAT the Planning & Corporate Services department's report dated June 6, 2006 recommending that Council direct staff to prepare the appropriate Zoning Bylaw, Official Community Plan and Policy amendments to make secondary suites within a principal building a permitted land use in all appropriate zones where single detached housing is listed as a principal use, be received and referred to the Affordable & Special Needs Housing Task Force for comment.

Carried

Regular Meeting – P.M.

June 12, 2006

- 5.2 Planning & Corporate Services Department, dated June 6, 2006 re: Proposed Re-Naming of the Western Block of Recreation Avenue to Manhattan Drive (BL9633; 5450-20)

Moved by Councillor Given/Seconded by Councillor Letnick

R532/06/06/12 THAT Municipal Council consider re-naming of the western block of Recreation Avenue (Sunset Drive to Ellis Street) to Manhattan Drive as identified on Schedule "A" attached to the report from the Planning & Corporate Services Department dated June 6, 2006;

AND THAT staff be directed to prepare the necessary road name change bylaw.

Carried

- 5.3 Water/Drainage Manager, dated June 6, 2006 re: Award of Construction Contract TE06-06 – Construction of KIA Watermain Upgrade (5600-06)

Moved by Councillor Hobson/Seconded by Councillor Given

R533/06/06/12 THAT the Contract for the completion of the Kelowna International Airport Watermain upgrade be awarded to Greenleaf Enterprises (o/a OK Excavating) for the amount of \$927,334.40, exclusive of GST;

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

Carried

- 5.4 Wastewater Engineer, dated June 5, 2006 re: Award of Consulting Engineering Assignment – Detail Design & Construction Services for the Byrns/Baron DCC Trunk Sewer (5340-07)

Moved by Councillor Hobson/Seconded by Councillor Gran

R534/06/06/12 THAT Council award the Engineering Services for the Detail Design and Construction Services for the Byrns Baron DCC Trunk Sewer to Associated Engineering (B.C.) Ltd for the amount of \$263,521 (not incl. GST).

Carried

- 5.5 Transportation Manager, dated June 7, 2006 re: Award of Construction Contract TE06-08 – Gordon Drive Upgrading, Dehart to Old Meadows (5400-20)

Moved by Councillor Blanleil/Seconded by Councillor Clark

R535/06/06/12 THAT Contract TE06-08 for the reconstruction of the Gordon Drive from Dehart to Old Meadows be awarded to Peters Bros. Construction Ltd. in the amount of \$1,497,242.23, including GST;

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

Carried

Regular Meeting – P.M.

June 12, 2006

- 5.6 Community Planning Manager, dated June 6, 2006 re: Social Planning & Housing Committee (0540-20)

Moved by Councillor Rule/Seconded by Councillor Hobson

R536/06/06/12 THAT City Council appoint Shelley Cook as a new member of the Social Planning and Housing Committee to fill the existing vacancy for the term ending December 2008.

AND THAT Council accept, with regret, the resignation of Catherine Williams Jones from the Social Planning and Housing Committee.

Carried

- 5.7 Manager of Community Development & Real Estate, dated June 6, 2006 re: Lease of City-Owned Property – Provincial Rental Housing Corporation – 1436 St. Paul Street (0540-20; 0550-01)

Mayor Shepherd returned to the meeting at 3:07 p.m. and resumed the Chair.

Moved by Councillor Given/Seconded by Councillor Rule

R537/06/06/12 THAT Council approve the City leasing Lots 16 & 17, District Lot 139, ODYD, Plan 800 as per the terms and conditions outlined in the Lease Agreement attached to the report of the Manager Community Development & Real Estate dated June 6, 2006;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete this transaction.

Carried

Mayor Shepherd and Councillors Blanleil and Letnick opposed.

- 5.8 Sport & Recreation Manager, dated June 5, 2006 re: KLO Sportsfield Lease Agreement (2380-20)

Moved by Councillor Rule/Seconded by Councillor Letnick

R538/06/06/12 THAT City Council authorize the Mayor and City Clerk to execute the attached lease agreement with the Central Okanagan Regional District for a three year term commencing April 1, 2006, to and including March 31, 2009.

Carried

Councillor Given left the meeting at 3:23 p.m.

Regular Meeting – P.M.

June 12, 2006

- 5.9 Cultural Services Facilities Manager, dated June 7, 2006 re: Guisachan Restaurant Lease (Cameron House) (0870-20)

Councillor Blanleil left the meeting at 3:56 p.m.

Moved by Councillor Gran/Seconded by Councillor Given

R539/06/06/12 THAT further Council consideration of the staff recommendation to approve a 5-year lease with Strongwave Investment and Business Consulting Ltd. be deferred for staff to meet with the operator of the Guisachan House Restaurant and the residents most affected by the lease to see if a compromise can be reached with respect to the impact of evening events on their properties, and report back to Council;

AND THAT the report back to Council include the following:

- how many events are coming up at the facility and how many are for afternoon versus for evening functions, and
- statistics on how often the facility is used for evening functions now as compared to in the past.

Carried

- 5.10 Civic Properties Manager, dated June 7, 2006 re: Commercial Moorage Expansion at the Sails Dock (0710-40)

Moved by Councillor Hobson/Seconded by Councillor Day

R540/06/06/12 THAT a sole source contract be awarded to Shoreline Pile Driving and Floating Structures to construct the dock facility at the Sails for a price not to exceed the \$75,000.00 approved in the 2006 City Budget;

AND THAT staff be directed to bring forward the necessary amendments, dealing with the proposed "Licence to Use" and dock moorage rental as outlined in the report of the Civic Properties Manager dated June 7, 2006, to the "City of Kelowna Parks and Public Spaces Bylaw No. 6819-91" for Council's consideration.

Carried

- 5.11 City Clerk, dated June 2, 2006 re: Local Area Service for Road Improvements to Ace Road and Thompson Road (BL9621, BL9622, BL9623 & BL9624)

Moved by Councillor Hobson/Seconded by Councillor Day

R541/06/06/12 THAT Council receive the Certificate of Sufficiency dated June 2, 2006 pertaining to the proposed Local Service Area for Thompson Road, to provide for road improvements including road drainage, road widening, concrete (barrier) curb and gutter, asphalt pavement widening and topsoil and sod on the boulevard on both sides of the road;

Regular Meeting – P.M.

June 12, 2006

AND THAT Council receive the Certificate of Sufficiency dated June 2, 2006 pertaining to the proposed Local Service Area for Ace Road, to provide for road improvements including road drainage, road widening, concrete (roll over) curb and gutter, asphalt pavement widening, and topsoil and sod on the boulevard on both sides of the road;

AND FURTHER THAT the applicable establishment and loan authorization bylaws (BL9621, BL9622, BL9623 and BL9624) be forwarded for reading consideration.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

6.1 Bylaw No. 9561 – City of Kelowna Revitalization Tax Exemption Bylaw

Moved by Councillor Rule/Seconded by Councillor Day

R542/06/06/12 THAT Bylaws No. 9561, 9621, 9622, 9623 and 9624 be read a first, second and third time.

Carried

6.2 Bylaw No. 9621 – Establishment Bylaw – Ace Road Local Service Area – Road Improvements

See resolution adopted under item No. 6.1.

6.3 Bylaw No. 9622 – Loan Authorization Bylaw – Ace Road Local Service Area – Road Improvements

See resolution adopted under item No. 6.1.

6.4 Bylaw No. 9623 – Establishment Bylaw – Thompson Road Local Service Area – Road Improvements

See resolution adopted under item No. 6.1.

6.5 Bylaw No. 9624 – Loan Authorization Bylaw – Thompson Road Local Service Area – Road Improvements

See resolution adopted under item No. 6.1.

(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Day/Seconded by Councillor Rule

R543/06/06/12 THAT Bylaw No. 9614 be adopted.

Carried

Councillor Letnick opposed.

Regular Meeting – P.M.

June 12, 2006

7. COUNCILLOR ITEMS

(a) Dogs Off-Leash in Knox Mountain Park

Councillor Letnick reported concerns he heard at a recent meeting of the Friends of Knox Mountain about off-leash dogs chasing Deer in Knox Mountain Park. The park is an on-leash dog park and the organization would like the City to consider increasing education and/or enforcement to hopefully resolve the problem before the alternative becomes no longer allowing dogs in the park. Referred to staff.

(b) Suggestions for Staff Consideration

Councillor Hobson commented that the City of Kelowna should consider establishing a relationship with other communities that are of a similar size, were brought together at a similar time and are doing similar things, particularly in Ontario, with a view to learning from their experiences. He also noted that parts of the Gopher Creek linear corridor will be adjacent to orchards and suggested that the interface creates an opportunity for interpretive signage regarding the role of the agricultural community and what agricultural activities to expect as part of the experience. Councillor Hobson asked that both comments be relayed to staff.

8. TERMINATION

The meeting was declared terminated at 4:41 p.m.

Certified Correct:

Mayor

Deputy Mayor Day

Deputy City Clerk

BLH/am