

Regular Meeting – P.M.

January 29, 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 29, 2007.

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

Council members absent: Councillor Andre Blanleil

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Allison Flack; Approving Officer, Bob Shaughnessy*; Director of Planning & Development Services, Mary Pynenburg*; Inspection Services Manager, Ron Dickinson; Planner, Cory Gain; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Supt. Bill McKinnon, O/IC Kelowna RCMP Detachment re: Monthly Policing Activity Report

Council:

- Requested that the assaults statistics be broken down farther to indicate family and spousal assaults.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Zoning Application No. Z05-0052 – Cerco Developments Ltd. – 955-1005 Leon Avenue (BL9727)

(a) Planning & Development Services report dated January 18, 2007.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R117/07/01/29 THAT Council forward Bylaw No. 9727, authorizing a Housing Agreement between the City of Kelowna and Cerco Developments Ltd. which requires the owners to designate a total of 7 units for affordable rental housing on Lot A, DL 138, O.D.Y.D., Plan KAP82339, for consideration.

Carried

(b) **BYLAW PRESENTED FOR FIRST THREE READINGS**

Bylaw No. 9727 (Z05-0052) – Cerco Developments Ltd. – 955-1005 Leon Avenue

Moved by Councillor Letnick/Seconded by Councillor Given

R118/07/01/29 THAT Bylaw No. 9727 be read a first, second and third time.

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Moved by Councillor Letnick/Seconded by Councillor Hobson

R119/07/01/29 THAT staff be directed to report back to Council with recommendations regarding the long-term monitoring of housing agreements and the differences between ten (10) year expiration versus perpetuity for rental/ownership.

Carried

4.2 Official Community Plan Application No. OCP06-0021 and Zoning Application No. Z06-0054 – Melcor Lakeside Inc. – Swainson/Treetop Roads & Black Mountain Drive (BL9732 & BL9733)

(a) Planning & Development Services report dated January 17, 2007.

Councillor Day declared a conflict of interest as he owns a neighbouring property and left the meeting at 2:17 p.m.

Moved by Councillor Given/Seconded by Councillor Hobson

R120/07/01/29 THAT OCP Bylaw Amendment No. OCP06-0021 to amend Map 19.1 of Kelowna 2020 – Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot A Section 19 Township 27 Osoyoos Division Yale District Plan KAP80286; Lot B Section 19 Township 27 Osoyoos Division Yale District Plan KAP80286 and Lot 3 Section 19 Township 27 Osoyoos Division Yale District Plan 33849, located between the north end of Black Mountain Drive and south of Swainson/Treetop Roads, Kelowna, BC to amend the Official Community Plan Future Land Use designations on the subject property to those shown on Map 'A' attached to the report of the Planning and Development Services Department dated November 30, 2006 be considered by Council;

AND THAT Rezoning Application No. Z06-0054 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of Lot A Section 19 Township 27 Osoyoos Division Yale District Plan KAP80286; Lot B Section 19 Township 27 Osoyoos Division Yale District Plan KAP80286 and Lot 3 Section 19 Township 27 Osoyoos Division Yale District Plan 33849, located between the north end of Black Mountain Drive and south of Swainson/Treetop Roads, Kelowna, BC to those shown on Map 'B' attached to the report of the Planning and Development Services Department dated November 20, 2006 be considered by Council;

AND FURTHER THAT OCP Bylaw No. OCP06-0021 and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

Carried

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

(i) Bylaw No. 9732 (OCP06-0021) – Melcor Lakeside Inc.– Swainson/Treetop Roads & Black Mountain Drive

Moved by Councillor Clark/Seconded by Councillor Rule

R121/07/01/29 THAT Bylaw No. 9732 be read a first time.

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- (ii) Bylaw No. 9733 (Z06-0054) – Melcor Lakeside Inc.– Swainson/Treetop Roads & Black Mountain Drive

Moved by Councillor Clark/Seconded by Councillor Rule

R122/07/01/29 THAT Bylaw No. 9733 be read a first time.

Carried

Councillor Day returned to the meeting at 2:24 p.m.

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Inspection Services Manager, dated January 18, 2007 re: Cancellation of Notice on Title – 2046 Pandosy Street on Lot 1, Plan 348 (4000-00)

Moved by Councillor Gran/Seconded by Councillor Given

R123/07/01/29 THAT City Council direct staff to file a cancellation notice removing the bylaw contravention notice initiated by the City of Kelowna on title of Lot 1, Plan 348, Block 8 known as 2046 Pandosy Street.

Carried

- 5.2 Transportation Manager, dated January 23, 2007 re: Award of Construction Contract TE 07-02 – Highway Link – Pandosy and Richter North Upgrading (5400-20)

Staff:

- Explained the communication plan regarding the project.
- Advised that there will be a possible open house on February 15, 2007.

Councillor Clark left the meeting at 2:35 p.m.

