

Regular Meeting – P.M.

September 17, 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, September 17<sup>th</sup>, 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.

Council members absent:

Staff members in attendance were: Acting City Manager, Paul Macklem; Deputy City Clerk, Stephen Fleming; Current Planning Supervisor, Shelley Gambacort\*; Inspection Services Manager, Ron Dickinson\*; Airport General Manager, Roger Sellick\*; Assistant General Manager, Airport Development, Sam Samaddar\*; Manager, Policy, Research & Strategic Planning, Signe Bach\*; Planner, Paul McVey\*; Financial Planning Manager, Keith Grayston\*; Airport Administration Manager, Noreen Redman\*; Development Engineering Manager, Steve Muenz\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Superintendent McKinnon re: Monthly Policing Report

Moved by Councillor Gran/Seconded by Councillor Rule

**R886/07/09/17** THAT Council view the Police video, Stolen Lives, as part of next month's RCMP monthly policing report.

Carried

Council:

- Requested that staff ensure that an invitation is forwarded to all of the neighbourhood associations and the business community inviting them to the October 22<sup>nd</sup> Council meeting to view the video.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Planning & Development Services Department, dated September 4, 2007 re: Development Permit Application No. DP07-0185 – Navigator Development Icon Corporation (The Hulbert Group/Victor Tam) – 1151 Sunset Drive

Staff:

- Advised that it will be up to the applicant to determine whether or not the development could proceed if the Development Permit is not approved as amended.
- Advised that the storm system is not designed to handle the watering on the site.

Council:

- Concerned about amending the Development Permit at this time.
- Concerned about the water table in the area.
- Concerned about the height difference between this project and the neighbouring project.

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Moved by Councillor Letnick/Seconded by Councillor Given

**R887/07/09/17** THAT Council hear from the applicant regarding Development Permit Application No. DP07-0185.

Carried

Applicant's Representatives, Tom Smithwick, Remi Allard & Victor Tam:

- Explained why it is necessary for the height of the parkade to change.
- Advised that there will always be a water issue on the site. The developer can pump, but that is a very costly alternative.
- Advised Council of the various dewatering issues.
- Confirmed that the tower height has been shrunk by 4' and the parkade has 4' added to it

Council:

- Would like independent advice from an additional engineering firm regarding the dewatering issues on this project and the neighbouring site.

Moved by Councillor Letnick/Seconded by Councillor Hobson

THAT Council authorize the issuance of Development Permit No. DP07-0185 in order to amend previously issued DP04-0018 for Lot 5, DL 139, O.D.Y.D., Plan KAP76304, located on Sunset Drive, 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.

Moved by Councillor Clark/Seconded by Councillor Given

**R888/07/09/17** THAT Council's decision regarding Development Permit Application No. DP07-0185 be deferred pending receipt of independent information regarding the geotechnical engineering water issues being provided to Council at the earliest opportunity.

Carried

Mayor Shepherd and Councillors Hobson and Letnick - Opposed.

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5. BYLAWS (ZONING & DEVELOPMENT)

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

- 5.1 Bylaw No. 9850 – Housing Agreement – T186 Enterprises Ltd. (The Mission Group) – 1550, 1560, 1570, 1580, 1596 Dickson Avenue and part of 610 Dickson Avenue

Moved by Councillor Given/Seconded by Councillor Clark

**R889/07/09/17** THAT Bylaw No. 9850 be read a first, second and third time.

Carried

**(BYLAWS PRESENTED FOR ADOPTION)**

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

Moved by Councillor Rule/Seconded by Councillor Letnick

**R890/07/09/17** THAT Bylaw No. 9807 be amended at third reading to refer to the Future Land Use designation terminology instead of the zoning designation terminology.

Carried

Moved by Councillor Letnick/Seconded by Councillor Rule

**R891/07/09/17** THAT Bylaw No. 9807 be adopted.

Carried

- 5.2 (b) 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 Given/Seconded by Councillor Letnick

**R892/07/09/17** THAT Bylaw No. 9808 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Airport General Manager & Director of Financial Services, dated September 10, 2007 re: 2010 Airport Development Program

Staff:

- Advised that both the Airport Advisory Committee and the stakeholders committee are supportive of this plan.

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Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R893/07/09/17** THAT Council approve the 2010 Airport Development Program;

AND THAT Council authorize the administration to retain the services of a multi-disciplined consulting company with demonstrated experience in successfully delivering airport development programs to design, supervise and commission the individual program elements;

AND THAT Loan Authorization Bylaw No. 9867 be advanced for Council consideration.

Carried

- 6.2 Inspection Services Manager, dated September 4, 2007 re: Stratification of 273, 275, 277 and 279 Fir Court, Kelowna, B.C. – Lot 4, Plan 16535

Moved by Councillor Day/Seconded by Councillor Hobson

**R894/07/09/17** THAT the application to stratify the four unit housing at 273 – 279 Fir court be approved in the name of Buddy and Trudi Tavares with no conditions.

Carried

- 6.3 Manager, Policy, Research & Strategic Planning, dated September 12, 2007 re: Official Community Plan Review

Moved by Councillor Letnick/Seconded by Councillor Given

**R895/07/09/17** THAT Council direct staff to commence planning for an OCP review, with preplanning work to be undertaken during the remainder of 2007 and with a budget request to be submitted for further work and public consultation in 2008/2009, as detailed in the September 12, 2007 report from the Planning and Development Services Department.

AND THAT Council direct staff to request that owners interested in having their land included as part of the next OCP 20 year growth strategy, submit related information to the Planning and Development Services Department, based on the general directions detailed in the September 12, 2007 report from the Planning and Development Services Department.

Carried

## 7. RESOLUTIONS

- 7.1 Draft Resolution re: The British Columbia Climate Change Charter

Moved by Councillor Hobson/Seconded by Councillor Day

**R896/07/09/17** THAT Council support the British Columbia Climate Change Charter and agree to sign on to it.

Carried

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- 7.2 Draft Resolution re: Appointment to the Advisory Committee on Community & Women's Issues

Moved by Councillor Gran/Seconded by Councillor Rule

**R897/07/09/17** THAT Council approve the appointment of Susan Steen as a member of the Advisory Committee on Community & Women's Issues effective immediately.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

- 8.1 Bylaw No. 9846 – City of Kelowna Road Closure and Removal of Highway Dedication, Portion of Lane near Dickson Avenue, Road Bylaw No. 9846 – **Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.**

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 Given/Seconded by Councillor Letnick

**R898/07/09/17** THAT Bylaw No. 9846 be adopted.

Carried

- 8.2 Bylaw No. 9851 – Amendment No. 1 to Panhandling Bylaw No. 8214

Moved by Councillor Hobson/Seconded by Councillor Day

**R899/07/09/17** THAT Bylaw No. 9851 be adopted.

Carried

- 8.3 Bylaw No. 9852 – Amendment No. 13 to City of Kelowna Parks and Public Spaces Bylaw No. 6819-91

Moved by Councillor Blanleil/Seconded by Councillor Gran

**R900/07/09/17** THAT Bylaw No. 9852 be adopted.

Carried

- 8.4 Bylaw No. 9853 – Amendment No. 10 to Traffic Bylaw No. 8120

Moved by Councillor Blanleil/Seconded by Councillor Gran

**R901/07/09/17** THAT Bylaw No. 9853 be adopted.

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- 8.5 Bylaw No. 9854 – Amendment No. 69 to Ticket Information Utilization  
Bylaw No. 6550-89

Moved by Councillor Gran/Seconded by Councillor Blancheil

**R902/07/09/17** THAT Bylaw No. 9854 be adopted.

Carried

9. COUNCILLOR ITEMS

Mayor Shepherd:

- Advised that the Electoral Boundary Committee has declined Kelowna's request to hold a hearing in Kelowna regarding the new electoral boundaries.

10. TERMINATION

The meeting was declared terminated at 4:33 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

SLH/dld