

Regular Meeting – P.M.March 31, 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 31st, 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; City Clerk, Allison Flack; Director of Works & Utilities/Interim Director of Corporate Services, John Vos*; Current Planning Supervisor, Shelley Gambacort*; Community Planning Manager, Theresa Eichler*; Roadways/Equipment Superintendent, Dale Beaudry*; Environment/Solid Waste Manager, Mark Watt*; Planner, Danielle Noble*; Transportation Demand Supervisor, Jerry Dombowsky*; Purchasing Manager, Maureen MacGillivray*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:32 p.m.

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

Executive Director, Environmental Operators Certification Program, Bill Hyslop, and Chairman, Environmental Operators Certification Program, Bob Smith:

- Presented Mayor Shepherd with an Environmental Operator Certification Program Award in recognition of Council's support of the initiatives in developing the Provincial Operators Certification Program.

3. PUBLIC IN ATTENDANCE

3.1 Superintendent McKinnon re: Monthly Policing Report

Superintendent McKinnon:

- Introduced Superintendent Ken Handy and advised that the Kelowna Detachment went live on PRIME at 06:00 hours today.
- Introduced Inspector Cam Forbes and advised that he is almost back to full-time work since his accident early last year.
- Advised that he will not be able to produce the statistical data that is contained in his monthly report for the next couple of months until the new PRIME system is fully integrated and operational.

Superintendent, Ken Handy:

- Gave a brief explanation regarding the new PRIME system. "PRIME" stands for "Police Records and Information Management Environment" and program links all RCMP detachments to the same data base in real time.
- Kelowna is the last detachment to go live with this program.

3.2 Shelagh Turner, Executive Director, Canadian Mental Health Association, Kelowna Branch re: Willow Community Bridging Project Summary – November 2007-February 1, 2008

Executive Director, Canadian Mental Health Association, Shelagh Turner:

- Gave back ground information on the program and introduced a number of key people for the project.

Regular Meeting – P.M.

March 31, 2008

CMHA Willow Inn Project Coordinator, Homeless Outreach Services Coordinator, Kara Keam:

- Provided statistical details of the program.

Fred Barrington:

- He was a client of the program and extended a thank you to Council for their support of the project.

4. COMMITTEE REPORTS

- 4.1 Councillor Day, Chair of the Kelowna Parking Committee, dated March 26, 2008 re: Fuel Efficient Vehicle Parking Pass (Eco-Pass)

Moved by Councillor Day/Seconded by Councillor Rule

R278/08/03/31 THAT City Council approve an extension of the Eco-Pass parking program to December 31, 2009.

Carried

- 4.2 Community Planning Manager, dated March 26, 2008, re: Housing Committee

Moved by Councillor Letnick/Seconded by Councillor Rule

R279/08/03/31 THAT City Council appoint Joanne Adamson and Rocky Sethi as new members of the Housing Committee to fill the existing vacancies.

AND THAT Council accept, with regret, the resignation of Linda Phillips and Michael Patten from the Housing Committee;

Carried

- 4.3 Community Planning Manager, dated March 26, 2008 re: Advisory Committee for People with Disabilities

Moved by Councillor Rule/Seconded by Councillor Given

R280/08/03/31 THAT Council amend the attached Terms of Reference for the Advisory Committee for People with Disabilities so as to increase membership to seven individuals from the community, as indicated;

AND THAT Council appoint Derek Watters as a member of the Advisory Committee for People with Disabilities.

Carried

5. DEVELOPMENT APPLICATION REPORTS

- 5.1 Planning & Development Services Department, dated March 14, 2008, re: Rezoning Application No. Z07-0097 – Lauren Nielsen (Ingrid Davison Consulting) – 325 Rutland Road South (B/L 9966)

- (a) Planning & Development Services report dated March 14, 2008.

Regular Meeting – P.M.

March 31, 2008

Moved by Councillor Letnick/Seconded by Councillor Given

R281/08/03/31 THAT Rezoning Application No. Z07-0097 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 28, SEC. 23, TWP 26, O.D.Y.D., Plan 17102, located on Rutland Road South, Kelowna, B.C. from the RU1 – Large Lot Housing Zone to the 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.

Carried

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

Bylaw No. 9966 (Z07-0097) – Lauren Nielsen (Ingrid Davison Consulting) – 325 Rutland Road South

Moved by Councillor Letnick/Seconded by Councillor Given

R282/08/03/31 THAT Bylaw No. 9966 be read a first time.

