

Regular Meeting – P.M.October 1, 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, October 1, 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; Director of Recreation, Parks and Cultural Services, David Graham*; Director of Financial Services, Paul Macklem*; Manager, Policy, Research & Strategic Planning, Signe Bagh*; Current Planning Supervisor, Shelley Gambacort*; Fire Chief, Rene Blanleil*; Public Art Coordinator, Sandra Kochan*; Planner, Alec Warrender*; Development Manager, Reid Oddleifson*; Sport & Recreation Manager, Jim Gabriel*; Environment and Solid Waste Manager, Mark Watt*; Revenue Manager, George King*; Inspection Services Manager, Ron Dickinson*; 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 Blanleil to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Lesley Dieno, Executive Director, Okanagan Regional Library re: Library Budget – Power Point Presentation

- In the past they have had a lot of security problems at the downtown branch. We have invested in a surveillance camera and noted that the number of incidents has gone way down. We are waiting for the cold weather though to see if that changes.
- A donation of \$27,000 from the Friends of the Kelowna Library which is like an auxiliary to the Library. With this donation we were able to buy a new digital reader printer for the genealogy staff. We wanted to highlight the fact that this group gives every year for special things that library budget does not cover.
- Wireless internet services implemented into their branches.
- Mission Branch is getting busier and the location is wonderful.
- Rutland Branch is doing well and have huge line ups for the internet services but the location at the Mall isn't doing as well.

4. COMMITTEE REPORTS

4.1 Public Art Coordinator, dated September 24, 2007 re: 2007 Public Art Committee Report

Council:

- Would like to see something in Rutland that could be a signature piece, like the Sails is for downtown.

Staff:

- Town centres are considered a priority in the Terms of Reference. We have wanted to work on the Rutland Town Centre for a long time so it definitely is a priority.

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R912/07/10/01 THAT staff present the budget for the maintenance of public art as part of the Civic Properties budget, and not the Public Art budget, at the 2008 budget discussion.

Carried

5. UNFINISHED BUSINESS

5.1 Planning & Development Services Department, dated September 26, 2007 re: Development Permit Application No. DP07-0185 – Navigator Development Icon Corporation (The Hulbert Group/Victor Tam) – 1151 Sunset Drive

Council:

- Would like to see input from planning, engineering and inspection services when peer review report comes forward.

Moved by Councillor Letnick/Seconded by Councillor Blanleil

R913/07/10/01 THAT City Council receive for information the report from the Planning & Development Services Department dated September 26, 2007;

AND THAT the report from staff that is brought forward to Council, following the peer review, also include input from the adjacent neighbors.

AND THAT staff is to bring a policy approach back to Council for dealing with similar situations (geotechnical issues with multiple solutions that could result in differing grade level developments on neighbouring properties), after Council deals with this application.

Carried

6. DEVELOPMENT APPLICATION REPORTS

6.1 Planning & Development Services Department, dated September 21, 2007, re: Official Community Plan Bylaw Amendment No. OCP07-0016 and Rezoning Application No. Z07-0050 – Canadian Adult Communities (Bains & Shahi et al) – 1255, 1265-1269, 1275, 1295 Gordon Drive and 1254, 1262-1264, 1274, 1284, 1290 Pheasant Street

Moved by Councillor Hobson/Seconded by Councillor Day

R914/07/10/01 THAT Council hear from the Applicant.

Carried

Applicant: - Ed Hall – Canadian Adult Communities Ltd.

- Met with the former Director of Planning and she was very supportive of this project and felt it had merit. Unfortunately this project requires same zoning as all condo building in the City.
- Met with neighbors and church near by and received support.
- We are creating affordable housing by creating senior housing.
- Definitely is a rental facility. We provide a package for seniors.

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R915/07/10/01 THAT OCP Bylaw Amendment No. OCP07-0016 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of; Lots 1, 2, & 3, DL 137, O.D.Y.D., Plan 8502, Lots A & B, DL 137, O.D.Y.D., Plan KAP74652, Lots 1 & 2, DL 137, O.D.Y.D., Plan KAP78322, Lots A & B, DL 137, O.D.Y.D., Plan 11663, and Strata Lots 1 & 2, DL 137, O.D.Y.D., Strata Plan KAS3209, located on Gordon Drive and Pheasant Street, Kelowna, B.C., from the existing "Single/Two Unit Residential" designation to the proposed "Multiple Unit Residential – Medium Density" designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated September 21, 2007, be considered by Council;

