

Regular Meeting – P.M.

August 7, 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 Tuesday, August 7th, 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; City Clerk, Allison Flack; Current Planning Supervisor, Shelley Gambacort*; Director of Works & Utilities, John Vos*; Transportation Demand Supervisor, Jerry Dombowsky*, Fire Chief, Rene Blanleil*, Park Design and Construction Supervisor, Andrew Gibbs*, Planner, Alec Warrender* and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:34 p.m.

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

3. DEVELOPMENT APPLICATION REPORTS

3.1 Planning & Development Services report dated July 10, 2007 re: Rezoning Application No. Z07-0048 – Tracy Thomas Hayes (Alf Wiens Construction) – 845 Mayfair Road

(a) Planning & Development Services report dated July 10, 2007.

Moved by Councillor Hobson/Seconded by Councillor Day

R743/07/08/07 THAT Rezoning Application No. Z07-0048 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, District Lot 143, ODYD, Plan 22026, located at 845 Mayfair Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing 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. 9841 (Z07-0048) - Tracy Thomas Hayes (Alf Wiens Construction) – 845 Mayfair Road

Moved by Councillor Given/Seconded by Councillor Letnick

R744/07/08/07 THAT Bylaw No. 9841 be read a first time.

Carried

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3.2 Planning & Development Services report dated July 27, 2007 re: Rezoning Application No. Z06-0038 – City of Kelowna– 1410, 1414, 1364 Water Street and 238 Queensway

(a) Planning & Development Services report dated July 27, 2007.

Moved by Councillor Letnick/Seconded by Councillor Given

R745/07/08/07 THAT Rezoning Application No. Z06-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Part of Lot 2, D.L. 139, ODYD Plan 8654, located on Water Street, Kelowna, BC, from the P1 – Major Institutional Zone to the P3 – Parks and Open Space zone and W2 – Intensive Water Use zone as shown on Map "A" attached to the report of Planning & Development Services Department, dated July 27, 2007, be considered by Council;

AND THAT Rezoning Application No. Z06-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Part of Lot A, DL 139, ODYD, Plan 16592, located on Water Street, Kelowna, BC, from the P1 – Major Institutional zone to the P3 – Parks and Open Space zone and the W2 – Intensive Water Use Zone as shown on Map "A", attached to the report of Planning & Development Services Department, dated July 27, 2007, be considered by Council;

AND THAT Rezoning Application No. Z06-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of DL1313, ODYD, and Part of Block G, DL 1526, ODYD, located on Water Street, Kelowna, BC, from the P1 – Major Institutional zone to the W2 – Intensive Water Use Zone as shown on Map "A", attached to the report of Planning & Development Services Department, dated July 27, 2007, be considered by Council;

AND THAT Rezoning Application No. Z06-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Part of Block F, District Lot 1527, and Lot 1, Plan KAP83363, ODYD, located on Queensway Avenue, Kelowna, BC, from the P1 – Major Institutional zone to the P3 – Parks and Open Space zone (as shown on Map "A", attached to this report) be considered by Council;

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

Carried

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

Bylaw No. 9844 (Z06-0038) - City of Kelowna– 1410, 1414, 1364 Water Street and 238 Queensway

Moved by Councillor Given/Seconded by Councillor Letnick

R746/07/08/07 THAT Bylaw No. 9844 be read a first time.

Carried

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- 3.3 Planning & Development Services Department, dated July 16, 2007 re: Rezoning Application No. Z06-0018 – M 124 Enterprises Ltd. Inc. (Ted Thomas and Associates) – 120 Old Vernon Road

Moved by Councillor Letnick/Seconded by Councillor Hobson

R747/07/08/07 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9628 (Z06-0018) – M 124 Enterprises Ltd. Inc. No. BC0744528 (Ted Thomas and Assoc.) – Lot 1, Sec 2, Twp. 23, O.D.Y.D., Plan 7301, located on Old Vernon Road be extended from July 11, 2007 to February 11, 2008.

Carried

4. BYLAWS (ZONING & DEVELOPMENT)

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

- (a) Bylaw No. 9839 (OCP07-0009) – Official Community Plan Amendment – 0763831 BC Ltd. (Bob Guy) – 1315, 1325, 1345 Highway 33 W. and 145, 155, 165 Taylor Road

Moved by Councillor Clark/Seconded by Councillor Letnick

R748/07/08/07 THAT Bylaw No. 9839 be read a first time.

Carried

- (b) Bylaw No. 9840 (Z07-0026) – 0763831 BC Ltd. (Bob Guy) – 1315, 1325, 1345 Highway 33 W. and 145, 155, 165 Taylor Road

Moved by Councillor Clark/Seconded by Councillor Letnick

R749/07/08/07 THAT Bylaw No. 9840 be read a first time.

Carried

4.2 **(BYLAWS PRESENTED FOR AMENDMENT AT FIRST READING)**

- (a) Bylaw No. 9832 (OCP07-0010) – Official Community Plan Amendment – T 186 Enterprises Ltd. (The Mission Group) – 1550, 1560, 1570, 1580, 1596 Dickson Avenue

Moved by Councillor Gran/Seconded by Councillor Day

R750/07/08/07 THAT Bylaw No. 9832 be amended at first reading.

Carried

- (b) Bylaw No. 9833 (Z07-0027) – T 186 Enterprises Ltd. (The Mission Group) – 1550, 1560, 1570, 1580, 1596 Dickson Avenue

Moved by Councillor Day/Seconded by Councillor Gran

R751/07/08/07 THAT Bylaw No. 9833 be amended after first reading.

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- 4.3 Planning & Development Services report dated July 17, 2007 re: Rezoning Application No. Z06-0070 – Irvin and Patricia Dyck – 4213 Bedford Road

- (a) Planning and Development Services report dated July 10, 2007

Councillor Day declared a conflict of interest on Items 4.3 and 4.4 as members of his family own surrounding property and left the meeting at 1:44 p.m.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R752/07/08/07 THAT final adoption of Zone Amending Bylaw No. 9746 be considered by Council.

Carried

- (b) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9746 (Z06-0070) - Irvin and Patricia Dyck – 4213 Bedford Road

Moved by Councillor Gran/Seconded by Councillor Given

R753/07/08/07 THAT Bylaw No. 9746 be adopted.

Carried

- 4.4 **(BYLAWS PRESENTED FOR ADOPTION)**

- (a) Bylaw No. 9732 (OCP06-0021) – Melcor Lakeside Inc. (Stantec Consulting Ltd.) - Swainson/Treetop Roads and Black Mountain Drive

Moved by Councillor Given/Seconded by Councillor Gran

R754/07/08/07 THAT Bylaw No. 9732 be adopted.

Carried

- (b) Bylaw No. 9825 (Z07-0032) - Melcor Lakeside Inc. (Stantec Consulting Ltd.) – West of Black Mountain Drive

Moved by Councillor Gran/Seconded by Councillor Given

R755/07/08/07 THAT Bylaw No. 9825 be adopted.

Carried

- (c) Bylaw No. 9733 (Z06-0054) – Melcor Lakeside Inc. (Stantec Consulting Inc.) – Swainson/Treetop Roads and Black Mountain Drive

Moved by Councillor Gran/Seconded by Councillor Given

R756/07/08/07 THAT Bylaw No. 9733 be adopted.

Carried

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4.5 **(BYLAWS PRESENTED FOR ADOPTION)**

- (a) (i) Bylaw No. 9750 (OCP06-0023) – Church of God (Harvey Benson) – 515 Gerstmar Road **Requires a majority vote of all Members of Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Gran

R757/07/08/07 THAT Bylaw No. 9750 be adopted.

Carried

- (ii) Bylaw No. 9751 (Z06-0066) – Church of God (Harvey Benson) – 515 Gerstmar Road

Councillor Day returned to the meeting at 1:46 p.m.

Moved by Councillor Day/Seconded by Councillor Given

R758/07/08/07 THAT Bylaw No. 9751 be adopted.

Carried

- (iii) Bylaw No. 9834 (Housing Agreement) – Adla Ventures Ltd. – 515 Gerstmar Road

Moved by Councillor Day/Seconded by Councillor Gran

R759/07/08/07 THAT Bylaw No. 9834 be adopted.

Carried

- (b) Planning and Development Services, dated July 24, 2007 re: Development Permit Application No. DP06-0225 – Adla Ventures Ltd. (Harvey Benson) – 515 Gerstmar Road

Moved by Councillor Hobson/Seconded by Councillor Day

R760/07/08/07 THAT Final Adoption of OCP Amending Bylaw No. 9750 be considered by Council;

THAT Final Adoption of Zone Amending Bylaw No. 9751 be considered by Council;

THAT Final Adoption of Housing Agreement Bylaw No. 9834 be considered by Council;

THAT Council authorize the issuance of Development Permit No. DP06-0225 for Lot A, Sec 22, Twp 26, ODYD, Plan KAP84270, located on Gerstmar 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";

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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 Assistant General Manager, Airport Operations, dated July 24, 2007 re: Airporter Bus Service Licence (Bylaw No. 9485 September 19, 2005)

Moved by Councillor Letnick/Seconded by Councillor Day

R761/07/08/07 THAT Council award an Airporter Bus Service Licence to Ambrosia Tours Ltd to assume the remaining three (3) years on the Airporter Bus Service Licence between Penticton and the Kelowna International Airport.

AND THAT Council authorize the Mayor and City Clerk to sign the agreement on behalf of the City of Kelowna.

