

Regular Meeting – P.M.March 17, 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, March 17th, 2008.

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 Financial Services/Interim Director of Planning and Development Services, Paul Macklem*; Parks Manager, Joe Creron*; Revenue Manager, George King*; Planner, Paul McVey*; Financial Planning Manager, Keith Grayston*; Urban Forestry Supervisor, Ian Wilson*; Roadways & Equipment Superintendent, Dale Beaudry*; Environment & Solid Waste Manager, Mark Watt*; Environmental Technician, Michelle Kam*; Wastewater Manager, Bill Berry*; 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.

Mayor Shepherd advised that Item 5.02 will be moved up on the Agenda and dealt with immediately after Item 3.01.

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

3. PUBLIC IN ATTENDANCE

3.01 Marion Ashby, President, Kelowna Arts Foundation re: 2008 Grants Recommendations

Marion Ashby:

- Confirmed that the attachment to the March 12, 2008 letter sets out the correct funding amounts being requested.
- Advised that this is the first time in the last three (3) years that the Foundation has requested funding for their administration costs.

Moved by Councillor Rule/Seconded by Councillor Given

R244/08/03/17 THAT Council approve the \$80,000.00 in disbursements as proposed by the City of Kelowna Arts Foundation in the attachment to their letter dated March 12, 2008.

Carried

5.02 Revenue Manager, dated March 4, 2008, re: Uptown Rutland Business Association 2008 Budget

Moved by Councillor Given/Seconded by Councillor Hobson

R245/08/03/17 THAT Council approve the Uptown Rutland Business Association 2008 Budget

AND THAT Council approve the 2008 levy of \$122,000 on Class 5 and Class 6 properties located within the boundaries of the Uptown Rutland Business Improvement Area.

Carried

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4. DEVELOPMENT APPLICATION REPORTS

- 4.01 Planning & Development Services Department, dated March 5, 2008, re: Rezoning Application No. Z08-0001 – Faye & Rose Henderson and Joy Bouchard (Faye Henderson) – 4643 Raymer Road (B/L 9961)

- (a) Planning & Development Services report dated March 5, 2008.

Moved by Councillor Letnick/Seconded by Councillor Given

R246/08/03/17 THAT Rezoning Application No. Z08-0001 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, DL 580A, S.D.Y.D., Plan KAP46594, located on Raymer Road, Kelowna, B.C. from the RU1 – large lot housing zone to RU1(s) – large lot housing with a secondary suite zone be considered by Council;

AND 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 in conjunction with Council's consideration of a Development Variance Permit on the subject property.

Carried

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

Bylaw No. 9961 (Z08-0001) – Faye & Rose Henderson and Joy Bouchard (Faye Henderson) – 4643 Raymer Road

Moved by Councillor Letnick/Seconded by Councillor Given

R247/08/03/17 THAT Bylaw No. 9961 be read a first time.

Carried

- 4.02 Planning & Development Services Department, dated March 5, 2008, re: Rezoning Application No. Z08-0004 – Joshua Babet – 940 Mayfair Road (B/L9960)

- (a) Planning & Development Services report dated March 5, 2008.

Moved by Councillor Hobson/Seconded by Councillor Day

R248/08/03/17 THAT Rezoning Application No. Z08-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13, D.L. 143, ODYD, Plan 2483, located at 940 Mayfair Road, Kelowna, B.C. from the RU1 – Large Lot Housing Zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

AND 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 subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

Carried

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

Bylaw No. 9960 (Z08-0004) – Joshua Babet – 940 Mayfair Road

Moved by Councillor Rule/Seconded by Councillor Letnick

R249/08/03/17 THAT Bylaw No. 9960 be read a first time.

Carried

4.03 Planning & Development Services Department, dated February 28, 2008, re: Rezoning Application No. Z07-0099 – Pauline Coulic & Wanda Brian (Okanagan Valley Construction Ltd.) – 155 Holbrook Road (B/L9959)

(a) Planning & Development Services report dated February 28, 2008.

Moved by Councillor Rule/Seconded by Councillor Letnick

R250/08/03/17 THAT Rezoning Application No. Z07-0099 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 11, Sec. 23, Twp. 26, ODYD, Plan 12830, located at 155 Holbrook Road, Kelowna, B.C. from the RU1 – Large Lot Housing Zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

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

Carried

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

Bylaw No. 9959 (Z07-0099) – Pauline Coulic & Wanda Brian (Okanagan Valley Construction Ltd.) – 155 Holbrook Road

Moved by Councillor Gran/Seconded by Councillor Blanleil

R251/08/03/17 THAT Bylaw No. 9959 be read a first time.

Carried

5. **NON-DEVELOPMENT APPLICATION REPORTS**

5.01 City Manager, dated March 12, 2008, re: Volume 2 – 2008 Financial Plan

Moved by Councillor Given/Seconded by Councillor Day

R252/08/03/17 THAT the 2008 Financial Plan be increased by \$2,094,610 to provide for operating carry-over projects and \$159,607,800 for capital carry-over projects as summarized in Financial Plan Volume 2.

Carried

5.02 Revenue Manager, dated March 4, 2008, re: Uptown Rutland Business Association 2008 Budget

This item was moved up on the Agenda and dealt with immediately after Item 3.01.

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5.03 Urban Forestry Supervisor, dated March 6, 2008, re: Management of Feral European Rabbits

Staff:

- Advised that the problem is more wide-spread than was originally thought.

Council:

- Concerned about other municipalities and what they are or are not doing to control the rabbit population. If other municipalities don't control their rabbit population, it could spill over to the City of the Kelowna.
- Need to look at ways to ensure that people will spay or neuter rabbits when they purchase them.

Moved by Councillor Letnick/Seconded by Councillor Gran

R253/08/03/17 THAT staff be directed to bring forward the necessary amending bylaws, as outlined in the report from the Urban Forestry Supervisor dated March 6, 2008, for reading consideration including:

- (a) a prohibition on the sale of pet rabbits unless they are neutered or spayed;
- (b) "no feeding" of feral rabbits or other wildlife in public spaces; and
- (c) a bylaw compelling property owners to control uncontained European rabbit populations or clean up breeding sites that occur on private properties.

AND THAT the recommendations regarding prohibition, no feeding and a bylaw be forwarded to the Regional District of Central Okanagan, the Regional District of North Okanagan and the Regional District of Okanagan-Similkameen for their information;

AND THAT staff issue a Request for Proposals (RFP) as soon as possible, seeking a community partner(s) or business(es) that will handle the feral rabbit problem on public and private properties, on the City's behalf, according to the criteria outlined in this report;

AND THAT staff investigate the feasibility of starting a City animal control function in the future, and report back to Council;

AND FURTHER THAT any immediate budgetary requirements be brought forward to City Council for approval as soon as the RFP process is complete.

Carried

5.04 Urban Forestry Supervisor, dated March 11, 2008, re: Pine Beetle and Forest Health Update

Staff:

- Advised that staff are investigating ways to make it easier for the private homeowner to deal with infested trees on their own property.
- Information regarding the pine beetle can be found on the City's website under "Quick Links".

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Moved by Councillor Letnick/Seconded by Councillor Day

R254/08/03/17 THAT Council receive for information the March 11, 2008 report from the Urban Forestry Supervisor on the status of pine beetle in Kelowna.

Carried

5.05 Transportation Manager, dated March 5, 2008, re: Award of 2008 Reclamation Contract T08-015

Moved by Councillor Given/Seconded by Councillor Letnick

R255/08/03/17 THAT Council approve awarding the tender for Reclamation 2008 to the low bidder, Peter's Bros. Construction Ltd., for the amount of \$70,422.85 (SEVENTY THOUSAND FOUR HUNDRED TWENTY TWO Dollars and Eighty Five Cents) including GST; AND

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

Carried

5.06 Transportation Manager, dated March 4, 2008, re: Award of 2008 Micro-Surfacing Contract T08-012

Moved by Councillor Letnick/Seconded by Councillor Hobson

R256/08/03/17 THAT Council approve awarding the tender for Micro-Surfacing 2008 to the low bidder, McAsphalt Western Ltd., for the amount of \$ 728,937.07 (SEVEN HUNDRED TWENTY EIGHT THOUSAND NINE HUNDRED THIRTY SEVEN Dollars and Seven Cents) including GST; AND

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

Carried

Mayor Shepherd:

- Requested an update regarding the spring street sweeping.

Staff:

- Advised that the street sweeping is underway and is being conducted 24/7 in order to ensure that all of the streets are cleaned.
- Advised that the street sweeping of the highway has been delayed as it can only occur at night and currently the night time temperatures are still too cold for street sweeping.

5.07 Environment & Solid Waste Manager, dated March 12, 2008, re: Automation RFP Update, GSPF Cart Funding and Borrowing Bylaw for Cart Purchase

Staff:

- The garbage contract evaluation should be completed this week and staff will be recommending a contractor shortly.

Moved by Councillor Letnick/Seconded by Councillor Given

R257/08/03/17 THAT Council receives for information the Report of the Environment & Solid Waste Manager dated March 12, 2008;

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AND THAT the Loan Authorization Bylaw No. 9963 be advanced for reading consideration;

AND THAT Council approve the City of Kelowna applying for funding under the General Strategic Priorities Fund.

Carried

5.08 Environment & Solid Waste Manager, dated March 12, 2008, re: Pesticide Education and Bylaw Update

Staff:

- Advised that an education campaign has already kicked off regarding pesticide use.

Moved by Councillor Hobson/Seconded by Councillor Given

R258/08/03/17 THAT Council receive, for their information, the Pesticide Education and Bylaw Update;

AND THAT Bylaw No. 9920 is brought forward for reading consideration.

Carried

Councillor Clark – Opposed.

5.09 Wastewater Manager, dated March 10, 2008, re: Amendments to Local Area Service Project No. 23 (S.W. Rutland)

Moved by Councillor Given/Seconded by Councillor Hobson

R259/08/03/17 THAT Council receive the Report of the Wastewater Manager dated March 10, 2008 recommending removal of the following properties from Local Area Service No. 23 (S.W. Rutland):

- Lot 23, Plan 3617 (2445 Springfield Rd)
- Lot 4, Plan 28134 (700 Moraine Ct)
- Lot 4, Plan 42768 (735 Ruston Rd)
- Lot "Crown", Plan 30231 (1174 Hollywood Rd. S)
- Lot "Park", Plan 60797 (423 Burbank Ct)
- Lot A, Plan 70271 (1792 Hollywood Rd S)
- Lot A, Plan 78976 (1822 Hollywood Rd S)
- Lot A, Plan 81959 (1832 Hollywood Rd S)

AND THAT Bylaw No. 9954, being Amendment No. 3 to Local Area Service (Sewer Specified Area) No. 23 – Bylaw No. 9244 (South West Rutland), be forwarded to Council for reading consideration.

Carried

5.10 City Clerk, dated March 7, 2008, re: 2008 Parcel Tax Review Panel (Court of Revision)

Moved by Councillor Day/Seconded by Councillor Hobson

R260/08/03/17 THAT the time and place for the sitting of the 2008 Parcel Tax Review Panel be set at 11:45 a.m. on April 28, 2008 in Meeting Room 3, City Hall 1435 Water Street, Kelowna, B.C.

Carried

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6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

*NOTE: Agenda items No. 6.01 to 6.04 **may** be dealt with in one resolution. Mayor shall confirm with Council whether they wish to do so, or to remove one or more of the bylaws to be read individually.*

Mayor Shepherd advised that Agenda Item No. 6.01 will be removed and read individually.

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

6.01 Bylaw No. 9920 – A Bylaw to Regulate the Use of Pesticides

Moved by Councillor Blanleil/Seconded by Councillor Gran

R261/08/03/17 THAT Bylaw No. 9920 be read a first, second and third time.

Carried

Mayor Shepherd and Councillor Clark – Opposed.

6.02 Bylaw No. 9954 – Amendment No. 3 to Local Service Area No. 23 – South West Rutland

Moved by Councillor Day/Seconded by Councillor Given

R262/08/03/17 THAT Bylaw No. 9954 be read a first, second and third time.

Carried

6.03 Bylaw No. 9963 – Automated Collection Curbside Carts – Loan Authorization Bylaw

Moved by Councillor Day/Seconded by Councillor Given

R263/08/03/17 THAT Bylaw No. 9963 be read a first, second and third time.

Carried

6.04 Bylaw No. 9964 – Amendment No. 74 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Day/Seconded by Councillor Given

R264/08/03/17 THAT Bylaw No. 9964 be read a first, second and third time.

Carried

7. COUNCILLOR ITEMS

Councillor Hobson:

- Advised that there was recent announcement by the Province to extend the “Gas Tax” funding to 2014 and confirmed that the Province of BC was the first province to extend this funding.

Councillor Day:

- Raised a concern that the City of Kelowna is being short changed when it comes to gas tax funding.

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Moved by Councillor Day/Seconded by Councillor Blanleil

R265/08/03/17 THAT Council authorize the Mayor to write to the Union of British Columbia Municipalities requesting an explanation on the formula used to determine tier one and tier two cities with respect to gas tax funding.

Carried

Councillor Blanleil:

- Inquired whether or not there could be “race” across the new bridge during the new bridge opening ceremonies.

Councillor Letnick:

- Raised the issue of the heliport matter and requested clarification regarding Transport Canada’s advice with respect to their involvement, if any, in a third party agreement between the City of Kelowna and the heliport operator.

Deputy City Clerk:

- Advised that Transport Canada was listening to Council’s discussion of the heliport matter via the Castanet feed.
- Transport Canada has advised that they would not recognise, or enforce, a separate agreement between a municipality and a heliport facility.

Mayor Shepherd:

- Reminded everyone that March 29th (8:00 pm – 9:00 pm) is Earth Hour and Council is encouraging everyone to turn off their lights during that time.
- Advised that the City of Kelowna has funding for solar lighting.

8. TERMINATION

The meeting was declared terminated at 3:23 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk