

Regular Meeting – P.M.

July 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, Monday, July 23rd, 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: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Subdivision Approving Officer, Bob Shaughnessy*; Current Planning Supervisor, Shelley Gambacort*; Manager of Community Development and Real Estate, Doug Gilchrist*; Manager, Policy, Research & Strategic Planning, Signe Bach*; Transportation Manager, Ron Westlake*; Environment/Solid Waste Manager, Mark Watt*; Acting Revenue Manager, George King*; Planner, Nelson Wight*; Wastewater Manager, Bill Berry*; Wastewater Engineer, Joel Shaw*; Assistant General Manager, Airport Development, Sam Samaddar*; Property Manager, Ron Forbes*; Civic Properties Manager, Randy Cleveland*; 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 Given was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Carol Suhan, Waste Reduction Manager, Regional Waste Reduction Office re: Automated Garbage, Yard Waste and Recycling Collection Service

- Advised that a 13 week Automated Garbage, Yard Waste and Recycling Collect Service Pilot Project will be commencing on September 18, 2007.

Councillor Hobson entered the Council Chamber and joined the meeting at 1:34 p.m.

Councillor Gran entered the Council Chamber and joined the meeting at 1:38 p.m.

3.2 Superintendent McKinnon re: Monthly Policing Report

4. DEVELOPMENT APPLICATION REPORTS

4.1 Planning & Development Services Department, dated July 17, 2007 re: Agricultural Land Reserve Appeal No. A07-0015 – Black Mountain Irrigation District (New Town Planning Services Ltd.) – (N of) Joe Riche Road and (Off of) Joe Riche Road

Moved by Councillor Hobson/Seconded by Councillor Day

R709/07/07/23 THAT Agricultural Land Reserve Appeal No. A07-0015 for Lot 8 & 19, Plan 1991, Sec. 17,18,19,30, Twp. 27, ODYD, located on Joe Riche Road, Kelowna, B.C. for a non-farm use within the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Council, subject to the following conditions:

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1. If there is to be a titled parcel created through subdivision for this use (as opposed to a right-of-way), then that titled parcel should have appropriate legal road frontage on Joe Riche Road.
2. If the ALC approves the use on this land, then Fortis BC will be required to follow up with securing the appropriate zoning through the City of Kelowna.
3. Fortis BC provide a rationale as to why 2.79 ha of land is necessary, for a substation site needing only 0.8 ha of land.

Carried

- 4.2 Planning & Development Services Department, dated July 13, 2007 re: Official Community Plan Bylaw Amendment No. OCP07-0009 and Rezoning Application No. Z07-0026 – 0763831 BC Ltd. (Bob Guy) – 1315, 1325 and 1345 Highway 33 West and 145, 155 and 165 Taylor Road

Staff:

- Advised of a change to the alternate recommendation that was included in the report to Council regarding the affordable housing component of the development.

Moved by Councillor Letnick/Seconded by Councillor Rule

R710/07/07/23 THAT Official Community Plan Bylaw Amendment No. OCP07-0009 to amend Map 19.1 of the Kelowna Official Community Plan (2000 - 2020) Bylaw No. 7600 by changing the Future Land Use designation of Lots 1 (except Plan 39705), 2 (except plan 39705), 3 (except plan 39705), 4, 5, 6, Section 22, Township 26, ODYD Plan 3727, located on Taylor Road and Hwy 33, Kelowna, B.C., from the Multiple Unit Residential – Low Density designation to the Multiple Unit Residential – Medium Density designation, as shown on Map “A” attached to the report of Planning & Development Services Department, dated June 1, 2007, be considered by Council;

THAT Rezoning Application No. Z07-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1 (except Plan 39705), 2 (except plan 39705), 3 (except plan 39705), 4, 5, 6, Section 22, Township 26, ODYD Plan 3727, located on Taylor Road and Hwy 33, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone be considered by Council;

AND THAT final adoption of the OCP Amending Bylaw and 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 the OCP Bylaw Amendment No. OCP07-0009 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP Amending Bylaw and Zone Amending Bylaw be considered in conjunction with final adoption of a Housing Agreement Bylaw to dedicate an area for affordable housing units equivalent to 50% of the density increased achieved through the rezoning and OCP amendment applications;

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

Councillor Blanteil – Opposed.

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- 4.3 Planning & Development Services Department, dated July 13, 2007 re: Rezoning Application No. Z07-0021 – Carl Enns and Lorraine Enns – 4150 Sealy Road

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

Moved by Councillor Hobson/Seconded by Councillor Day

R711/07/07/23 THAT Rezoning Application No. Z07-0021 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 110, Section 3, Township 26, O.D.Y.D. Plan 1247 except Plan 18334, on Sealy 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.

Carried

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

Bylaw No. 9835 (Z07-0021) – Carl and Lorraine Enns – 4150 Sealy Road

Moved by Councillor Rule/Seconded by Councillor Clark

R712/07/07/23 THAT Bylaw No. 9835 be read a first time.

Carried

- 4.4 Planning & Development Services Department, dated July 12, 2007 re: Rezoning Application No. Z06-0066 – Church of God (Adla Ventures Ltd.) – 515 Gerstmar Road

(a) Planning & Development Services report dated July 12, 2007.

Moved by Councillor Given/Seconded by Councillor Letnick

R713/07/07/23 THAT Council forward Bylaw No. 9834, authorizing a Housing Agreement between the City of Kelowna and Adla Ventures Ltd., which requires the owners to designate one dwelling unit for owner occupied affordable housing on Lot 6, Section 22, Township 26, ODYD Plan 3576, for reading consideration.

Carried

(b) **BYLAW PRESENTED FOR FIRST THREE READINGS**

Bylaw No. 9834 – Housing Agreement Authorization Bylaw – Adla Ventures Ltd. – 515 Gerstmar Road

Moved by Councillor Rule/Seconded by Councillor Clark

R714/07/07/23 THAT Bylaw No. 9834 be read a first, second and third time.

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5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Manager, Policy, Research and Strategic Planning, dated July 17, 2007
re: Downtown Plan Review

Ray Spaxman, President, The Spaxman Consulting Group Ltd.:

- Explained the research that was involved in completing his report.

Moved by Councillor Day/Seconded by Councillor Gran

R715/07/07/23 THAT Council receive the July 17, 2007 report from the Planning and Development Services Department and the attached Downtown Plan Review for information;

AND THAT Council direct staff to forward a submission for consideration as part of 2008 budget deliberations, for completion of a new Downtown Plan based on the recommendations contained in Mr. Spaxman's Downtown Plan Review (see Attachment A).

Carried

- 5.2 Environment & Solid Waste Manager, dated July 3, 2007 re: Mission Creek Restoration Plan and Compensation Banking Project

Harriet Ruggerburg, Consultant:

- Provided an explanation of how the information was gather with respect to the Habitat Compensation Strategy

Moved by Councillor Hobson/Seconded by Councillor Rule

R716/07/07/23 THAT Council receives as information the Environment & Solid Waste Manager's report;

AND THAT Council endorses using \$25,000 from the Casorso Bridge Compensation funds to match Provincial funds to hire a Mission Creek Restoration Plan Coordinator; for a one year period;

AND THAT Council have staff move forward updating the OCP to include Aquatic Habitat Protection and Compensation Policies in the Environment Section;

AND THAT staff report back to Council with periodic updates for the planning and financing of the Mission Creek Restoration Projects and Compensation Bank;

AND FURTHER THAT staff move forward with Mission Creek Restoration Plan projects that are compatible with the existing funding and continue to pursue any additional funding from external sources.

Carried

- 5.3 Wastewater Engineer, dated July 17, 2007 re: Award of Consulting Agreement – Detailed Design and Construction Services – Wastewater Treatment Facility Stage 2 Phase 1 Upgrade

Staff:

- Confirmed that this is an expansion of the present site.

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Moved by Councillor Day/Seconded by Councillor Hobson

R717/07/07/23 THAT Stantec Consulting Ltd. be awarded the Consulting Assignment for Detailed Design and Construction Services for the Stage 2 Phase 1 Upgrade of the Kelowna Wastewater Treatment Facility (WWTF) for the amount of \$6,130,642. (excluding GST).

Carried

5.4 Transportation Manager, dated July 17, 2007 re: Award of Preliminary Design for Pedestrian Overpass – Highway 97 at Parkinson Recreation Centre

Staff:

- Showed a conceptual drawing of the proposed pedestrian and cycling overpass.
- Confirmed that the Landmark property owners are willing to donate \$500,000 towards this project as well as pay for the sidewalk.
- Confirmed that all of the City's funding for the overpass is coming from the Provincial gas tax funds. The general taxpayer is not funding this project.

Moved by Councillor Rule/Seconded by Councillor Clark

R718/07/07/23 THAT Council award the preliminary and functional design of a proposed pedestrian and cycling overpass of Hwy 97 at the Parkinson Recreation Centre to MMM Group for the fee of \$167,000 plus GST;

AND THAT the 2007 budget be amended to add \$100,000 to account 10-3300-R6966 from the General Strategic Priorities Fund and the funding source for this account also be amended from the Community Works Fund to the General Strategic Priorities Fund.

Carried

5.5 Acting Revenue Manager, dated July 17, 2007 re: Establishment of the Uptown Rutland Business Improvement Area Bylaw

Todd Sanderson, President, Uptown Rutland Business Association:

- Provided background information regarding the Uptown Business Improvement Area 2008 Business Plan.

Moved by Councillor Given/Seconded by Councillor Letnick

R719/07/07/23 THAT Council approve a specified area for the purpose of annually funding, over a 5 year period, the Uptown Rutland Business Improvement Area pursuant to Sections 215 of the Community Charter, for the properties included within the boundary as outlined on Schedule "A" attached;

AND THAT Bylaw 9813 to establish the specified area be advanced to Council for first three readings of the bylaw;

AND FURTHER THAT 4:00 p.m., Tuesday, September 4, 2007 be set as the deadline for receipt of petitions against the proposed Uptown Rutland Business Improvement Area bylaw.

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- 5.6 Assistant General Manager, Airport Development, dated July 16, 2007 re: Northern Air Support Ltd. Sub-Lease

Moved by Councillor Hobson/Seconded by Councillor Given

R720/07/07/23 THAT Council approve extending the Northern Air Support Ltd. sub-lease to December 30, 2029.

AND THAT Council authorizes the Mayor and City Clerk to sign the supplemental sub-lease agreement on behalf of the City.

Carried

- 5.7 Property Manager, dated July 9, 2007 re: Grand Okanagan Resort Wharf

Moved by Councillor Hobson/Seconded by Councillor Day

R721/07/07/23 THAT City Council approves a three year sub-license based on the attached criteria, in the City standard format with "R335 Enterprises Ltd." for the sub-license of the foreshore and land covered by water fronting Lot 1 of District Lots 139, 4041, 4082 and 5199 Osoyoos Division of Yale District, Plan KAP 46717 otherwise known as the area occupied by the Grand Okanagan Resort Wharf;

AND THAT the Mayor and City Clerk be authorized to execute the sub-license;

AND FURTHER THAT the 2007 Financial Plan be amended accordingly.

Carried

- 5.8 Property Manager, dated July 16, 2007 re: Eldorado Yacht Harbour License to Use

Councillor Blanleil declared a conflict of interest as he has a business relationship with Eldorado Yacht Harbour Ltd. and left the Council Chamber at 4:35 p.m.

Moved by Councillor Hobson/Seconded by Councillor Day

R722/07/07/23 THAT City Council approves a three year License to Use based on the attached criteria, in the City standard format with "Eldorado Yacht Harbour Ltd." for the License to Use a section of the Cook Street Boat Launch;

AND THAT the Mayor and City Clerk be authorized to execute the sub-license;

AND THAT the 2007 Financial Plan be amended accordingly.

Carried

- 5.9 Property Manager, dated July 17, 2007 re: Central Okanagan Regional District Sub-Lease of Kick Start Kelowna Space

Moved by Councillor Hobson/Seconded by Councillor Letnick

R723/07/07/23 THAT City Council approves the sub-licence of an office space in the Kick Start Kelowna Office based on the attached criteria, in the City standard format with "Central Okanagan Regional District" for the Sub-Lease of an office space and use of the boardroom at the Kick Start Kelowna Office;

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AND THAT the Mayor and City Clerk be authorized to execute the sub-license;

AND THAT the 2007 Financial Plan be amended accordingly.

Carried

6. RESOLUTIONS

- 6.1 Draft Resolution re: Bill M 204 – 2007 – Manufactured Home Park Tenancy Agreement Act, 2007

Councillor Blanleil re-entered the Council Chamber at 4:38 p.m.

Staff:

- Provided background information with respect to the City's Council Policy regarding the redevelopment of mobile home parks.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R724/07/07/23 THAT Council authorize the Mayor, on behalf of Council, to write to the Premier expressing support for amendments to the Manufactured Home Park Tenancy Act;

AND THAT a copy of Council Policy No. 229, Mobile Home Park Redevelopment, be forwarded to the Premier for consideration.

Carried

Councillor Clark - Opposed

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9813 – Uptown Rutland Business Improvement Area

Moved by Councillor Given/Seconded by Councillor Letnick

R725/07/07/23 THAT Bylaw No. 9813 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 9818 – Road Closure Bylaw – A portion of Gaddes Avenue

Moved by Councillor Given/Seconded by Councillor Letnick

R726/07/07/23 THAT Bylaw No. 9818 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 7.3 Bylaw No. 9572 – Amendment No. 4 to Clean Air and Smoking Regulation Bylaw No. 5980-86

Moved by Councillor Hobson/Seconded by Councillor Day

R727/07/07/23 THAT Bylaw No. 9572 be adopted.

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- 7.4 Bylaw No. 9697 – Road Closure Bylaw – Unconstructed Road off Highway 97 N near Airport Way

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. No one came forward.

Moved by Councillor Day/Seconded by Councillor Blanleil

R728/07/07/23 THAT Bylaw No. 9697 be adopted.

Carried

- 7.5 Bylaw No. 9826 – Amendment No. 15 to the Airport Fees Bylaw No. 7982

Moved by Councillor Blanleil/Seconded by Councillor Day

R729/07/07/23 THAT Bylaw No. 9826 be adopted.

Carried

8. COUNCILLOR ITEMS

- An inquiry was made regarding the fines levied under the Kelowna Noise and Disturbances Control Bylaw.

9. TERMINATION

The meeting was declared terminated at 5:04 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SLH/dld