

Regular Meeting – P.M.

November 20, 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, November 20, 2006.

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

Council members absent: Councillor B.D. Given.

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, A.M. Flack; Director of Planning & Development Services, M. Pynenburg\*; Acting Manager of Development Services, S. Gambacort\*; Director of Corporate Services, D.L. Shipclark\*; Manager, Community Development & Real Estate, D. Gilchrist\*; Transportation Manager, R.W. Westlake\*; Development Planner, R. Smith\*; Development Planner, C. Gain\*; Airport General Manager, R. Sellick\*; Community Planning Manager, T. Eichler\*; Cemetery Manager, D. Radford\*; Financial Planning Manager, K. Grayston\*; and Council Recording Secretary, S. Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:37 p.m.

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

3. PUBLIC IN ATTENDANCE

Moved by Councillor Rule/Seconded by Councillor Letnick

**R1029/06/11/20** THAT Council alter the order of business and deal with item No. 8.1 next.

Carried

8.1 Councillor Letnick, Chair, Affordable and Special Needs Housing Task Force, dated November 15, 2006 re: Recommendations of the Affordable and Special Needs Housing Task Force

Staff:

- The Affordable and Special Needs Housing Task Force was established by way of direction from Council. Housing is traditionally the responsibility of senior levels of government; however local government is now being asked to play a significant role. The Task Force is presenting new policy directions for Council consideration.

Councillor Letnick, Chair, Affordable and Special Needs Housing Task Force:

- Explained the process that was followed.

Moved by Councillor Rule/Seconded by Councillor Letnick

**R1030/06/11/20** THAT the recommendations of the Affordable and Special Needs Housing Task Force be received and referred to staff in the City's Community Development & Real Estate division for a report back to Council within two weeks with estimates on timelines for dealing with each recommendation, the budget impact and the staff resources that would be required to implement the recommendations.

Carried

Councillor Clark opposed.

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Councillor Day left the meeting at 3:57 p.m. to attend to a personal matter.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Rezoning Application No. Z05-0041 – Georg-Michael Holzhey (John Hertay) – 2630 Hollywood Road North (BL9691)

(a) Planning & Development Services report dated October 25, 2006.

Moved by Councillor Clark/Seconded by Councillor Blanleil

**R1031/06/11/20** THAT Rezoning Application No. Z05-0041 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 KAP74952, located on Hollywood Road, Kelowna, B.C. from the existing A1 – Agriculture 1 zone to the proposed I1 – Business 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 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 following registration of a Road Reservation Agreement in the Land Title Office;

AND FURTHER 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.

Carried

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

Bylaw No. 9691 (Z05-0041) - Georg-Michael Holzhey (John Hertay) – 2630 Hollywood Road North

Moved by Councillor Letnick/Seconded by Councillor Clark

**R1032/06/11/20** THAT Bylaw No. 9691 be read a first time.

Carried

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4.2 Rezoning Application No. Z06-0021 – R219 Enterprises Ltd. (Mark Whittle) – 747 Fitzpatrick Road (BL9690)

- (a) Planning & Development Services report dated November 2, 2006.

Moved by Councillor Clark/Seconded by Councillor Rule

**R1033/06/11/20** THAT Rezoning Application No. Z06-0021 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9, Sec. 34, Twp. 26, O.D.Y.D., Plan 3236, located on Fitzpatrick Road, Kelowna, B.C. from the existing A1 – Agriculture 1 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 subsequent to the requirements of the Works & Utilities Department 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

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

Bylaw No. 9690 (Z06-0021) - R219 Enterprises Ltd. (Mark Whittle) – 747 Fitzpatrick Road

Moved by Councillor Letnick/Seconded by Councillor Clark

**R1034/06/11/20** THAT Bylaw No. 9690 be read a first time.

Carried

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

Bylaw No. 9497 (Z05-0042) - 0713522 BC Ltd. – 1957 & 1961 Kane Road

Moved by Councillor Clark/Seconded by Councillor Letnick

**R1035/06/11/20** THAT Bylaw No. 9497 be adopted.

Carried

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- 4.3 (b) Planning & Development Services Department dated November 1, 2006 re: Development Permit Application No. DP05-0103 – OCORP Developments Ltd. – 1957 & 1961 Kane Road

Moved by Councillor Gran/Seconded by Councillor Rule

**R1036/06/11/20** THAT Council authorize the issuance of Development Permit No. DP05-0103 for Lots 1 and 2, Section 33, Township 26, ODYD Plan 23353, located on Kane 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;
5. The applicant be required to consolidate the subject properties prior to issuance of the Development Permit.

Carried

- 4.4 Planning & Development Services Department, dated November 8, 2006 re: Rezoning Application No. Z06-0031 – Invue Developments Corporation – 2040 Springfield Road (BL9694)

Moved by Councillor Rule/Seconded by Councillor Letnick

**R1037/06/11/20** THAT Council forward Bylaw No. 9694, authorizing a Housing Agreement between the City of Kelowna and Invue Developments Corporation which requires the owners to designate a total of 4 units for owner occupied affordable housing on Lot A, DL 129, Plan 30261, for reading consideration.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

- 5.1 Bylaw No. 9526 (Z05-0048) – The Board of School Trustees of School District No. 23 (Central Okanagan) – 2058 Cross Road and 106 Valley Road

Moved by Councillor Rule/Seconded by Councillor Letnick

**R1038/06/11/20** THAT Bylaw No. 9526 be adopted.

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Moved by Councillor Rule/Seconded by Councillor Hobson

**R1039/06/11/20** THAT staff report back to Council with other options for handling traffic on Drysdale Boulevard.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

6.1 Cemetery Manager, dated November 9, 2006 re: Funding for Installation of Lawn Crypts in Section G 7 of the Cemetery (4100)

Moved by Councillor Hobson/Seconded by Councillor Rule

**R1040/06/11/20** THAT Council approve funding of Two Hundred Seventy-Five Thousand Dollars (\$275,000) to install Lawn Crypts in Section G 7 of the Kelowna Memorial Park Cemetery from the Cemetery Replacement Fund R 830;

AND THAT the 2006 Financial Plan be amended to reflect the expenditure and funding changes resulting from the recommendation in the report.

Carried

6.2 Airport General Manager, dated November 9, 2006 re: Airport and Ground Handler Licence Fees (0550-05)

Moved by Councillor Hobson/Seconded by Councillor Letnick

**R1041/06/11/20** THAT effective January 1, 2007 Council approve licensing Ground Handling operations at the Airport and adding Ground Handler Licence Fees to Airport Fees Bylaw No. 7982 as follows:

**“24. GROUND HANDLER LICENCE FEE**

Ground Handler Licence will be charged 2.5% of gross revenue for the right to perform “third party” handler services for scheduled and charter air carrier operations at the Airport.”;

AND THAT staff be instructed to amend the Airport Fee Bylaw No. 7982 in accordance with this recommendation.

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- 6.3 Airport General Manager, dated November 9, 2006 re: Courtesy Shuttle Bus & Baggage Delivery Service (0550-05)

Moved by Councillor Clark/Seconded by Councillor Blanleil

**R1042/06/11/20** THAT Council approve eliminating the current Section 18 Courtesy Shuttle Bus Services fee schedule and replacing it with the following effective January 1, 2007;

**“18. COURTESY SHUTTLE BUS & BAGGAGE DELIVERY SERVICES**

- 18.1 Courtesy Shuttle Bus services will be licensed at a rate of \$200.00 per month over the period operated. (Example: Big White Shuttle Bus Service during the winter months for ski season.)
- 18.2 Baggage Delivery services will be licenced at a rate of \$200.00 per month to transfer delayed air carrier baggage from the Airport.”;

AND THAT staff be instructed to amend Clause 18 of the Airport Fees Bylaw No. 7982 in accordance with this recommendation;

AND FURTHER THAT the Airport General Manager be authorized to approve these Licence agreements.

Carried

- 6.4 Airport General Manager, dated November 2, 2006 re: Common Use Terminal Equipment (0550-05)

Moved by Councillor Hobson/Seconded by Councillor Clark

**R1043/06/11/20** THAT Council approve the addition of Common Use Terminal Equipment (CUTE) fees to the Airport Fees and Charges Bylaw effective January 1, 2007;

**“23. COMMON USE TERMINAL EQUIPMENT (CUTE)**

For use of the airport owned Common Use Terminal Equipment:

- 23.1 Check-in Counter - \$1.00 per passenger aircraft seat (includes use of Departure Room Podium Equipment).
- 23.2 Departure Room Podiums - \$0.50 per passenger aircraft seat.”;

AND THAT staff be instructed to amend Airport Fees Bylaw No. 7982 in accordance with this recommendation.

Carried

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- 6.5 Airport General Manager, dated November 2, 2006 re: Airport Advertising Fee Increase (0550-05)

Moved by Councillor Clark/Seconded by Councillor Blanleil

**R1044/06/11/20** THAT Council approve increasing the existing fees for advertising at the airport by 15% effective January, 2007;

AND THAT Council approve the new fee structure for existing and new advertising spaces as shown below:

**“10. AIR TERMINAL BUILDING ADVERTISING SPACE FEE**

10.1	Strip Signs	approx. size 2' x 4'	\$ 648.00 per annum
10.2	Individual Signs	approx. size 29" x 24"	\$ 828.00 per annum
10.3	Super Signs	approx. size 30" x 40"	\$2,553.00 per annum
10.4	Hotel Directory Board	approx. size 8" x 10"	\$ 450.00 per annum
10.5	Bag Belt Signs	approx. size 2' x 4'	\$1,150.00 per annum
10.6	Spectacular Signs	approx. size 9' x 4'	\$8,000.00 per annum
10.7	Entrance Roadway Sign	approx. size 15' x 6'	\$10,000.00 per annum;

AND THAT staff be instructed to amend Airport Fees Bylaw No. 7982 in accordance with this recommendation.

Carried

Council:

- Requested that the Airport General Manager consider an annual cost of living increase in fees so that future fee increases will be kept to a minimum.

- 6.6 Airport General Manager, dated November 2, 2006 re: Aircraft Landing Fees (0550-05)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R1045/06/11/20** THAT Council approve eliminating the current tiered landing fee schedule and replace it with the following effective January 1, 2007;

**“23. AIRCRAFT LANDING FEES**

- 23.3 Landing fees for Jet and Turbine aircraft will be \$5.00 per 1,000 kgs. or fraction thereof, of minimum take-off weight.
- 23.4 The minimum landing fee for fixed and rotary aircraft will be \$13.00.
- 23.5 Kelowna International Airport tenants may make prior arrangements with the Airport General Manager for a touch and go landing fee at 50% of the prevailing rate, conditional on all company landings of jet and turbine aircraft being reported monthly on the Airport's Commercial Aircraft Fees Record no later than the 7<sup>th</sup> of the following month.
- 23.6 To facilitate additional air service development, the Airport General Manager may approve a 50% reduction in landing and terminal fees for a maximum of six months after inauguration of a new air service for the new service.;

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23.7 Piston engine aircraft are exempt from these fees.

23.8 The Airport General Manager may at his/her discretion waive airport landing fees for flights carrying non-revenue passengers on behalf of Okanagan based not for profit organizations.”;

AND THAT staff be instructed to amend Airport Fees Bylaw No. 7982 in accordance with this recommendation.

Carried

6.7 Financial Planning Manager, dated November 15, 2006 re: Transit Bus Advertising Contract (8501-06)

Council:

- Discussion surrounding complaints from transit riders about where the advertisements are placed on the exterior of the buses and the fact that these types of advertisements should not cover the windows.
- Staff to report back to Council on the issue of covering windows with advertisements.

Moved by Councillor Hobson/Seconded by Councillor Gran

**R1046/06/11/20** THAT Council approve the granting of exclusive permission and rights for the sale of advertising on regional transit buses to Lamar Transit Advertising Canada Limited for the period from January 1, 2007 to December 31, 2011;

AND THAT the Mayor and City Clerk be authorized to sign the transit bus advertising agreement with Lamar Transit Advertising Canada Limited.

Carried

6.8 Transportation Manager, dated November 15, 2006 re: Regional Significant Role of Transit – A Case for Bus Rapid Transit (8500-01)

Moved by Councillor Hobson/Seconded by Councillor Rule

**R1047/06/11/20** THAT Council support the implementation of a ‘bus rapid-transit’ (BRT) service between Westbank Town Centre and the UBC Okanagan campus as per the recommendations of the Central Okanagan Smart Transit Plan, subject to funding partnerships with the federal and provincial governments and Council’s 2007 Financial Plan deliberations on December 20, 2006;

AND THAT Council recognize the proposed BRT service as ‘Regionally Significant’ for the purpose of applying for funding through senior governments and the Union of BC Municipalities.

Carried

Councillor Day returned to the meeting at 4:48 p.m.



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- 6.9 City Clerk, dated November 15, 2006 re: Disclosure of Contract with Council Member (Q06-076; 0550-01)

Councillor Blanleil declared a conflict of interest and left the meeting at 5:08 p.m.

Moved by Councillor Day/Seconded by Councillor Gran

**R1048/06/11/20** THAT Council receive for information the report of the City Clerk dated November 15, 2006 disclosing that a company owned by Councillor Blanleil was the successful bidder on a contract to supply and install multi-media display units and a system computer at the Airport for a price of \$12,825.50 taxes included.

Carried

Councillor Blanleil returned to the meeting at 5:09 p.m.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 7.1 Bylaw No. 9694 – Housing Agreement Authorization Bylaw – Invue Developments Corporation – 2040 Springfield Road

Moved by Councillor Rule/Seconded by Councillor Blanleil

**R1049/06/11/20** THAT Bylaw No. 9694 be read a first, second and third time.

Carried

8. COUNCILLOR ITEMS (including Committee Updates)

- 8.1 Councillor Letnick, Chair, Affordable and Special Needs Housing Task Force, dated November 15, 2006 re: Recommendations of the Affordable and Special Needs Housing Task Force

Dealt with under agenda item No. 3.

Councillor Clark left the meeting at 5:10 p.m.

- 8.2 On-Street Parking in Downtown

Moved by Councillor Day/Seconded by Councillor Letnick

**R1050/06/11/20** THAT Council approve free on-street parking on Saturdays in the downtown core on the following dates:

November 25 and December 2, 9, 16 & 23, 2006;  
November 24 and December 1, 8, 15 & 22, 2007.

Carried

- 8.3 Westside Governance Report

Mayor Shepherd asked that staff invite Alan Neilson-Welch to present to Council in open meeting on Westside Governance.

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8.4 Hollywood Road

Mayor Shepherd asked that staff provide a report explaining how the two Hollywood Roads are going to connect. She suggested that Hollywood Road may not be the appropriate road name for both and would like to make sure we get the name right before development occurs and addresses have to be changed.

9. TERMINATION

The meeting was declared terminated at 5:17 p.m.

Certified Correct:

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Mayor

SH/am

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City Clerk