

Regular Meeting – P.M.

July 24, 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 July 24, 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 Recreation Parks & Cultural Services, D.L. Graham*; Civic Properties Manager, R. Cleveland*; Development Manager Recreation Parks & Cultural Services, R. Oddleifson*; Director of Financial Services, P.A. Macklem*; Acting Director Planning & Development Services, S.K. Bagh; Acting Manager of Development Services, S. Gambacort*; Planner, N. Wight*; Subdivision Approving Officer, R.G. Shaughnessy*; Planner Specialist, G.L. Stephen*; Community Planning Manager, T. Eichler*; Transportation Manager, R.W. Westlake*; Parks & Landscape Planner, T. Barton*; and Acting Council Recording Secretary, A.M. Rathbone.

Guests*: Dr. Donna McAllister and Brianne Duhamel, **Community Action on Aids**; and Tim Spiegel, **Spiegel Skillen & Associates Ltd.**; Inspector Steve McVarnock, **Kelowna RCMP Detachment**.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:33 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Mayor Shepherd re: Presentation to Bob and Stacie Osborne (City of Kelowna Parade Float)

Mayor Shepherd:

- Introduced Miss Lady of the Lake Danielle Crumback and Princess Ashley Eberle.
- Presentation to Bob & Stacie Osborne, City of Kelowna Parade Float, for their four years of service.

3.2 Dr. Donna McAllister and Brianne Duhamel re: Community Action on Aids

Dr. Donna McAllister and Brianne Duhamel:

- The International Aids Conference will be held in August in Toronto.
- The Community Action on Aids has been working with two organizations to do a public arts demonstration – placing 8,000 flags in the City Park north fields August 12-15. The flags represent the number of deaths from Aids in one day worldwide.
- Gave each member of Council a flag to draw on. The completed flags will be given to Councillor Rule to include in the public arts demonstration.

3.3 Inspector Steve McVarnock re: Monthly RCMP Update

Moved by Councillor Day/Seconded by Councillor Rule

R727/06/07/24 THAT the Kelowna Municipal RCMP Detachment Policing Activity Report for June 2006 be received for information of Council.

Carried

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4. UNFINISHED BUSINESS

- 4.1 Continued from July 10, 2006 Regular Meeting Director of Recreation, Parks and Cultural Services, updated report dated July 19, 2006 re: Mission Recreation Park – Future Aquatic Centre (6240-20)

Staff:

- The agreement with PCL will allow the City to monitor all cost elements on an open book basis. If the cost element comes in under budget, the difference will be shared 50/50 with the City. If it is over budget, PCL will absorb the extra cost. The City would not draw from that savings until after the project is complete.
- A Letter of Intent is needed by mid-October.
- Staff are working with the Municipal Finance Authority to issue community bonds and allow citizens to invest in the project. More information will be brought forward on this concept when available.
- The Alternate Approval Process will be used to amend the borrowing bylaw, as time is of the essence.
- The facility is designed to host provincial and/or Western Canadian competitions, not national or international events

Tim Speigel, PCL Westcoast Constructors:

- The escalation of costs over the past 3½ years is typical of a project of this type – costs have doubled.
- Does not anticipate the construction industry slowing down and costs decreasing in the future.

Moved by Councillor Given/Seconded by Councillor Day

R728/06/07/24 THAT City Council approve the schematic design for the Mission Recreation Park Aquatic Centre as presented to City Council by the Integrated Design Team in the July 24, 2006 Regular meeting of City Council;

AND THAT City Council accept the Guaranteed Maximum Price proposal from PCL Westcoast Constructors Inc. subject to approval of the City's Loan Authorization Bylaw and entering into a design/build contract for the Aquatic Centre satisfactory to the City of Kelowna and PCL;

AND THAT the financial strategy set out in the July 19, 2006 report from the Director of Recreation Parks and Cultural Services be approved by Council;

AND THAT the 2006 Financial Plan be amended to increase the Mission Recreation Park Aquatic Centre budget by a further \$36,712,544 with funding sources as detailed in Appendix 'A'.

AND THAT Council forward Bylaw No. 9654, being Amendment No. 1 to Mission Recreation Park (Legacy) Aquatic Centre Construction Loan Authorization Bylaw No. 9359, for reading consideration;

AND FURTHER THAT Council direct staff to follow the Alternative Approval Process to seek public approval of the bylaw amendment.

Carried

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5. DEVELOPMENT APPLICATION REPORTS

- 5.1 Planning & Development Services Department, dated July 13, 2006 re: Agricultural Land Reserve Application No. A06-0013 – Patrick, Timothy, Wendy and Stephen Munson (Joe Maciel) – 2850 Burtch Road

Councillor Day declared a conflict of interest because direct family members live near the property and left the Council Chamber at 3:44 p.m.

Moved by Councillor Clark/Seconded by Councillor Hobson

R729/06/07/24 THAT Agricultural Land Reserve Application No. A06-0013 for property located at 2850 Burtch Road and legally described as: Lot A District Lot 130 Osoyoos Division Yale District Plan KAP78252 requesting exclusion of the subject property from the Agricultural Land Reserve, pursuant to Section 30(1) of the Agricultural Land Commission Act, be supported by Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

Councillor Day returned to the Council Chamber at 3:49 p.m.

- 5.2 Rezoning Application No. Z06-0040 – Chris Young and Nadia Spodarek (Peter J. Chataway) – 358 Cadder Avenue (BL 9652)

- (a) Planning & Development Services report dated July 13, 2006.

Moved by Councillor Hobson/Seconded by Councillor Given

R730/06/07/24 THAT Rezoning Application No. Z06-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, D.L. 14, ODYD, Plan 3514 located on Cadder Avenue, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the RU1s - Large 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;

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

Carried

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

- (i) Bylaw No. 9652 - Chris Young and Nadia Spodarek (Peter J. Chataway) – 358 Cadder Avenue

Moved by Councillor Given/Seconded by Councillor Letnick

R731/06/07/24 THAT Bylaw No. 9652 be read a first time.

Carried

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5.3 Rezoning Application No. Z05-0082 – Bogdan Snarski/Benedicte Lee (Canwest Design and Drafting Ltd.) – 1886 Ambrosi Road (BL9653)

- (a) Planning & Development Services report dated July 14, 2006.

Moved by Councillor Hobson/Seconded by Councillor Day

R732/06/07/24 THAT Rezoning Application No. Z05-0082 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 10, Block 1, District Lot 129, ODYD Plan 5109, located on Ambrosi Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C5 – Transition Commercial 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 on the subject property;

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

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

Carried

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

- (i) Bylaw No. 9653 - Bogdan Snarski/Benedicte Lee (Canwest Design and Drafting Ltd.) – 1886 Ambrosi Road

Moved by Councillor Letnick/Seconded by Councillor Given

R733/06/07/24 THAT Bylaw No. 9653 be read a first time.

Carried

5.4 Official Community Plan Amendment No. OCP05-0019 and Rezoning Application No. Z05-0085 – Edward Andrew Surowiec and Kazimierz Surowiec (Kenneth J. Rusnak) – 1315, 1325 and 1345 Hwy 33 W. and 145, 155 and 165 Taylor Road (BL9649; BL9650)

- (a) Planning & Development Services report dated July 5, 2006.

Moved by Councillor Hobson/Seconded by Given.

R734/06/07/24 THAT further consideration of OCP Amendment No. OCP05-0019 and Rezoning Application No. Z05-0058 (Surowiec – Highway 33 & Taylor Road) be **DEFERRED** for staff to work with the applicant regarding the level of density, the number of affordable housing units proposed, the terms of the affordable housing agreement and general form and character of the development.

Carried

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

- (i) Bylaw No. 9649 (OCP05-0019) - Edward Andrew Surowiec and Kazimierz Surowiec (Kenneth J. Rusnak) – 1315, 1325 and 1345 Hwy 33 W. and 145, 155 and 165 Taylor Road Requires majority vote of Council (5)

Withdrawn.

- (ii) Bylaw No. 9650 (Z05-0085) - Edward Andrew Surowiec and Kazimierz Surowiec (Kenneth J. Rusnak) – 1315, 1325 and 1345 Hwy 33 W. and 145, 155 and 165 Taylor Road

Withdrawn.

- 5.5 Planning & Development Services Department, dated June 23, 2006 re: Development Permit Application No. DP06-0037 – M123 Enterprises (Hans P. Neumann Architect Inc.) – 1905 Baron Road

Moved by Councillor Hobson/Seconded by Councillor Clark

R735/06/07/24 THAT Council authorize the issuance of Development Permit No. DP06-0037 for Lot 3, DL 532, O.D.Y.D. Plan KAP58763, located on Baron Road, 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. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. 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

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

(BYLAW PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 9593 (Z06-0007) - F & H Homes Ltd. (Huber Developments Ltd.) – 4600 Lakeshore Road

Moved by Councillor Given/Seconded by Councillor Letnick

R736/06/07/24 THAT Bylaw No. 9593 be adopted.

Carried

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7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Planning & Development Services Department, dated July 19, 2006 re: Review of Commercial Land Use Policy as set out in Official Community Plan Bylaw No. 7600 (OCP06-0014; BL9632)

Moved by Councillor Letnick/Seconded by Councillor Given

R737/06/07/24 THAT the Review of Commercial Land Use in Kelowna as outlined in the report of the Planning and Development Services Department dated July 19, 2006 be received for information;

AND THAT staff be directed to follow the consultation process outlined in the report of the Planning and Development Services Department dated July 19, 2006, prior to forwarding OCP Bylaw Text Amendment No. 9632 for First Reading and Public Hearing.

Carried

- 7.2 Community Planning Manager, dated July 10, 2006 re: Proposed Amendments to Housing Policies in the Official Community Plan Bylaw No. 7600 (OCP-0016; BL 9648)

Council:

- Affordable and Special Needs Housing Task Force to review these amendments prior to forwarding them to a public hearing.

Moved by Councillor Given/Seconded by Councillor Clark

R738/06/07/24 THAT Staff prepare an OCP Bylaw Text Amendment to amend Kelowna 2020 – Official Community Plan Bylaw No. 7600 by adding a new policy 8.1.32 – Higher Density for Affordable Housing, and by renumbering the existing 8.1.32, and subsequent policies, as outlined in the report of the Community Development & Real Estate Division dated July 10, 2006, for reading consideration by Council;

AND THAT the OCP By-law Amendment be forwarded to a public hearing for further consideration.

Carried

- 7.3 Community Planning Manager, dated July 13, 2006 re: Change to Housing Opportunities Reserve Fund Bylaw No. 8593 and New Council Policy – Financial Assistance for Non-Profit and Affordable Rental Housing (1850-20)

Moved by Councillor Gran/Seconded by Councillor Given

R739/06/07/24 THAT Council proceed with amending the Housing Opportunities Fund Bylaw No. 8593, in accordance with proposed changes shown in the Community Planning Manger's report dated July 13, 2006;

AND THAT Council adopt the attached Council Policy to introduce a process for allocating annually budgeted funds for financial assistance to new affordable rental dwellings, new non-profit affordable rental dwellings and for allocating full or partial waivers of DCC's for non-profit rental housing units, based on annually budgeted funds identified for this purpose.

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- 7.4 Transportation Manager, dated July 18, 2006 re: Central Okanagan Bypass – Modal Integration Study (8330-20)

Moved by Councillor Given/Seconded by Councillor Hobson

R740/06/07/24 THAT Council authorize the Mayor and City Clerk to execute a funding agreement with Transport Canada for the planning of the Central Okanagan Multimodal Corridor.

AND THAT Council award a sole sourced assignment to Summit Environment Consultant Ltd to undertake an environmental assessment of the corridor for a fee of \$17,484;

AND FURTHER THAT Council award a sole sourced assignment to the IBI Group to undertake the planning of freight movement and the rail corridor improvements components of the Modal Integration Study for a fee of \$76,970.

Carried

- 7.5 Development Manager – Recreation, Parks and Cultural Services, dated July 17, 2006 re: Kelowna Curling Club – Lease Agreement (0870-20)

Moved by Councillor Given/Seconded by Councillor Clark

R741/06/07/24 THAT City Council approve the Kelowna Curling Club Lease as attached to the report from the Development Manager - Recreation Parks and Cultural Services dated July 17, 2006;

AND THAT Council authorize the re-investment of \$155,000 into the curling club building, the amount of the 2005 and 2006 lease fees, with the 2006 financial plan amended to provided for this expenditure;

AND THAT Council approve in principle the multi year renovation plan for the Curling Club building submitted by the Kelowna Curling Club Society;

AND THAT Council consider additional capital funding in the 2007 Financial Plan for an elevator and related renovations to provide for wheelchair accessibility in the Kelowna Curling Club;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Kelowna Curling Club Lease Agreement.

Carried

- 7.6 Parks Manager, dated July 10, 2006 re: Paul's Tomb Log Boom (6120-20)

Moved by Councillor Letnick/Seconded by Councillor Gran

R742/06/07/24 THAT Council support an application to the Province for a Crown Lease over Paul's Tomb Bay in order to construct a log boom to protect the swimming area.

Carried

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8. RESOLUTIONS

- 8.1 Draft Resolution re: Cost Recovery for use of Council Chambers for Crystal Meth Community Forum

Moved by Councillor Gran/Seconded by Councillor Clark

R743/06/07/24 THAT the staffing costs, in the amount of \$405.00, to make the Council Chambers available after regular business hours in order for the June 28, July 26 and August 30, 2006 Crystal Meth Community Forums, be paid for out of Council Contingency.

Carried

9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 9.1 Bylaw No. 9654 – Amendment No. 1 to Mission Recreation Park (Legacy) Aquatic Centre Construction Loan Authorization Bylaw No. 9359

Moved by Councillor Gran/Seconded by Councillor Clark

R744/06/07/24 THAT Bylaw No. 9654 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Gran/Seconded by Councillor Clark

R745/06/07/24 THAT Bylaw No. 9621 be adopted.

Carried

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

Moved by Councillor Clark/Seconded by Councillor Given

R746/06/07/24 THAT Bylaw No. 9622 be adopted.

Carried

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

Moved by Councillor Rule/Seconded by Councillor Day

R747/06/07/24 THAT Bylaw No. 9623 be adopted.

Carried

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

Moved by Councillor Day/Seconded by Councillor Rule

R748/06/07/24 THAT Bylaw No. 9624 be adopted.

Carried

- 9.6 Bylaw No. 9609 – Recreation, Parks & Cultural Services Fees and Charges Bylaw

Moved by Councillor Day/Seconded by Councillor Rule

R749/06/07/24 THAT Bylaw No. 9609 be adopted.

Carried

- 9.7 Bylaw No. 9631 – Amendment No. 1 to Outdoor Events Bylaw No. 8358

Moved by Councillor Hobson/Seconded by Councillor Day

R750/06/07/24 THAT Bylaw No. 9631 be adopted.

Carried

- 9.8 Bylaw No. 9637 – Amendment No. 1 to Second Hand Dealers and Pawnbrokers Bylaw No. 9227

Moved by Councillor Day/Seconded by Councillor Hobson

R751/06/07/24 THAT Bylaw No. 9637 be adopted.

Carried

- 9.9 Bylaw No. 9638 – Amendment No. 68 to Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Day/Seconded by Councillor Hobson

R752/06/07/24 THAT Bylaw No. 9638 be adopted.

Carried

10. COUNCILLOR ITEMS

- (a) Recreation, Parks and Culture Task Force

Councillor Hobson advised that the Task Force will be meeting at 3:15 p.m. on Thursday, July 27 to review the first phase of the Master Plan.

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11. TERMINATION

The meeting was declared terminated at 5:15 p.m.

Certified Correct:

Mayor

City Clerk

AMR/blh/am