

Regular Meeting – P.M.May 28, 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 28, 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: Acting City Manager, Rick Baker; Deputy City Clerk, Stephen Fleming; Director of Planning & Development Services, Mary Pynenburg*; Director of Recreation, Parks and Cultural Services, David Graham*; Development Services Manager, Carlos Felip*; Current Planning Supervisor, Shelley Gambacort*; Planner, Ryan Smith*; Planner, Danielle Noble*; Park Design & Construction Supervisor, Andrew Gibbs*; Transportation Manager, Ron Westlake*; Development Manager Reid Oddleifson*; Planner Specialist, Gary Stephen*; Planner, Alec Warrender*; Public Art Coordinator, Sandra Kochan*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:32 p.m.

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

Moved by Councillor Day/Seconded by Councillor Hobson

R562/07/05/28 THAT Item 8.1 on the Agenda be moved forward and be dealt with directly after Public in Attendance.

Carried

3. PUBLIC IN ATTENDANCE

3.1 Shannon Bews Croft, Director of Reigning Ambassadors, Lady of the Lake Society re: Lady of the Lake – Visit to Japan

Lady of the Lake, Danielle Crumback and Princess, Ashley Eberle:

- Gave Council an update regarding their recent visit to Kasugai, Japan.

3.2 Inspector Cam Forgues re: Monthly Policing Report

Council:

- Requested a viewing of the video currently being considered by the School District to be shown in local schools.

Councillor Blanleil joined the meeting at 1:53 p.m.

8.1 Mayor Shepherd re: Youth Advisory Committee Update

Staff:

- Provided an updated regarding the Mayor's Youth Forum.
- Advised that a formal written report will be brought forward to Council in due course.

Guests, Hugh Culver and Linda Abbott-Simmons:

- Gave a PowerPoint Presentation regarding the Mayor's Youth Forum held on May 16, 2007.
- The topic of the May 16, 2007 Youth Forum was "sustainability", which specifically dealt with waste management.

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- The main findings resulting from the Forum were:
 - Youth care;
 - Schools can do more;
 - Education works;
 - Consumers need better information; and
 - Convenience works.

Guests, Kara Campbell and Heather Leier (Students from Immaculata High School):

- Provided an update regarding the Mayor's Youth Forum.

Guest, Max Walker (Student from Kelowna Senior Secondary School):

- Provided an update regarding the Mayor's Youth Forum.

Staff:

- The next Youth Forum is scheduled for this Fall and will also focus on the environment.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Planning & Development Services Department, dated May 15, 2007 re: OCP07-0007 & Z07-0019 – Okanagan Families Society – 630 Cadder Avenue

- (a) Planning & Development Services report dated May 15, 2007.

Moved by Councillor Hobson/Seconded by Councillor Day

R563/07/05/28 THAT OCP Bylaw Amendment No. OCP07-0007 to amend Map 15.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Lot 4, District Lot 14, ODYD Plan 635, located on 630 Cadder Avenue, Kelowna, B.C., from the Single/Two Unit Residential designation to the Educational/Major Institutional designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated May 15, 2007, be considered by Council;

THAT Rezoning Application No. Z07-0019 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, District Lot 14, ODYD Plan 635, located on 630 Cadder Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the P2 – Education and Minor Institutional zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP07-0007 and zone amending bylaw be forwarded to a Public Hearing for further consideration

Carried

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

- (i) Bylaw No. 9805 (OCP07-0007) – Okanagan Families Society – 630 Cadder Avenue – Requires a majority of all Members of Council (5)

Moved by Councillor Rule/Seconded by Councillor Letnick

R564/07/05/28 THAT Bylaw No. 9805 be read a first time.

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AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

- (ii) Bylaw No. 9806 (Z07-0019) – Okanagan Families Society – 630 Cadder Avenue

Moved by Councillor Rule/Seconded by Councillor Letnick

R565/07/05/28 THAT Bylaw No. 9806 be read a first time.

Carried

4.2 Planning & Development Services Department, dated May 2, 2007 re: Z07-0025 – 622632 BC Ltd. (Matrix Architecture and Planning Inc.) – 110-150 Highway 33 West

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

Staff:

- Advised that there is no affordable housing component required through the OCP in this area.

Moved by Councillor Letnick/Seconded by Councillor Given

R566/07/05/28 THAT Rezoning Application No. Z07-0025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 26, Township 26, ODYD, Plan KAP79622, located on Highway 33 West, Kelowna, B.C. from the C4 – Urban Centre Commercial zone and C4LP – Urban Centre Commercial Liquor Primary Zone to the C7LP – Central Business Commercial Liquor Primary 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 and Ministry of Transportation 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;

AND 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**

- (i) Bylaw No. 9801 (Z07-0025) – 622632 BC Ltd. (Matrix Architecture and Planning Inc.) – 110-150 Highway 33 West

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Moved by Councillor Rule/Seconded by Councillor Letnick

R567/07/05/28 THAT Bylaw No. 9801 be read a first time.

Carried

4.3 Planning & Development Services Department, dated May 14, 2007 re: OCP07-0011 & Z07-0024 – Lucille & Eugene Franke and Troika Developments Inc. (Troika Developments Inc.) – 1633 Loseth Road & 1661 Highway 33 East

(a) Planning & Development Services report dated May 14, 2007.

Staff:

- Based on the developments that Council has approved to date, this development will bring the sanitary sewer system to capacity.

Council:

- Would like the Engineering Division to make a presentation at the public hearing to identify how the servicing in the area will need to be increased and who exactly will pay for it. Would like a Report brought forward the Monday before the Public Hearing on this application regarding the general development of the Black Mountain/Bell Mountain area.

Moved by Councillor Hobson/Seconded by Councillor Day

R568/07/05/28 THAT OCP Bylaw Amendment No. OCP07-0011 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 1, Sec 13 & 18, Twp 26 & 27, ODYD, Plan 25935 & Parcel A (Plan B5627) of Lot 15, Sec. 13 & 18, Twp 26 & 27, ODYD, Plan 1991 Except Plans 20732, 23399, H8433, KAP48832, KAP48833, located on Loseth Road and Highway 33 East, Kelowna, B.C., from the Single/Two Unit Residential designation to the Low Density Multiple Unit Residential designation be considered by Council;

THAT Rezoning Application No. Z07-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec 13 & 18, Twp 26 & 27, ODYD, Plan 25935 & Parcel A (Plan B5627) of Lot 15, Sec. 13 & 18, Twp 26 & 27, ODYD, Plan 1991 Except Plans 20732, 23399, H8433, KAP48832, KAP48833, located on Loseth Road and Highway 33 East, Kelowna, B.C., from the A1 – Agriculture 1 and RU1 – Large Lot Housing zones to the RM3- Low Density Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP06-0011 and Zone Amendment No. Z07-0024 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 Black Mountain Irrigation 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 and Development Variance Permit on the subject property.

Carried

Regular Meeting – P.M.May 28, 2007(b) **BYLAWS PRESENTED FOR FIRST READING**

- (i) Bylaw No. 9807 (OCP07-0011) – Lucille & Eugene Franke and Troika Developments Inc. (Troika Developments Inc.) – 1633 Loseth Road & 1661 Highway 33 East – **Requires a majority of all Members of Council (5)**

Moved by Councillor Letnick/Seconded by Councillor Rule**R569/07/05/28** THAT Bylaw No. 9807 be read a first time.

AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

- (ii) Bylaw No. 9808 (Z07-0024) - Lucille & Eugene Franke and Troika Developments Inc. (Troika Developments Inc.) – 1633 Loseth Road & 1661 Highway 33 East

Moved by Councillor Letnick/Seconded by Councillor Rule**R570/07/05/28** THAT Bylaw No. 9808 be read a first time.Carried4.4 (a) **BYLAWS PRESENTED FOR ADOPTION**

- (i) Bylaw No. 9769 (OCP06-0025) – Maxwell House Developments Ltd. – 1967 Cross Road – **Requires a majority of all Members of Council (5)**

Moved by Councillor Letnick/Seconded by Councillor Rule**R571/07/05/28** THAT Bylaw No. 9769 be adopted.Carried

- (ii) Bylaw No. 9770 (Z06-0069) – Maxwell House Developments Ltd. – 1967 Cross Road

Moved by Councillor Letnick/Seconded by Councillor Rule**R572/07/05/28** THAT Bylaw No. 9770 be adopted.Carried

- (b) Planning & Development Services Department, dated May 22, 2007 re: DP06-0231 – Maxwell House Developments Ltd. – 1967 Cross Road

Moved by Councillor Hobson/Seconded by Councillor Day**R573/07/05/28** THAT Final Adoption of Official Community Plan Amendment OCP06-0025, Bylaw No. 9769 and Zone Amending Bylaw No. 9770 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP06-0231 for Lot 10, Block 6, Sec. 4, Twp. 23, O.D.Y.D., Plan 896, Except Plans

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10134, 18662 KAP48643 & H8323, located on Cross Road, 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

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Transportation Manager, dated May 23, 2007 re: Final Design and Construction Management Glenmore 2 and 3 Bypass

Moved by Councillor Rule/Seconded by Councillor Given

R574/07/05/28 THAT Council award the final design and construction management of the Glenmore 2 and 3 Bypass (from Dallas Rd. to north of Scenic Rd.) to Associated Engineering for the sum of \$622,849 plus GST.

Carried

- 5.2 Parks Planning, Design & Construction Supervisor, dated May 23, 2007 re: Status Report on Recreation, Parks and Cultural Services Master Plan

Council:

- Expressed a concerned about budget impacts resulting from the Master Plan.

Moved by Councillor Day/Seconded by Councillor Rule

R575/07/05/28 THAT City Council receive as information the report from the Parks Planning, Design and Construction Supervisor, dated May 23, 2007.

Carried

- 5.3 Parks Planning, Design & Construction Supervisor, dated May 23, 2007 re: Status Report on Stuart Park

Staff:

- Advised that a deep water boat launch will be part of the planning exercise.
- The Parks Division is looking at ways to achieve a public pier and may be considering using some of the floating pontoons from the "old" Okanagan Lake Bridge.

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- Confirmed that staff have met with the Executive Members from the Yacht Club a week ago Friday in which staff explained Council's intention with the Yacht Club's property.

Council:

- Advised that the Downtown Kelowna Association is interested in doing something with the property in the interim.
- Would like to see the park built prior to 2010 and therefore a shift in priority may need to be done for budgeting to ensure that the park is build during the 2010 timeframe.

Moved by Councillor Day/Seconded by Councillor Letnick

R576/07/05/28 THAT City Council receive as information the report from the Parks Planning, Design and Construction Supervisor, dated May 23, 2007.

AND THAT City Council approve the timeline as set out in the report subject to budget approvals and the Ten Year Capital Plan.

Carried

6. RESOLUTIONS

6.1 Draft Resolution re: City Ownership of Stuart Park and City Hall Block

Moved by Councillor Given/Seconded by Councillor Day

R577/07/05/28 THAT Council adopt Council Policy No. 340 "City Ownership of Stuart Park and City Hall Block."

Carried

6.2 Draft Resolution re: Mental Disorder and Substance Use Disorder Services – Planning Process

Moved by Councillor Hobson/Seconded by Councillor Given

THAT the Mayor write to the Premier and the Ministers of Health and Children & Family Development, as requested by the British Columbia Alliance on Mental Health and Addiction Services, expressing that the Province undertake a planning process designed to produce comprehensive, "results-based" plan for Mental Disorder and Substance Use Disorder Services in the Province of British Columbia. The process should involve a significant representation of stakeholders and the outcomes should include:

- the creation of an inclusive mental health and addiction "Commission" to develop and oversee the planning process;
- the development of a strategic incentive fund to promote, support and nurture community-centred innovation;
- the development of a comprehensive mental health and addiction housing initiative; and
- the development of a system for quality improvement and public accountability.

Council:

- Would like more information before making any sort of recommendation.
- Would like the BC Alliance group and Interior Health to appear before Council to answer any questions regarding this initiative.

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Moved by Councillor Day/Seconded by Councillor Letnick

R578/07/05/28 THAT the previous motion be tabled subject to a presentation to Council from the BC Alliance on Mental Health and Addiction Services and Interior Health Authority.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

7.1 Bylaw No. 9802 – Parcel Tax Bylaw – Ace Road

Moved by Councillor Day/Seconded by Councillor Hobson

R579/07/05/28 THAT Bylaw No. 9802 be read a first, second and third time.

Carried

7.2 Bylaw No. 9803 – Parcel Tax Bylaw – Thompson Road

Moved by Councillor Day/Seconded by Councillor Hobson

R580/07/05/28 THAT Bylaw No. 9803 be read a first, second and third time.

Carried

7.3 Bylaw No. 9804 – Parcel Tax Bylaw – Bothe Road

Moved by Councillor Day/Seconded by Councillor Hobson

R581/07/05/28 THAT Bylaw No. 9804 be read a first, second and third time.

Carried

7.4 Bylaw No. 9809 – Jim Stuart Park Dedication Bylaw – **Requires a 2/3 majority of all Members of Council (6)**

Moved by Councillor Day/Seconded by Councillor Hobson

R582/07/05/28 THAT Bylaw No. 9809 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

7.5 Bylaw No. 9698 – Road Closure Bylaw – Portion of Old Glenmore Bypass Road

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

Moved by Councillor Hobson/Seconded by Councillor Day

R583/07/05/28 THAT Bylaw No. 9698 be adopted.

Carried

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- 7.6 Bylaw No. 9747 – Amendment No. 2 to Solid Waste Management Regulation Bylaw No. 9570

Moved by Councillor Day/Seconded by Councillor Hobson

R584/07/05/29 THAT Bylaw No. 9747 be adopted.

Carried

8. COUNCILLOR ITEMS (including Committee Updates)

- 8.1 Mayor Shepherd re: Youth Advisory Committee Update

Item 8.1 was moved forward on the Agenda at the request of the Mayor.

9. TERMINATION

The meeting was declared terminated at 4:13 p.m.

Certified Correct:

Mayor

SLH/dd

Deputy City Clerk