

Regular Meeting – P.M.December 3, 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, December 3<sup>rd</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.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Director of Corporate Services/Acting Director of Planning and Development Services, Paul Macklem\*; Director of Works and Utilities and Acting Director of Corporate Services, John Vos\*; Current Planning Supervisor, Shelley Gambacort\*; Environmental Waste Manager, Mark Watt\*, Development Manager, Reid Oddleifson\*, Urban Forestry Supervisor, Ian Wilson\*; Environmental Technician, Michelle Kam\*; Planner, Nelson Wight\*, Planner, Cory Gain\*; Parks Manager, Joe Creron\*, Property Manager, Ron Forbes\*; Manager Financial Projects, Lynn Walter\*: Wastewater Engineer, Joel Shaw\*; Park Design and Construction Supervisor, Andrew Gibbs\*; 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 Clark to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Donna Moore, Executive Director of the Kelowna Art Gallery re: Kelowna Art Gallery Power Point Presentation

- Donna Moore, Executive Director, presented Annual Report to Council.

4. UNFINISHED BUSINESS

4.1 Planning & Development Services report dated October 21, 2007 re: Temporary Use Permit Application No. TUP07-0002 – Pinto Developments Ltd. – 148 Pinto Road

Staff:

- Applicant is present to answer any questions.

Council:

- Confirmed length of use is for 2 years at the end of this time the applicant could apply for an extension which would be no more than 2 years.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R1131/07/12/03** THAT Council authorize Temporary Use Permit No. TUP07-0002 to allow “outdoor storage” on Lot 23, Section 2, Township 23, O.D.Y.D., Plan 18861, located on Pinto Road, Kelowna, B.C, subject to the following conditions:

1. That a contuous opaque barrier be erected to properly screen the storage area from public view, to the satisfaction of the Director of Planning.

Carried

Opposed – Mayor Shepherd

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- 4.2 Environment and Solid Waste Manager, dated November 27, 2007, re: Pesticide Reduction Strategy Supplementary Report

Moved by Councillor Rule/Seconded by Councillor Gran

**R1132/07/12/03** THAT Council receive the attached staff report (attach 1) summarizing the findings from Environment Division Staff and the Pesticide Bylaw Staff Advisory Committee;

AND THAT Council endorse *Option 1: Implementation of a Pesticide Bylaw restricting the use of cosmetic, non-essential pesticides partnered with a comprehensive “Be PesticideFree” education campaign;*

AND THAT Council direct staff to proceed with a survey of Kelowna residents to establish baseline data of pesticide use in the community;

AND THAT Council direct staff to prepare a bylaw to restrict cosmetic use of pesticides on public and private property for implementation in January 2009;

AND THAT Council approve a five year phase in for City of Kelowna waterfront parks and an ongoing exemption of city sportsfields until results of pilot work demonstrates cost effective measures to achieve a community acceptable service level and future budgets adjustments are made to accommodate required maintenance and capital programs;

AND THAT Council direct staff to bring forward 2008 budget submissions of \$90,000 to cover the costs of an education campaign prior to the implementation of a bylaw, and \$175,100 for park operating and \$60,000 capital costs. Additional parks operating and capital costs will be phased in over a total of five years;

AND FURTHER THAT Council forward the above recommendations to the Regional Board for region-wide consideration.

Moved by Councillor Letnick

THAT the implementation date in the above resolution be changed to January 2010.

AND THAT the 5 year phase in be changed to a 3 year phase in.

Motion lost due to lack of seconder.

Moved by Councillor Rule/Seconded by Councillor Letnick

THAT the original amendment be changed from the five year phase in period to a three year phase in period.

Defeated

Opposed – Councillors Blanleil, Clark, Day, Given, Gran and Hobson.

The original motion was then voted on:

**R1133/07/12/03** THAT Council receive the attached staff report (attach 1) summarizing the findings from Environment Division Staff and the Pesticide Bylaw Staff Advisory Committee;

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AND THAT Council endorse *Option 1: Implementation of a Pesticide Bylaw restricting the use of cosmetic, non-essential pesticides partnered with a comprehensive “Be PesticideFree” education campaign;*

AND THAT Council direct staff to proceed with a survey of Kelowna residents to establish baseline data of pesticide use in the community;

AND THAT Council direct staff to prepare a bylaw to restrict cosmetic use of pesticides on public and private property for implementation in January 2009;

AND THAT Council approve a five year phase in for City of Kelowna waterfront parks and an ongoing exemption of city sportsfields until results of pilot work demonstrates cost effective measures to achieve a community acceptable service level and future budgets adjustments are made to accommodate required maintenance and capital programs;

AND THAT Council direct staff to bring forward 2008 budget submissions of \$90,000 to cover the costs of an education campaign prior to the implementation of a bylaw, and \$175,100 for park operating and \$60,000 capital costs. Additional parks operating and capital costs will be phased in over a total of five years;

AND FURTHER THAT Council forward the above recommendations to the Regional Board for region-wide consideration.

Defeated

Opposed – Councillors Blanleil, Clark, Day, Given, Gran and Letnick.

Moved by Councillor Letnick/Seconded by Councillor Given

**R1134/07/12/03** THAT Council endorse the “Revised” Option 2 Pesticide Reduction Strategy, as outlined in the Supplementary Report from the Environment and Solid Waste Manager, dated November 27, 2007, including:

- (a) Implementation of a Pesticide Bylaw restricting the use of cosmetic, non-essential pesticides partnered with a comprehensive “Be Pesticide Free” education campaign, with an exemption for certified applicators to continue to use pesticides; and
- (b) A plan that the Kelowna Parks Division will pursue PlantHealth BC accreditation in 2008 and City staff will encourage private industry to also pursue accreditation; and
- (c) Once PlantHealth BC is deemed successful by City staff, an amendment will be recommended to Council in 2008 to require mandatory PlantHealth BC accreditation for all pesticide applicators as part of the Pesticide Bylaw.

AND THAT further consideration of the above motion be deferred to the Monday, December 10, 2007 regular meeting of Council.

Carried

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- 5.1 Planning & Development Services Department, dated November 22, 2007 re: Agricultural Land Reserve Application No. A07-0020 – Johanna Betty Verkerk (David Taylor) – 4240 Spiers Road

Moved by Councillor Letnick/Seconded by Councillor Hobson

**R1135/07/12/03** THAT Agricultural Land Reserve Application No. A07-0020 for property located at 4240 Spiers Road and legally described as: Lot 118 Section 3 Township 26 Osoyoos Division Yale District Plan 1247 requesting approval of a homesite severance subdivision pursuant to Section 21(2) of the *Agricultural Land Commission Act* be supported by Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried6. BYLAWS (ZONING & DEVELOPMENT)

Staff:

- Applicants are well aware of their files being closed.

**(BYLAW READINGS TO BE RESCINDED AND FILES CLOSED)**

- 6.1 Bylaw No. 9128 (Z03-0059) – Steve Berezan (Black Mountain Pub Ltd.) – 2040 Joe Riche Road

Moved by Councillor Given/Seconded by Councillor Clark

**R1136/07/12/03** THAT first, second and third readings of Bylaw No. 9128 be rescinded and the files closed.

Carried

- 6.2 Bylaw No. 9257 (TA04-0007) – Gazelle Enterprises Inc.(M. Gauchier) {City of Kelowna} – 530 Sarsons Road; 4388 and 4392 Lakeshore Road

Moved by Councillor Day/Seconded by Councillor Letnick

**R1137/07/12/03** THAT first, second and third readings of Bylaw No. 9257 be rescinded and the files closed.

Carried

- 6.3 Bylaw No. 9683 (Z05-0070) – H.R. Totenson Ltd. (Porter Ramsay Center Group) – 128 Penno Road

Moved by Councillor Letnick/Seconded by Councillor Given

**R1138/07/12/03** THAT first, second and third readings of Bylaw No. 9683 be rescinded and the files closed.

Carried

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- 6.4 Bylaw No. 9796 (OCP07-0002) and Bylaw No. 9797 (Z07-0003) – Troika Developments (New Town Architectural Services) – 2209, 2219, 2227, 2235, 2241, 2247, 2255 and 2265 Pandosy Street

Moved by Councillor Given/Seconded by Councillor Letnick

**R1139/07/12/03** THAT first, second and third readings of Bylaw No. 9796 be rescinded and the files closed.

Carried

**R1140/07/12/03** THAT first, second and third readings of Bylaw No. 9797 be rescinded and the files closed.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Development Manager, Recreation Parks and Cultural Services, dated November 27, 2007, re: Okanagan Boys and Girls Clubs – Management and Operating Agreement

Moved by Councillor Hobson/Seconded by Councillor Day

**R1141/07/12/03** THAT City Council support the Management and Operating Agreement with the Okanagan Boys and Girls Clubs as attached to the report from the Development Manager Recreation Parks and Cultural Services dated November 27, 2007;

AND THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated in relation to the Management and Operating Agreement with the Okanagan Boys and Girls Clubs;

AND FURTHER THAT 4:00 p.m. Tuesday, January 15, 2008 be set as the deadline for receipt of elector responses in the form attached to the November 27, 2007 report of the Development Manager.

Carried

- 7.2 Director of Financial Services, dated November 28, 2007, re: Historical Trends – Cost Driver Analysis

Moved by Councillor Hobson/Seconded by Councillor Day

**R1142/07/12/03** THAT Council receive the report titled 'Historical Trends – Cost Driver Analysis' dated November 28, 2007 from the Director of Financial Services.

Carried

- 7.3 Director of Financial Services, dated November 28, 2007, re: Tangible Capital Asset Reporting Under PSAB 3150

Moved by Councillor Day/Seconded by Councillor Hobson

**R1143/07/12/03** THAT Council receive this report dated November 28, 2007 from the Financial Projects Manager for information;

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AND THAT Council direct staff to prepare a project cost estimate for consideration during the 2008 Financial Plan discussions;

AND THAT Council adopt the attached Tangible Capital Asset Policy, which sets out the necessary guidelines for recognizing, tracking, amortizing and reporting on the City of Kelowna's Tangible Capital Assets.

Carried

7.4 Wastewater Engineer, dated November 27, 2007, re: Award of Construction TE07-15 – Birch Avenue Lift Station Replacement

Moved by Councillor Gran/Seconded by Councillor Hobson

**R1144/07/12/03** THAT the Contract for replacement of the Birch Ave Lift Station be awarded to R355 Enterprises Ltd. for the amount of \$613,109.73 which includes GST (that will be fully rebated) and \$40,000 contingency.

AND THAT the Mayor and City Clerk are authorized to execute the Contract on behalf of the City.

Carried

7.5 Park Design and Construction Supervisor, dated November 28, 2007, re: Status Report on Re-use of Okanagan Lake Bridge Pontoons

Moved by Councillor Blanleil/Seconded by Councillor Day

**R1145/07/12/03** THAT City Council receive as information the report from the Parks Design and Construction Supervisor, dated November 28, 2007;

AND THAT funding the estimated capital cost of \$3.2 million to use two bridge pontoons as a public pier be considered as part of the 2008 capital budget;

AND THAT SNC-Lavalin is advised by of the City's intention regarding the use of the pontoons after City Council's deliberation of the 2008 Budget scheduled for December 13<sup>th</sup>, 2007.

Carried

Opposed – Councillor Given

Council:

- Supplementary report to break down the 3.2 million dollars over a period of time, not just in 2008 budget.

7.6 Electrical Administration Manager, dated November 26, 2007, re: Amendment to the City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Letnick/Seconded by Councillor Given

**R1146/07/12/03** THAT Council receives the report from the Electrical Administration Manager, dated November 26, 2007 regarding flat rate fees for single meter electrical service connections;

AND THAT staff be directed to prepare the necessary amending bylaw.

Carried

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**R1147/07/12/03** THAT Council grant approval to Northern Air Support Ltd. to fly Santa Claus from the Kelowna Airport to the Kelowna Golf & Country Club and back on December 9<sup>th</sup> and 16<sup>th</sup>, 2007, subject to the approval of Transport Canada and compliance with all related flight requirements.

Carried9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR ADOPTION)**9.1 Bylaw No. 9896 – Amendment No. 3 to Solid Waste Management Regulation Bylaw No. 9570Moved by Councillor Clark/Seconded by Councillor Letnick**R1148/07/12/03** THAT Bylaw No. 9896 be adopted.Carried10. COUNCILLOR ITEMS

Mayor Shepherd:

- Council will be considering additional Information regarding the Argus Heliport proposal at next weeks Council meeting. Interested parties are encouraged to submit any written comments to Council. There will be an opportunity from the applicant and other parties at the meeting.

Councillor Hobson:

- The vote configuration of the City Directors needs to be approved by Council.

Moved by Councillor Hobson/Seconded by Councillor Letnick**R1149/07/12/03** THAT the 28 votes be configured as follows:

Mayor Shepherd – 5 votes  
 Councillor Day – 5 votes  
 Councillor Given – 5 votes  
 Councillor Hobson – 5 votes  
 Councillor Clark – 4 votes  
 Councillor Rule – 4 votes.

Carried

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11. TERMINATION

The meeting was declared terminated at 5:25 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

ACM/dld