

Regular Meeting – P.M.April 23, 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, April 23, 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, Paul Macklem; City Clerk, Allison Flack; Director of Planning & Development Services, Mary Pynenburg\*; Acting Manager of Development Services, Shelley Gambacort\*; Community Planning Manager, Theresa Eichler\*; Bylaw Enforcement Supervisor, Al Dixon\*; Police Administration Services Manager, Scott Meadows\*; Financial Planning Manager, Keith Grayston\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:35 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Patti Kilback, Curator of Education, Kelowna Museums Society re: BC Arts & Culture Week and Taste of Culture Educational Program

- Advised that April 22 – 28 is BC Arts & Culture Week and April 28<sup>th</sup> is the Life & Arts Festival.
- Casorso Elementary School children presented poems.

3.2 Sandi Oloffs, Grants Coordinator, Central Okanagan Foundation re: Community Social Development Grants and Grants to Address the Sexual Exploitation of Youth

Staff:

- Confirmed that there are funds in a reserve for emergency grant requests.

Moved by Councillor Hobson/Seconded by Councillor Letnick

**R429/07/04/23** THAT Council approve the following funding applications as recommended by the Central Okanagan Foundation:

- (a) Community Social Development Grants:
- John Howard Society of the Central and South Okanagan: \$ 2,950.00
  - Kelowna & District Society for People in Motion: \$21,000.00
  - Living Positive Resource Centre: \$ 5,000.00
  - Resurrection Recovery Resource Society: \$ 5,000.00
  - Central Okanagan Regional Nutrition Society: \$ 6,850.00
  - Kelowna Family Centre: \$ 7,000.00
  - PLAN Okanagan: \$ 5,000.00
  - Central Okanagan Elizabeth Fry Society: \$ 5,000.00

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- (b) Grants to Address the Sexual Exploitation of Youth:
- NOW Canada Society: \$14,000.00
  - Central Okanagan Elizabeth Fry Society in partnership with Community Against Sexual Exploitation of Youth (CASEY) \$ 8,000.00
- Carried

3.3 Superintendent McKinnon re: Monthly Policing Report

Moved by Councillor Day/Seconded by Councillor Given

**R430/07/04/23** THAT the Mayor forward a letter to the Premier reiterating Council's support for anti-gang legislation which prohibits motorcycle gang insignia in licensed premises.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Planning & Development Services Department, dated April 5, 2007 re: Z07-0009 – George Tivy and Marilyn Miller – 4573 Horak Road

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

Moved by Councillor Letnick/Seconded by Councillor Hobson

**R432/07/04/23** THAT Rezoning Application No. Z07-0009 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, District Lot 357, SDYD, Plan 18353, located on Horak Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

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

Carried

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

Bylaw No. 9778 (Z07-0009) – George Tivy and Marilyn Miller – 4573 Horak Road

Moved by Councillor Given/Seconded by Councillor Letnick

**R433/07/04/23** THAT Bylaw No. 9778 be read a first time.

Carried

4.2 Planning & Development Services Department, dated April 13, 2007 re: OCP06-0022, TA06-0006 and Z06-0062 – Interior Health Authority (Bevanda Architecture Inc.) – 2035 Ethel Street

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- (a) Planning & Development Services report dated April 13, 2007.

Moved by Councillor Hobson/Seconded by Councillor Day

**R434/07/04/23** THAT OCP Bylaw Amendment No. OCP06-0022 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot B, DL 138 & Sec. 19, Twp. 26, O.D.Y.D., Plan KAP60415, located on Ellis Street, Kelowna, B.C., from the existing "Multiple Unit Residential (Medium Density)" designation to the proposed "Education / Major Institutional" designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated April 13, 2007, be considered by Council;

THAT Zoning Bylaw Text Amendment No. TA06-0006 to amend City of Kelowna Zoning Bylaw No. 8000 by replacing the existing map CD1 – Map 1 with a new map CD1 – Map 1 dated April 13, 2007 as outlined in the report of the Planning & Development Services Department dated April 13, 2007 be considered by Council;

THAT Rezoning Application No. Z06-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, DL 138 & Sec. 19, Twp. 26, O.D.Y.D., Plan KAP60415, located on Ellis Street, Kelowna, B.C. from the existing CD1 – Comprehensive Development One zone to the proposed P1 – Major Institutional zone be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP06-0022, the Text Amendment No. TA06-0006 and the 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 Permit on the subject property;

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

Carried

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

- (i) Bylaw No. 9780 (OCP06-0022) – Interior Health Authority (Bevanda Architecture Inc.) – 2035 Ethel Street **Requires a majority of all Members of Council (5)**

Moved by Councillor Given/Seconded by Councillor Letnick

**R435/07/04/23** THAT Bylaw No. 9780 be read a first time.

Carried

- (ii) Bylaw No. 9781 (TA07-0003/Z06-0062) – Interior Health Authority (Bevanda Architecture Inc.) – 2035 Ethel Street

