

Regular Meeting – P.M.June 26, 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 26, 2006.

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

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, A.M. Flack; Director of Financial Services, P.A. Macklem*; Financial Accounting & Systems Manager, R. Mayne*; Financial Accounting Manager, J. Dueck*; Director of Works & Utilities, J. Vos*; Acting Director of Planning & Development Services, S.K. Bagh*; Acting Development Services Manager, S. Gambacort*; Planner, N. Wight*; Special Projects Planning Manager, H.M. Christy*; Parks Manager, J. Creron*; Development Engineering Manager, S. Muenz*; Roadways Engineer, F. Klotzbach*; Property Officer, D. Gilchrist*; Licencing & Bylaw Enforcement Supervisor, A. Dixon*; Licence Inspector & Bylaw Enforcement Officer, T. Komick*; and Council Recording Secretary, B.L. Harder.

Guests: RCMP Inspector Steve McVarnock; Corinne Snape, Stolen Property Coordinator, Kelowna RCMP Detachment; and Ron Cannan, Member of Parliament for Kelowna-Lake Country.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.0 Mayor Shepherd re: Award Presentation – GFOA Award for Financial Accounting

- Mayor Shepherd presented the Financial Accounting & Systems Manager with the Canadian award for financial reporting from the Government Finance Officers Association. This is the third consecutive year the City of Kelowna has received the award.

3.1 RCMP Insp. Steve McVarnock, verbal update re: Policing Activities

Insp. Steve McVarnock, Kelowna RCMP Detachment:

- Presented the highlights of the May monthly activity report and responded to questions of Council.

3.2 Ron Cannan, Member of Parliament for Kelowna-Lake Country re: Funding Announcement

Ron Cannan, MP:

- Announced that the federal government will be contributing \$100,000 towards the planning for the Central Okanagan Bypass. The provincial government, the City of Kelowna and University of British Columbia have also contributed funds for this planning study.

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

Council:

- Encouraged the applicant to clean up the mess on the subject property before the Public Hearing on this application.

Moved by Councillor Day/Seconded by Councillor Hobson

R618/06/06/26 THAT Rezoning Application No. Z06-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of The South 60 Feet of Lot 2, Section 26, Township 26, O.D.Y.D. Plan 3949, located on Rutland Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM1 – Four Dwelling Housing 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 subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

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

AND FURTHER THAT Council direct the Inspection Services Manager to authorize the relocation permit of the Barber house to the subject property at 510 Rutland Road, pursuant to *Part 7 – Temporary Buildings and Structures* of the Building Bylaw No. 7245.

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

Bylaw No. 9636 (Z06-0027) – Richard Beavington – 510 Rutland Road North

Moved by Councillor Given/Seconded by Councillor Letnick

R619/06/06/26 THAT Bylaw No. 9636 be read a first time.

Carried

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4.2 City of Kelowna Zoning Bylaw Text Amendment No. TA06-0003 – City of Kelowna (BL8635)

- (a) Planning & Corporate Services report dated June 6, 2006.

Staff:

- The changes clarify that in the RU1, RU1h, RU2h, RU3h, RU4h and RU6h zones, building heights for double fronting lots are restricted to 2.5 storeys on each side, and that access easement lanes will be interpreted the same as a lane so if the only access is an easement the 3 m hillside zone setback applies.

Moved by Councillor Day/Seconded by Councillor Hobson

R620/06/06/26 THAT Zoning Bylaw Text Amendment No. TA06-0003 to amend City of Kelowna Zoning Bylaw No. 8000 by as outlined in Schedule "A" of the report of the Planning & Corporate Services Department dated June 6, 2006 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA06-0003 be forwarded to a Public Hearing for further consideration.

Carried

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

Bylaw No. 9635 (TA06-0003) – City of Kelowna – Zoning Bylaw Text Amendment

Moved by Councillor Letnick/Seconded by Councillor Given

R621/06/06/26 THAT Bylaw No. 9635 be read a first time.

Carried

- 4.3 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9412 (Z04-0091) – Pier Mac Petroleum Installation (Hank Neufeld) – 5220 Highway 97 North

Moved by Councillor Gran/Seconded by Councillor Given

R622/06/06/26 THAT Bylaw No. 9412 be adopted.

