

Regular Meeting – P.M.

March 5, 2007

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Kelowna Community Theatre, 1375 Water Street, Kelowna, B.C., on Monday, March 5, 2007.

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

Council members absent: Councillor Carol Gran.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Director of Planning & Development Services, Mary Pynenburg\*; Director of Works & Utilities, John Vos\*; Director of Financial Services, Paul Macklem\*; Approving Officer, Bob Shaughnessy\*; Airport General Manager, Roger Sellick\*; Airport General Manager, Airport Development, Sam Samaddar\*; Transportation Manager, Ron Westlake\*; Parks Manager, Joe Creron\*; Urban Forestry Supervisor, Ian Wilson\*; Manager Financial Systems & Investment, Genelle Davidson\*; Environment/Solid Waste Manager, Mark Watt\*; Environmental Technician, Michelle Kam\*; Planner, Nelson Wight\*; Planner, Ryan Smith\*; Planner, Danielle Noble\*; Marketing & Communications Co-ordinator, Kari O'Rourke\*; 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 Day was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Doug Findlater, Chair, Westside Governance Committee and Allan Neilson-Welch, Consultant re: Westside Governance

- Gave a PowerPoint presentation to Council in order to provide updates regarding the Westside Governance issue.

Moved by Councillor Letnick/Seconded by Councillor Given

**R242/07/03/05** THAT Kelowna City Council give support in principle to an extension of the City's boundaries to include Westside, believing one government to be in the best long term interest of the region. Should Westside residents choose to join the City, Council will welcome a boundary extension subject to:

- confirmation that a boundary extension will not adversely impact Kelowna taxpayers; and
- the results of a consultation process with Kelowna citizens.

Carried

Councillors Clark and Rule opposed.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Planning & Development Services Department, dated February 23, 2007 re: OCP06-0023 & Z06-0066 – Church of God (Harvey Benson) – 515 Gerstmar Road

(a) Planning & Development Services report dated February 23, 2007.

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Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R243/07/03/05** THAT OCP Bylaw Amendment No. OCP06-0023 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 6, Section 22, Township 26, ODYD, Plan 3576 located on Gerstmar Road, Kelowna, B.C., from the Education/Minor Institutional designation to the Low Density Multiple Unit Residential designation be considered by Council;

THAT Rezoning Application No. Z06-0066 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, Section 22, Township 26, ODYD, Plan 3576 located on Gerstmar Road, Kelowna, B.C. from the P2 – Education and Minor Institutional zone to the RM3- Low Density Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP06-0023 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and Rutland Waterworks District being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

Carried

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

- (i) Bylaw No. 9750 – OCP06-0023 – Church of God (Harvey Benson) – 515 Gerstmar Road **Requires a majority of all Members of Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Day

**R244/07/03/05** THAT Bylaw No. 9750 be read a first time.

Carried

- (ii) Bylaw No. 9751 – Z06-0066 – Church of God (Harvey Benson) – 515 Gerstmar Road

Moved by Councillor Hobson/Seconded by Councillor Day

**R245/07/03/05** THAT Bylaw No. 9751 be read a first time.

Carried

4.2 Planning & Development Services Department, dated February 19, 2007 re: Z06-0068 – Diane Drummond – 4284 Jaud Road

- (a) Planning & Development Services report dated February 19, 2007.

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**R246/07/03/05** THAT Rezoning Application No. Z06-0068 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 34, Township 29, O.D.Y.D. Plan 13328, on Jaud Road, Kelowna, B.C. from A1 – Agriculture 1 to A1s – Agriculture 1 with Secondary Suite be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be withheld until the applicant has addressed the requirements of the Works and Utilities department.

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

Bylaw No. 9748 – Z06-0068 – Diane Drummond – 4284 Jaud Road

Moved by Councillor Day/Seconded by Councillor Hobson

**R247/07/03/05** THAT Bylaw No. 9748 be read a first time.

Carried

4.3 Planning & Development Services Department, dated February 19, 2007 re: TA06-0005 – Emil Anderson Construction Inc. (Tower Ranch Holding Corporation) – Off of Day Road

(a) Planning & Development Services report dated February 19, 2007.

Staff:

- Advised that UDI has not been made aware of this application.
- Confirmed that the park land allocation has already been transferred to the City.
- Confirmed that the residential uses will not be in affect until the golf course is operational.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R248/07/03/05** THAT Text Amendment Application No. TA06-0005, to amend the City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule “A” of the report of the Planning and Development Services Department, dated February 19, 2007, be considered by Council;

AND THAT the necessary amending bylaw be forwarded to a Public Hearing for further consideration.

