

Regular Meeting – P.M.May 14, 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, May 14, 2007.

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

Council members absent: Councillors Carol Gran and Michele Rule.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Allison Flack; Director of Planning & Development Services, Mary Pynenburg\*; Acting Manager of Development Services, Shelley Gambacort\*; Director of Financial Services, Paul Macklem\*; Director of Recreation, Parks and Cultural Services, David Graham\*; Director of Corporate Services, David Shipclark\*; Airport General Manager, Roger Sellick\*; Manager, Policy, Research & Strategic Planning, Signe Bach\*; Transportation Manager, Ron Westlake\*; Assistant General Manager, Airport Development, Sam Samaddar\*; Planner, Cory Gain\*; Parks Administration Supervisor, Carla Stephens\*; Landscape Technician, Lorna Rowland\*; Civic Properties Manager, Randy Cleveland\*; Development Manager, Reid Oddleifson\*; Property Manager, Ron Forbes\*; 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 Given was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 BC Community Achievement Award Recipients – Ben Lee and Steven Tuck

- Mayor Shepherd presented both Ben Lee and Steven Tuck with a BC Community Achievement Award.

4. UNFINISHED BUSINESS

4.1 Boundary Extension Review Team, dated May 9, 2007 re: Westside Governance – Voting Process Upon Amalgamation

Staff:

- Advised that Westside Information Sessions will be held on Saturday, May 26<sup>th</sup> in Westbank (Location to be Determined) from 1:00 p.m. to 5:00 p.m. with presentations at 2:00 p.m. and 4:00 p.m. and on Monday, May 28<sup>th</sup> at Mt. Boucherie School from 6:00 p.m. to 8:30 p.m. with a presentation at 7:00 p.m.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R530/07/05/14** THAT Council rescind Resolution No. R344/07/04/02:

*THAT Council approve, subject to results of the consultation process currently underway with the citizens of Kelowna and if the Westside Governance Study Area voters favour amalgamation with the City of Kelowna, the Neighbourhood Constituency voting process for municipal elections in 2008 and 2011;*

*AND THAT the City of Kelowna create two neighbourhood constituencies, one for all municipal lands on the east side of Okanagan Lake bridge having eight elected Council representatives and one for the west side of Okanagan Lake bridge having two elected Council representatives;*

*AND THAT the Mayor be elected at-large by both neighbourhood constituencies;*

*AND THAT the voting process for the City of Kelowna revert to the At-Large system for the Mayor and all Councillors beginning in 2014;*

*AND THAT Council defer consideration to retain the ten Council representatives or to revert back to the current eight Council representatives for municipal elections beyond 2011;*

*AND THAT the Minister of Community Services be advised of the approved recommendations to facilitate development of the Supplementary Letters Patent for the City of Kelowna;*

*AND FURTHER THAT the Westside Governance Committee be advised of the approved recommendations and requested to add this information to their website and communication materials.*

AND THAT Council approve, should the Westside Governance Study Area voters favour amalgamation with the City of Kelowna on June 16, 2007, a mixed voting process for municipal elections in 2008;

AND THAT the City of Kelowna create two neighbourhood constituencies, one for all municipal lands on the east side of Okanagan Lake bridge having six (6) elected Council representatives and one for the west side of Okanagan Lake bridge having two (2) elected Council representatives;

AND THAT two (2) Council representatives and the Mayor be elected at-large by both neighbourhood constituencies;

AND THAT the voting process for the City of Kelowna revert to an at-large system for the Mayor and all Councillors beginning in 2011;

AND THAT a total of ten (10) Council representatives be retained for the 2008 and 2011 municipal elections only;

AND THAT the Minister of Community Services be advised of the approved recommendations to facilitate development of the Supplementary Letters Patent for the City of Kelowna;

AND FURTHER THAT the Boundary Extension Review Team be directed to host two information sessions within the Westside governance study area as soon as possible to ensure factual information is available to Westside voters regarding the amalgamation option.

Carried

Councillors Clark, Given and Letnick opposed.

Regular Meeting – P.M.

May 14, 2007

5. DEVELOPMENT APPLICATION REPORTS

5.1 Planning & Development Services Department, dated May 2, 2007 re: Rezoning Application No. Z07-0036 – Leopold Rietveld (Cardan Enterprises Ltd.) – 864 Skyline Street

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

Moved by Councillor Day/Seconded by Councillor Letnick

**R531/07/05/14** THAT Rezoning Application No. Z07-0036 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24, Section 30, Township 26, ODYD, Plan 11261, located on Skyline Street, Kelowna, B.C. 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;

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) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9799 (Z07-0036) – Leopold Rietveld (Cardan Enterprises Ltd.) – 864 Skyline Street

Moved by Councillor Letnick/Seconded by Councillor Given

**R532/07/05/14** THAT Bylaw No. 9799 be read a first time.

Carried

5.2 Planning & Development Services Department, dated January 25, 2007 re: Rezoning Application No. Z06-0071 – Darlene Bulteel et al (New Town Architectural Services Inc.) – 853, 861, 867-869 Harvey Avenue and 850, 860, 870 Saucier Avenue

(a) Planning & Development Services report dated January 25, 2007.

Moved by Councillor Hobson/Seconded by Councillor Letnick

**R533/07/05/14** THAT Rezoning Application No. Z06-0071 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 10 to 15, Block 1, District Lot 138, O.D.Y.D. Plan 7117, on Saucier Avenue and Harvey Avenue, Kelowna, B.C. from RU6 – Two Dwelling Housing to RM5 – Medium Density Multiple Housing 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.

AND THAT final adoption of the zone amending bylaw be considered following the consolidation of the lots.

Regular Meeting – P.M.

May 14, 2007

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

Carried

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

Bylaw No. 9800 (Z06-0071) – Darlene Bulteel et al (New Town Architectural Services Inc.) – 853, 861, 867-869 Harvey Avenue and 850, 860, 870 Saucier Avenue

Moved by Councillor Letnick/Seconded by Councillor Given

**R534/07/05/14** THAT Bylaw No. 9800 be read a first time.

Carried

- 5.3 Planning & Development Services Department, dated February 22, 2007 re: Heritage Alteration Permit Application No. HAP06-0015 - City of Kelowna (Okanagan Restoration Services Ltd.) – 1056-1060 Cameron Avenue

Moved by Councillor Hobson/Seconded by Councillor Day

**R535/07/05/14** THAT Council authorize the issuance of Heritage Alteration Permit No. HAP06-0015 for fire loss restoration of the heritage building know as the 'Guisachan House' on property known as the 'Guisachan Heritage Park' on property legally described as Park shown on Plan 37018, Sec. 18, Twp. 26. O.D.Y.D., located at 1060 Cameron Avenue subject to the following:

1. The dimensions and siting of the building remain unchanged;
2. The exterior design and finish of the building and landscaping surrounding the building to be restored to the pre-fire specifications as approved under Heritage Designation Bylaw No. 7794 – A Bylaw to designate the 'Guisachan Heritage Park' located at 1060 Cameron Avenue as a Municipal Heritage Site adopted by the City of Kelowna in 1996.
3. This permit is issued on the understanding that the restoration will result in a replication of the pre-fire character with the exception of upgrades to bring the structure into compliance with Building Code requirements as applicable, including installation of a sprinkler system.

Carried

6. **BYLAWS (ZONING & DEVELOPMENT)**

6.1 **BYLAWS PRESENTED FOR FIRST READING**

- (a) Bylaw No. 9796 (OCP07-0002) – Official Community Plan Amendment – Troika Developments Inc. et al (New Town Architectural Services Inc.) – 2209, 2219, 2227, 2235, 2241, 2247, 2255, 2265 Pandosy Street – **Requires a majority of all Members of Council (5)**

Regular Meeting – P.M.

May 14, 2007

Moved by Councillor Letnick/Seconded by Councillor Given

**R536/07/05/14** THAT Bylaw No. 9796 be read a first time.

Carried

- (b) Bylaw No. 9797 (Z07-0003) – Troika Developments Inc. et al (New Town Architectural Services Inc.) – 2209, 2219, 2227, 2235, 2241, 2247, 2255, 2265 Pandosy Street

Moved by Councillor Letnick/Seconded by Councillor Given

**R537/07/05/14** THAT Bylaw No. 9797 be read a first time.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Assistant General Manager, Airport Development, dated May 8, 2007 re: Departure Room Expansion Contract (T07-039)

Moved by Councillor Day/Seconded by Councillor Hobson

**R538/07/05/14** THAT Council authorize the City to enter into a contract with Maple Reinders Inc. in the amount of \$5,117,000 for construction of a departure room expansion.

AND THAT the Mayor and City Clerk be authorized to execute the contract.

Carried

- 7.2 Assistant General Manager, Airport Operations, dated May 4, 2007 re: Air Terminal Building Space Sub-Leases

Moved by Councillor Hobson/Seconded by Councillor Day

**R539/07/05/14** THAT Council approve leasing Central Mountain Air approximately 32.34 square meters of space in the Air Terminal Building;

AND THAT Council approve leasing Horizon Air approximately 91.12 square meters of space in the Air Terminal Building;

AND THAT Council approve leasing Jazz Air LP approximately 169.88 square meters of space in the Air Terminal Building;

AND THAT Council approve leasing WestJet, an Alberta Partnership approximately 188.80 square meters of space in the Air Terminal Building;

AND THAT Council approve leasing Garda of Canada approximately 103.97 square meters of space, 89.94 square meters in the Air Terminal Building and 14.03 square meters in the Combined Operations Building;

AND THAT Council authorize the Mayor and City Clerk to sign the supplement sub-lease agreements on behalf of the City.

Carried

Regular Meeting – P.M.

May 14, 2007

- 7.3 Transportation Manager, dated May 8, 2007 re: Tender Award TE07-06 High Road 2 and Clifton Road 1

Moved by Councillor Hobson/Seconded by Councillor Day

**R540/07/05/14** THAT Contract TE 07-06 for the construction of High Road 2 & Clifton Road 1 from Mountain Avenue to Clifton Road be awarded to Peter Bros. Construction Ltd. In the amount of \$5,724,667.61 including GST;

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

Carried

- 7.4 Director of Recreation, Parks and Cultural Services, dated May 9, 2007 re: Mission Recreation Park Aquatic Centre Design-Build Contract Energy + Environment Enhancement Change Order

Steve Woodmass, Stantec Consulting:

- Advised that “solar” was looked at, but not feasible at this time.
- Advised that the “shelf life” of the equipment involved is approximately 25 to 40 years, but that would depend on each piece of equipment.
- Advised that each change room will have an independent heating and cooling system and that the problems that arose with Capital News Centre regarding heating would not occur with this system.

Moved by Councillor Letnick/Seconded by Councillor Given

**R541/07/05/14** Council approve a contemplated Change Order to the Design-Build contract between the City of Kelowna and PCL Westcoast Constructors Inc. (PCL) to enhance the energy and environmental performance of the Mission Recreation Park Aquatic Centre for a total of \$2,243,673, excluding GST;

AND THAT the 2007 Financial Plan be amended to appropriate capital funding as follows: \$800,000 from the 2007/08 Gas Tax revenues and \$1,443,673 borrowed from the Multi-Purpose Investment Reserve (MPIR); the MPIR is to be repaid, with interest, from the annual operating cost savings;

AND THAT staff request funding under the Gas Tax “Innovations fund” as an alternate source of funding;

AND FINALLY THAT Council authorize the Civic Properties Manager to execute the Change Order with PCL on behalf of the City of Kelowna.

Carried

- 7.5 Parks Manager, dated May 9, 2007 re: 2006 Partners in Parks and Grant Summary

Moved by Councillor Day/Seconded by Councillor Hobson

**R542/07/05/14** That the following report be received as information.

Carried

- 7.6 Property Manager, dated May 7, 2007 re: City Park Concession

Staff:

- Confirmed that any accessibility issues have been dealt with.

Regular Meeting – P.M.

May 14, 2007

Moved by Councillor Day/Seconded by Councillor Blanliel

**R543/07/05/14** THAT City Council approves a two year lease with three one-year options to renew, based on the attached criteria, in the City standard format with “Mooney Supply Inc.” for the lease of the City Park Concession;

AND THAT the Mayor and City Clerk be authorized to execute the lease;

AND THAT the 2007 Financial Plan be amended accordingly.

Carried

7.7 Property Manager, dated May 9, 2007 re: Waterfront Park/Gyro Beach Concession

Moved by Councillor Day/Seconded by Councillor Given

**R544/07/05/14** THAT City Council approves a five year lease in the City standard format, based on the attached criteria, with “Mexi-Cana Restaurants Ltd.” for the Waterfront Park Concession and the Apple Concession at Gyro Park;

AND THAT the Mayor and City Clerk be authorized to execute the lease;

AND THAT the 2007 Financial Plan be amended accordingly.

Carried

7.8 Property Manager, dated May 9, 2007 re: Guisachan House Restoration (following 2006 fire)

Staff:

- Advised that staff will be conducting an evaluation, on a regular basis, as to the structure of the building.
- The work being required to be done as set out in the “alternative” recommendation will potentially be needed in the future, but does not have to happen at this time.

Moved by Councillor Day/Seconded by Councillor Hobson

**R545/07/05/14** THAT Council approve the expenditure of \$155,000 to provide a fire sprinkler system, minimum structural repair and mechanical system replacement to meet the normal needs of the current commercial occupancy;

AND THAT the 2007 Financial Plan be amended with funding of \$115,000 from the Rental Property Reserve and \$40,000 from the Insurance Deductible Reserve;

AND THAT Council authorize staff to seek alternate sources of funding to assist with the work;

AND THAT Council direct staff to perform the necessary research and applications to have the Guisachan House placed on the Canadian Register of Historic Places;

AND FINALLY THAT the Civic Properties Manager be authorized to execute appropriate change orders through the insurance underwriter to design and construct the upgrades.

Carried

Regular Meeting – P.M.

May 14, 2007

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

- 8.1 Bylaw No. 9730 – Road Closure Bylaw – Adjacent to Highway 97 N near McCurdy Road

Mayor Shepherd invited the anyone 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 Given

**R546/07/05/14** THAT Bylaw No. 9730 be adopted.

Carried

- 8.2 Bylaw No. 9789 – Capital Works, Machinery and Equipment Reserve Fund Expenditure Bylaw, 2007

Moved by Councillor Letnick/Seconded by Councillor Clark

**R547/07/05/14** THAT Bylaw No. 9789 be adopted.

Carried

- 8.3 Bylaw No. 9790 – Development Cost Charge Reserve Fund Expenditure Bylaw, 2007

Moved by Councillor Letnick/Seconded by Councillor Clark

**R548/07/05/14** THAT Bylaw No. 9790 be adopted.

Carried

- 8.4 Bylaw No. 9791 – Parking Reserve Fund Expenditure Bylaw, 2007

Moved by Councillor Blanleil/Seconded by Councillor Day

**R549/07/05/14** THAT Bylaw No. 9791 be adopted.

Carried

- 8.5 Bylaw No. 9792 – Sale of City-Owned Land Reserve Fund Expenditure Bylaw, 2007

Moved by Councillor Day/Seconded by Councillor Blanleil

**R550/07/05/14** THAT Bylaw No. 9792 be adopted.

Carried

- 8.6 Bylaw No. 9793 – Five Year Financial Plan 2007-2011

Moved by Councillor Blanleil/Seconded by Councillor Day

**R551/07/05/14** THAT Bylaw No. 9793 be adopted.

Carried

Regular Meeting – P.M.

May 14, 2007

8.7 Bylaw No. 9794 – Tax Structure Bylaw, 2007

Moved by Councillor Day/Seconded by Councillor Hobson

**R552/07/05/14** THAT Bylaw No. 9794 be adopted.

Carried

8.8 Bylaw No. 9795 – Annual Tax Rates Bylaw, 2007

Moved by Councillor Hobson/Seconded by Councillor Day

**R553/07/05/14** THAT Bylaw No. 9795 be adopted.

Carried

8.9 Bylaw No. 9798 – Amendment No. 1 to Miscellaneous Fees and Charges  
Bylaw No. 9381

Moved by Councillor Day/Seconded by Councillor Hobson

**R554/07/05/14** THAT Bylaw No. 9798 be adopted.

Carried

9. COUNCILLOR ITEMS (including Committee Updates)

9.1 Councillor Day re: Downtown Centre Strategy Task Force Update

Councillor Day:

- Advised that the Consultant has provided a “draft” report and that it is the intention of the Downtown Centre Strategy Task Force to make this document public today with a more formal report back to Council (at a later date) requesting specific recommendations.

Staff:

- Provided Council with a copy of the “draft” report and requested that they provide their comments to staff within the next two (2) weeks.
- 

Moved by Councillor Day/Seconded by Councillor Hobson

**R555/07/05/14** THAT Council receive the draft Report of the Consultant.

Carried

Councillor Given:

- Advised that the recommendations of Rutland Town Centre Task Force have been finalized and a formal report should be forwarded to Council in the near future.

Regular Meeting – P.M.

May 14, 2007

10. TERMINATION

The meeting was declared terminated at 3:25 p.m.

Certified Correct:

---

Mayor

---

City Clerk

SLH/dd