Carried

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- (b) Planning & Development Services Department, dated June 21, 2006 re: Development Permit Application No. DP06-0082 – Pier Mac Petroleum Installation (Kelowna Ready-Mix) – 5220 Highway 97 North

Moved by Councillor Hobson/Seconded by Councillor Day

R623/06/06/26 THAT Municipal Council authorize the issuance of Development Permit No. DP06-0082; for part of Lot 1, Sec. 11, Twp. 23, O.D.Y.D., Plan 34113, located on Highway 97 N., Kelowna, B.C., subject to the following:

1. Landscaping to be provided on the land be in general accordance with Schedule "C";
2. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued;

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Financial Accounting & Systems Manager, dated June 21, 2006 re: 2005 Annual Financial Report (1830-20)

Moved by Councillor Hobson/Seconded by Councillor Letnick

R624/06/06/26 THAT the Annual Financial Report for the year ended December 31, 2005 be received;

AND THAT the Statement of 2006 and 2007 Municipal Objectives be received;

AND FURTHER THAT the Council Remuneration and Expenses report, Employee Remuneration report and schedule of Payment for the Provision of Goods and Service be received.

Carried

- 5.2 Director of Financial Services, dated June 20, 2006 re: GST Inclusive Fees & Services (2000-02)

Moved by Councillor Gran/Seconded by Councillor Clark

R625/06/06/26 THAT Council approve City controlled fees and services that include GST remaining at the present level pending a more detailed fees and charges review of each type subsequent to the GST rate reduction from 7% to 6% beginning on July 1, 2006.

Carried

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- 5.3 Transportation Manager, dated June 21, 2006 re: Award of Construction Contract TE06-09 – Richter Street South and Ellis Street Upgrading (5400-20)

Moved by Councillor Gran/Seconded by Councillor Letnick

R626/06/06/26 THAT Contract TE06-09 for the Richter Street South and Ellis Street Upgrading be awarded to Peters Bros Construction Ltd. in the amount of \$1,860,167.71, including GST;

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

Carried

Council:

- Brief discussion about the escalating cost of construction for road works related to the east approach to the WCB bridge.

Moved by Councillor Letnick/Seconded by Councillor Clark

R627/06/06/26 THAT the provincial government be asked to increase its funding contribution toward the east approach to the new WCB bridge to cover a share of the inflated cost of construction.

Carried

- 5.4 Special Projects Planning Manager, dated June 15, 2006 re: Advisory Committee for Community and Womens Issues (0540-20; 0550-01)

Staff:

- Asked that the membership be increased from 7 to 12 now instead of 11 as indicated in the report. The name of the additional appointee will come forward at a future date.

Moved by Councillor Gran/Seconded by Councillor Rule

R628/06/06/26 THAT Terms of Reference for the Advisory Committee for Community and Womens Issues be amended to increase the representation from the community at large from 7 to 12 members;

AND THAT Council appoint the following individuals to sit on the Advisory Committee on Community and Women's Issues:

Micki Smith
 Lisa Noelle Brown
 Rosemarie Johnson
 Caryl Horan
 Jennifer Elsasser
 Vonnie Lavers
 Dave Roseberry
 Menno Salverda
 Joan Bottorf
 Leanne Perry
 Marnie Svennes.

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- 5.5 Water/Drainage Manager, dated June 24, 2006 re: Glenmore-Ellison Improvement District Boundary Amendment (5600-14)

Moved by Councillor Day/Seconded by Councillor Hobson

R629/06/06/26 THAT Council approve a request by the Glenmore-Ellison Improvement District (GEID) to amend its service area boundary to **exclude** the property described as:

Lot 5, Sec 23, Twp 26, ODYD Plan 1249.

Carried

- 5.6 Licence & Bylaw Enforcement Supervisor, dated June 16, 2006 re: Amendments to Second Hand Dealers and Pawnshop Bylaw No. 9227 with Applicable Amendments to Ticket Information Utilization Bylaw No. 6550-89 Schedule 27 (4000-00)

Corinne Snape, Stolen Property Coordinator, Kelowna RCMP Detachment:
- Responded to questions of Council.

