

Regular Meeting – P.M.

September 11, 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, September 11, 2006.

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

Council members absent: Councillor B.A. Clark.

Staff members in attendance were: City Manager, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Director of Planning & Development Services, M. Pynenburg*; Acting Manager of Development Services, S. Gambacort*; Development Planner, R. Smith*; Manager of Policy, Research & Strategic Planning, S.K. Bagh*; Planner Specialist, K. Henney*; Director of Works and Utilities, J. Vos*; Director of Recreation Parks & Cultural Services, D.L. Graham*; Development Manager Recreation Parks & Cultural Services, R. Oddleifson*; Parks Manager, J. Creron*; Cultural Facilities Manager, R. Forbes*; Inspection Services Manager, R. Dickinson*; Parks Operation and Maintenance Supervisor, T. Sophonow*, and Acting Council Recording Secretary, A.C. McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

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

Council and the Gallery bowed their heads for a moment of silence in remembrance of the victims of 9/11.

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

3. DEVELOPMENT APPLICATION REPORTS

3.1 Official Community Plan Amendment No. OCP06-0009 and Rezoning Application No. Z06-0031 – Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada (Herman Design Group Inc.) – 2040 Springfield Road (BL9669; BL9670)

(a) Planning & Development Services report dated August 30, 2006.

Moved by Councillor Hobson/Seconded by Councillor Day

R852/06/09/11 THAT OCP Bylaw Amendment No. OCP06-0009 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot A, District Lot 129, ODYD Plan 30261, located on Springfield Road, Kelowna, B.C., from the Education/Major Institutional designation to the Commercial designation, as shown on Map “A” attached to the report of Planning & Development Services Department dated August 30, 2006, be considered by Council;

AND THAT Rezoning Application No. Z06-0031 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 129, ODYD Plan 30261, located on Springfield Road, Kelowna, B.C. from the P2 – Education and Minor Institutional zone to the C4 – Urban Centre Commercial zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP06-0009 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

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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) **BYLAWS PRESENTED FOR FIRST READING**

- (i) Bylaw No. 9669 (OCP06-0009) - Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada (Herman Design Group Inc.) – 2040 Springfield Road

Moved by Councillor Gran/Seconded by Councillor Given

R853/06/09/11 THAT Bylaw No. 9669 be read a first time.

Carried

- (ii) Bylaw No. 9670 (Z06-0031) - Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada (Herman Design Group Inc.) – 2040 Springfield Road

Moved by Councillor Gran/Seconded by Councillor Given

R854/06/09/11 THAT Bylaw No. 9670 be read a first time.

Carried

3.2 Rezoning Application No. Z06-0035 – Anita D'Angelo – 578 Cawston Avenue (BL9671)

- (a) Planning & Development Services report dated August 29, 2006.

Moved by Councillor Given/Seconded by Councillor Letnick

R855/06/09/11 THAT Rezoning Application No. Z06-0035 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 28, D.L. 139, ODYD, Plan 1037, located on Cawston Avenue, Kelowna, B.C. from the RU2 – Medium Lot Housing zone to the RU2s – Medium 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.

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

Bylaw No. 9671 (Z06-0035) – Anita D’Angelo – 578 Cawston Avenue

Moved by Councillor Letnick/Seconded by Councillor Given

R856/06/09/11 THAT Bylaw No. 9671 be read a first time.

Carried

3.3 Rezoning Application No. Z06-0037 – City of Kelowna – 200-210 Bernard Avenue, 220 Mill Street, 222 Queensway Avenue and 1414 Water Street (BL9668)

(a) Planning & Development Services report dated August 29, 2006.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R857/06/09/11 THAT Rezoning Application No. Z06-0037 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of water lots D.L. 4004, D.L.5118, D.L. 5203 and the portion of Block G, D.L.1527 below the north edge of Block F, D.L. 1527, Kelowna, B.C. (as shown on Map “A”, attached to the Planning & Development Services report dated August 29, 2006), from the P3 – Parks and Open Space zone to the W2 – Intensive Water Use 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. 9668 (Z06-0037) - City of Kelowna – 200-210 Bernard Avenue, 220 Mill Street, 222 Queensway Avenue and 1414 Water Street

Moved by Councillor Letnick/Seconded by Councillor Given

R858/06/09/11 THAT Bylaw No. 9668 be read a first time.

Carried

3.4 Planning & Development Services Department, dated August 21, 2006 re: Rezoning Application No. Z04-0048 – Wayne Rains/Advance Precast Ltd. – 745, 765 & 793 Stremel Road (BL9354)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R859/06/09/11 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9354 (Z04-0048 – 218555 BC Ltd. et al – Stremel Road) be extended from August 22, 2006 to February 22, 2007.

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- 3.5 Planning & Development Services Department, dated August 22, 2006 re: Heritage Alteration Permit Application No. HAP06-0007 – Kane Resources – 770-772 Rutland Road North

Moved by Councillor Hobson/Seconded by Councillor Given

R860/06/09/11 THAT Council authorize the issuance of Heritage Alteration Permit No. HAP06-0007 for Lot 2, Section 26, Township 26, ODYD, Plan KAP78999, located on Rutland Road North, 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;
5. Prior to issuance of a building permit for Building "B", the heritage building must be restored and rehabilitated for residential use;

AND THAT the applicant be required to complete the above-noted Landscape Performance Security Deposit condition within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

- 3.6 Planning & Development Services Department, dated September 6, 2006 re: Heritage Revitalization Agreement Application No. HRA06-0001 – Valerie Hallford - 429 Park Avenue (BL9673; BL9674)

Staff:

- There is typographic error below the table on page 4 of the report, bullet #1 reads 378 m² when it should read 437 m².

Moved by Councillor Gran/Seconded by Councillor Hobson

R861/06/09/11 THAT Council consider a bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property Lot 8, Block 6, District Lot 14, ODYD Plan 431, located on Park Avenue, Kelowna, B.C., as described in the report from the Planning & Development Services Department dated September 6, 2006;

AND THAT the Heritage Revitalization Agreement Authorization Bylaw be prepared and forwarded to a Public Hearing for further consideration;

AND THAT City Council consider designation of the building located at 429 Park Avenue, Kelowna, B.C., commonly known as the "Reekie House" as a Municipal Heritage Site pursuant to Section 967 of the Local Government Act;

AND THAT a Heritage Designation Bylaw be prepared and forwarded to a Public Hearing for further consideration;

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AND THAT final adoption of the Heritage Revitalization Agreement be considered subsequent to:

- a) The requirements of the Works and Utilities Department being addressed to their satisfaction;
- b) Registration of a Housing Agreement on title of 429 Park Avenue which recognizes the new secondary suite as “affordable rental housing”;
- c) Completion of the proposed improvements and restoration to the Reekie House located at 429 Park Avenue to the satisfaction of the Inspection Services Division.

Carried

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 4.1 Bylaw No. 9429 (OCP04-0018) - Kirschner Mountain Estates Ltd. (New Town Planning Services Inc./Keith Funk) – 2980 Gallagher Road, 2045 & 2061 Garner Road and 1625 Verdure Road **Requires majority vote of Council (5)**

Moved by Councillor Letnick/Seconded by Councillor Given

R862/06/09/11 THAT Bylaw No. 9429 be adopted.

Carried

- 4.2 Bylaw No. 9430 (Z04-0075) - Kirschner Mountain Estates Ltd. (New Town Planning Services Inc./Keith Funk) – 2980 Gallagher Road, 2045 & 2061 Garner Road and 1625 Verdure Road

Moved by Councillor Rule/Seconded by Councillor Day

R863/06/09/11 THAT Bylaw No. 9430 be adopted.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Director of Planning & Development Services, dated September 5, 2006 re: Results of Regional Consultation and Actions for a Sustainable City (6430-05)

Moved by Councillor Hobson /Seconded by Councillor Given

R864/06/09/11 THAT Council receive the results of the ‘FUTURE OK’ 4-week regional public consultation on sustainability that ran from May 25 to June 25, 2006;

AND THAT Council endorse retaining the www.futureok.ca website as a measure for continuing to engage regional stakeholders;

AND FURTHER THAT Council direct staff to form a Sustainability Working Group to report back by February 2007 with a strategy for how to improve the sustainability of City actions.

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- 5.2 Inspection Services Manager, dated August 25, 2006 re: ST06-11 – Application for Stratification of 6-Unit Row Housing at 170, 174, 178, 182, 190 Briarwood Road

Council

- Staff to report to Council on the number of units being stratified each year.

Moved by Councillor Day/Seconded by Councillor Hobson

R865/06/09/11 THAT the application to stratify the six unit row housing at 170, 174, 178, 182 and 190 Briarwood Road be approved in the name of L & M Marketing Ltd. with no conditions.

Carried

- 5.3 Transportation Manager, dated August 28, 2006 re: WR Bennett Bridge – Noise Bylaw Amendment (BL9672; 3900-20; 5400-02)

Moved by Councillor Given/Seconded by Councillor Blanleil

R866/06/09/11 THAT Council hear from Mike Jacobs from Emil Anderson construction regarding the need for the bylaw amendment.

Carried

Council

- Staff to provide an update on the bridge project at a future Council meeting

Moved by Councillor Day/Seconded by Councillor Given

R867/06/09/11 THAT Kelowna Noise and Disturbances Control Bylaw No. 6647 be amended to allow construction activities associated with the WR Bennett Bridge project to occur at night after 2200 hours or before 0700 hours as per the report of the Transportation Manager dated August 28, 2006;

AND THAT the amending bylaw, No. 9672, be advanced for reading consideration by Council.

Carried

- 5.4 Parks Manager, dated July 31, 2006 re: Goose Management Strategy and Action Plan (6130-00)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R868/06/09/11 THAT City Council receive the Okanagan Regional Goose Management Strategy and Action Plan dated July 20, 2006 as information;

AND THAT the City continue to participate on the Okanagan Regional Goose Management Committee to minimize the impact of geese on our beach parks and sportsfields throughout the Okanagan Valley;

AND THAT a zero tolerance waterfowl policy be adopted on beach parks;

AND THAT no feeding of waterfowl be strictly enforced;

AND FURTHER THAT additional funds required to implement the strategy be proposed within the 2007 Budget.

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- 5.5 Director of Recreation, Parks & Cultural Services, dated August 30, 2006 re: Shore Facilities for Boaters on Okanagan Lake (0550-04)

Council

- Add Westside Tourism and Tourism Lake Country to the list of potential partners.

Moved by Councillor Given/Seconded by Councillor Blanleil

R869/06/09/11 THAT City Council support in principle the Regional District of Central Okanagan undertaking the preparation of a plan for the development of amenities to support boating activity on Okanagan, Wood, and Kalamalka Lakes;

AND THAT the Regional District be requested to consider a budget allocation in 2007 to cover the costs of preparation of a plan by a qualified independent consulting firm;

AND FURTHER THAT the Regional District be asked to approach Tourism Kelowna, Westside Tourism and Tourism Lake Country as a potential partner in the creation of the plan.

Carried

- 5.6 Cultural Facilities Manager, dated September 6, 2006 re: Waterfront Park Lagoons Operating Agreement (2240-20)

Councillor Blanleil declared a conflict of interest as he owns a unit in one of the buildings covered by the agreement and left the Council Chamber at 3:23 p.m.

Council

- Questioned the City's commitment to cover capital expenses over \$500,000.

Moved by Councillor Given/Seconded by Councillor Letnick

R870/06/09/11 THAT City Council approves the Lagoons System Agreement that has been fully executed by all other parties to the agreement;

AND THAT Council transfers revenues received on behalf of two strata corporations to the Grand Okanagan Resort, as follows:

- \$15,000 collected from boat berths on behalf of **Lagoons** Strata KAS1436,
- \$9,000 collected from boat berths on behalf of the **Dolphins** Strata KAS1261;

AND THAT the 2006 budget be amended with funding from the City Rental Property Reserve (R052);

AND FURTHER THAT Council authorize the Mayor and City Clerk to execute the agreement on behalf of the City of Kelowna.

Carried

Councillor Blanleil returned to the Council Chamber at 3:29 p.m.

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- 5.7 Development Manager Recreation Parks & Cultural Services, dated September 5, 2006 re: UBCM Grant – Community Health Promotion Fund – Round 2 (4940-20)

Moved by Councillor Rule/Seconded by Councillor Day

R871/06/09/11 THAT City Council authorize a grant application to the UBCM for the community health promotion fund – round 2 in the amount of \$35,000;

AND THAT City Council continue to support the *Kickstart Kelowna - be active stay active* program.

Carried

- 5.8 City Clerk, dated September 6, 2006 re: Alternative Approval Process – Loan Authorization Bylaw – Poplar Point Pump Station Upgrade (0155-30)

Moved by Councillor Day/Seconded by Councillor Gran

R872/06/09/11 THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated;

AND THAT **4:00 p.m. Monday, October 30, 2006** be set as the deadline for receipt of elector responses in the form attached to the September 6, 2006 report of the City Clerk in relation to the City of Kelowna proceeding with the Poplar Point Pump Station Upgrade – Loan Authorization Bylaw No. 9625.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 9672 – Amendment No. 7 to Kelowna Noise and Disturbances Control Bylaw No. 6647-90

Moved by Councillor Rule/Seconded by Councillor Blanleil

R873/06/09/11 THAT Bylaw No. 9672 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 6.2 Bylaw No. 9637 – Amendment No. 1 to Second Hand Dealer and Pawnbrokers Bylaw No. 9227

Moved by Councillor Day/Seconded by Councillor Hobson

R874/06/09/11 THAT Bylaw No. 9637 be adopted.

Carried

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

Moved by Councillor Day/Seconded by Councillor Rule

R875/06/09/11 THAT Bylaw No. 9638 be adopted.

Carried

7. COUNCILLOR ITEMS

(b) Affordable Housing Workshop

Councillor Letnick thanked the many staff who attended the 2 day Affordable Housing Workshop. There were approximately 70 to 80 people plus staff that had attended. The Task force will discuss how to deal with all the recommendations that will come out.

(c) Blood Donor Challenge with City of Kamloops

Council agreed with a suggestion by Councillor Letnick that the City of Kelowna challenge the City of Kamloops in the Blood Donor Drive. The deadline for the challenge is October 26, 2006.

(e) Development and Rezoning Applications

Councillor Rule commented that she found the Knox Mountain Park model very impressive and suggested that the City consider asking that developers provide models for larger projects as a requirement. Mayor Shepherd advised she would bring the issue forward at the next UDI meeting. Councillor Blanleil noted that models are very expensive and that PDF documents may be better.

(f) Guisachan House Fire

Councillor Day asked when Council will be updated on the Guisachan House fire. Mayor Shepherd advised that a report would be on next week's meeting agenda.

(g) Electoral Boundaries Commission

Mayor Shepherd noted the Electoral Boundaries Commission will be meeting on October 10th from 6:30 p.m. to 9:30 p.m. and asked that staff provide Council with additional information regarding submissions.

(h) Notice of Motion

Mayor Shepherd put Council on notice that at the next Regular Meeting Council will be asked to be an advocate for a Provincial Bylaw that would require pre-payment for gasoline at gas stations after hours.

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8. TERMINATION

The meeting was declared terminated at 3:59 p.m.

Certified Correct:

Mayor

ACMc/blh

Deputy City Clerk