

Regular Meeting – P.M.May 26, 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, May 26th, 2008.

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

Council members absent: Councillors Carol Gran and Michele Rule.

Staff members in attendance were: Acting City Manager, John Vos; City Clerk, Allison Flack; Current Planning Supervisor, Shelley Gambacort*; Fire Chief, Rene Blanleil*; Planner, Paul McVey*; Civic Properties Projects Supervisor, Martin Johansen*; Civic Properties Manager, Randy Cleveland*; Development Manager, Reid Oddliefson*; Planner, Cory Gain*; Purchasing Manager, Maureen MacGillivray*; Electrical Administration Manager, Cindy McNeely*; Community Planning Manager, Theresa Eichler*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:33 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Recipient, Senator Ross Fitzpatrick, re: Freedom of the City Award

Mayor Shepherd:

- Presented Senator Ross Fitzpatrick with the Freedom of the City Award.

3.2 Superintendent McKinnon re: Monthly Policing Report

Council:

- Would like the Community Policing Program Coordinator to investigate ways to curb graffiti within the City of Kelowna and report back to Council.

4. COMMITTEE REPORTS

4.1 Youth Advisory Committee, Verbal Report, re: Mayor's Youth Forum on "Culture Matters"

Guest, Linda Abbott-Simons:

- Advised that the forum was held May 9th and involved all seven (7) secondary schools from the area.
 - Provided background information regarding the Youth Forum makeup and advised that the final written report will be submitted to Council shortly.

Youth Leader, Max Walker:

- Provided details regarding the forum and the outcomes that the youth provided.
 - The youth noted that most of the cultural events were located downtown and would like to have them located throughout the community. The youth also felt that there was a lack of advertising with respect to cultural events.

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Youth Leader, Geoff Harris:

- Gave background information regarding the aerosol art program that was conducted by the students at RSS as part of the Mayor's Youth Forum.

Staff:

- Confirmed that the full report to Council will include the recommendations that were suggested by the youth who participated in the forum.
- Advised that the next forum will focus on water and watershed issues and will be held on November 7, 2008.

5. DEVELOPMENT APPLICATION REPORTS

- 5.1 Planning & Development Services Department, dated May 5, 2008, re: Official Community Plan Bylaw Amendment Application No. OCP07-0026, Rezoning Application No. Z07-0077 and Development Variance Permit Application No. DVP07-0216 – Michael Gaspari – 614-624 Francis Avenue

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R469/08/05/26 THAT Council hear from the Applicant regarding Official Community Plan Bylaw Amendment Application No. OCP07-0026, Rezoning Application No. Z07-0077 and Development Variance Permit Application No. DVP07-0216.

Carried

Applicant, Michael Gaspari:

- There is precedent in the area for support these applications.
- There is a lack of affordable rentals within the City, which this development should help to alleviate.
- Confirmed that he was aware of the opposition in the neighbourhood.
- Advised that he did not speak to the immediate neighbours prior to the Advisory Planning Commission meeting as he knew they were not very happy with him due to the previous tenants that were occupying the property. Believes that the only issue with the neighbours was with respect to the "bad" tenants that were occupying the premises.
- There will be landscaping done to the property once the weather permits.
- Advised that the building was originally designed and built as a four-plex and that there is adequate parking to accommodate the property.
- Confirmed that he was the original builder of the property and was the person who swore an Affidavit stating that the "second kitchen" units would not be used as rental properties and that the property would be developed as a duplex.

Staff:

- Advised that an agreement was not reached with the Applicant regarding a Housing Agreement as staff were not in favour of this application.
- Staff believe that the petition submitted to the Advisory Planning Commission was for 100% non-support of this application.
- Advised that if this is not supported by Council, the units would have to revert back to a duplex.
- Confirmed that the immediate neighbours are small, single-family residences.

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Moved by Councillor Clark/Seconded by Councillor Given

R470/08/05/26 THAT OCP Bylaw Amendment No. OCP07-0026 to amend Map 19.1 of the *Kelowna 2020 – Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot 6 District Lot 14 Osoyoos Division Yale District Plan 3438 located at 614-624 Francis Avenue, Kelowna, B.C. from Single/Two Unit Residential to Multiple Unit Residential – Low Density NOT be considered by Council;

AND THAT Rezoning Application No. Z07-0077 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6 District Lot 14 Osoyoos Division Yale District Plan 3438 located at 614-624 Francis Avenue, Kelowna, BC from RU6 – Two Dwelling Housing Zone to RM1 – Four Dwelling Housing Zone NOT be considered by Council.

Carried

5.2 Planning & Development Services Department, dated May 15, 2008, re: Official Community Plan Bylaw Amendment Application No. OCP07-0019 and Rezoning Application No. Z07-0067 – 0754290 B.C. Ltd. (Roland Nadon) – 695 Webster Road

Staff:

- Showed photos of the property taken in November 2007.
- Given the topography of the site and the proposed density, it is unlikely that the site design could be changed enough to satisfy any concerns.
- Confirmed that even if the number of affordable units were greater, staff still would not support this application.
- Under the current zoning, the property could be subdivided into five (5) lots.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R471/08/05/26 THAT Council hear from the Applicant regarding Official Community Plan Bylaw Amendment No. OCP07-0019 and Rezoning Application No. Z07-0067.

Carried

Applicant, Roland Nadon:

- Works specifically in the affordable housing market and saw this development as an opportunity to provide that.
- Feels that there is tremendous amount of support for this development in the neighbourhood and has received a lot of input from the neighbours as to the design of the site, including the proposed landscaping buffers.
- There will be a garden area and playground on the site. The developer is also considering an on-site daycare.

Architect, Hans Neumann:

- Provided information regarding the topography of the site and why the site was designed the way it was.
- Advised that the application originally included ten (10) variances; however due to the comments provided by the Advisory Planning Commission, site has been redesigned and now includes only two (2) variances.

Communications Consultant, Ken Smith:

- Have spoken with all of the surrounding neighbours and has received three (3) letters of support and expects to receive more shortly.

Moved by Councillor Letnick/Seconded by Councillor Blanleil

R472/08/05/26 THAT OCP Bylaw Amendment No. OCP07-0019 to amend Map 19.1 of the *Kelowna 2020 – Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Block 35 Section 26 Township 26 Osoyoos division Yale District Plan 264 Except: (1) Plans B991, B4202 and B4348 (2) Parcel A on Plan CG 157, located at 695 Webster 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 the Planning & Development Services Department, dated April 16, 2008, be considered by Council;

AND THAT Council consider the APC public process, to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the report of the Planning and Development Services Department dated November 27, 2007;

AND THAT Rezoning Application No. Z07-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Block 35 Section 26 Township 26 Osoyoos division Yale District Plan 264 Except: (1) Plans B991, B4202 and B4348 (2) Parcel A on Plan CG 157, located at 695 Webster Road, Kelowna, B.C. from RU1 – Large Lot Housing Zone to the RM3 - Low Density Multiple Housing Zone;

AND THAT the OCP Bylaw Amendment No. OCP07-0019 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council forward a Bylaw authorizing a Housing Agreement between the City of Kelowna and 0754290 B.C. Ltd. which requires the owner(s) to designate 5 dwelling units for affordable ownership housing on Block 35 Section 26 Township 26 Osoyoos Division Yale District Plan 264 Except: (1) Plans B991, B4202 and B4348 (2) Parcel A on Plan CG 157, located at 695 Webster Road, Kelowna, B.C. for reading consideration;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to registration of a restrictive covenant alerting future property owners to the fact that the property is adjacent to lands within the agricultural land reserve and may be adversely affected by normal farm practices carried out by the owners of the farm land and requiring maintenance of the agricultural land reserve buffer area in perpetuity by the owners of the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to Council authorization of a Housing Agreement between the City of Kelowna and 0754290 B.C. Ltd., which requires the owners to designate a total of five (5) units for affordable ownership housing on Block 35 Section 26 Township 26 Osoyoos division Yale District Plan 264 Except: (1) Plans B991, B4202 and B4348 (2) Parcel A on Plan CG 157;

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AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and the Black Mountain Irrigation District being completed to their satisfaction.

DEFEATED

Mayor Shepherd and Councillors Clark, Given and Hobson – Opposed.

- 5.3 Planning & Development Services Department, dated May 20, 2008, re: Agricultural Land Reserve Appeal No. A08-0003 – Guerina & Ida Russo – 3616 Benvoulin Road

Moved by Councillor Letnick/Seconded by Councillor Day

R473/08/05/26 THAT Agricultural Land Reserve Appeal No. A08-0003 for Lot B, District Lot 133, O.D.Y.D., Plan 4634, located on Benvoulin Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve, pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Municipal Council.

Carried

- 5.4 Planning & Development Services Department, dated May 2, 2008, re: Rezoning Application No. Z08-0033 – Myrna White – 4304 Lakeshore Road

- (a) Planning & Development Services report dated May 2, 2008.

Moved by Councillor Given/Seconded by Councillor Letnick

R474/08/05/26 THAT Rezoning Application No. Z08-0033 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 167 ODYD, Plan 13205 except Plan KAP78978, located on Lakeshore Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing 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

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

Bylaw No. 10002 (Z08-0033) – Myrna White – 4304 Lakeshore Road

Moved by Councillor Given/Seconded by Councillor Letnick

R475/08/05/26 THAT Bylaw No. 10002 be read a first time.

Carried

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- 5.5 Planning & Development Services Department, dated May 7, 2008, re: Rezoning Application No. Z08-0036 – Edward & Donna Nicholas (Pam Carter) – 4135 June Springs Road (B/L 10004)

- (a) Planning & Development Services report dated May 7, 2008.

Moved by Councillor Hobson/Seconded by Councillor Day

R476/08/05/26 THAT Rezoning Application No. Z08-0036 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sections 2 & 3, Twp 26, ODYD, Plan 34080, located on June Springs Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 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 and South East Kelowna Irrigation District being completed to their satisfaction.

Carried

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

Bylaw No. 10004 (Z08-0036) – Edward & Donna Nicholas (Pam Carter) – 4135 June Springs Road

Moved by Councillor Letnick/Seconded by Councillor Given

R477/08/05/26 THAT Bylaw No. 10004 be read a first time.

Carried

- 5.6 Planning & Development Services Department, dated May 8, 2008, re: Official Community Plan Bylaw Amendment Application No. OCP08-0009 and Rezoning Application No. Z08-0038 – Beryl Rackow & Eric Moller – 764 Patterson Avenue (B/L10005 & B/L 10006)

- (a) Planning & Development Services report dated May 8, 2008.

Staff:

- Advised that the \$10,000.00 figure (in lieu of affordable housing) was suggested by the Applicant.

Moved by Councillor Hobson/Seconded by Councillor Given

R478/08/05/26 THAT OCP Bylaw Amendment No. OCP08-0009 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot D, DL 136 ODYD Plan 4572, located on Patterson Avenue, 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 May 8, 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 May 8, 2008;

AND THAT Rezoning Application No. Z08-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot D, DL 136 ODYD Plan 4572, located on Patterson Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM1 – Four Dwelling Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP08-0009 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 requirements of the Works & Utilities Department being completed to their satisfaction.

Carried

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

- (i) Bylaw No. 10005 (OCP08-0009) – Beryl Rackow & Eric Moller – 764 Patterson Avenue – **Requires a majority of all Members of Council (5)**

Moved by Councillor Clark/Seconded by Councillor Letnick

R479/08/05/26 THAT Bylaw No. 10005 be read a first time;

AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

- (ii) Bylaw No. 10006 (Z08-0038) – Beryl Rackow & Eric Moller – 764 Patterson Avenue

Moved by Councillor Letnick/Seconded by Councillor Clark

R480/08/05/26 THAT Bylaw No. 10006 be read a first time.