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Moved by Councillor Clark/Seconded by Councillor Rule

**R436/07/04/23** THAT Bylaw No. 9781 be read a first time.

Carried

4.3 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9756 (Z06-0061) – Anton and Maria Wolf (Sunstar Ventures Ltd.) – 860 McCurdy Road

Moved by Councillor Gran/Seconded by Councillor Day

**R437/07/04/23** THAT Bylaw No. 9756 be adopted.

Carried

(b) Planning & Development Services Department, dated April 13, 2007 re: DP06-0209 – Anton and Maria Wolf (Sunstar Ventures Ltd.) – 860 McCurdy Road

Moved by Councillor Given/Seconded by Councillor Hobson

**R438/07/04/23** THAT Final Adoption of Zone Amending Bylaw No. 9756 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP06-0209 for Lot B, DL 143, O.D.Y.D., Plan KAP65168, located on McCurdy Road name), 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

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5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

- 5.1 Bylaw No. 9447 (OCP05-0008) – 684761 BC Ltd. (Nicola Consiglio) – 5127 Chute Lake Road – **Requires a majority of all Members of Council (5)**

This item was withdrawn from the Agenda.

- 5.2 Bylaw No. 9448 (Z05-0020) – 684761 BC Ltd. (Nicola Consiglio) – 5127 Chute Lake Road

This item was withdrawn from the Agenda.

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Police Administration Manager, dated April 17, 2007 re: Supply of Meals for RCMP Prisoners – May 1, 2007 to April 30, 2009

Moved by Councillor Day/Seconded by Councillor Hobson

**R439/07/04/23** THAT Council approve entering into a contract to supply meals for the RCMP prisoners for the period from May 1, 2007 to April 30, 2009, with a total cost of \$205,163.00 plus G.S.T. over the two year period, with an option for a one year extension to April 30, 2010;

AND THAT the Mayor and Clerk be authorized to execute the agreement on behalf of the City.

Carried

- 6.2 Director of Financial Services, dated April 16, 2007 re: Amendment #2 to Five Year Financial Plan, 2006-2010

Moved by Councillor Hobson/Seconded by Councillor Day

**R440/07/04/23** THAT Council approves amending the Five Year Financial Plan, 2006-2010 Bylaw 9599 as required by the Community Charter, to reflect changes in the Operating Budget and Capital Expenditure Program for 2006;

AND THAT the amending Bylaws No. 9775 and 9776 be advanced for reading consideration by Council.

Carried

- 6.3 Financial Planning Manager, dated April 5, 2007 re: Transit – 2006/2007 Annual Operating Agreement Amendments

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**R441/07/04/23** THAT Council approve the 2007/2008 Annual Operating Agreements for conventional and custom transit services for the City of Kelowna;

And Further That the Mayor and City Clerk be authorized to execute the Operating Agreements between BC Transit, the City of Kelowna and Farwest Transportation Services Inc. covering the period April 1, 2007 to March 31, 2008.

Carried

6.4 Financial Planning Manager, dated April 18, 2007 re: Transit – 2007/2008 Annual Operating Agreements

Council:

- Inquired whether security will be increased on transit buses as well as at bus stops.

Staff:

- Confirmed that security has been hired for the Orchard Park and Queensway transit stations; Confirmed that funds available provide for the existing security level only (no increase).

Moved by Councillor Hobson/Seconded by Councillor Gran

**R442/07/04/23** THAT Council approve the 2007/2008 Annual Operating Agreements for conventional and custom transit services for the City of Kelowna;

And Further That the Mayor and City Clerk be authorized to execute the Operating Agreements between BC Transit, the City of Kelowna and Farwest Transportation Services Inc. covering the period April 1, 2007 to March 31, 2008.

Carried

6.5 Financial Planning Manager, dated April 16, 2007 re: 2007 Tax Distribution Policy

Moved by Councillor Letnick/Seconded by Councillor Hobson

**R443/07/04/23** THAT Council approve a Municipal Tax Distribution Policy for the year 2007 that will result in a modification of the 2006 Tax Class Ratios to reflect the uneven market value changes which have been experienced between property classes, as follows:

<u>Property Class</u>	<u>Description</u>	<u>2007 Tax Class Ratios</u>	<u>2006 Tax Class Ratios</u>
01/08	Residential/Recreation/Non-Profit	1:0000:1	1.0000:1
02	Utilities	6.1489:1	5.0786:1
04	Major Industrial	3.6042:1	4.2338:1
05/06	Light Industrial/Business/Other	2.5900:1	2.5999:1
09	Farm Land	.1408:1	.1196:1
91	Farm Improvements	.5114:1	.5311:1

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AND THAT Council approve development of 2007 tax rates to reflect the 2007 assessment changes in property market values.