Moved by Councillor Hobson/Seconded by Councillor Rule

R630/06/06/26 THAT City Council approve the request and recommendation of the Licence and Bylaw Enforcement Supervisor to amend the noted sections of the Second Hand Dealers and Pawnshop Bylaw No. 9227 as outlined in this report;

AND THAT City Council approve the request and recommendation of the Licence and Bylaw Enforcement Supervisor to rescind the current Schedule 27 of Ticket Information Utilization Bylaw No. 6550-89 and replace it with the new Schedule 27 as attached;

AND FURTHER THAT staff be instructed to prepare the necessary amending bylaw.

Carried

- 5.7 Development Engineering Manager, dated June 21, 2006 re: Begley Road/Highway 33 Access Closure; Oswell Drive/Highway 33 East Access Closure (S04-0122)

Moved by Councillor Hobson/Seconded by Councillor Given

R631/06/06/26 THAT Council authorize the closure of the Begley Road and Highway 33 E and the Oswell Drive and Highway 33 E Accesses.

Carried

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- 5.8 Manager of Community Development & Real Estate, dated June 21, 2006 re: Licence of Occupation – 520-526 Bernard Avenue – Dehl Holdings Ltd. (02390-20-008); 0550-01)

Moved by Councillor Hobson/Seconded by Councillor Given

R632/06/06/26 THAT Council approve the occupation of a dedicated roadway to accommodate the restoration of a building at 520 – 526 Bernard Avenue (Lots 1 – 3, Plan KAS12) as per the terms and conditions outlined in the Licence attached to the report dated June 21, 2006 from the Manager Community Development & Real Estate;

AND THAT Council direct staff to post notice of the agreement between the City of Kelowna and Dehl Holdings Ltd., 666073 B.C. Ltd., Gebhard Wager and Kenneth Dickson advising of the disposition of City-owned land located adjacent to 520 – 526 Bernard Avenue for a term of twenty-five (25) years;

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

Carried

- 5.9 Parks Manager, dated June 20, 2006 re: On-Leash Dogs between City and Waterfront Parks (6130-01)

Staff:

- The pilot project has been working very well with mostly positive feedback from the public. However, despite the efforts of the Dog Owners Association there are still irresponsible dog owners not picking up after their dogs and who do not keep their dogs on leash.
- Concerns about maintaining clean beaches and beach water quality still need to be researched with the Interior Health Authority.

Moved by Councillor Given/Seconded by Councillor Gran

R633/06/06/26 THAT the current pilot project allowing dogs on-leash between City Park and Waterfront Park be extended to February 2007 to allow more opportunity to gather sufficient public input and monitor the Parks during the summer months when park usage is at its highest;

AND THAT Dog Walking and Dog Off-Leash Parks Policy No. 258 be amended to reflect the extension to February 2007.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 9591 – Bothe Road Local Area Service Establishment Bylaw (File #656)

Moved by Councillor Rule/Seconded by Councillor Day

R634/06/06/26 THAT Bylaw No. 9591 be adopted.

Carried

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- 6.2 Bylaw No. 9597 – Loan Authorization Bylaw for Bothe Road Local Service Area

Moved by Councillor Day/Seconded by Councillor Rule

R635/06/06/26 THAT Bylaw No. 9597 be adopted.

Carried

- 6.3 Bylaw No. 9633 – Recreation Avenue (Part of) to Manhattan Drive Road Name Change Bylaw

Moved by Councillor Day/Seconded by Councillor Rule

R636/06/06/26 THAT Bylaw No. 9633 be adopted.

Carried

7. COUNCILLOR ITEMS

- (a) Affordable & Special Needs Housing Task Force

Councillor Letnick advised that the Task Force will be holding a workshop on September 8 & 9, 2006 and invited the general public and members of Council to attend.

- (b) Age of Consent

Mayor Shepherd advised that the federal government has introduced a bill to raise the age of consent from 14 to 16 years. The City of Kelowna has in the past adopted resolutions and sent out letters in support of community advocates trying to raise the age of consent.

Moved by Councillor Gran/Seconded by Councillor Given

R637/06/06/26 THAT a letter be sent to federal Justice Minister Vic Toews with copies to MP Ron Cannan and MP Stockwell Day expressing Council's support for the passing of the proposed bill to raise the age of consent from 14 to 16.

Carried

8. TERMINATION

The meeting was declared terminated at 3:58 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am