

Regular Meeting – P.M.

December 18, 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, December 18, 2006.

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

Council members absent: Councillors B.A. Clark and B.D. Given.

Staff members in attendance were: City Manager, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Director of Financial Services, P.M. Macklem*; Financial Planning Manager, K. Grayston*; Acting Manager of Development Services, S. Gambacort*; Property Officer, R. Smith*; Transportation Manager, R.W. Westlake*; Traffic & Transportation Engineer, H. Thompson*; Wastewater Manager, W.J. Berry*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. DEVELOPMENT APPLICATION REPORTS

3.1 Official Community Plan Amendment No. OCP05-0010 – Watermark Developments Ltd. (John Hertay) – 285 Arab Road, north of Arab Road and south of University Way (BL9705)

(a) Planning & Development Services report dated December 7, 2006.

Staff:

- The properties are south of the University lands. The application is simply a reconfiguration of the land uses already shown in the OCP. There is no change in density with what is now proposed.

Moved by Councillor Hobson/Seconded by Councillor /Gran

R1140/06/12/18 THAT OCP Bylaw Amendment No. OCP05-0010 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of North ½ of the South East ¼ of Sec. 3, Twp. 23, ODYD; North East ¼ of Sec. 3, Twp. 23, ODYD; and Lot 7, Sec. 10, Twp. 23, ODYD, Plan 1638, located north of Appaloosa Road and Arab Road and South of UBCO, Kelowna, B.C., from the Commercial, Single/Two Unit Residential, Multiple Unit Residential – medium density, Major Park & Open Space, Educational/Major Institutional, and Public Services/Utility designations to the Commercial, Single/Two Unit Residential, Multiple Unit Residential – low density, Multiple Unit Residential – Medium Density, Major Park & Open Space, Educational/Major Institutional and Future Urban Reserve designations, as shown on Map “A” attached to the report of the Planning & Development Services Department dated December 7, 2006, be considered by Council;

Regular Meeting – P.M.December 18, 2006

AND THAT OCP Bylaw Amendment No. OCP05-0010 to amend Map 12.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by adding the 2 Lane Major Collector Roads to the North ½ of the South East ¼ of Sec. 3, Twp. 23, ODYD; the North East ¼ of Sec.3, Twp. 23, ODYD; and Lot 7, Sec. 10, Twp. 23, ODYD, Plan 1638, located north of Appaloosa Road and Arab Road and South of University of BC Okanagan, Kelowna, B.C., be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP05-0010 to amend Map 6.2 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by adding the Village Centre DP Area and Multiple Unit Development Permit Area to Lot 7, Sec. 10, Twp. 23, ODYD, Plan 1638 and part of the North East ¼ of Sec. 3, Twp. 23, ODYD as shown on Map "B" attached to the report of the Planning & Development Services Department dated December 7, 2006, be considered by Council;

AND FURTHER THAT the OCP Bylaw Amendment No. OCP05-0010 be forwarded to a Public Hearing for further consideration.

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

Bylaw No. 9705 (OCP05-0010) – Watermark Developments Ltd. (John Hertay) – 285 Arab Road, north of Arab Road and South of University Way **requires majority vote of Council (5)**

Moved by Councillor Rule/Seconded by Councillor Day**R1141/06/12/18** THAT Bylaw No. 9705 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

3.2 Planning & Development Services Department, dated December 12, 2006 re: Development Permit Application No. DP06-0174 – SSC Ventures Ltd. (Dave Richardson) – 2575 Highway 97 North

Moved by Councillor Hobson/Seconded by Councillor Gran

R1142/06/12/18 THAT Council authorize the issuance of Development Permit No. DP06-0174 for Lot 8, DL 125, O.D.Y.D., Plan 3246, Except Plans H8110 & KAP63668, located on Highway 97 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;

Regular Meeting – P.M.December 18, 2006

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

3.3 Official Community Plan Amendment No. OCP06-0024 and Temporary Use Permit No. TUP04-0001 – R354 Enterprises Ltd. (Aberdeen Hall Preparatory School) – 2355-2455 Acland Road (BL9708)

- (a) Planning & Development Services report December 12, 2006.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R1143/06/12/18 THAT Chapter 19 – Temporary Commercial and Industrial Use Permits of the City of Kelowna Official Community Plan be amended to extend the effective dates of the temporary use area to June 30, 2007 in relation to part of 2355-2455 Acland Road, identified as Lot 1, Sec. 2, Twp. 23, ODYD, Plan 11263 as identified on Map “A” attached to the Planning Department’s report dated December 12, 2006;

AND THAT the Official Community Plan amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council authorize, subject to final adoption of the Official Community Plan amending bylaw, the renewal of Temporary Use Permit No TUP04-0001; for the Okanagan Independent School Society (Aberdeen Hall Preparatory School), on lands described as Lot 1, Sec. 2, Twp. 23, ODYD, Plan 11263; and located at 2355-2455 Acland Road, in Kelowna, BC, subject to the following terms and conditions:

1. The subject property is to be used solely for temporary commercial use as a private school, in accordance with Chapter 19 of the City of Kelowna Official Community Plan;
2. The authorization for the temporary commercial use be valid until June 30, 2007;
3. The dimensions and siting of the buildings be in general accordance with Schedule “A”;
4. Upon termination of the temporary use permit, the use of the land shall revert back to the existing zoning of the land;
5. Prior to renewal of the temporary commercial use permit, the applicant must provide written acknowledgement that the use will be carried out in compliance with any and all direction from the City of Kelowna Fire Department, an acknowledgement by the applicant of any fire protection deficiencies and further, an agreement to indemnify and save harmless the City from any and all liabilities, claims or demands arising out of fire damage or issuance of this permit, to the satisfaction of the City solicitor;
6. Prior to renewal of the temporary commercial use permit, the applicant must provide evidence that the owner’s insurance policy has been amended to recognize the implication of Condition No 5 and that the City is named insured in order to guarantee performance of the terms of the permit.

Carried

Regular Meeting – P.M.

December 18, 2006

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

Bylaw No. 9708 (OCP06-0024) - R354 Enterprises Ltd. (Aberdeen Hall Preparatory School) – 2355-2455 Acland Road **requires majority vote of Council (5)**

Moved by Councillor Letnick/Seconded by Councillor Gran

R1144/06/12/18 THAT Bylaw No. 9708 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 FIRST READING)

4.0 Bylaw No. 9706 (OCP06-0018) - Gazelle Enterprises Inc. – 4760 Lakeshore Road **requires majority vote of Council (5)**

Moved by Councillor Gran/Seconded by Councillor Rule

R1145/06/12/18 THAT Bylaw No. 9706 be read a first time.

Carried

Councillor Letnick opposed.

4.0.1 Bylaw No. 9707 (Z06-0043) – Gazelle Enterprises Inc. – 4760 Lakeshore Road

Moved by Councillor Gran/Seconded by Councillor Rule

R1146/06/12/18 THAT Bylaw No. 9707 be read a first time.

Carried

Councillor Letnick opposed.

(BYLAWS PRESENTED FOR ADOPTION)

4.1 Bylaw No. 9659 (Z06-0042) - Darren & Dana Marchant – 4427 Gaspardone Road

Moved by Councillor Day/Seconded by Councillor Hobson

R1147/06/12/18 THAT Bylaw No. 9659 be adopted.

Carried

Regular Meeting – P.M.

December 18, 2006

- 4.2 Bylaw No. 9666 (Z06-0049) - 0714422 BC Ltd. (John Hickey/Acorn Communities Ltd.) – 1342 Shaunna Road

Moved by Councillor Hobson/Seconded by Councillor Day

R1148/06/12/18 THAT Bylaw No. 9666 be adopted.

Carried

- 4.3 Bylaw No. 9667 (Z06-0023) – Steve & Lindsay Fenwick – 1366 Kloppenburg Road

Moved by Councillor Hobson/Seconded by Councillor Day

R1149/06/12/18 THAT Bylaw No. 9667 be adopted.

Carried

- 4.4 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 Day/Seconded by Councillor Rule

R1150/06/12/18 THAT Bylaw No. 9668 be adopted.

Carried

- 4.5 Bylaw No. 9685 (Z06-0055) – Vernon Arumugam – 1572 Kloppenburg Road

Moved by Councillor Gran/Seconded by Councillor Rule

R1151/06/12/18 THAT Bylaw No. 9685 be adopted.

Carried

- 4.6 Bylaw No. 9686 (Z06-0053) – Karen Wells and Ruby Gale – 1240 Gaggin Road

Moved by Councillor Rule/Seconded by Councillor Gran

R1152/06/12/18 THAT Bylaw No. 9686 be adopted.

Carried

Councillor Blanleil joined the meeting at 1:56 p.m.

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 City Manager, dated December 12, 2006 re: 2007 Financial Plan (1700-20)

Staff:

- Powerpoint presentation giving an overview of the highlights of the 2007 financial plan. The plan will be reviewed in detail with Council at a Special meeting on December 20th.

Regular Meeting – P.M.December 18, 2006

Council:

- Asked that the following information be provided for budget deliberations on December 20th:
 - Statistics on how much more disposable income there is in the community to show that the residents have the capacity to absorb the proposed tax rate.
 - Rationale for proceeding with the design work for the Central Okanagan Bypass all the way to McCurdy Road so much in advance of construction.

Moved by Councillor Day/Seconded by Councillor Hobson

R1153/06/12/18 THAT the verbal overview of highlights of the 2007 Financial Plan be received for information.

Carried

5.2 Transportation Manager, dated December 11, 2006 re: Rutland Road Realignment (5400-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R1154/06/12/18 THAT Council approve the award of the engineering of the Rutland Road Realignment Project to Associated Engineering Ltd. for the amount of \$514,956.00, which includes cost components for both Pre-construction Design, and Construction Management Services.

Carried

5.3 Wastewater Manager, dated December 12, 2006 re: 2007 Sewer Rates (1824-02)

Moved by Councillor Letnick/Seconded by Councillor Day

R1155/06/12/18 THAT Council approve the proposed Residential and Industrial/Commercial/Institutional (ICI) Sewer rates as shown below:

	(Existing) 2005	(New) 2007
Residential		
- Flat Rate	\$ 14.20/month	\$ 14.90/month
Commercial (I/C/I)		
- Metered base rate	\$ 9.50	\$ 9.50
(per month)	\$ 0.75/m ³	\$ 0.75/m ³
- All usage (per m ³)		
Parcel Tax (all serviced parcels)	\$ 40.00/parcel/year	\$ 30.00/parcel/year

AND THAT Council direct staff to prepare an amended Sewer Service Parcel Tax bylaw for approval.

Carried

Regular Meeting – P.M.

December 18, 2006

- 5.4 Deputy City Clerk, dated December 12, 2006 re: Alternative Approval Process – Okanagan Gymnastic Centre Expansion Loan Authorization Bylaw No. 9663 and Amendment to Lease Agreement (0155-30)

Moved by Councillor Letnick/Seconded by Councillor Day

R1156/06/12/18 THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated;

AND THAT 4:00 p.m. Monday, February 5th, 2007 be set as the deadline for receipt of elector responses in the form attached to the December 12th, 2006 report of the City Clerk, in relation to the City of Kelowna proceeding with Bylaw No. 9663 – Loan Authorization Bylaw for the Okanagan Gymnastic Centre Expansion and the related amendment to the lease agreement between the Okanagan Gymnastic Centre and the City of Kelowna.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 9678 – Road Closure Bylaw – Portion of Boyce Crescent

Moved by Councillor Letnick/Seconded by Councillor Gran

R1157/06/12/18 THAT Bylaws No. 9678, 9698 and 9704 be read a first, second and third time.

Carried

- 6.2 Bylaw No. 9698 – Road Closure Bylaw – Portion of Old Glenmore Bypass Road

See resolution adopted under item No. 6.1.

- 6.3 Bylaw No. 9704 – Road Closure Bylaw – Powick Road at Enterprise Way

See resolution adopted under item No. 6.1.

(BYLAWS PRESENTED FOR ADOPTION)

- 6.4 Bylaw No. 9692 – Amendment No. 1 to Five Year Financial Plan, 2006-2010

Moved by Councillor Rule/Seconded by Councillor Day

R1158/06/12/18 THAT Bylaw No. 9692 be adopted.

Carried

- 6.5 Bylaw No. 9701 – Amendment No. 17 to Sewer Connection Charge Bylaw No. 8469

Moved by Councillor Day/Seconded by Councillor Rule

R1159/06/12/18 THAT Bylaw No. 9701 be adopted.

Carried

Regular Meeting – P.M.

December 18, 2006

7. COUNCILLOR ITEMS

(a) Downtown Centre Strategy Task Force

Councillor Day advised that he would be reporting to Council on the progress of the Task Force at the Regular Meeting of January 15, 2007 and that at that time he would also be asking for Council approval to add a member to the Task Force.

Moved by Councillor Day/Seconded by Councillor Hobson

R1160/06/12/18 THAT the term of appointment for the Downtown Centre Strategy Task Force be extended from December 2006 to December 31, 2007.

Carried

(b) Parks Recreation & Culture Task Force

Moved by Councillor Hobson/Seconded by Councillor Letnick

R1161/06/12/18 THAT the term of appointment for the Recreation Parks and Cultural Services Task Force be extended to December 31, 2007.

Carried

7. TERMINATION

The meeting was declared terminated at 3:40 p.m.

Certified Correct:

Mayor

Deputy City Clerk

/blh