Carried

6.6 Licence and Bylaw Enforcement Supervisor, dated April 2, 2007 re: Nuisance Trees and Shrubs Bylaw No. 6469-89

Moved by Councillor Letnick/Seconded by Councillor Day

**R444/07/04/23** THAT Council receive the Report of the Licence and Bylaw Enforcement Supervisor dated April 2, 2007 and direct staff to prepare the amending bylaw to reflect the changes to the City of Kelowna Nuisance Trees and Shrubs Bylaw No. 6469-89 as outlined in the Report;

AND THAT the amending Bylaw No. 9782 be forwarded to Council for reading consideration.

Carried

6.7 Manager, Community Development and Real Estate, dated April 17, 2007 re: BRW Restaurants Ltd. (Quizno's) – Lease Renewal

This item was withdrawn from the Agenda.

6.8 Community Planning Manager, dated April 12, 2007 re: Social Planning and Housing Committee

Moved by Councillor Letnick/Seconded by Councillor Clark

**R445/07/04/23** THAT City Council appoint Randy Murray as a new member of the Social Planning and Housing Committee to fill the existing vacancy.

AND THAT Council accept, with regret, the resignation of Anne Stack from the Social Planning and Housing Committee.

Carried

6.9 City Clerk, dated April 18, 2007 re: 2007 Parcel Tax Review Panel

Moved by Councillor Hobson/Seconded by Councillor Day

**R446/07/04/23** THAT the time and place for the sitting of the 2007 Parcel Tax Review Panel be set at 11:45 a.m. on May 14, 2007 in Meeting Room 3 at City Hall, 1435 Water Street, Kelowna, B.C.

Carried

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7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 7.1 Bylaw No. 9775 – Amendment No. 2 to Five Year Financial Plan, 2006-2010

Moved by Councillor Day/Seconded by Councillor Gran

**R447/07/04/23** THAT Bylaw No. 9775 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 9776 – Amendment No. 1 to Sale of City-Owned Land Reserve Fund Expenditure Bylaw No. 9604 - 2006. **Requires a two-thirds vote of Members (6)**

Moved by Councillor Day/Seconded by Councillor Gran

**R448/07/04/23** THAT Bylaw No. 9776 be read a first, second and third time.

Carried

- 7.3 Bylaw No. 9782 – Amendment No. 3 to the City of Kelowna Nuisance Trees and Shrubs Bylaw No. 6469

Moved by Councillor Day/Seconded by Councillor Gran

**R449/07/04/23** THAT Bylaw No. 9782 be read a first, second and third time.

Carried

**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.4 Bylaw No. 9777 – Amendment No. 15 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Hobson/Seconded by Councillor Day

**R450/07/04/23** THAT Bylaw No. 9777 be adopted.

Carried

8. COUNCILLOR ITEMS (including Committee Updates)

- 8.1 Councillor Given re: Rutland Town Centre Strategy Task Force

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Moved by Councillor Given/Seconded by Councillor Letnick

**R451/07/04/23** THAT the term of the Rutland Town Centre Strategy Task Force be extended for a period of ninety (90) days to July 30, 2007.

Carried

8.2 Mayor Shepherd: re: Reconsider Motion regarding the Golf Centre Application (A06-0015)

Councillor Day declared a conflict of interest as direct family members own property adjacent to the subject property. Councillor Day left the meeting at 3:06 p.m.

Moved by Councillor Blanleil/Seconded by Councillor Gran

**R452/07/04/23** THAT Council reconsider Resolution No. **R408/07/04/16**.

Carried

Councillors Clark, Hobson and Letnick opposed.

Council:

- Resolution No. **R408/07/04/23** is now back on the floor for debate and reconsideration.

Amendment moved by Councillor Gran/Seconded by Councillor Blanleil

**R453/07/04/23** THAT Resolution No. **R408/07/04/23** be amended to read that Agricultural Land Reserve Appeal No. A06-0015 be forwarded to the Agricultural Land Commission with Council's support.

Carried

Mayor Shepherd and Councillors Clark and Hobson opposed.

The original motion, as amended, was then considered:

Moved by Councillor Gran/Seconded by Councillor Blanleil

**R454/07/04/23** THAT Agricultural Land Reserve Appeal No. A06-0015 for Lot 14, District Lot 130, O.D.Y.D., Plan 415, Except Plan KAP64154, located on Munson Road, Kelowna, B.C. for non-farm use within the Agricultural Land Reserve pursuant to Section 20(3) of the *Agricultural Land Commission Act*, be supported by Municipal Council.

Carried

Mayor Shepherd and Councillors Clark and Hobson opposed.

Councillor Day returned to the meeting at 3:23 p.m.

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Councillor Gran:

- Advised that the Advisory Committee on Community & Women's Issues is holding a "Building a Safe Community" Workshop at the Ramada Inn on April 27, 2007 and that if Councillors wish to attend, they needed to RSVP to Jenelle Turpin by Wednesday, April 25, 2007.

9. TERMINATION

The meeting was declared terminated at 3:36 p.m.

Certified Correct:

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Mayor

City Clerk

SLH/dd