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

Bylaw No. 9752 – TA06-0005 – Emil Anderson Construction Inc. (Tower Ranch Holding Corporation) – Off of Day Road

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Moved by Councillor Given/Seconded by Councillor Letnick

**R249/07/03/05** THAT Bylaw No. 9752 be read a first time.

Carried

4.4 Planning & Development Services Department, dated February 22, 2007 re: OCP-06-0024/TUP04-0001 – R354 Enterprise Ltd. (Aberdeen Hall Preparatory School) – 2455 Acland Road

(a) Planning & Development Services report dated February 22, 2007.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R250/07/03/05** THAT Bylaw No. 9708 be further amended at first reading to extend the effective date of the temporary use area to June 30, 2008 in relation to part of 2455 Acland Road, identified as Lot C, Sec. 2, Twp. 23, ODYD, Plan KAP80969, as outlined in Chapter 19 – Temporary Commercial and Industrial Use Permits, of the City of Kelowna Official Community Plan, as per Map “A” attached to the report dated February 22, 2007.

Carried

(b) **BYLAW PRESENTED FOR FURTHER AMENDMENT AT FIRST READING**

Bylaw No. 9708 – OCP06-0024 – R354 Enterprises Ltd. (Aberdeen Preparatory School) – 2455 Acland Road

Moved by Councillor Given/Seconded by Councillor Letnick

**R251/07/03/05** THAT Bylaw No. 9708 be further amended at first reading by extending the effective date of the temporary use area to June 30, 2008.

Carried

4.5 Planning & Development Services Department, dated February 20, 2007 re: Z07-0007 – John MacDonald & Jane Muskens (Peter J. Chataway) – 671 Clifton Road

(a) Planning & Development Services report dated February 20, 2007.

Moved by Councillor Given/Seconded by Councillor Letnick

**R252/07/03/05** THAT Rezoning Application No. Z07-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 32, Township 26, ODYD Plan 20929, located on Clifton Road, Kelowna, B.C. from the RR3 – Rural Residential 3 zone to the RR3s – Rural Residential 3 with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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

Bylaw No. 9749 – Z07-0007 – John McDonald & Jane Muskens  
(Peter J. Chataway) – 671 Clifton Road

Moved by Councillor Rule/Seconded by Councillor Letnick

**R253/07/03/05** THAT Bylaw No. 9749 be read a first time.

Carried

4.6 Planning & Development Services Department, dated February 21, 2007 re: Z01-1018 – Terry Robertson & Kelly Lawrence (Terry Robertson) – 300 Dundas Road

(a) Planning & Development Services report dated February 21, 2007.

Staff:

- Confirmed that the applicant was notified in writing that this matter would be brought forward to Council at this time to rescind the Bylaw.

Moved by Councillor Day/Seconded by Councillor Hobson

**R254/07/03/05** THAT first, second and third readings given Bylaw No. 8698 (Z01-1018– 300 Dundas Road – Terry Robertson and Kelly Lawrence) be rescinded;

AND THAT staff be directed to close the associated rezoning application;

Carried

(b) **BYLAW PRESENTED FOR RESCINDING**

Bylaw No. 8698 – Z01-1018 – Terry Robertson & Kelly Lawrence  
(Terry Robertson) – 300 Dundas Road

Moved by Councillor Rule/Seconded by Councillor Clark

**R255/07/03/05** THAT second and third readings given Bylaw No. 8698 on July 17, 2001 under Resolution No. R572/01/07/17 be and are hereby rescinded.

Carried

5. **NON-DEVELOPMENT APPLICATION REPORTS**

5.1 Transportation Manager, dated February 21, 2007 re: Award of Construction Contract TE07-04 – Swamp Road and Casorso Bridge Construction

Staff:

- Advised that the road closure in the area will be done in 2 stages; The first stage will be to reduce Swamp Road to local traffic only, which will be implemented immediately and will continued through to July; The second stage will commenced on July 1<sup>st</sup> with traffic being closed to Swamp Road and Casorso Hill.
- Advised that a public meeting will be held later this month regarding the project.

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Council:

- Wants clear and proper signage is posted to ensure that the public is aware of any road closures in the area during this project.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R256/07/03/05** THAT Contract TE 07-04 for the Swamp Road and Casorso Bridge Construction be awarded to Hayter Construction Ltd. in the amount of \$6,816,635.81, including GST;

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

Carried

5.2 Transportation Manager, dated February 22, 2007 re: Traffic Bylaw Violation Notice Change

Staff:

- Confirmed that the new layout will enable better tracking of multiple offenders.

Moved by Councillor Letnick/Seconded by Councillor Given

**R257/07/03/05** THAT Council adopt the new layout of the proposed Traffic Bylaw Violation Notice as per the Transportation Managers report, dated March 1, 2007 and that council allow staff to make changes to the notice in the future without having to bring the changes to Council for approval.

Carried

5.3 Transportation Manager, dated February 28, 2007 re: Drive Kelowna

Staff:

- Gave Council a presentation regarding the new "Drive Kelowna" website ([www.drivekelowna.ca](http://www.drivekelowna.ca)).
- Confirmed that the website will be officially launched on March 8<sup>th</sup> through the Map Viewer portion of the City's website and will provide information on road closures and various matters affecting roads and driving within the City of Kelowna.
- Confirmed that the website will be updated every time a road usage permit is issued.
- Advised that development of a similar website to indicate water/sewer projects within the City is also underway.

Moved by Councillor Day/Seconded by Councillor Hobson

**R258/07/03/05** THAT City Council receive the report of the Transportation Manager dated February 28, 2007 for their information regarding the launch of Drive Kelowna.

Carried

5.4 Parks Manager, dated February 28, 2007 re: FortisBC Black Mountain Substation – Transmission Line crossing Mission Creek

Moved by Councillor Blanleil/Seconded by Councillor Given

**R259/07/03/05** THAT City Council does not support a FortisBC distribution line spanning Layer Cake Mountain, Pinnacle Rock and Gallagher's Canyon as proposed in their application to the British Columbia Utilities Commission;

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AND THAT staff be directed to obtain intervenor status with the BC Utilities Commission hearing process;

AND THAT the City work with FortisBC on finding an alternative solution which has a minimal environmental and visual impact.

Carried

Council:

- Staff to report back on how the City was made aware of the electrical utility applications.

5.5 Urban Forestry Supervisor, dated March 5, 2007 re: Application for Okanagan Basin Water Board Funding – Okanagan Regional Goose Management Strategy and Action Plan

Moved by Councillor Given/Seconded by Councillor Letnick

**R260/07/03/05** THAT City Council supports a joint application with the City of Vernon, City of Penticton, Town of Osoyoos and District of Summerland to the Okanagan Basin Water Board Water Management Grants program, for \$30,000 + in funding to assist with the implementation of the Okanagan Regional Goose Management Strategy and Action Plan.

Carried

5.6 Environment and Solid Waste Manager, dated February 28, 2007 re: Environmental Indicators

Moved by Councillor Day/Seconded by Councillor Clark

**R261/07/03/05** THAT Council receives the report of the Environment Manager, dated February 28, 2007 for their information on the environmental indicators update.

Carried

5.7 Financial Systems and Investments Manager, dated February 28, 2007 re: Financial Information Systems Replacement Vendor Recommendation

Staff:

- Confirmed that the proposed system is able to expand should the Westside join the City of Kelowna.
- Advised that the life expectancy of the proposed system is ten (10) years.

Moved by Councillor Hobson/Seconded by Councillor Day

**R262/07/03/05** THAT Council approve the selection of Agresso Corporation for the supply of an integrated financial system to include the full suite of Agresso modules listed in Appendix 'A' as part of Financials, Project, Procurement, Human Resources/Payroll, Information Management Tools, Planning Tools and Canadian Localization;

AND THAT Council authorize the Mayor and City Clerk to enter into three agreements with Agresso Corporation namely; the Software License Agreement; the End User Maintenance Agreement; and the Software Implementation Agreement based on the terms negotiated and set forth in Appendix "A";

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AND FURTHER THAT Council approves an amendment to the 2007 Financial Plan to include an expenditure of \$1,716,750 with \$850,000 funded from the Financial/Major Systems Reserve and the remainder short term borrowed and financed from savings on current debt servicing over a five year period.

Carried

5.8 Airport General Manager, dated February 19, 2007 re: 2025 Airport Master Plan

Staff:

- Advised that the 2025 Airport Master Plan was first presented to Council on July 10, 2006 and at that time, Council directed that an extensive public consultation process be conducted. That process has now been concluded.
- Confirmed that the 2025 Airport Master Plan has been posted on the City's website as well as the Airport's website.
- Confirmed that the Provincial funding for the extension of the runway is contingent on Federal funding being approved.

Moved by Councillor Letnick/Seconded by Councillor Given

**R263/07/03/05** THAT Council approve the 2025 Airport Master Plan;

AND THAT an Official Community Plan amendment be forwarded for Council's consideration which reflects the major direction of the 2025 Airport Master Plan.

Carried

5.9 City Clerk, dated February 27, 2007 re: Alternative Approval Process – Kelowna Art Gallery Lease & Operating Agreement

Moved by Councillor Letnick/Seconded by Councillor Given

**R264/07/03/05** THAT Council receive the Certificate of Sufficiency dated February 27, 2007 pertaining to Kelowna Art Gallery Lease & Operating Agreement;

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

Carried

## 6. RESOLUTIONS

6.1 Draft Resolution re: Notice of End of Library Board Term – Councillor Day

Moved by Councillor Hobson/Seconded by Councillor Letnick

**R265/07/03/05** THAT Councillor Clark be appointed as City Council's representative to the Okanagan Regional Library Board, and that Councillor Rule be appointed as alternate, effective January 1, 2008.

Carried

7. COUNCILLOR ITEMS (including Committee Updates) – Nil.



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8. TERMINATION

The meeting was declared terminated at 4:15 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

SLH/am