

Regular Meeting – P.M.

January 14, 2008

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, January 14th, 2008.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil*, Barrie Clark, Brian Given, Carol Gran, Robert Hobson, Norm Letnick* and Michele Rule.

Council members absent: Councillor Colin Day.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Allison Flack; Deputy City Clerk, Stephen Fleming*; Current Planning Supervisor, Shelley Gambacort*; Planner, Alec Warrander*; Manager, Policy, Research & Strategic Planning, Signe Bach*; Director of Corporate Development, Rick Baker*; Planner Specialist, Gary Stephen*; Airport Fire & Security Chief, Neil Drachenberg; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

Councillor Blanleil joined the meeting at 1:36 p.m.

3. PUBLIC IN ATTENDANCE

- 3.1 Dr. Doug Ooram, Deputy Vice-Chancellor, UBCO Re: UBCO Development Updates

Dr. Ooram:

- Update Council regarding the development at UBCO.
- 23% of the student population will be housed in the students' accommodation building when complete.
- Students appear to like the direct bus route to the UBCO campus.

4. UNFINISHED BUSINESS

(BYLAW PRESENTED FOR SECOND AND THIRD READING AND ADOPTION)

- 4.1 Bylaw No. 9893 (Z07-0081) – Roslyn Haug – 1250 Bothe Road

Councillor Letnick declared a conflict of interest as he has a personal relationship with the applicant and left the meeting at 1:58 p.m.

Staff:

- Confirmed that the Bylaw infractions have been dealt with.
- There was confusion at the Public Hearing regarding whether or not the applicant currently lives on site.

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Moved by Councillor Hobson/Seconded by Councillor Gran

R028/08/01/14 THAT Bylaw No. 9893 be read a second and third time and be adopted.

DEFEATED

Mayor Shepherd and Councillors Blanleil, Clark, Given, Gran, Hobson and Rule – Opposed.

Councillor Letnick rejoined the meeting at 2:03 p.m.

5. DEVELOPMENT APPLICATION REPORTS

5.1 Planning & Development Services Department, dated January 4, 2008 re: Official Community Plan Bylaw Amendment No. OCP07-0028 and Rezoning Application No. Z07-0085 – Susan Fairweather et al (Allaire Properties (Lakeshore) Inc.) – 4429, 4433 & 4439 Lakeshore Road and 586, 588 & 606 Sherwood Road

(a) Planning & Development Services report dated January 4, 2008.

Staff:

- There is quite a bit of history with this application concerning staff commitments from 2007.
- The applicant proceeded with the application on a “cash in lieu” basis for the affordable housing component.
- Because staff previously committed to “cash in lieu” for the affordable housing component, this application is coming forward on that basis and therefore, rather than change the City’s position half way through the application process, staff decided to honour the commitments made by previous staff regarding the affordable housing component.
- All access will be off of Sherwood Road; with no access from Lakeshore Road.

Council:

- Would like a “clear” policy on providing “cash in lieu” for the affordable housing component.
- Concerned about transportation issues as they relate to Lakeshore Road, and in particular, the intersections at Dehart and Lakeshore, and Sherwood and Lakehsore.
- Concerned about any infrastructure servicing issues that may arise as a result of this development.

Moved by Councillor Letnick/Seconded by Councillor Given

R029/08/01/14 THAT OCP Bylaw Amendment No. OCP07-0028 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 1, District Lot 358, ODYD, Plan 7524, located at 4429 Lakeshore Road, Lot 4, District Lot 167, ODYD, Plan 1691, located at 4439 Lakeshore Road, Lot 3, District Lot 358, ODYD, Plan 25489, located at 4433 Lakeshore Road, Lot 1, District Lot 167, ODYD, Plan 32648, located at 586 Sherwood Road, Lot 2, District Lot 167, ODYD, Plan 32648, located at 588 Sherwood Road, Lot B, District Lot 167 and 358, ODYD, Plan 32308, located at 606 Sherwood Road, Kelowna B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential - Low Density designation, as shown on Map “A” attached to the report of Planning & Development Services Department, dated January 4, 2008, be considered by Council;

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as

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outlined in the report of the Planning & Development Services Department dated January 4, 2008;

AND THAT Rezoning Application No. Z07-0085 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 358, ODYD, Plan 7524, located at 4429 Lakeshore Road, Lot 4, District Lot 167, ODYD, Plan 1691, located at 4439 Lakeshore Road, Lot 3, District Lot 358, ODYD, Plan 25489, located at 4433 Lakeshore Road, Lot 1, District Lot 167, ODYD, Plan 32648, located at 586 Sherwood Road, Lot 2, District Lot 167, ODYD, Plan 32648, located at 588 Sherwood Road, Lot B, District Lot 167 and 358, ODYD, Plan 32308, located at 606 Sherwood Road, Kelowna B.C., from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP07-0028 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision to consolidate properties into one title;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject properties;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject properties;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Inspection Services Department and Works & Utilities Department being completed to their satisfaction.

Carried

Mayor Shepherd and Councillors Hobson and Rule – Opposed.

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

- (i) Bylaw No. 9919 (OCP07-0028) – Susan Fairweather et al (Allaire Properties (Lakeshore) Inc.) – 4429, 4433 & 4439 Lakeshore Road and 586, 588 & 606 Sherwood Road – **Requires a majority of all Members of Council (5)**

Moved by Councillor Gran/Seconded by Councillor Hobson

R030/08/01/14 THAT Bylaw No. 9919 be read a first time.

Carried

Mayor Shepherd and Councillors Hobson and Rule – Opposed.

- (ii) Bylaw No. 9921 (Z07-0085) – Susan Fairweather et al (Allaire Properties (Lakeshore) Inc.) – 4429, 4433 & 4439 Lakeshore Road and 586, 588 & 606 Sherwood Road

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Moved by Councillor Given/Seconded by Councillor Letnick

R031/08/01/14 THAT Bylaw No. 9921 be read a first time.

Carried

Mayor Shepherd and Councillors Hobson and Rule - Opposed.

5.2 (a) **BYLAWS PRESENTED FOR ADOPTION**

- (i) Bylaw No. 9891 (OCP07-0021) – Bhushan Singla, Radha Reddy, Roshni Reddy (Lavina Gaucher) – 360 Gerstmar Road – **Requires a majority of all Members of Council (5)**

Moved by Councillor Gran/Seconded by Councillor Hobson

R032/08/01/14 THAT Bylaw No. 9891 be adopted.

Carried

- (ii) Bylaw No. 9892 (Z07-0069) - Bhushan Singla, Radha Reddy, Roshni Reddy (Lavina Gaucher) – 360 Gerstmar Road

Moved by Councillor Hobson/Seconded by Councillor Gran

R033/08/01/14 THAT Bylaw No. 9892 be adopted.

Carried

- (b) Planning & Development Services Department, dated January 9, 2007 re: Development Permit Application No. DP07-0179 - Bhushan Singla, Radha Reddy, Roshni Reddy (Lavina Gaucher) – 360 Gerstmar Road

Moved by Councillor Rule/Seconded by Councillor Letnick

R034/08/01/14 THAT Final Adoption of OCP Amending Bylaw No. 9891 be considered by Council;

THAT Final Adoption of Zone Amending Bylaw No. 9892 be considered by Council;

THAT Council authorize the issuance of Development Permit No. DP07-0179 for Lot B, Section 22, Twp. 26, ODYD, Plan 26069, located at 360 Gerstmar Road, Kelowna, B.C subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C";
- d) A fence is to be provided on the rear and side yards;

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- e) 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.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Assistant General Manager, Airport Operations, dated January 4, 2008 re: Amend Kelowna International Airport Security Contract

Staff:

- This was a "Bid" contract originally that was extended.
- This contract has not expired and this request only deals with a change to the existing terms of the contract.
- The Commissionaires are seeking an increase in salary to retain existing employees.
- The City is not obligated to accept the terms of a raise as noted in the contract.
- Staff would like to have to avoid the contract being broken and having to re-tender the contract. The contract will be up for tender in 2010.
- The cost of re-tendering and retraining may out weigh the cost of the proposed amendments to the contract.

Council:

- Inquired whether or not the City has a policy for amending contracts mid-term.
- Inquired whether or not staff has investigated the legalities of the proposed amendment.

Moved by Councillor Rule/Seconded by Councillor Letnick

R035/08/01/14 THAT further consideration of the amendment to the Kelowna International Airport Security Contract be deferred to allow staff to provide additional information to Council.

Carried

- 6.2 Director of Corporate Development, dated January 9, 2008 re: Electoral Boundaries Commission Preliminary Report

Staff:

- Gave background information regarding the process.
- Proposing three (3) ridings on the east side of Okanagan Lake and confirmed that growth projections have been taken into account.
- Advised that Peachland is not planning on making a presentation to the Commission on Thursday evening.