THAT Rezoning Application No. Z07-0050, to amend City of Kelowna Bylaw No. 8000 by changing the zoning classification of Lots 1, 2, & 3, DL 137, O.D.Y.D., Plan 8502, Lots A & B, DL 137, O.D.Y.D., Plan KAP74652, Lots 1 & 2, DL 137, O.D.Y.D., Plan KAP78322, Lots A & B, DL 137, O.D.Y.D., Plan 11663, and Strata Lots 1 & 2, DL 137, O.D.Y.D., Strata Plan KAS3209, located on Gordon Drive and Pheasant Street, Kelowna, B.C., from the existing RU6 – Two dwelling Housing and C1 – Local Commercial zones to the proposed RM5 – Medium Density Multiple Housing zone be approved by Council.

AND THAT the OCP Bylaw Amendment No. OCP07-0016 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.

Carried

Mayor Shepherd and Councillor Given - Opposed

6.2 Planning & Development Services Department, dated September 19, 2007 re: Rezoning Application No. Z07-0054 – Roger Bhullar (Suki Bhullar) – 495 Keithley Road

- (a) Planning & Development Services report dated September 19, 2007.

Moved by Councillor Letnick/Seconded by Councillor Given

R916/07/10/01 THAT Rezoning Application No. Z07-0054 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 11 Section 26 Township 26 Osoyoos Division Yale District Plan 19016 located at 495 Keithley Road, Kelowna, BC from RU1 – Large Lot Housing Zone to RU6 – Two Dwelling Housing be considered by Council;

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 subject to design acceptance of Development Permit DP07-0149 and satisfaction of the requirements of the Works and Utilities Department.

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Bylaw No. 9871 (Z07-0054) – Roger Bhullar (Suki Bhullar) – 495 Keithley Road

Moved by Councillor Given/Seconded by Councillor Letnick**R917/07/10/01** THAT Bylaw No. 9871 be read a first time.Carried

6.3 Planning & Development Services Department, dated September 20, 2007 re: Rezoning Application No. Z07-0060 – Mission Creek Homes Ltd. et al (Gazelle Enterprises Inc.) – 601, 605, 609, 613 & 617 Horn Crescent and 581, 583, 585, 587 & 589 South Crest Drive

(a) Planning & Development Services report dated September 20, 2007.

Moved by Councillor Letnick/Seconded by Councillor Given

R918/07/10/01 THAT Rezoning Application No. Z07-0060 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 5 – 15 District Lot 1688S Similkameen Division Yale District Plan KAP82290, located on Horn Crescent and South Crest Drive, Kelowna BC from RU2 – Medium Lot Housing Zone to RU2h – Medium Lot Housing (Hillside Area) Zone be considered by Council;

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

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

Bylaw No. 9872 (Z07-0060) – Mission Creek Homes Ltd. et al (Gazelle Enterprises Ltd.) - 601, 605, 609, 613 & 617 Horn Crescent and 581, 583, 585, 587 & 589 South Crest Drive

Moved by Councillor Letnick/Seconded by Councillor Given**R919/07/10/01** THAT Bylaw No. 9872 be read a first time.Carried

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6.4 Planning & Development Services Department, dated September 21, 2007 re: Heritage Revitalization Agreement Application No. HRA07-0002 – Murray Hindle & Sherry Briggs (Peter Chataway) – 1869 Marshall Street

(a) Planning & Development Services report dated September 21, 2007.

Moved by Councillor Given/Seconded by Councillor Rule

R920/07/10/01 THAT Council consider a bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property Lot 8, District Lot 14, ODYD, Plan 3286, located at 1869 Marshall Street, Kelowna, B.C., in the form of such agreement attached to the report from the Planning & Development Services Department dated September 21, 2007 as “Schedule A”;

AND THAT the Heritage Revitalization Agreement Authorization Bylaw be prepared and forwarded to a Public Hearing for further consideration.

Carried

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

Bylaw No. 9870 (HRA07-0002) – Heritage Revitalization Agreement Authorization Bylaw – 1869 Marshall Street

Moved by Councillor Rule/Seconded by Councillor Clark

R921/07/10/01 THAT Bylaw No. 9870 be read a first time.

Carried

6.5 Planning & Development Services Department, dated September 19, 2007 re: Heritage Alteration Permit No. HAP07-0008 – Kenneth Andrew Fraser (Lisa Wichers) – 385 Cadder Avenue

Council:

- Requested that staff deal with recent issues with the Community Heritage Commission meeting availability. Bylaws may require more flexibility so that staff can recommend that applications be forwarded without CHC input when necessary.

Moved by Councillor Rule/Seconded by Councillor Clark

R922/07/10/01 THAT Council authorize the issuance of Heritage Alteration Permit No. HAP07-0008; for Lot 2, District Lot 14, ODYD, Plan 3305, located at 385 Cadder Avenue, 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".

Carried

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7. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 7.1 Bylaw No. 9841 (Z07-0048) – Tracey Thomas Hayes (Alf Wiens Construction) – 845 Mayfair Road

Moved by Councillor Gran/Seconded by Councillor Blanleil

R923/07/10/01 THAT Bylaw No. 9841 be adopted.

Carried

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

Moved by Councillor Blanleil/Seconded by Councillor Gran

R924/07/10/01 THAT Bylaw No. 9844 be adopted.

Carried

8. NON-DEVELOPMENT APPLICATION REPORTS

- 8.1 Fire Chief, dated September 25, 2007 re: Amendment No. 13 to Fire Prevention Regulation Bylaw No. 6110-88

Moved by Councillor Given/Seconded by Councillor Hobson

R925/07/10/01 THAT Council receive the recommendations of the Fire Chief as outlined in the report dated September 25, 2007;

AND THAT Bylaw No. 9868, being Amendment No. 13 to Fire Prevention Regulation Bylaw No. 6110-88, be forwarded for reading consideration.

Carried

- 8.2 Revenue Manager, dated September 25, 2007 re: 2008 Tax Exemption Bylaw No. 9869

Moved by Councillor Gran/Seconded by Councillor Hobson

R926/07/10/01 THAT a bylaw under sections 220, 224 and 225 of the Community Charter, to provide exemption from taxation for the year 2008, be forwarded for reading consideration;

AND THAT the bylaw include those properties outlined in Appendix E to the report of the Revenue Manager dated September 25, 2007.

Carried

- 8.3 Environment & Solid Waste Manager, dated September 26, 2007 re: Curbside Garbage Contract and Automation

Moved by Councillor Hobson/Seconded by Councillor Day

R927/07/10/01 THAT Council receive for information the Environment & Solid Waste Manager's Report and the Business Case Study for automated curbside pick-up.

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AND THAT Council endorse using curbside automated pick-up as the preferred option for curbside garbage and recycling services in the new contract.

AND THAT staff work with the Central Okanagan Regional District, member municipalities and Westbank First Nation to have them included as part of a master tender for the cart purchasing.

AND THAT staff work with the Regional District and member municipalities in the development of a joint Request for Proposal for the new garbage, recycling and yard waste contract.

AND FURTHER THAT staff be authorized to negotiate interim contract(s) for garbage, recycling, and yard waste collection until the new service is in place.

Carried

8.4 Licence and Bylaw Enforcement Supervisor, dated September 21, 2007 re: Amendments to Second Hand Dealer and Pawnbroker Regulation Bylaw No. 9227 and the Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Hobson/Seconded by Councillor Day

R928/07/10/01 THAT Council receive the recommendations of the Licence and Bylaw Enforcement Supervisor as outlined in the report dated September 21, 2007;

AND THAT City Council give readings consideration to Bylaw No. 9866 being Amendment No. 2 to the Second Hand Dealer and Pawnbroker Regulation Bylaw No. 9227. and to Bylaw No. 9873 being Amendment No. 71 to the Ticket Information Utilization Bylaw No. 6550-89.

Carried

8.5 Sport & Recreation Manager, dated September 18, 2007 re: Wakefest Event

Staff:

- Confirmed that IMG was informed about the opportunity to speak before Council but they declined, stating that they respect Council's decision.
- Two years ago it was advertised nationally in a different format than it was originally advertised - Instead of it being the sporting event of the year it became the party event of the year, the tone of Wakefest had changed.
- Highlighted that staff have spent a lot of time on this and this is not a hasty decision on the part of the Outdoor Events Committee.

Council:

- Develop a strategy to deal with these types of events with a longer term policing plan.
- City should look at other municipalities and see how they handle these types of events.
- Wakefest is the biggest tourism weekend Kelowna has and unfortunate to think we'll just cancel it and not look at other means.

Moved by Councillor Given/Seconded by Councillor Rule

R929/07/10/01 THAT City Council receives the report from the Sport & Recreation Manager regarding Wakefest dated September 18, 2007, as information.

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AND THAT City Council support the direction of the Outdoor Events Committee as outlined in the report.

Carried

Councillor Blanleil - Opposed

8.6 Development Manager, Recreation Parks & Cultural Services, dated September 25, 2007 re: Festival Celebration for the Grand Opening of the Bennett Bridge

Moved by Councillor Given/Seconded by Councillor Letnick

R930/07/10/01 THAT Council delegate the responsibility to the Festivals Kelowna Society to provide the leadership and coordination to plan for a festival/celebration for the official grand opening of the William R. Bennett Bridge in 2008;

AND THAT Festivals Kelowna Society report back to Council with a financial plan and program outline for the festival/celebration prior to January 30, 2008;

THAT Council authorize the use of the existing funding in the City budget toward this William R. Bennett Bridge festival/celebration official grand opening;

AND FURTHER THAT Festivals Kelowna Society be requested to propose the use of these funds for 2009 and beyond for future community festivals.

Carried

Councillor Hobson left the meeting at 5:31 p.m.

8.7 Development Manager, Recreation Parks & Cultural Services, dated September 26, 2007 re: Memorandum of Understanding – YMCA-YWCA of the Central Okanagan

Staff:

- Explained the process over the last three plus years that had led to this point, including the decisions of Council to go with a contract operator.
- The facility will be open for the general public and tourists. No special privileges if you are a member of the Y, other than discount rate.

Moved by Councillor Gran/Seconded by Councillor Blanleil

R931/07/10/01 THAT Council approve the Memorandum of Understanding (MOU) between the City and the YMCA-YWCA of the Central Okanagan (the Y) for the MRP Aquatic Centre as attached to the report from the Development Manager dated September 26, 2007;

AND THAT the Development Manager be authorized to execute the MOU in order to carry out the duties, obligations and intentions as outlined in the MOU;

AND THAT Council consider the City's financial obligations in this MOU during its review of the 2008 Financial Plan.

AND THAT Council direct staff to report back on alternative uses of the public fitness space in the Capital News Centre, which could include elite training facilities for athletes, prior to final agreements being entered into with the YMCA-YWCA.

Carried

Councillor Clark - Opposed

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9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 9.1 Bylaw No. 9843 – Road Closure Bylaw – Portions of Truswell Road and Martin Road

Moved by Councillor Given/Seconded by Councillor Day

R932/07/10/01 THAT Bylaw No. 9843 be read a first, second and third time.

Carried

- 9.2 Bylaw No. 9866 – Amendment No. 2 to Second-Hand Dealers and Pawnbrokers Bylaw No. 9227

Moved by Councillor Given/Seconded by Councillor Day

R933/07/10/01 THAT Bylaw No. 9866 be read a first, second and third time.

Carried

- 9.3 Bylaw No. 9867 – 2007-2010 Airport Capital Projects Loan Authorization Bylaw

Moved by Councillor Given/Seconded by Councillor Day

R934/07/10/01 THAT Bylaw No. 9867 be read a first, second and third time.

Carried

- 9.4 Bylaw No. 9868 – Amendment No. 13 to Fire Prevention Regulation Bylaw No. 6110-88

Moved by Councillor Given/Seconded by Councillor Day

R935/07/10/01 THAT Bylaw No. 9868 be read a first, second and third time.

Carried

- 9.5 Bylaw No. 9869 – 2008 Permissive Tax Exemption Bylaw – **Requires a 2/3 majority of Council**
To establish a 2008 Permissive Tax Exemption Bylaw.

Moved by Councillor Given/Seconded by Councillor Day

R936/07/10/01 THAT Bylaw No. 9869 be read a first, second and third time.

Carried

- 9.6 Bylaw No. 9873 – Amendment No. 71 to Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Given/Seconded by Councillor Day

R937/07/10/01 THAT Bylaw No. 9873 be read a first, second and third time.

Carried

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10. COUNCILLOR ITEMS

- 10.1 Mayor Shepherd re: Vehicle Engine “Anti-idling” Signage
To seek Council’s support for “Idle Free Zone Turn Engine Off” signage to voluntarily encourage vehicle operators to turn off their engines while parked.

Item 10.1 was withdrawn by Mayor Shepherd and will be scheduled to the October 15, 2007 Regular Meeting.

11. TERMINATION

The meeting was declared terminated at 6:07 p.m.

Certified Correct:

Mayor

ACM/am

City Clerk