

Regular Meeting – P.M.

January 15, 2007

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, January 15, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Barrie Clark, Colin Day, Brian Given, Carol Gran, Robert Hobson, Norm Letnick and Michele Rule*.

Staff members in attendance were: Acting City Manager/Director of Financial Services, Paul Macklem; Deputy City Clerk, Stephen Fleming; Director of Planning & Development Services, Mary Pynenburg*; Acting Manager of Development Services, Shelley Gambacort*; Manager of Policy Research & Strategic Planning, Signe Bagh*; Planner Specialist, Trevor Parkes*, Planning & Development Officer, Paul McVey*; Fire Chief, Rene Blanleil*; Financial Planning Manager, Keith Grayston*; Development Manager Recreation Parks & Cultural Services, Reid Oddleifson*; Property Manager/Cultural Facilities Manager, Ron Forbes*; Development Engineering Manager, Steve Muenz*; Water/Drainage Manager, Don Degen*; Inspection Services Manager, Ron Dickinson*; Building Inspections Manager, Mo Bayat*; Assistant General Manager Airport Operations, Dave Fuller*; and Council Recording Secretary, Bobbi Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:34 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Mayor Shepherd re: Governor General's Caring Canadian Award Presentation to Mike Roberts and Margaret Davidson

Mayor Shepherd:

- Provided background on the Caring Canadian Award which was created in 1996 to honour unsung heroes who demonstrate outstanding citizenship without remuneration or major recognition.
- Read a citation on the contributions to the community by Mike Roberts and presented him with the Caring Canadian Award on behalf of the Governor General.
- Advised that Margaret Davidson will be presented with her award by Robert Hobson, Chair of the Regional District of Central Okanagan, tonight at a meeting of the Regional Board.

4. UNFINISHED BUSINESS

4.1 **Deferred from January 9, 2007 Regular Meeting** Planning & Development Services Department, dated November 30, 2006 re: Development Variance Permit Application No. DVP06-0137 – Bhushan & Arunlata Singla (Bhushan Singla) – 678 Westpoint Court

Staff:

- Outlined the sequence of events from when the building permit was issued for the proposed dwelling on June 19, 2006 to when, after issuance of the building permit and after the foundation had been poured, it was realized that there was a clause in the road reserve agreement stating that setback requirements were to be calculated as if the road reserve was actually a dedicated road.

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- Explained why not all of the variances listed in the recommendation in the staff report are required. The variances no longer required are (1) to Section 6.4.1 to vary the minimum proximity of structural projections from 3.0 m to 1.5 m, and (2) to Section 13.1.6(c) to vary the front yard setback from 4.5 m to 4.03 m. The variance requested to Section 6.4.2 should be from 0.6 m to 1.1 m rather than 1.5 m as indicated in the report; and the variance to Section 13.1.6(c) is to reduce the front yard setback from a garage from 6.0 m to 5.05 m.
- What looks like a third bay for a garage will be window. No overhead door will be permitted to that bay and no driveway will be permitted to that bay and the area leading to the bay will have to be landscaped.
- To avoid similar problems in future, Inspection Services will require surveyor's certificates earlier in the construction process; and when irregular shaped lots are being created, a building envelope will be registered on the title of the land at the subdivision stage.
- The applicant has provided geotechnical information that addresses staff's concern that the proposed design could undermine the retaining wall between the subject property and Westpoint Court.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R059/07/01/15 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0137; for Lot A, District Lot 358, ODYD Plan KAP76046, located on Westpoint Court, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 6.4.2:

To vary the maximum projection into a rear yard setback (of less than 6 m) from 0.6 m permitted to 1.1 m proposed;

Section 13.1.6(c):

To vary the front yard setback from a garage from 6.0 m required to 5.05 m proposed;

Section 13.1.6(e):

To vary the rear yard setback from 4.5 m required (for lots wider than deep) to 2.88 m proposed;

AND FURTHER THAT prior to issuance of the Development Variance Permit, a Geotechnical report be provided satisfying the concerns of the Inspection Services Division.

Carried

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5. DEVELOPMENT APPLICATION REPORTS

5.1 Official Community Plan Amendment No. OCP06-0008 and Rezoning Application No. Z06-0030 – Okanagan Jewish Community Association (Hans Neumann) – 108 Glenmore Road North (BL9724; BL9725)

- (a) Planning & Development Services report dated December 20, 2006.

Councillor Rule declared a conflict of interest because she lives within the notification area for this application and left the Council Chamber at 2:02 p.m.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R060/07/01/15 THAT OCP Bylaw Amendment No. OCP06-0008 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 1, Sec. 4, Twp. 23, O.D.Y.D., Plan 10855, located on Glenmore Road North, Kelowna, B.C., from the Single/Two Unit Residential designation to the Education/Major Institutional designation, as shown on Map "A" attached to the report of Planning & Development Services Department dated December 20, 2006, be considered by Council;

AND THAT Rezoning Application No. Z06-0030 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 4, Twp. 23, O.D.Y.D., Plan 10855, located on Glenmore Road North, Kelowna, B.C. from the RR3 – Rural Residential 3 zone to the P2 – Education and Minor Institutional zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP06-0008 and 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 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, including consolidating Lot 1 Plan 10855 with Lot B, Plan 44705.

Carried

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

- (i) Bylaw No. 9724 (OCP06-0008) - Okanagan Jewish Community Association (Hans Neumann) – 108 Glenmore Road North **Requires majority vote of Council (5)**

Moved by Councillor Letnick/Seconded by Councillor Clark

R061/07/01/15 THAT Bylaw No. 9724 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

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- (ii) Bylaw No. 9725 (Z06-0030) - Okanagan Jewish Community Association (Hans Neumann) – 108 Glenmore Road North

Moved by Councillor Letnick/Seconded by Councillor Clark

R062/07/01/15 THAT Bylaw No. 9725 be read a first time.

Carried

Councillor Rule returned to the Council Chamber at 2:06 p.m.

- 5.2 Text Amendment No. TA06-0007 – Deanne & Chi-Hang Leung (Deanne Leung) – 1369 Richter Street (BL9723)

- (a) Deputy City Clerk report dated January 10, 2007.

Moved by Councillor Letnick/Seconded by Councillor Given

R063/07/01/15 THAT Notice and advertising for Text Amendment Bylaw 9723 be carried out as per Option #2 as described in the report from the Deputy City Clerk dated January 10, 2007.

Carried

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

Bylaw No. 9723 (TA06-0007) – Deanne & Chi-Hang Leung (Deanne Leung) – 1369 Richter Street

Moved by Councillor Letnick/Seconded by Councillor Clark

R064/07/01/15 THAT Bylaw No. 9723 be read a first time.

Carried

- (c) **(BYLAW PRESENTED FOR FIRST THREE READINGS)**

Bylaw No. 9726 – Amendment No. 15 to City of Kelowna Sign Bylaw No. 8235

Moved by Councillor Clark/Seconded by Councillor Letnick

R065/07/01/15 THAT Bylaw No. 9726 be read a first, second and third time.

Carried

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6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR AMENDMENT AT FIRST READING)

- 6.0 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 (55)**

Moved by Councillor Day/Seconded by Councillor Hobson

R066/07/01/15 THAT Resolution No. R1140/06/12/18 be amended by deleting the second paragraph and replacing it with the following:

“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;”

Carried

Moved by Councillor Day/Seconded by Councillor Hobson

R067/07/01/15 THAT Bylaw No. 9705 be amended at first reading to delete reference in sub-section 1(b) to Map 7.1 – NATURAL ENVIRONMENT/HAZARDOUS CONDITION DEVELOPMENT PERMIT AREA DESIGNATION and replace it with reference to Map 12.1 – 20-YEAR MAJOR ROAD NETWORK AND ROAD CLASSIFICATION PLAN;

AND THAT Bylaw No. 9705 be further amended at first reading by attaching Maps 6.2 and 12.1 as explained in the report of the Planning & Development Services Department dated December 12, 2006.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 9467 (TA05-0007) – CD18 – Vintage Landing Comprehensive Resort Development Zone

Moved by Councillor Day/Seconded by Councillor Blanleil

R068/07/01/15 THAT Bylaw No. 9467 be adopted.

Carried

Councillors Clark and Hobson opposed.

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- 6.2 Bylaw No. 9468 (Z03-0009) - 622664 BC Ltd., et al (Bob Evans and Grant Gaucher) – 1890 McKinley Road, end of Slater Road & West of Slater Road, 4001 & 3650 Finch Road, and Part of 2702 & 3650 Glenmore Road North

Moved by Councillor Gran/Seconded by Councillor Day

R069/07/01/15 THAT Bylaw No. 9468 be adopted.

Carried

Councillors Clark and Hobson opposed.

Moved by Councillor Day/Seconded by Councillor Rule

R070/07/01/15 THAT staff report back on the possibility of additional lands being connected to an extended sanitary sewer once the Vintage Landing development proceeds.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Director of Planning & Development Services, dated November 1, 2006 and consultant presentation re: Review of Policies, Procedures and Bylaws Relating to Wildland Fire (6410-00)

Bruce Blackwell, B.A. Blackwell & Associates Ltd.:

- Summarized the research that was undertaken and the 23 recommendations in his report for mitigating the risk of wild fire in Kelowna.
- The recommendations are rated in the report as low, medium and high priority; 14 of the recommendations can be put forward immediately.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R071/07/01/15 THAT the recommendations section of the *Review of Policies, Procedures and Bylaws Relating to Wildland Fire* document attached to the November 1, 2006 report from the Planning and Development Services Department be received for information;

AND THAT the *Review of Policies, Procedures and Bylaws Relating to Wildland Fire* recommendations listed in Appendix 2 of the Planning and Development Services report dated November 1, 2006 be forwarded to the appropriate departments for their consideration and action in 2007 pending budget approval;

AND FURTHER THAT staff be directed to implement the remaining initiatives identified within the *Review of Policies, Procedures and Bylaws Relating to Wildland Fire* document as budget and staff resources permit (to be determined through future budget processes).

Carried

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- 7.2 Water/Drainage Manager, dated January 15, 2007 re: 2007 Water Rates/Water Smart Program Delivery (1826-02; 5600-08)

Moved by Councillor Letnick/Seconded by Councillor Day

R072/07/01/15 THAT Council approves an overall water revenue increase of 6% to meet all water utility program requirements and to ensure water use reduction targets adopted by Council are achieved;

AND THAT the Water Utility Sustainability Action Plan attached to the Water/Drainage Manager's January 15, 2007 report be supported by Council to set a framework to achieve these water reduction objectives;

AND THAT Council authorize staff to enter into a 5-year contract with H2Okanagen, at an annual cost of \$198,648, to administer the City's Water Smart Program that will deliver programs to ensure the Water Sustainability Action Plan objectives are met;

AND THAT Council approves the 2007 water rates to be effective with the first billing cycle in April 2007;

AND THAT the necessary bylaw be advanced for reading consideration by Council.

AND FURTHER THAT staff ensure that the rates charged by the City to previous customers of GEID and SEKID are in accordance with the terms of agreements between the customer and the water purveyor.

Carried

- 7.3 Airport General Manager, dated January 9, 2007 re: Airport & Ground Handler Licence & Sub-Lease (2380-20-8110; 2380-20-8112; 0550-05)

Moved by Councillor Hobson/Seconded by Councillor Day

R073/07/01/15 THAT Council approve leasing Ironman Holdings Ltd. D.B.A. Kelowna Ramp Services and D & R Services Ltd. approximately 28.08 square meters of space each in the new Ground Services Building;

AND THAT Council authorize the Mayor and City Clerk to sign the licences and the associated sub leases on behalf of the City.

Carried

- 7.4 Airport General Manager, dated January 8, 2007 re: Supplemental Agreement – Kelowna & District Flying Club Sub-Lease (2380-20-8022; 0550-05)

Moved by Councillor Hobson/Seconded by Councillor Day

R074/07/01/15 THAT Council authorize the Mayor and City Clerk to sign a supplemental agreement to the Kelowna & District Flying Club's sub-lease increasing their leased space from 70.94 square metres to 76.4 square metres.

Carried

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- 7.5 Airport General Manager, dated January 5, 2007 re: Increase to Airport Automobile Parking Fees (0550-05)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R075/07/01/15 THAT Council approve eliminating the current Airport Automobile Parking Fees schedule and replacing it with the following effective January 1, 2007;

14. **AUTOMOBILE PARKING FEES**

14.1 PARKING LOTS:

- | | |
|--------------------|---|
| (a) Short Term Lot | \$1.00 for the 1 st hour or part thereof
\$2.00 for each additional hour or part thereof to a maximum of \$10.00 for the first day and a maximum of \$20.00 per day for each additional day |
| (b) Long Term Lot | \$1.00 per hour or part thereof, up to a maximum of \$5.00 per day |
| (c) North End Lot | 1 st day free;
\$5.00 for each additional day or part thereof; |

*1 day is equivalent to 24 hrs;

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

Carried

- 7.6 Development Manager Recreation Parks & Cultural Services, dated January 4, 2007 re: Kelowna Art Gallery Lease and Operating Agreement (7780-01)

Moved by Councillor Letnick/Seconded by Councillor Given

R076/07/01/15 THAT Council approve the Kelowna Art Gallery Lease and Operating Agreement as attached to the report from the Development Manager Recreation Parks and Cultural Services dated January 4, 2007;

AND THAT the Mayor and City Clerk be authorized to execute the legal agreements on behalf of the City of Kelowna;

AND THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated subject to the report from the Development Manager Recreation Parks and Cultural Services dated January 4, 2007;

AND FURTHER THAT 4:00 p.m. Monday, February 26, 2007 be set as the deadline for receipt of elector responses in the form attached to the report from the Development Manager Recreation Parks and Cultural Services as Schedule "A" in relation to the City of Kelowna proceeding with a lease and operating agreement between the City of Kelowna and the Kelowna Art Gallery Association for a period of 10 years with two 5-year renewal options as outlined in the report from the Development Manager Recreation Parks and Cultural Services dated January 4, 2007.

Carried

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- 7.7 Manager of Community Development & Real Estate, dated January 5, 2007 re: Assignment of Lease – 315 Lawrence Avenue (Chapman Parkade) (0870-20-032; 0550-01)

Moved by Councillor Day/Seconded by Councillor Gran

R077/07/01/15 THAT the City permit the Assignment of Lease of 315 Lawrence Avenue, Mac & Klein (Assignor) to Z-Décor, Callidus Homes, Begrand-Fast Designs and Nicole Begrand-Fast (Assignee);

AND THAT the City approve the change in use from *Retail Clothing* to *Home Design, Build and Furnishings*;

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

AND FURTHER THAT all costs associated with this Assignment, estimated to total \$2,718.34 be charged to Account No. 618-10-071-C983-9441.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.1 Bylaw No. 9722 – Amendment No. 14 to Airport Fees Bylaw No. 7982

Moved by Councillor Clark/Seconded by Councillor Letnick

R078/07/01/15 THAT Bylaw No. 9722 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 8.2 Bylaw No. 9711 – Sewerage System User Bylaw

Moved by Councillor Hobson/Seconded by Councillor Day

R079/07/01/15 THAT Bylaw No. 9711 be adopted.

Carried

- 8.3 Bylaw No. 9712 – Amendment No. 4 to Service Parcel Tax Bylaw No. 8924

Moved by Councillor Day/Seconded by Councillor Hobson

R080/07/01/15 THAT Bylaw No. 9712 be adopted.

Carried

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9. COUNCILLOR ITEMS (including Committee Updates)

(a) Advisory Committee for Community & Women's Issues

Councillor Gran, Chair of the Advisory Committee for Community & Women's Issues, reported that the committee is continuing to work on its Prevention of Violence Against Women and Children project, and is looking for permission from Council to apply for a \$150,000 education grant. The John Howard Society would take the lead because a requirement of the grant is that the education be directed toward men and boys.

Moved by Councillor Gran/Seconded by Councillor Letnick

R081/07/01/15 THAT the Advisory Committee for Community & Women's Issues be authorized to submit a community application for a \$150,000 Partners in Prevention grant from the Province.

Carried

Councillor Gran further reported that the Advisory Committee for Community & Women's Issues is proposing to hold a workshop the weekend of April 22, 2007 which is Prevention of Violence Against Women and Children Week. The workshop will include a fundraiser luncheon with Senator Mobina Jaffer as the guest speaker. The committee hopes to keep the costs down to maximum \$5,000 but may be back to Council at a later date if additional funding is required.

(b) Recreation Parks & Cultural Services Task Force

Councillor Hobson advised that the Councillor Letnick's teaching schedule does not allow him to participate on the Task Force this year. Will be looking for a replacement appointee to the Task Force.

10. TERMINATION

The meeting was declared terminated at 4:05 p.m.

Certified Correct:

Mayor

BLH/am

Deputy City Clerk