

Regular Meeting – P.M.

February 12, 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, February 12, 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; Deputy City Clerk, Stephen Fleming; Director of Planning & Development Services, Mary Pynenburg*; Acting Manager of Development Services, Shelley Gambacort*; Manager, Policy, Research & Strategic Planning, Signe Bach*; Community Planning Manager, Theresa Eichler*; Event Development Coordinator, Michelle Collens*; Planner, Nelson Wight*; Parks Manager, Joe Creron*; Transportation Manager, Ron Westlake*; Parks Operation & Maintenance Manager, Ted Sophonow*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:33 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Michelle Collens, Event Development Coordinator, Sport Kelowna re: Kelowna Participants for the 2007 Canada Winter Games in Whitehorse

Staff:

- Introduced the Kelowna participants for the 2007 Canada Winter Games in Whitehorse.

Mayor Shepherd:

- Presented each of the athletes with a gift on behalf of the City of Kelowna.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Planning & Development Services Department, dated January 31, 2007 re: Heritage Alteration Permit No. HAP06-0016 – Kelowna Thoracic Surgical Group Ltd. – 2178 Pandosy Street

Moved by Councillor Hobson/Seconded by Councillor Day

R163/07/02/12 THAT Council authorize the issuance of Heritage Alteration Permit No. HAP06-0016; for Lot 3, DL 14, ODYD Plan 7535, located on Pandosy Street, 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".

Carried

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4.2 Land Use Contract No. LUC06-0002 and Zoning Application No. Z06-0029 – Shaw Cablesystems Ltd. – 2300 Leckie Road (BL9739 and BL9740)

- (a) Planning & Development Services report dated February 2, 2007.

Staff:

- A Development Permit and Development Variance Permit Report will be forthcoming to Council.

Council:

- Inquired about the recommendations regarding the commercial site review.

Staff:

- Confirmed that this application is contrary to staff recommendations; however staff have been working with Shaw Cable for some time and feel that this is an exception as the Urban Centre boundary is still in effect as it has not been changed as at this date.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R164/07/02/12 THAT Application No. LUC06-0002 to discharge Land Use Contract No.77-1085 from Lot 1, District Lot 125, O.D.Y.D. Plan KAP80864, located on Leckie Road be considered by Council;

AND THAT Rezoning Application No. Z06-0029 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 125, O.D.Y.D. Plan, on Leckie Road, Kelowna, B.C. from A1 – Agriculture 1 to C4 – Urban Commercial be considered by Council, subject to the conditions contained within the Staff report, dated February 2, 2007;

AND THAT the Land Use Contract discharge bylaw and Zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Land Use Contract discharge bylaw and zone amending bylaw be withheld until the applicant has addressed the requirements of the Works and Utilities department.

Carried

BYLAWS PRESENTED FOR FIRST READING

- (b) Bylaw No. 9739 (LUC06-0002) – Shaw Cablesystems Ltd. – 2300 Leckie Road

Moved by Councillor Letnick/Seconded by Councillor Given

R165/07/02/12 THAT Bylaw No. 9739 be read a first time.

Carried

- (c) Bylaw No. 9740 (Z06-0029) – Shaw Cablesystems Ltd. – 2300 Leckie Road

Moved by Councillor Letnick/Seconded by Councillor Given

R166/07/02/12 THAT Bylaw No. 9740 be read a first time.

Carried

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5. NON-DEVELOPMENT APPLICATION REPORTS

5.1 Official Community Plan Bylaw Text Amendment No. OCP06-0016 – Amendment to Chapter 8 - Housing (BL9648)

- (a) Community Development & Real Estate report dated February 7, 2007.

Staff:

- Confirmed that a non-profit developer will be required to enter into a Housing Agreement.

Moved by Councillor Hobson/Seconded by Councillor Given

R167/07/02/12 THAT changes outlined in the report of the Community Development & Real Estate Division dated January 31, 2007 to OCP Bylaw Text Amendment No. OCP06-0016 to amend *Kelowna 2020* – Official Community Plan Bylaw No. 7600 by adding a new policy 8.1.32 – **Higher Density for Affordable Housing** and by renumbering the existing 8.1.32, and subsequent policies, be authorized by Council and that Bylaw No. 9648 be considered for amendment at first reading;

AND THAT Council considers the public consultation conducted through the Affordable and Special Needs Task Force and related activities to be sufficient for the purposes of Section 879 of the *Local Government Act*;

AND THAT the OCP By-law Amendment No. OCP 9648, as amended, be forwarded to a public hearing for further consideration.

Carried

BYLAWS PRESENTED FOR AMENDMENT AT FIRST READING

- (b) Bylaw No. 9648 (OCP06-0016) – Amendment to Chapter 8 Housing

Moved by Councillor Letnick/Seconded by Councillor Clark

R168/07/02/12 THAT Bylaw No. 9648 be amended at 1st reading by:

- changing the words in the middle of the first paragraph in Section 1(a) from “100% of the housing meets the City’s definition of affordable housing” to “75% of the housing meets the City’s definition of affordable housing”
- deleting the words in the middle of the first paragraph in Section 1(a) “and where partnership exists with the provincial and/or federal government involving the commitment of senior government funding for the housing project.” and
- changing the words in the third bullet of Section 1(a) from “no more than 4 storeys in height will be supported; and” to “height must be determined by the City as appropriate within the context of the adjacent land use designations; and”.

AND THAT the bylaw has been considered in conjunction with the City’s financial plan and waste management plan.

AND FURTHER THAT Bylaw No. 9648, as amended, be read a first time.

Carried

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5.2 Wastewater Manager, dated February 6, 2007 re: Clifton Road North – Local Area (sewer) Service Project No. 36

Staff:

- Advised that this is an owner initiated local service area contract and recommends that the project proceed.
- Advised that the sole source award is due to the fact that the City is working in conjunction with a developer, who will be digging up Clifton Road North.

Moved by Councillor Day/Seconded by Councillor Letnick

R169/07/02/12 THAT Council direct staff to prepare a Local Area Service bylaw for the installation of sewer service, pursuant to Section 212 of the Community Charter, for the properties shown on Map A, which indicates the proposed service area on Clifton Road North;

AND THAT Council authorizes the single source award of the Consultant Engineering services and Contract award subject to acceptable fee and work plan proposal;

AND FURTHER THAT the 2007 Financial Plan be amended to include this project.

Carried

Moved by Councillor Clark/Seconded by Councillor Letnick

R170/07/02/12 THAT the Financial Services Department to report back to Council regarding the feasibility of total sewer servicing charges being added to property taxes in a one (1) year period.

Carried

5.3 City Clerk, dated February 7, 2007 re: Local Area Service for Sanitary Sewer for Clifton Road N.

Moved by Councillor Clark/Seconded by Councillor Day

R171/07/02/12 THAT Council direct staff to prepare a Local Area Service bylaw for the installation of sewer service, pursuant to Section 212 of the Community Charter, for the properties shown on Map A, which indicates the proposed service area on Clifton Road North;

AND THAT Council authorizes the single source award of the Consultant Engineering services and Contract award subject to acceptable fee and work plan proposal;

AND FURTHER THAT the 2007 Financial Plan be amended to include this project.

Carried

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- 5.4 Parks Manager, dated January 26, 2007 re: Parks Landscape Tender T06-122

Moved by Councillor Letnick/Seconded by Councillor Given

R172/07/02/12 THAT City Council award the Beach Park Maintenance Contract and Median Maintenance portion of the contract to Royale Landscaping for a total of one million, four hundred eighty eight thousand, seven hundred and fifty nine dollars (\$1,488,759) plus G.S.T. over a three year period;

AND THAT City Council award the other nine maintenance areas of the Parks contract to Royal Star Landscaping for a total of three million, three hundred thirty six thousand, seven hundred and sixty four dollars (\$3,336,764) plus G.S.T. over a three year period;

AND THAT the additional funding requirement for these contracts of \$100,150 for 2007 be considered by Council at Final Budget.

Carried

- 5.5 Transportation Manager, dated February 6, 2007 re: Applications for Senior Government Capital Funding – Transportation

Moved by Councillor Rule/Seconded by Councillor Hobson

R173/07/02/12 THAT Council supports a joint application with the Regional District of Central Okanagan to the UBCM General Strategic Priorities Fund (GSPF) for capital improvements in conjunction with the implementation of bus rapid transit (BRT) between the Westside and the UBC Okanagan campus;

AND THAT Council supports a joint application with the Regional District of Central Okanagan to the UBCM Innovations Fund (IF) for investments in innovative technology related to the implementation of local BRT service;

AND FURTHER THAT Council support applications to the Provincial Local Motion funding program for funding to implement the Rails with Trails multi-use pathway between Cerise Dr and Spall Rd and a pedestrian overpass of Hwy 97 at the Parkinson Recreation Centre.

Carried

- 5.6 Transportation Manager, dated February 7, 2007 re: Applications for Senior Government Funding – Transportation Planning

Moved by Councillor Day/Seconded by Councillor Hobson

R174/07/02/12 THAT Council supports a joint application with the City of Vernon to the UBCM Innovations Fund for capacity building funds to undertake an integrated inter-regional transportation planning initiative.

Carried

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- 5.7 Transportation Manager, dated February 5, 2007 re: Council Transportation Directions Committee

Moved by Councillor Day/Seconded by Councillor Hobson

R175/07/02/12 THAT Council approve the Terms of Reference for the Transportation Directions Committee as presented with the Transportation Manager's report dated February 5, 2007.

Carried

- 5.8 Downtown Centre Strategy Task Force, dated January 22, 2007 re: Downtown Centre Strategy Task Force Activities (2006)

Councillor Day:

- Unveiled the new model for the downtown centre to Council.
- Updated Council on the activities and plans of the Task Force.

Staff:

- Confirmed that staff will provide an update regarding the Ministry of Fisheries study on the Kelowna waterfront.

Moved by Councillor Day/Seconded by Councillor Hobson

R176/07/02/12 THAT the activity update reflected in the January 22, 2007 report from the Downtown Centre Strategy Task Force be received for information;

AND THAT the Terms of Reference for the Downtown Centre Strategy Task Force be amended to reflect a nine-member Task Force;

AND THAT in addition to the members currently appointed to the Downtown Centre Strategy Task Force, Weldon LeBlanc be appointed to the Task Force for a term ending on December 31, 2007.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 9741 – Local Area Service – Country Rhodes – Parcel Tax Bylaw

Moved by Councillor Clark/Seconded by Councillor Rule

R177/07/02/12 THAT Bylaw No. 9741 be read a first, second and third time.

Carried

- 6.2 Bylaw No. 9742 – Clifton Road North Local Area Service Establishment Bylaw

Moved by Councillor Clark/Seconded by Councillor Rule

R178/07/02/12 THAT Bylaw No. 9742 be read a first, second and third time.

Carried

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- 6.3 Bylaw No. 9743 – Loan Authorization Bylaw – Local Area Service – Clifton Road North

Moved by Councillor Clark/Seconded by Councillor Rule

R179/07/02/12 THAT Bylaw No. 9743 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 6.4 Bylaw No. 9695 – Amendment No. 8 to Traffic Bylaw No. 8120

Moved by Councillor Gran/Seconded by Councillor Hobson

R180/07/02/12 THAT Bylaw No. 9695 be adopted.

Carried

- 6.5 Bylaw No. 9731 – Amendment No. 32 to the Water Regulation Bylaw No. 2173 – 2007 Water Rates

Moved by Councillor Hobson/Seconded by Councillor Gran

R181/07/02/12 THAT Bylaw No. 9731 be adopted.

Carried

- 6.6 Bylaw No. 9734 – Highway 97 (UBCO) Flyover Development Works Agreement

Moved by Councillor Day/Seconded by Councillor Hobson

R182/07/02/12 THAT Bylaw No. 9734 be adopted.

Carried

- 6.7 Bylaw No. 9735 – Road Closure Bylaw – Chute Lake Road near Chute Lake Crescent

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. No one came forward.

Moved by Councillor Hobson/Seconded by Councillor Day

R183/07/02/12 THAT Bylaw No. 9735 be adopted.

Carried

7. COUNCILLOR ITEMS (including Committee Updates)

Councillor Day:

- Advised that information regarding BC Libraries is now available and reminded Council that his tenure of service on the Library Board may be expiring.

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8. TERMINATION

The meeting was declared terminated at 3:45 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SLH/am