Moved by Councillor Letnick/Seconded by Councillor Given

R124/07/01/29 THAT Contract TE 07-02 for the Richter Street North and Water/Pandosy Upgrading be awarded to Copcan Contracting Ltd. in the amount of \$7,219,183.00, including GST;

AND THAT the Consulting Services Contract to Stantec Consulting Ltd. in the amount of \$696,696.00 be awarded;

AND THAT the Mayor and City Council be authorized to execute the Contracts on behalf of the City.

Carried

- 5.3 City Clerk, dated January 22, 2007 re: Local Area Service – Elm Street East

Moved by Councillor Given/Seconded by Councillor Hobson

R125/07/01/29 THAT the petition received December 1, 2006 from Ms. Campbell and others for the construction of road drainage, road widening, concrete (roll over) curb and gutter, asphalt pavement widening, and topsoil and seeding or sodding of the boulevards on both sides of Elm Street be received and referred to the Transportation Manager and be placed in its order of construction priority;

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AND THAT Council receive the Certificate of Sufficiency dated December 11, 2006 pertaining to the Elm Street East Local Area Service.

Carried

- 5.4 City Clerk, dated January 24, 2007 re: Certificate of Sufficiency for UBCO Development Works Agreement Petition

Moved by Councillor Given/Seconded by Councillor Hobson

R126/07/01/29 THAT Council receive the petition from the University of British Columbia received January 25, 2007;

AND THAT Council receive the Certificate of Sufficiency dated January 25, 2007 pertaining to the Highway 97 Flyover Development Works Agreement.

Carried

- 5.5 Director of Financial Services, dated January 24, 2007 re: Highway 97 Flyover Development Works Agreement with UBC (6330-01 UBCO Flyover)

Staff:

- Advised that the tender closes today and that the project will be substantially complete by the fall of 2007

Moved by Councillor Given/Seconded by Councillor Letnick

R127/07/01/29 THAT Council approve the Highway 97 Flyover Development Works Agreement between the City of Kelowna and the University of British Columbia;

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

AND THAT Council give reading consideration to Bylaw 9734.

Carried

- 5.6 Sport & Recreation Manager, dated January 23, 2007 re: 2007 BC Special Olympics Sports Event Development Grant (8100-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R128/07/01/29 THAT City Council approve \$5,000.00 from the Sports Event Development Grant as support towards the 2007 BC Special Olympics Winter Provincials to be held in Kelowna from February 15 - 18, 2007.

Carried

- 5.7 Development Manager, Recreation Parks & Cultural Services, dated January 24, 2007 re: Festivals Kelowna Society (1853-20)

Staff:

- Confirmed that the financial resources and human resources allocated to Parks Alive is intended to be the same as it has been in the past.

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Moved by Councillor Hobson/Seconded by Councillor Rule

R129/07/01/29 THAT Council approve the *Festivals Kelowna Formation Document Report* as attached to the report from the Development Manager of Recreation Parks & Cultural Services dated January 24th, 2007;

AND THAT Council approve the following members, directors and officials for *Festivals Kelowna*;

Dawn Antle	Arvind Sharma
Dean Clarke	Alanna Vernon
Robert Fine	Sheila Olcen
Nathalie Limbos-Bomberg	Reid Oddleifson
Brian Ratcliffe	

AND THAT Festivals Kelowna be delegated responsibility for managing the annual Council approved annual financial plan for Festivals Kelowna;

AND THAT Council authorize the transfer of up to \$310,100.00 to the Festivals Kelowna Society upon the receipt of full incorporation status;

AND FURTHER THAT Festivals Kelowna report back to Council within a year of achieving not for profit society status with information on progress, financial statement(s), community and industry contributions and general update on the activities of Festivals Kelowna.

Carried

5.8 Director of Recreation, Parks & Cultural Services, dated January 24, 2007 re: Mission Recreation Park – Aquatic Centre (6240-20)

Staff:

- Recreation, Parks & Cultural Services will be bringing back a policy for Council's consideration regarding naming of civic buildings within four to five months.
- Issue of community bonds for the Aquatic Centre being examined.

Moved by Councillor Day/Seconded by Councillor Hobson

R130/07/01/29 THAT Council approve the Design-Build Stipulated Price Contract for \$38,627,470 for the Mission Recreation Park Aquatic Centre between the City of Kelowna and PCL Westcoast Constructors Inc. as attached to the report from the Director of Recreation Parks and Cultural Services dated January 24, 2007;

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

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

6.1 Bylaw No. 9735 – Road Closure and Removal of Highway Dedication, Chute Lake Road near Chute Lake Crescent

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Moved by Councillor Day/Seconded by Councillor Hobson

R131/07/01/29 THAT Bylaw No. 9735 be read a first, second and third time.

Carried

6.2 Bylaw No. 9734 – Highway 97 (UBCO) Flyover Agreement

Moved by Councillor Day/Seconded by Councillor Hobson

R132/07/01/29 THAT Bylaw No. 9734 be read a first, second and third time.

Carried

7. COUNCILLOR ITEMS (including Committee Updates)

Mayor Shepherd:

- City Manager will refer lack of volunteers to drive City of Kelowna float to appropriate staff.

8. TERMINATION

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

Certified Correct:

Mayor

City Clerk

SLH/am