Carried

- 5.7 Planning & Development Services Department, dated May 13, 2008, re: Rezoning Application No. Z08-0009 – Protech Consultants Ltd. (AJL Holdings Ltd.) – 1368 St. Paul Street (B/L10007)

- (a) Planning & Development Services report dated May 13, 2008.

Moved by Councillor Hobson/Seconded by Councillor Day

R481/08/05/26 THAT Rezoning Application No. Z08-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 11, DL 139, O.D.Y.D., Plan 432, located on St. Paul Street, Kelowna, B.C. from the existing I2 – General Industrial zone to the proposed C7 – Central Business Commercial zone be considered by Council;
AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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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

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

Bylaw No. 10007 (Z08-0009) – Protech Consultants Ltd. (AJL Holdings Ltd.) – 1368 St. Paul Street

Moved by Councillor Day/Seconded by Councillor Blanleil

R482/08/05/26 THAT Bylaw No. 10007 be read a first time.

Carried

5.8 Planning & Development Services Department, dated May 20, 2008, re: Development Permit Application No. DP08-0043 – Al Stober Construction (Meiklejohn Architects Inc.) – 2728 Pandosy Street

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R483/08/05/26 THAT Council authorize the issuance of Development Permit No. DP08-00423 for Lot A, DL 14, O.D.Y.D., Plan 27700, Exc. Plan KAP60318, located on Pandosy Street, Kelowna, B.C. subject to the following:

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;
5. The applicant to register a Road Reservation Agreement in the Land Title Office;

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

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

Moved by Councillor Blanleil/Seconded by Councillor Day**R484/08/05/26** THAT Bylaw No. 9966 be adopted.Carried

- 6.2 Bylaw No. 9968 (Z08-0018) – David & Corrina Pazdzierski – 4439 Gordon Drive

Moved by Councillor Blanleil/Seconded by Councillor Day**R485/08/05/26** THAT Bylaw No. 9968 be adopted.Carried7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Fire Chief, dated May 6, 2008, re: Purchase of Fire Truck

Moved by Councillor Letnick/Seconded by Councillor Given**R486/08/05/26** THAT Council approve the award for the purchase of a new Fire Pumper Truck to Rocky Mountain Phoenix for \$527,012.64 tax included;

AND THAT the 2008 Financial Plan be amended to \$30,000 to the Fire Department capital program with funding from the Fire Equipment Replacement Reserve.

Carried

- 7.2 Fire Chief, dated May 7, 2008, re: Fire Department Re-Allocation of Funds for Communications Equipment

Moved by Councillor Letnick/Seconded by Councillor Hobson**R487/08/05/26** THAT 2008 Capital Project Summary budget funds originally allocated to Chartfield Account 10-110-FD100-Q300 Communications in the amount of \$85,000 be redirected;

AND THAT \$12,000 be redirected from Chartfield Account 10-110-FD100-Q300 Communications to Chartfield 231-10-109-0-227 Support & Operations for the Alert Find software;

AND THAT \$40,000 be redirected from Chartfield Account 10-110-FD100-Q300 Communications to Chartfield Account 10-110-FD100-Q3003 radio replacements;

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AND THAT \$20,000 be redirected from Chartfield Account 10-110-FD100-Q300 Communications to Chartfield Account 10-110-FD100-Q3506 systems upgrades and Dispatch Centre upgrades.

Carried

7.3 Civic Properties Project Supervisor, dated May 20, 2008, re: Award of Construction Management Contract for Restoration of the Guisachan House

Staff:

- A firm completion date will be established during the first meeting with the contractor and staff are hopeful that the work will be complete by the first week of December.
- Confirmed that staff will be consulting with the Central Okanagan Heritage Society regarding the heritage aspect of the site.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R488/08/05/26 THAT Council approve the award of a construction management contract to PCL Constructors Westcoast Inc. for the restoration of the Guisachan House located at 1060 Cameron Ave;

AND THAT the Civic Properties Projects Supervisor be authorized to evaluate and accept or reject bids submitted in response to the public tendering process administered by the construction manager, PCL Westcoast Constructors Inc. (PCL) in respect to the fire restoration of the Guisachan House;

AND THAT the Civic Properties Projects Supervisor be authorized to direct the construction manager (PCL) to execute, one or more contract(s) with such contractor(s) as recommended by the construction manager (PCL) to carry out the fire restoration construction of the Guisachan House;

AND THAT Council approve funding of \$1,012,000 from the Guisachan Insurance settlement to the Guisachan House Restoration Project (10-220-C5970);

AND THAT Council approve additional funding required to complete fire restoration construction of the Guisachan House be divided equally between the Insurance Deductible Reserve and the Facilities Reserve to the Guisachan House Restoration Project (10-220-C5970);

AND THAT the 2008 Financial Plan be amended to provide for these expenditures;

AND FURTHER THAT the Mayor and the City Clerk be authorized to execute the contract on behalf of the City.

Carried

7.4 Electrical Administration Manager, dated May 21, 2008, re: Amendments to the City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Clark/Seconded by Councillor Day

R489/08/05/26 THAT Council approves the revisions to the Electrical Bylaw to allow .8% rate increase for residential, school customers and commercial customers' revenues.

AND THAT Council approves the revisions to the Electrical Bylaw to address issues with carriage houses and service charges.

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AND THAT the 2008 electrical rates to be effective with the first billing cycle in July, 2008, while the carriage house and service charge amendments become effective immediately.

AND THAT amending Bylaw No. 10008 be advanced for reading consideration.

Carried

7.5 Community Planning Manager, dated May 21, 2008, re: Plan to End and Stop Homelessness & Mayor's Event to End Homelessness held November 27, 2007

Moved by Councillor Day/Seconded by Councillor Hobson

R490/08/05/26 THAT Council receive this report, and the consultant's report from the Mayors Event regarding a plan to end and stop homelessness, for information.

AND THAT Council authorize the Poverty and Homelessness Action Team of the Central Okanagan to lead the process to complete a plan to end and stop homelessness in Kelowna.

AND THAT Council confirm support for the preparation of a plan to end and stop homelessness in Kelowna with the leadership of the Mayor and Council and in kind support from the City, wherever feasible.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.1 Bylaw No. 10008 – Amendment No. 20 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Day/Seconded by Councillor Blanleil

R491/08/05/26 THAT Bylaw No. 10008 be read a first, second and third time.

Carried

8.2 Bylaw No. 10009 – Amendment No. 7 to the Council Remuneration and Expense Bylaw No. 7547

Moved by Councillor Day/Seconded by Councillor Blanleil

R492/08/05/26 THAT Bylaw No. 10009 be read a first, second and third time.

Carried

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Councillor Clark:

- Suggested that the taxpayers of the City of Kelowna should be reimbursed by the Province for its costs to defend the Mission Greenway court actions.

Moved by Councillor Clark/Seconded by Councillor Hobson

R493/08/05/26 THAT Council directs staff to prepare a draft letter to the Premier setting out the City's position with respect to the Mission Greenway court actions and requesting that the Premier acknowledge the responsibility of the Province and reimburse the taxpayers of the City of Kelowna for their costs to defend those court actions;

AND THAT the draft letter be brought back to Council for their approval.

Carried

Councillor Blanleil:

- Would like staff to report back to Council regarding the Life & Arts Festival so that Council can determine whether or not the Festival, in its current form, needs to be reconsidered.

Councillor Day left the meeting at 4:17 p.m.

Councillor Hobson:

- Advised that he will not be asking Council to reconsider its May 12, 2008 motion regarding the Downtown Plan.

10. TERMINATION

The meeting was declared terminated at 4:24 p.m.

Certified Correct:

 Mayor

 City Clerk

SLH/dld