Moved by Councillor Clark/Seconded by Councillor Gran

R036/08/01/14 THAT the City of Kelowna recommend to the Electoral Boundary Commission that the number of Provincial Electoral Districts in the City of Kelowna be increased from two (2) to three (3);

AND THAT to accommodate the additional district the boundaries of the two existing electoral districts of Kelowna - Lake Country and Kelowna – Mission be realigned in accordance with the attached map and not include any area on the west side of Okanagan Lake;

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AND THAT the Mayor present the City's recommendation to the Electoral Boundary Commission at the Public Hearing scheduled for Kelowna on Thursday, January 17th, 2008.

Carried

- 6.3 City Clerk, dated January 10, 2008 re: Certificate of Sufficiency for Wastewater Treatment Facility Expansion, Cedar Creek Pump Station and DCC Road Projects Loan Authorization Bylaws

Moved by Councillor Letnick/Seconded by Councillor Given

R037/08/01/14 THAT Council receive the Certificates of Sufficiency dated January 10, 2008 pertaining to Wastewater Treatment Facility Expansion Loan Authorization Bylaw No. 9878, Cedar Creek Pump Station Loan Authorization Bylaw No. 9879, and DCC Road Projects Loan Authorization Bylaw No. 9880;

AND THAT Bylaws No. 9878, 9879, and 9880 be forwarded for final adoption consideration.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 7.1 Bylaw No. 9878 – Wastewater Treatment Facility Expansion Loan Authorization Bylaw

Moved by Councillor Given/Seconded by Councillor Letnick

R038/08/01/14 THAT Bylaw No. 9878 be adopted.

Carried

- 7.2 Bylaw No. 9879 – Cedar Creek Pump Station Loan Authorization Bylaw

Moved by Councillor Letnick/Seconded by Councillor Clark

R039/08/01/14 THAT Bylaw No. 9879 be adopted.

Carried

- 7.3 Bylaw No. 9880 – DCC Road Projects Loan Authorization Bylaw

Moved by Councillor Clark/Seconded by Councillor Rule

R040/08/01/14 THAT Bylaw No. 9880 be adopted.

Carried

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- 7.4 Bylaw No. 9913 – Amendment No. 19 to Electricity Regulation Bylaw No. 7639

Moved by Councillor Clark/Seconded by Councillor Rule

R041/08/01/14 THAT Bylaw No. 9913 be adopted.

Carried

8. COUNCILLOR ITEMS

- 8.1 Mayor Shepherd re: People in Motion Request – 2010 Legacies Now Measuring Up

Moved by Councillor Gran/Seconded by Councillor Rule

R042/08/01/14 WHEREAS accessibility and inclusion are fundamental factors in empowering people with disabilities to fully participate in and contribute to society and the City of Kelowna strive to take a leadership role in creating an accessible and inclusive community for all its citizens;

AND WHEREAS The City of Kelowna has established an Advisory Committee for People with Disabilities to advise Council on the issues of Accessibility and Inclusion.

AND WHEREAS The City of Kelowna wishes to continue to build on the excellent work that has been accomplished by community organizations to create a community that is both accessible and inclusive;

AND WHEREAS The City of Kelowna recognizes that this work is important to all its citizens and there is still much to be done to make even more progress in the future and maintain our reputation as leaders in this field;

THEREFORE BE IT RESOLVED that City Council endorse Measuring Up as a resources to improve accessibility and inclusion; and

BE IT FURTHER RESOLVED that the City propose a resolution that a formal request be made to the Provincial and Federal governments to allocate infrastructure funding to support accessibility and inclusion initiative in the City of Kelowna.

Carried

Councillor Rule:

- Reminded everyone about the Annual Civic Awards scheduled for April 12, 2008
- Nominations forms are available at locations around the City and the deadline for nomination submissions is February 16, 2008.

Councillor Letnick:

- Would like staff to present the communications plan regarding the eastside approaches to the new W.R. Bennett Bridge.

Councillor Given:

- Would like staff to advise whether or not on-street parking can be restricted during certain hours in order to facilitate snow removal.

Councillor Hobson:

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- Advised that the latest Regional District Governance Committee meeting was held on January 11, 2008.
- The meeting was well attended and there was a lot of support for further work on inter-governmental services.
- The consultant, Allan Nielson-Welch, will be meeting with each affected Council to receive information and concerns. The consultant is scheduled to meet with the City of Kelowna on February 11, 2008.
- A website has been created for public information.

9. TERMINATION

The meeting was declared terminated at 3:43 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld