

Regular Meeting – P.M.

February 19, 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 19, 2007

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

Council members absent: Mayor Sharon Shepherd

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Allison Flack; Director of Planning & Development Services, Mary Pynenburg*; Director of Financial Services, Paul Macklem*; Acting Manager of Development Services, Shelley Gambacort*; Planner, Ryan Smith*; Community Planning Manager, Theresa Eichler*, Environment/Solid Waste Manager, Mark Watt*, Communications Manager, Karen Cairns*, Development Engineering Manager, Steve Muenz*; and Acting Council Recording Secretary, Arlene McClelland.

Guests*: Lorainne McLarty, Heritage Planning Committee; Sandi Oloffs, Central Okanagan Foundation; Jason Sowinski, Deputy Assessor BC Assessment; Community Heritage Commission Chair, David Morris.

(* denotes partial attendance)

1. CALL TO ORDER

Deputy Mayor, Colin Day, called the meeting to order at 1:31 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Lorainne McLarty, Heritage Week Planning Committee re: Heritage Week – February 19-25, 2007

Lorainne McLarty, Heritage Week Planning Committee:

- Gave an overview of the various events planned as part of the Heritage Week Celebrations that start today.

3.2 Sandi Oloffs, Central Okanagan Foundation re: Emergency Grant Request

Sandi Oloffs, Central Okanagan Foundation:

- Outlined the grant request.

Moved by Councillor Hobson/Seconded by Councillor Gran

R186/07/02/19 THAT the allocation of a \$5,000 emergency grant by the Central Okanagan Foundation to the Kelowna Women's Resource Centre be approved by Council.

Carried

3.3 Jason Sowinski, Deputy Assessor, B.C. Assessment re: B.C. Assessment Authority Report

Jason Sowinski, Deputy Assessor, BC Assessment:

- Presented 2007 roll highlights and public reaction to increases in assessed values of properties.

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4. DEVELOPMENT APPLICATION REPORTS

- 4.1 Planning & Development Services Department, dated February 9, 2007
re: Development Permit Application No. DP06-0234 – City of Kelowna –
1436 St. Paul Street

Council:

- Requested staff ensure input from CMP regarding parking lot lighting and security arrangements.

Moved by Councillor Hobson/Seconded by Councillor Given

R187/07/02/19 THAT Council authorize the issuance of Development Permit No. DP06-0234 for Lots 16 and 17 District Lot 139, ODYD Plan 800, located on St. Paul 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";
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;

AND FURTHER 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

- 4.2 Housing Agreement – Herman Planning Group Inc. – 1094 Lawson Avenue (BL9713)

- (a) Planning & Development Services report, dated February 5, 2007.

Moved by Councillor Letnick/Seconded by Councillor Given

R188/07/02/19 THAT Council forward Bylaw No. 9713 authorizing a Housing Agreement between the City of Kelowna and 0701849 BC LTD. which requires the owners to designate two dwelling units for owner occupied affordable housing on Lot 2, District Lot 138, ODYD Plan 3809, for reading consideration.

Carried

BYLAWS PRESENTED FOR FIRST THREE READINGS

- (b) Bylaw No. 9713 - Housing Agreement Authorization Bylaw - 0701849 B.C. Ltd. (Herman Planning Group Inc.) – 1094 Lawson Avenue

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Moved by Councillor Hobson/Seconded by Councillor Gran

R189/07/02/19 THAT Bylaw No. 9713 be read a first, second and third time.

Carried

4.3 Zoning Application No. Z06-0021 – R219 Enterprises Ltd. (Mark Whittle) – 747 Fitzpatrick Road

(a) Planning & Development Services report dated February 9, 2007.

Moved by Councillor Given/Seconded by Councillor Letnick

R190/07/02/19 THAT Final Adoption of Zone Amending Bylaw No. 9690 be considered by Council.

Carried

(b) **BYLAW PRESENTED FOR ADOPTION**

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

Moved by Councillor Gran/Seconded by Councillor Hobson

R191/07/02/19 THAT Bylaw No. 9690 be adopted.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

Councillor Rule left the meeting at 2:21 p.m. and did not return.

5.1 Director of Planning & Development Services, dated January 19, 2007 re: Community Heritage Commission Year-End Report

David Morris, Chair of the Commission, spoke briefly about the year.

Moved by Councillor Hobson/Seconded by Councillor Gran

R192/07/02/19 THAT Council receive this year-end report for the Community Heritage Commission for information;

AND THAT Council endorse the revised Terms of Reference for the Community Heritage Commission dated January 19, 2007

Carried

5.2 Director of Works & Utilities, dated February 13, 2007 re: Latecomer Charges – No. 21 Great Projects Ltd.

Moved by Councillor Hobson/Seconded by Councillor Clark

R193/07/02/19 THAT the Municipal Council requires the owner of N½ DL579 SDYD, except PL5648, 9458, 9459, KAP74689, KAP75766, KAP77604 and S½ DL579, SDYD, except KAP77336 which is to be subdivided or developed, to provide the excess or extended services shown in Schedule D of the Latecomer Agreement No. 2250-70-77 attached to the report of the Director of Works & Utilities, dated February 13th, 2007;

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AND THAT the Municipal Council consider the cost to provide the excess or extended services shown in Schedule D of the Latecomer Agreement No. 2250-70-77 in whole or in part, to be excessive;

AND THAT the Latecomer charges be imposed for excess or extended services, as shown in Schedule D of Latecomer Agreement No. 2250-70-77, which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands listed in Schedule D of Latecomer Agreement No. 2250-70-77;

AND THAT the City enter into Latecomer Agreement No. 2250-70-77 with the owner to be effective upon Substantial Performance of the Excess or Extended Services, and the Mayor and City Clerk be authorized to execute and affix the corporate seal to this Latecomer Agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

Carried

5.3 Director of Works & Utilities, dated February 13, 2007 re: Latecomer Charges – 857260 Alberta Ltd.

Moved by Councillor Hobson/Seconded by Councillor Given

R194/07/02/19 THAT The Municipal Council requires the owner of Lot A, DL 357, PL 77848, Sec. 30, Twp. 29, ODYD, which is to be subdivided or developed, to provide the excess or extended services shown in Schedule C-2 of the Latecomer Agreement No. 2250-70-80, attached to the report of the Director of Works and Utilities, dated February 13th, 2007;

AND THAT the Municipal Council consider the cost to provide the excess or extended services shown in Schedule C-2 of the Latecomer Agreement No. 2250-70-80 in whole or in part, to be excessive;

AND THAT the Latecomer charges be imposed for excess or extended services, as shown in Schedule C-2 of Latecomer Agreement No. 2250-70-80, which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands listed in Schedule C-2 of Latecomer Agreement No. 2250-70-80;

AND THAT the City enter into Latecomer Agreement No. 2250-70-80 with the owner to be effective upon Substantial Performance of the Excess or Extended Services, and the Mayor and City Clerk be authorized to execute and affix the corporate seal to this Latecomer Agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

Carried

5.4 Director of Works & Utilities, dated February 8, 2007 re: Latecomer Charges – Sun Holdings Ltd.

Moved by Councillor Hobson/Seconded by Councillor Clark

R195/07/02/19 THAT The Municipal Council requires the owner of Lot 2 PL

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30846, Sec 24 Twp 28 ODYD which is to be subdivided or developed, to provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-81, attached to the report of the Director of Works & Utilities, dated November 7, 2006;

AND THAT the Municipal Council consider the cost to provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-81, in whole or in part, to be excessive;

AND THAT the Latecomer charges be imposed for excess or extended services, as shown in Appendix E of Latecomer Agreement No. 2250-70-81, which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands listed in Appendix E of Latecomer Agreement No. 2250-70-81;

AND THAT the City enter into Latecomer Agreement No. 2250-70-81 with the owner to be effective upon Substantial Performance of the Excess or Extended Services, and the Mayor and City Clerk be authorized to execute and affix the corporate seal to this Latecomer Agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

Carried

5.5 Environment & Solid Waste Manager, dated February 14, 2007 re: Plastics Recycling-Glass Removal and Yard Waste Collections

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R196/07/02/19 THAT Council receives the Environment & Solid Waste Manager's Report detailing proposed fee changes for plastics recycling and additional yard waste collections;

AND THAT staff be directed to bring forward the necessary amending bylaw for Council's consideration.

