

Regular Meeting – P.M.

June 25, 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, June 25, 2007.

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

Council members absent: Andre Blanleil

Staff members in attendance were: City Manager, Ron Mattiussi; Director of Corporate Services, David Shipclark*, Deputy City Clerk, Stephen Fleming; Director of Financial Services, Paul Macklem*, Current Planning Supervisor, Shelley Gambacort*; Planner, Danielle Noble*, Subdivision Approving Officer, Bob Shaughnessy*, Financial Accounting Manager, Jackie Dueck*, Director, Recreation, Parks and Cultural Services, David Graham*, Park Design and Construction Supervisor, Andrew Gibbs*, Recreation Technician, Heather Crawford*, Urban Forestry Supervisor, Ian Wilson*, Wastewater Engineer, Joel Shaw*, Airport General Manager, Roger Sellick*, Assistant General Manager, Airport Development, Sam Samaddar* and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Honourable Derrick Kellier, Minister of Labour and Social Security for Jamaica re: Kelowna/Jamaica Partnership

Minister presented overview of the Kelowna/Jamaican Partnership.

Mayor Shepherd presents a gift to Minister of Labour and Social Security for Jamaica.

3.2 Superintendent McKinnon re: Monthly Policing Report

Superintendent McKinnon:

- Presented highlights from the May 2007 Monthly Policing Report.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Planning and Development Services, dated June 7, 2007 re: Official Community Plan Amendment No. OCP07-0001 and Rezoning Application No. Z07-0002 –Cabianca Holdings Ltd.) – 4609 Lakeshore Road
*To consider staff's recommendation to **NOT** amend the Official Community Plan Future Land Use Designation from Single/Two Family to Commercial Land and to Rezone the subject property from the RU1 – Large Lot Housing Zone to the C2 – Neighbourhood Commercial Zone in order to accommodate a two storey 1230 m3 mixed used commercial/residential building on the subject property.*

Staff:

- Development Permit would be required at a later date if approved. Staff unable to support.

Regular Meeting – P.M.June 25, 2007Moved by Councillor Hobson/Seconded by Councillor Day**R630/07/06/25** THAT Council hear from the Applicant.

Carried.

Applicant – Bob Guy, Agent for the Applicant Cabianca Holdings Ltd.

- Did not receive notification to appear before Council at last weeks meeting. Advisory Planning Commission were impressed with proposal and saw fit to recommend the proposal. OCP was amended on the corner of Springfield and Burtch Roads, which is a small medical building, area in OCP states single family development for that area. Applicant has met with Neighborhood Association. Applicant would give up water rights at Bellevue creek. C2 zone – intent is for professional office space which there is a need. It is within close proximity to the Hospital. Letters of support provided. Land use does make sense in this area. There is a residential component to the building which is a real necessity – rental facility. Designation of the OCP relates to this component. The Applicant has owned the property for many years. As well, the new facility would be used by the applicant.

Council

- Confirmed there are five leasable spaces.
- Concerns raised over traffic impact. Busy commercial use could create traffic problems.

Moved by Councillor Day/Seconded by Councillor Rule

R631/07/06/25 THAT OCP Bylaw Amendment No. OCP07-0001 to amend Map 19.1 of the Kelowna Official Community Plan (2000 - 2020) Bylaw No. 7600 by changing the Future Land Use designation of Lot 1, District Lot 167, ODYD Plan 18442 located at 4609 Lakeshore Road, Kelowna, B.C., from the Single/Two Family designation to the Commercial designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated June 13, 2007 be considered by Council;

THAT Rezoning Application No. Z07-0002 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 167, ODYD Plan 18442 located at 4609 Lakeshore Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C2 – Neighbourhood Commercial zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP07-0002 and 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.

DEFEATED

Opposed – Mayor Shepherd, Councillors Hobson, Gran, Clark and Given

Regular Meeting – P.M.

June 25, 2007

- 4.2 Planning and Development Services Department, dated May 30, 2007, re: Rezoning Application No. Z07-0031 – No. 21 Great Projects Ltd. (Runnalls Denby and Associates) – 865 Paret Road
To rezone a portion of the subject property from the RR1 – Rural Residential 1 zone, RU1 – Large Lot Housing zone and A1 – Agriculture 1 zone to the P4 – Utilities zone and RU1 – Large Lot Housing zone.

- (a) Planning & Development Services report dated May 30, 2007.

Council

- Staff to report back to Council before Public Hearing with a plan as to how the City will manage this property in the future.
- What are the assets and liabilities of this property.
- How would City look after the property; which department would look after it.

Moved by Councillor Letnick/Seconded by Councillor Given

R632/07/06/25 THAT OCP Bylaw Amendment No. OCP07-0012 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot A, D.L. 579, SDYD, Plan KAP68860, Except Plan KAP74689, located off Paret Road, Kelowna, B.C., from the Single/Two family residential designation to the Public Services/Utilities designation, as shown on Map “A” attached to the report of Planning & Development Services Department, dated June 12, 2007, be considered by Council;

THAT Rezoning Amendment No. Z07-0031 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, D.L. 579, SDYD, Plan KAP68860, Except Plan KAP74689, located off Paret Road, Kelowna, B.C., from RR1 – Rural Residential 1 zone and RU1 – Large Lot Housing zone to RU1h – Large Lot Housing (hillside) zone and P4 – Utilities 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 withheld until the applicant has addressed the requirements of the Works and Utilities department, and a completed wildfire mitigation report.

Carried

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

- (i) Bylaw No. 9822 (OCP07-0012) - No. 21 Great Projects Ltd. (Runnalls Denby and Associates) – 865 Paret Road – **Requires a majority vote of all Members of Council (5)**
To change the future land use designation of the subject property from the single “Single/Two Family Residential” designation to the “Public Services/Utilities” designation.

Moved by Councillor Gran/Seconded by Councillor Day

R633/07/06/25 THAT Bylaw No. 9822 be read a first time.

Carried

Regular Meeting – P.M.June 25, 2007

- (ii) Bylaw No. 9823 (Z07-0031) - No. 21 Great Projects Ltd. (Runnalls Denby and Associates) – 865 Paret Road
To rezone the subject property from the RR1 – Rural Residential 1 zone , RU1 – Large Lot Housing zone and A1 – Agriculture 1 zone to the P4 – Utilities zone and RU1 – Large Lot Housing zone.

Moved by Councillor Day/Seconded by Councillor Gran**R634/07/06/25** THAT Bylaw No. 9823 be read a first time.Carried

- 4.3 Planning and Development Services Department, dated June 14, 2007, re: Rezoning Application No. Z07-0035 – Savita and Pardeep Sharma (Lynn Welder Lalonde) – 1918 Kloppenburg Court
To rezone a portion of the subject property from the RU1H – Large Lot Housing (Hillside) zone to RU1Hs – Large Lot Housing (Hillside) with Secondary Suite zone to allow a secondary suite in an already constructed house.

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

Staff:

- Supportive of this Application.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R635/07/06/25 THAT Rezoning Application No. Z07-0035 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 19, Sec. 13, Twp 26, ODYD, Plan KAP75167, located on Kloppenburg Crt., Kelowna, B.C. from the RU1h – Large Lot Housing (Hillside) zone to the RU1hs – Large Lot Housing (Hillside) 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. 9821 (Z07-0035) – Pardeep and Savita Sharma – 1918 Kloppenburg Court
To rezone the subject property from the RU1H – Large Lot Housing (Hillside) zone to RU1Hs – Large Lot Housing (Hillside) with Secondary Suite zone.

Moved by Councillor Day/Seconded by Councillor Gran**R636/07/06/25** THAT Bylaw No. 9821 be read a first time.Carried

5. BYLAWS (ZONING & DEVELOPMENT)

Councilor Day declared a conflict as he is the applicant and left the meeting at 3:05 p.m.

Regular Meeting – P.M.

June 25, 2007

BYLAWS PRESENTED FOR ADOPTION

- 5.1 Bylaw No. 9729 (Z05-0021) – Colin B Day (Kathleen MacKenzie) – 1075 Henderson Drive
To rezone a portion of the subject property from A1 – Agriculture Zone 1 to RU1h – Large Lot Housing (Hillside), RU4h – Low Density Cluster Housing (Hillside) and P3-Parks and Open Space.

Moved by Councillor Letnick/Seconded by Councillor Given

R637/07/06/25 THAT Bylaw No. 9729 be adopted.

Carried

Councillor Day rejoined the meeting at 3:07 p.m.

- 5.2 Bylaw No. 9799 (Z07-0036) – Leopold Rietveld (Cardan Enterprises Ltd.) – 864 Skyline Street
To rezone the subject property from the existing RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Moved by Councillor Hobson/Seconded by Councillor Day

R638/07/06/25 THAT Bylaw No. 9799 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Director of Financial Services, verbal report re: Community Bond Opportunity for the Mission Park Aquatic Centre (Steve Berna - MFA – BC Community Bonds Presentation)

Moved by Councillor Letnick / Seconded by Councillor Given

R639/07/06/25 THAT Council supports the Community Bond Opportunity as presented by the MFA;

AND THAT staff proceed with the next steps in the Community Bond process and report back to Council.

Carried

- 6.2 Financial Accounting Manager, dated June 20, 2007 re: 2006 Annual Financial Report
*To receive, as information, the report dated June 20, 2007. **Mayor to invite anyone in the public gallery who wishes to speak on the report to come forward.***

Staff:

- Ryan Peek ULC is being questioned in Annual Financial Report. Staff to investigate and report back to Council.

Mayor Shepherd invited anyone in the public gallery who wished to speak on the Annual Financial Report to come forward.

No one came forward.

Regular Meeting – P.M.

June 25, 2007

Moved by Councillor Day/Seconded by Councillor Gran

R640/07/06/25 THAT the Annual Financial Report for the year ended December 31, 2006 be received;

AND THAT the Statement of 2007 and 2008 Municipal Objectives be received;

AND THAT the Council Remuneration and Expenses report, Employee Remuneration report and schedule of Payment for the Provision of Goods and Services be received.

Carried

6.3 Director of Financial Services, dated June 18, 2007 re: MFA borrowing for the expansion of the Okanagan Gymnastics Centre
To approve the borrowing of \$800,000 from the Municipal Finance Authority of British Columbia for the expansion of the Okanagan Gymnastic Centre.

Moved by Councillor Given/Seconded by Councillor Letnick

R641/07/06/25 THAT Council approves borrowing from the Municipal Finance Authority of British Columbia, as part of their 2007 fall issue, \$800,000 as detailed in Loan Authorization Bylaw No. 9663 which authorized the 230m² expansion of the Okanagan Gymnastic Centre;

AND THAT the Regional District of Central Okanagan be requested to prepare a security issuing bylaw with a 20 year term.

Carried

6.4 Director of Financial Services, dated June 18, 2007 re: MFA borrowing for the Mission Recreation Park Aquatic Centre
To approve the borrowing of \$29,500,000 from the Municipal Finance Authority of British Columbia for the construction of the Mission Recreation Park Aquatic Centre.

Moved by Councillor Hobson/Seconded by Councillor Day

R642/07/06/25 THAT Council approves borrowing from the Municipal Finance Authority of British Columbia, as part of their 2007 fall issue, \$29,500,000 as authorized through Loan Authorization Bylaw No. 9654 which authorized the construction of the Mission Recreation Park Aquatic Centre

AND THAT the Regional District of Central Okanagan be requested to prepare a security issuing bylaw with a 20 year term.

Carried

Regular Meeting – P.M.

June 25, 2007

- 6.5 Wastewater Engineer, dated June 18, 2007 re; Award of Construction TE07-03 – Byrns Baron DCC Sewer Trunk Main Phase 2 – Contract 3
To approve the award of tender to COPCAN Construction Ltd., for the amount of \$3,146,211, including GST.

Moved by Councillor Letnick/Seconded by Councillor Gran

R643/07/06/25 THAT the Contract for the construction of the Byrns Baron DCC Sewer Trunk Main Phase 2 – Contract 3 be awarded to COPCAN Construction Ltd. for the amount of \$ 3,146,211 which includes GST (\$169,597 that will be fully rebated) and \$150,000 contingency.

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

Carried

- 6.6 Park Planning, Design and Construction Supervisor, dated June 19, 2007 re: Lake Access and Equipment Storage for User Groups of Human-powered Boats
To approve the use of a portion of the southwest corner of Sutherland Park for user groups of human-powered boats.

Council:

- Parking could be a concern.

Moved by Councillor Clark/Seconded by Councillor Day

R644/07/06/25 THAT City Council endorse the use of a portion of the southwest corner of Sutherland Park for user groups of human-powered boats;

AND THAT City Council authorize staff to enter into discussions with user groups, the Neighborhood Association and neighboring property owners with the intent of entering into a lease agreement for the site;

AND THAT City Council instruct staff to utilize the departmental master planning process currently underway to determine if the provision of lake access and storage space for user groups of human-powered boats will be a core service of the Recreation, Parks and Culture Department;

AND THAT staff report back to Council before entering into an agreement.

Carried

- 6.7 Assistant General Manager, Airport Development, dated June 20, 2007 re: Proposed Runway Extension
To approve revising the design length of the runway extension.

Moved by Councillor Hobson/Seconded by Councillor Day

R645/07/06/25 THAT Council approve revising the design length of the runway extension from 9000 feet to 8900 feet.

Carried

Regular Meeting – P.M.

June 25, 2007

- 6.8 Airport General Manager, dated June 20, 2007 re: Airport Improvement Fee
To approve increasing Airport Improvement Fee.

Moved by Councillor Hobson/Seconded by Councillor Given

R646/07/06/25 THAT Council approve increasing the Airport Improvement Fee from \$8.00 to \$10.00 effective November 1, 2007;

AND THAT staff be instructed to amend Section 22.1 and 22.2 of the Airport Fees Bylaw No.7982 as follows:

Carried

Councillor Hobson left the meeting at 4:36 p.m.

- 6.9 Deputy City Clerk, dated June 15, 2007 re: Board of Variance Bylaw and Appointment
To forward an updated Board of Variance Bylaw and related amendments to the Development Application Fees Bylaw, and to appoint to the Board a new member.

Moved by Councillor Gran/Seconded by Councillor Letnick

R647/07/06/25 THAT Council forward reading considerations for Bylaw No. 9817 being "City of Kelowna Board of Variance Bylaw No. 9817";

AND THAT Council reading considerations for Bylaw No. 9819 being "Amendment No. 20 to Development Application Fees Bylaw No. 8034";

AND THAT Council appoint Ms. Jane Fleming to the Board of Variance for the remainder of the 2005-2008 Council term;

AND FURTHER THAT the Mayor, on behalf of Council, send a letter of thanks to former member Mr. Dick Goldammer.

Carried

- 6.10 Urban Forestry Supervisor, dated June 19, 2007 re: Pine Beetle Information Update and Funding Resolution
To approve funding through the Union of BC Municipalities for the purposes of Beetle and fire hazard management.

Moved by Councillor Given/Seconded by Councillor Letnick

R648/07/06/25 THAT Council receive for information the June 19, 2007 report from the Urban Forestry Supervisor on the status of pine beetle in Kelowna;

AND THAT Council approves staff applying for funding through the Union of BC Municipalities for the purposes of beetle and fire hazard management.

Carried

Regular Meeting – P.M.

June 25, 2007

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

BYLAWS PRESENTED FOR FIRST THREE READINGS

- 7.1 Bylaw No. 9817 – Board of Variance Bylaw
To establish and set procedures for the Board of Variance.

Moved by Councillor Given/Seconded by Councillor Letnick

R649/07/06/25 THAT Bylaw No. 9817 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 9819 – Amendment No. 20 to Development Application Fees Bylaw No. 8034
To approve an increase to the Board of Variance application fee.

Moved by Councillor Given/Seconded by Councillor Letnick

R650/07/06/25 THAT Bylaw No. 9819 be read a first, second and third time.

Carried

- 7.3 Bylaw No. 9820 – Amendment No. 2 to Council Procedure Bylaw No. 9200
To amend the bylaw in order to add Committee Reports as an Agenda item.

Moved by Councillor Given/Seconded by Councillor Letnick

R651/07/06/25 THAT Bylaw No. 9820 be read a first, second and third time.

Carried

- 7.4 Bylaw No. 9810 – Road Closure Bylaw – Portion of Benvoulin Court
To authorize the City to permanently close and remove the highway dedication of a portion of highway on Benvoulin Court

Moved by Councillor Given/Seconded by Councillor Letnick

R652/07/06/25 THAT Bylaw No. 9810 be read a first, second and third time.

Carried

8. COUNCILLOR ITEMS (including Committee Updates)

None

9. TERMINATION

The meeting was declared terminated at 4:49 p.m.

Certified Correct:

Mayor

Deputy City Clerk

ACM/dld