Carried

- 5.2 Assistant General Manager, Airport Operations, dated July 24, 2007 re: Council Policy 203 – Off Airport Responses by Airport Rescue and Firefighting Services (ARFF)

Moved by Councillor Hobson/Seconded by Councillor Day

R762/07/08/07 THAT Council authorizes the amendment of Council Policy 203 to reflect a change in the airport ARFF services automatic response zone from 8 kilometers (5 miles) to 3.2 km (2 miles).

AND THAT Council approve the amendments to Council Policy 203.

Carried

- 5.3 Park Planning, Design and Construction Supervisor, dated August 1, 2007 re: Contract Award for Mission Recreation Park Softball Diamonds

Moved by Councillor Letnick/Seconded by Councillor Gran

R763/07/08/07 THAT the contract for construction of Mission Recreation Park Softball Diamonds be awarded to the low bidder, Greenleaf Enterprises, in the amount of one million seven hundred seventy-eight thousand six hundred twenty-nine dollars and thirty-six cents (\$1,778,629.³⁶) for the base level of work.

AND THAT a funding proposal be included in the budget planning process for consideration in next fiscal year with the intent of completing work that cannot be completed under this contract.

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Moved by Councillor Hobson/Seconded by Councillor Blanleil

R764/07/08/07 THAT staff report back to Council on whether any of the provisional items included in the tender can be dealt with under this contract.

Carried

5.4 Water/Drainage Manager, dated July 30, 2007 re: Improvement District Boundary Amendments

Moved by Councillor Given/Seconded by Councillor Day

R765/07/08/07 THAT Council approve the requests by the South East Kelowna Improvement District (SEKID) to amend their water service area boundaries as outlined in this report.

Carried

5.5 Director of Works and Utilities, dated July 31, 2007 re: Electric Utility Services Contract

Moved by Councillor Hobson/Seconded by Councillor Given

R766/07/08/07 THAT Council authorize a five year contract effective October 1, 2007 with Fortis Pacific Holdings Inc. for the operation, maintenance, and capital services of the City of Kelowna Electric Utility under the terms and conditions as outlined the report of the Director of Works and Utilities;

AND THAT the Mayor and City Clerk be authorized to sign the contract documents on behalf of the City.

Carried

5.6 Transportation Manager, dated August 1, 2007 re: On Street Parking Meter Replacement

Moved by Councillor Hobson/Seconded by Councillor Day

R767/07/08/07 THAT City Council endorse the use of "Pay and Display" parking meters in on-street and off-street parking areas;

AND THAT City Council authorize the acquisition of the 51 "Pay and Display" parking meters that were part of the trial, at a cost of \$9,000 per unit for a total of \$459,000 to be funded from the Parking Reserve;

AND THAT the financial plan be amended to account for this acquisition from reserve funds;

AND FURTHER THAT Council direct staff to bring forward for reading considerations the requested definition amendments to Traffic Bylaw No. 8120, "Definition of a Parking Meter" and to Section 4.1.2 (h.h) "Expired Parking Meter", and the subsequent changes to Schedule 13 of the Ticket Information Utilization Bylaw No 6550; Appendix A attached to the report of the Transportation Manager dated August 1, 2007.

Carried

Opposed - Mayor Shepherd

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6. RESOLUTIONS

- 6.1 Draft Resolution re: Proposed Argus Properties Ltd. Heliport – Manhattan Drive, Kelowna, BC

Council:

- Concern raised that preferred flight path should be over water.
- Restrictions on time of day for use other than for emergencies.
- Question raised whether the heliport is to be used only by Argus Properties or to be used as a heliport for others as well.

Moved by Councillor Given/Seconded by Councillor Letnick

R768/07/08/07 THAT Council defer this item until the applicant, at its convenience, can report back to Council with more details.

Carried

7. COUNCILLOR ITEMS

Moved by Councillor Rule/Seconded by Councillor Hobson

R769/07/08/07 THAT Council approve Councillor Letnick to be a representative on the Spirit of BC Committee.

- Councillor Hobson agreed to look into, via UBCM, whether any legislative updates regarding the elections provisions of the Local Government Act will cover Electronic Voting opportunities, and if so, when.
- Councillor Hobson reminded staff and the Energy Management Committee that UBCM is looking for input as to whether there are any provincial policies that put limitations on local governments initiatives with regard to sustainability and the provincial climate change goals.
- Councillor Clark noted that the Gordon Drive extension has been completed over a year and there are still Telus poles located there. Referred to staff.
- Councillor Blanleil raised the issue of the number of taxi licenses per capita in Kelowna, in relation to other municipalities of the same population, and whether Kelowna has fewer licenses per capita. Referred to Staff.

8. TERMINATION

The meeting was declared terminated at 3:54 p.m.

Certified Correct:

Mayor

ACM/dld

City Clerk