Carried

5.6 Boundary Extension Review Team, dated February 14, 2007 re: Westside Governance – City Communication Plan

Council:

- Raised concerns over the governance model proposed for an amalgamation with Westside, should that option occur
- Requested staff to look into other options with regard to the number of Council seats from the Westside and report back

Moved by Councillor Letnick/Seconded by Councillor Blanleil

R197/07/02/19 THAT the date to begin the phone survey be moved to April 2, 2007

Carried

Moved by Councillor Clark/Seconded by Councillor Letnick

THAT a question regarding the possibility and desirability of a referendum for the

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City of Kelowna residents be included in all survey material (phone, website, paper etc.) and that appropriate background information be provided with the question.

Amendment Moved by Councillor Gran/Seconded by Councillor Hobson

R198/07/02/19 THAT appropriate background information be provided with the question.

Carried

Councillor Blanleil opposed.

The original motion as amended was then voted on and carried, as follows:

Moved by Councillor Clark/Seconded by Councillor Letnick

R199/07/02/19 THAT appropriate background information be provided with the question.

Carried

Councillors Blanleil, Given and Gran opposed.

Moved by Councillor Letnick/Seconded by Councillor Given

R200/07/02/19 THAT the 2007 Financial Plan be amended to include expenditures of up to \$70,000 to cover costs associated with the financial review, public communication and consultation process and statistically valid survey with funding of \$65,000 from a Provincial grant program(s) and the remaining \$5,000 from the P3 Opportunity Reserve.

Carried

Councillor Blanleil opposed.

5.7 City Clerk, dated February 13, 2007 re: Alternative Approval Process – Loan Authorization Bylaw No. 9663 and Amendment to Okanagan Gymnastics Lease

Moved by Councillor Hobson/Seconded by Councillor Given

R201/07/02/19 THAT Council receive the Certificate of Sufficiency dated February 13, 2007 pertaining to Bylaw No. 9663, Loan Authorization Bylaw for Okanagan Gymnastic Centre Expansion, and the related amendment to the lease;

AND THAT Bylaw No. 9663 be forwarded for final adoption consideration;

AND THAT Council direct the Mayor and City Clerk to execute the lease amendment.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

6.1 Bylaw No. 9744 – City of Kelowna Road Closure and Removal of

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Highway Dedication, Chute Lake Road near Trestle Court Bylaw No. 9744

Moved by Councillor Hobson/Seconded by Councillor Gran

R202/07/0219 THAT Bylaw No. 9744 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

6.2 Bylaw No. 9663 – Okanagan Gymnastic Centre Expansion – Loan Authorization Bylaw

Moved by Councillor Letnick/Seconded by Councillor Given

R203/07/02/19 THAT Bylaw No. 9663 be adopted.

Carried

6.3 Bylaw No. 9704 – City of Kelowna Road Closure and Removal of Highway Dedication, Powick Road at Enterprise Way Road Bylaw No. 9704.

Deputy Mayor, Colin Day, invited everyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. No one came forward.

Moved by Councillor Letnick/Seconded by Councillor Gran

R204/07/02/19 THAT Bylaw No. 9704 be adopted.

Carried

(BYLAWS TO BE AMENDED AT THIRD READING)

6.4 Bylaw No. 9741 – Local Area Service No. 34 (Country Rhodes) Parcel Tax Review Bylaw No. 9741

Moved by Councillor Letnick/Seconded by Councillor Given

R205/07/02/19 THAT Bylaw No. 9741 be amended at third reading by deleting the wording "**equivalent dwellings units**" from Section 3 and replacing it with "**Single Family Equivalent**".

Carried

7. COUNCILLOR ITEMS (including Committee Updates)

Canada Geese

Council:

- Expressed concern over geese problems within our City and the health issues associated.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R206/07/02/19 THAT a letter be sent to the federal Minister of the Environment, with a cc to the Interior Health Area expressing concern with the non-approval of the City's application to cull Canada Geese from City parks, and explaining the

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serious health issues that are resulting from goose droppings at the City's beaches and parks.

Carried

8. TERMINATION

Meeting terminated at 4:01 pm.

Certified Correct:

Deputy Mayor, Colin Day

City Clerk

AM/af/slh