Carried

5.2 Planning & Development Services Department, dated March 6, 2008 re: Rezoning Application No. Z07-0103 – Ambrosi Properties Ltd. (Mission Group) – 1821, 1833, 1845, 1857, 1869, 1877, 1885 & 1887 Ambrosi Road (B/L9965 & B/L9962)

(a) Planning & Development Services report dated March 6, 2008.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R283/08/03/31 THAT Rezoning Application No. Z07-0103 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 13, 14, 15, 16, 17, 18, 19, 20, Block 2, DL 129, ODYD, Plan 5109, located on Ambrosi Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM5 - Medium Density Housing zone be considered by Council;

AND THAT Council forward Bylaw No. 9962 authorizing a Housing Agreement between the City of Kelowna and Ambrosi Properties Ltd. which requires the owners to designate 4 dwelling units for ownership affordable housing on Lots 13, 14, 15, 16, 17, 18, 19, 20, Block 2, DL 129, ODYD, Plan 5109, located at Ambrosi Rd., Kelowna, B.C., for reading consideration;

AND THAT Rezoning Application No. Z07-0103 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;

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

Carried

Regular Meeting – P.M.March 31, 2008(b) (i) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9965 (Z07-0103) – Ambrosi Properties Ltd. (Mission Group) – 1821, 1833, 1845, 1857, 1869, 1877, 1885 & 1887 Ambrosi Road

Moved by Councillor Given/Seconded by Councillor Letnick**R284/08/03/31** THAT Bylaw No. 9965 be read a first time.Carried(ii) **BYLAW PRESENTED FOR FIRST THREE READINGS**

Bylaw No. 9962 (Housing Agreement) – Ambrosi Properties Ltd. (Mission Group) – 1821, 1833, 1845, 1857, 1869, 1877, 1885 & 1887 Ambrosi Road

Moved by Councillor Given/Seconded by Councillor Letnick**R285/08/03/31** THAT Bylaw No. 9962 be read a first, second and third time.Carried

Councillor Gran – Opposed.

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

- (i) Bylaw No. 9910 (OCP07-0025) – Stephen & Michele Graham and 0790388 BC Ltd. (Grason Enterprises) – 130 Hartman Road, 915A-915B, 925 & 935 Rutland Road – **Requires a majority of all Members of Council (5)**

Moved by Councillor Rule/Seconded by Councillor Clark**R286/08/03/31** THAT Bylaw No. 9910 be adopted.Carried

- (ii) Bylaw No. 9901 (Housing Agreement) – Stephen & Michele Graham and 0790388 BC Ltd. (Grason Enterprises) – 130 Hartman Road, 915A-915B, 925 & 935 Rutland Road

Moved by Councillor Rule/Seconded by Councillor Clark**R287/08/03/31** THAT Bylaw No. 9901 be adopted.Carried

Councillor Gran – Opposed.

- (iii) Bylaw No. 9911 (Z07-0075) – Stephen & Michele Graham and 0790388 BC Ltd. (Grason Enterprises) – 130 Hartman Road, 915A-915B, 925 & 935 Rutland Road

Moved by Councillor Rule/Seconded by Councillor Clark**R288/08/03/31** THAT Bylaw No. 9911 be adopted.Carried

Regular Meeting – P.M.March 31, 2008

- (b) Planning & Development Services Department, dated March 26, 2008, re: Development Permit Application No. DP07-0208 – Stephen & Michele Graham and 0790388 BC Ltd. (Grason Enterprises) – 130 Hartman Road, 915A-915B, 925 & 935 Rutland Road

Moved by Councillor Hobson/Seconded by Councillor Day

R289/08/03/31 THAT Final Adoption of OCP Amending Bylaw No. 9910 be considered by Council;

THAT Final Adoption of Bylaw No. 9901 authorizing a Housing Agreement between the City of Kelowna and Stephen & Michelle Graham & 0790388 BC LTD be considered by Council;

THAT Final Adoption of Zone Amending Bylaw No. 9911 be considered by Council;

THAT the Council authorize the issuance of Development Permit No. DP07-0208 for Lot 1, Sec. 26, Twp. 26, ODYD, Plan KAP66718, located at 925 Rutland Road, Lot 13, Sec. 26, Twp. 26, ODYD, Plan KAP65904, located at 925 Rutland Road, Lot 3, Sec. 26, Twp. 26, ODYD Plan 15222, located at 915A-915B Rutland Road, Lot 2, Sec. 26, Twp. 26, ODYD, Plan 15222, located at 130 Hartman 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) 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. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 9926 (Z07-0037) – Michael Zwicker – 1519 Feedham Avenue

Moved by Councillor Gran/Seconded by Councillor Day

R290/08/03/31 THAT Bylaw No. 9926 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Director of Works & Utilities, Acting Director of Corporate Services, dated March 19, 2008, re: Standby and Emergency Vehicle Parking Exemptions

Regular Meeting – P.M.

March 31, 2008

Moved by Councillor Letnick/Seconded by Councillor Given

R291/08/03/31 THAT Council receive the Report of the Director of Works & Utilities dated March 19, 2008 for information;

AND THAT amending bylaw to the City of Kelowna Traffic Bylaw No. 8120 be forwarded for reading consideration;

AND THAT Council direct staff to initiate the necessary zoning text amendment application.

Carried

7.2 Transportation Manager, dated March 25, 2008, re: Award of 2008 Cold Milling and Asphalt Paving Contract T08-016

Moved by Councillor Given/Seconded by Councillor Hobson

R292/08/03/31 THAT Council award the tender for Cold Milling and Asphalt Paving 2008 to the low bidder, Peter's Bros. Construction Ltd., for the amount of \$1,460,577.77 ONE MILLION FOUR HUNDRED SIXTY THOUSAND FIVE HUNDRED SEVENTY Dollars and Seventy Seven Cents) including GST; AND

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

Carried

7.3 Environment & Solid Waste Manager, dated March 26, 2008, re: Recommendation of Award; Curbside Collection Contract (RFP T07-116)

Staff:

- Recognise that some locations may have difficulty with the size of the bin; however if they require an additional service, the public is to contact the contractor as it maybe possible for neighbourhoods to get together and plan and pay for an additional pick up service for the whole neighbourhood.
- As part of the contract, the old containers will be picked up by the contractor at no additional charge to the homeowner.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R293/08/03/31 THAT Council awards the curbside collection contract, as outlined in the Report from the Environment & Solid Waste Manager dated March 26, 2008, to O.K. Environmental Waste Systems Ltd. for the seven year period starting on March 1, 2009.

AND THAT Council authorize the Mayor and City Clerk to execute the contract.

Carried

7.4 Water & Drainage Manager, dated March 20, 2008, re: Latecomer Agreement – UBCO Reservoir

Moved by Councillor Hobson/Seconded by Councillor Day

R294/08/03/31 THAT the City enter into the Latecomer Agreement with the Glenmore-Ellison Improvement District, Pier Mac Petroleum Installations Ltd. and The University of British Columbia, as attached to the Report of the Water & Drainage Manager dated March 20, 2008;

Regular Meeting – P.M.March 31, 2008

AND THAT the Mayor and City Clerk be authorized to execute and affix the corporate seal to this Latecomer Agreement.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.1 Bylaw No. 9967 – Amendment No. 11 to Traffic Bylaw No. 8120

Moved by Councillor Day/Seconded by Councillor Gran

R295/08/03/31 THAT Bylaw No. 9967 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Hobson/Seconded by Councillor Gran

R296/08/03/31 THAT Bylaw No. 9920 be adopted.

Carried

Councillor Clark – Opposed.

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

Moved by Councillor Hobson/Seconded by Councillor Day

R297/08/03/31 THAT Bylaw No. 9954 be adopted.

Carried

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

Moved by Councillor Day/Seconded by Councillor Gran

R298/08/03/31 THAT Bylaw No. 9964 be adopted.

Carried

9. COUNCILLOR ITEMS

Councillor Hobson:

- Advised that he has been contacted by the Mission Residence Association in order to assist with identifying ways to protect and preserve the Mission Primary School site. The Residence Association has expressed a concern that the School District may be selling off the site and they would like to see it converted into a public open space.

Council:

- Would like staff to investigate whether or not a letter has been forwarded to the Ministry of Education expressing Council's concern regarding the School District's new surplus property disposal policies and procedures.

Regular Meeting – P.M.

March 31, 2008

- Would like the Fire Chief to bring forward a report to Council with respect to “tall buildings” and “fire safety”.

Mayor Shepherd:

- Noted that the new Provincial tobacco regulations have come into force and inquired who will be in charge of enforcement.

Staff:

- As the new regulations are a Provincial Health Bylaw, it will be up to the Interior Health Authority to enforce the regulations.

10. TERMINATION

The meeting was declared terminated at 3:22 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld