

Regular Meeting – P.M.

November 26, 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, November 26th, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Barrie Clark, Colin Day, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: Councillors Brian Given and Carol Gran.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Allison Flack; Current Planning Supervisor, Shelley Gambacort*; Director of Financial Services, Paul Macklem*; Director of Corporate Development, Rick Baker*; Planner, Nelson Wight*; Environment/Solid Waste Manager, Mark Watt*; Financial Planning Manager, Keith Grayston*; Manager, Policy, Research & Strategic Planning, Signe Bach*; Sport & Recreation Manager, Jim Gabriel*; Inspection Services Manager, Ron Dickinson*; Community Recreation Coordinator, Scott Isfan*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:31 p.m.

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

Mayor Shepherd acknowledged four (4) students in the gallery from Canada World Youth.

3. PUBLIC IN ATTENDANCE

3.1 Superintendent McKinnon re: Monthly Policing Report

4. COMMITTEE REPORTS

4.1 Downtown Centre Strategy Task Force, dated November 20, 2007 re: Downtown Centre Strategy Task Force Activities (2007)

Council:

- Advised that the Bernard Avenue streetscaping project should have been noted as a 2008 “to do” on the Task Force’s list. It was recommended that the Bernard Avenue streetscaping project be formally added to the list.

Moved by Councillor Day/Seconded by Councillor Rule

R1099/07/11/22 THAT the activity update reflected in the November 20, 2007 report from the Downtown Centre Strategy Task Force be received for information;

AND THAT the mandate of the Downtown Centre Strategy Task Force, and the terms of the existing membership, be extended to December 31, 2008.

Carried

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5. DEVELOPMENT APPLICATION REPORTS

5.1 (a) BYLAWS PRESENTED FOR ADOPTION

- (i) Bylaw No. 9889 – Housing Agreement – Witmar Developments Ltd. – 1459 & 1469 KLO Road

Moved by Councillor Blanleil/Seconded by Councillor Day

R1100/07/11/26 THAT Bylaw No. 9889 be adopted.

Carried

Councillor Letnick – Opposed.

- (ii) Bylaw No. 9646 (OCP05-0015) – Witmar Developments Ltd. (Witmar Holdings) – 1459 & 1469 KLO Road – **Requires a majority of all Members of Council (5)**

Moved by Councillor Day/Seconded by Councillor Blanleil

R1101/07/11/26 THAT Bylaw No. 9646 be adopted.

Carried

Councillor Letnick – Opposed.

- (iii) Bylaw No. 9647 (Z05-0066) – Witmar Developments Ltd. (Witmar Holdings) – 1459 & 1469 KLO Road

Moved by Councillor Day/Seconded by Councillor Blanleil

R1102/07/11/26 THAT Bylaw No. 9647 be adopted.

Carried

Councillor Letnick – Opposed.

- (b) Planning & Development Services Department, dated November 20, 2007 re: Development Permit Application No. DP05-0172 – Witmar Developments Ltd. (Witmar Holdings Ltd.) – 1459 & 1469 KLO Road

Staff:

- Confirmed that the public pathway will be secured by way of a Statutory Right-of-Way.

Moved by Councillor Day/Seconded by Councillor Hobson

R1103/07/11/22 THAT final adoption of Zone Amending Bylaw No. 9647 be considered by Council;

AND THAT final adoption of Official Community Plan Amending Bylaw No. 9646 be considered by Council;

AND THAT final adoption of Housing Agreement Bylaw No. 9889 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP05-0172 on Lot 1, District Lot 131, Plan 13798, O.D.Y.D. except Plan KAP79224, and Lot 2, District Lot 131, O.D.Y.D. Plan 13798 except Plan KAP79225, located on K.L.O. Road, Kelowna, B.C. subject to the following:

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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;

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

- 5.2 Planning & Development Services Department, dated October 21, 2007 re: Temporary Use Permit Application No. TUP07-0002 – Pinto Developments Ltd. – 148 Pinto Road **City Clerk to state for the record any correspondence received.**

The City Clerk advised that no correspondence and/or petitions were received.

Staff:

- Confirmed that the term of the Temporary Use Permit will be no longer than four (4) years (a two (2) year term, with the possibility that the permittee could apply for a single two-year extension).

Moved by Councillor Blanleil/Seconded by Councillor Clark

R1104/07/11/22 THAT Council hear from members of the gallery that wish to speak to Temporary Use Permit Application No. TUP07-0002.

Carried

Gallery:

Herta Trautmann, 3199 Appaloosa Road

- Concerned about all of the development currently in the area (i.e. the modular home development currently being constructed).
- Opposed to the Temporary Use Permit as the zoning of the entire area needs to be properly addressed.

Moved by Councillor Hobson/Seconded by Letnick

R1105/07/11/22 THAT Council defer further consideration of Temporary Use Permit Application No. TUP07-0002 to December 3, 2007 in order to allow the applicant to speak to this matter.

Carried

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6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR AMENDMENT AT THIRD READING)

- 6.1 Bylaw No. 9800 (Z06-0071) – Darlene Bulteel et al (New Town Architectural Services Inc.) – 853, 861, 867-869 Harvey Avenue & 850, 860 & 870 Saucier Avenue (850 Saucier Avenue)

Moved by Councillor Rule/Seconded by Councillor Letnick

R1106/07/11/26 THAT Bylaw No. 9800 be amended at third reading by:

- deleting the legal description: Lots 10, 11, 12, 13, 14, 15, Block 1, DL138, ODYD, Plan 7117 and replacing with the new consolidated legal description of Lot A, DL 138, ODYD, Plan KAP85149; and
- deleting the civic address: 853, 861, 867-869 Harvey Avenue & 850, 860, 870 Saucier Avenue and replacing with the new civic address of 850 Saucier Avenue.

Carried

- 6.2 Bylaw No. 9865 (Z07-0014) – 1314694 Alberta Ltd. (Tessco Inc.) – 1923, 1937, 1979 Ambrosi Road & 1926 Barlee Road (1933 Ambrosi Road)

Moved by Councillor Rule/Seconded by Councillor Letnick

R1108/07/11/26 THAT Bylaw No. 9865 be amended at third reading by:

- deleting the legal description: Lot 6, Lot 7, Lot 8, DL 129, ODYD, Plan 14187 and Lot A, DL 129, ODYD, Plan 34047 and replacing with the new consolidated legal description of Lot A, DL 129, ODYD, Plan KAP84830; and
- deleting the civic address: 1923, 1937, 1979 Ambrosi Road & 1926 Barlee Road and replacing with the new civic address of 1933 Ambrosi Road.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 6.3 Bylaw No. 9720 (Z06-0041) – Michael Gaspari – 679 Old Meadows Road

Moved by Councillor Clark/Seconded by Councillor Rule

R1109/07/11/26 THAT Bylaw No. 9720 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Licensing & Bylaw Enforcement Supervisor, dated November 21, 2007 re: Notice on Title – 750 Burne Avenue, Kelowna, BC **Mayor to invite the registered owner to come forward**

Staff:

- Confirmed that the registered owner was provided with notice of this matter.

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Mayor Shepherd invited the registered owner, Kenneth Wayne Kunzli, to come forward to address Council. No one came forward.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R1110/07/11/22 THAT City Council direct the Chief Administrative Officer to file a notice on title to the Property pursuant to section 57 of the *Community Charter*.

AND THAT City Council consider and adopt the following resolution regarding the Property:

“BE IT RESOLVED that:

Council confirms the recommendations of the Building Inspector in the report dated November 14, 2007 under s.57 of the *Community Charter* and directs the Chief Administrative Officer to file a notice in the Land Title Office stating that:

- (a) a resolution relating to the property referred to in the Building Inspector's report has been made under s.57 of the *Community Charter*; and
- (b) further information about it may be inspected at the municipal hall.”

Carried

7.2 Director of Corporate Development and Director of Financial Services, dated November 20, 2007 re: Regional Intergovernmental Service Review

Staff:

- Clarified the intention of the review of the regional intergovernmental services and the impact of the creation of the new Westside municipality.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R1111/07/11/22 THAT the City contract with Robert Prosser and Associates Inc. to conduct a review of regional intergovernmental services and the impact of the creation of the new Westside municipality on the governance relationship between members of the Regional District of the Central Okanagan (RDCO) and between the City of Kelowna and RDCO;

AND THAT the 2007 Financial Plan be amended to include expenditures of up to \$40,000 to cover the review costs with funding of \$8,000 from existing budget (City Management Internal Audit Provision) and the remaining \$32,000 from the Franchise Fee Equalization Reserve.

Carried

7.3 Environment & Solid Waste Manager, dated November 15, 2007 re: Recycle Fee Increase: Solid Waste Management Regulation Bylaw No. 9570 – Proposed Change to Schedule “E” (Recycling Collection Fees) and Bylaw Amendment for Recycling Definition

Staff:

- The fee changes will not take affect until July 2008.

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Moved by Councillor Day/Seconded by Councillor Hobson

R1112/07/11/22 THAT Council approve proposed interim fee changes for recycling and recycling processing as outlined in the Environment & Solid Waste Manager's Report dated November 15, 2007.

AND THAT staff be directed to bring forward the necessary amending bylaw for Council's consideration.

AND FURTHER THAT Council approve amending the definition of "Mandatory Recycling Material" to reflect the recent addition of "e-waste" to the Provincial Environmental Management Act Recycling Regulation.

Carried

7.4 Sport and Recreation Manager, dated November 21, 2007 re: UBCM Grant – Community Health Promotion Fund

Moved by Councillor Hobson/Seconded by Councillor Day

R1113/07/11/22 THAT City Council authorize a grant application to the UBCM for the Community Health Promotion Fund – Round 3 in the amount of \$35,000.

Carried

7.5 City Clerk, dated November 20, 2007 re: Alternative Approval Process – Wastewater Treatment Facility Expansion Loan Authorization Bylaw

Moved by Councillor Day/Seconded by Councillor Blanleil

R1114/07/11/22 THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated in relation to the borrowing by loan authorization bylaw outlined in the report from the Financial Planning Manager presented to City Council at its regular meeting on Monday, October 15th, 2007;

AND THAT 4:00 p.m. January 10th, 2008 be set as the deadline for receipt of elector responses in the form attached to the November 20, 2007 report of the City Clerk in relation to the City of Kelowna proceeding with the Wastewater Treatment Facility Expansion Loan Authorization Bylaw No. 9878, authorizing the borrowing of Forty Million Dollars (\$40,000,000.00) to construct an expansion to the Wastewater Treatment Facility on the property owned by the City of Kelowna located at 951 Raymer Avenue, Lot 1, District Lot 135, Plan 12356.

Carried

7.6 City Clerk, dated November 20, 2007 re: Alternative Approval Process – Cedar Creek Pump Station Loan Authorization Bylaw

Staff:

- Advised that the deadline for this alternative approval process is January 10, 2008.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R1115/07/11/22 THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated in relation to the borrowing by loan authorization bylaw outlined in the report from the Financial Planning Manager presented to City Council at its regular meeting on October 15th, 2007;

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AND THAT 4:00 p.m. January 10th, 2007 be set as the deadline for receipt of elector responses in the form attached to the November 20th, 2007 report of the City Clerk in relation to the City of Kelowna proceeding with the Cedar Creek Pump Station Loan Authorization Bylaw No. 9879, authorizing the borrowing of Seven Million Five Hundred Seventy Seven Thousand Dollars (\$7, 577,000.00) to construct a pump station and ultra violet water treatment facility located at 5200 Lakeshore Road, Lot 1, Section 23, Township 28, Plan 2647.

Carried

7.7 City Clerk, dated November 20, 2007 re: Alternative Approval Process – DCC Road Projects

Moved by Councillor Letnick/Seconded by Councillor Day

R1116/07/11/22 THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated in relation to the borrowing by loan authorization bylaw outlined in the report from the Financial Planning Manager presented to City Council at its regular meeting on October 15th, 2007;

AND THAT 4:00 p.m. January 10th, 2008 be set as the deadline for receipt of elector responses in the form attached to the November 20th, 2007 report of the City Clerk in relation to the City of Kelowna proceeding with the DCC Road Projects Loan Authorization Bylaw No. 9880, authorizing the borrowing of Ten Million Four Hundred Thousand Dollars (\$10, 400,000.00) to construct road improvements located at Clifton Road, Pandosy Street, High Road, Richter Street and the Central Okanagan Bypass (Cerise to Spall) in the City of Kelowna.

Carried

8. RESOLUTIONS

8.1 Draft Resolution re: Council Representation on the Housing Committee

Moved by Councillor Day/Seconded by Councillor Hobson

R1117/07/11/22 THAT Councillor Gran be removed, and Councillor Letnick be added, as the Council Representative on the Housing Committee.

Carried

9. COUNCILLOR ITEMS

Councillor Clark:

- Concerned about “construction noise” as work in the south slopes is being conducted 7 days a week from 7:00 a.m. to 7:00 p.m.

Moved by Councillor Clark/Seconded by Councillor Day

R1118/07/11/26 THAT staff review the Kelowna Noise & Disturbances Control Bylaw with respect to construction noise, including noise from blasting, and bring forward recommendations to Council.

Carried

Councillor Hobson:

- The Regional District of Central Okanagan Governance Committee had a meeting this morning regarding the possibility of a valley-wide regional district restructuring.

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- The Governance Committee is planning on having a workshop on January 11th with the regional board members and the local MLA's. and there will be a Council of Councils meeting in February 2008.
- Sub-committees have been formed to deal with specific topics.
- Advised that he is now on the FCM Board of Directors, as well as the UBCM Board of Directors. Has attended two (2) FCM Board meetings since being appointed to the Board and will be providing a copy of the FCM infrastructure status report in Canada to Council for their review.

10. TERMINATION

The meeting was declared terminated at 3:21 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld