

Regular Meeting – P.M.June 9, 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, June 9th, 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; Current Planning Supervisor, Shelley Gambacort*; Fire Chief, Rene Blanleil*; Manager, Community Development and Real Estate, Doug Gilchrist*; Property Manager, Ron Forbes*; Planner, Danielle Noble*; and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:36 p.m.

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

3. PUBLIC IN ATTENDANCE

- 3.1 Nancy Cameron, CEO Tourism Kelowna and Bill Eager, President Tourism Kelowna, re: Renewal of the Additional Hotel Tax beginning January 2009 - Power Point Presentation

Council:

- Commented that we need a better balance between product development and promotion. Need to provide better linkage of what the visitors are wanting.

Moved by Councillor Blanleil/Seconded by Councillor Given

R504/08/06/09 THAT Kelowna City Council support the application by Tourism Kelowna to implement the Additional Hotel Room Tax, at a rate of 2%, within the municipal boundary of Kelowna effective January 1, 2009.

Carried

4. DEVELOPMENT APPLICATION REPORTS

- 4.1 Planning & Development Services Department, dated May 22 re: Development Permit Application No. DP08-0091 - New Town Architectural Services Ltd. (0796355 BC Ltd.) - 595 Houghton Road

Moved by Councillor Letnick/Seconded by Councillor Given

R505/08/06/09 THAT Council authorize the issuance of Development Permit No. DP08-0091 for Lot 5, Sec. 26, Twp 26, ODYD, Plan 29795, located on Houghton Road, 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

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the estimate value of the landscaping, as determined by a professional landscaper;

AND THAT the applicant be required to complete #4 of the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

- 4.2 Planning & Development Services Department, dated June 2, 2008 re: Text Amendment No. TA06-0009 and Rezoning Application No. Z06-0004 - University of British Columbia - Campus and Community Planning - 3140 and 3333 University Way and 4990 Highway 97 N.

Moved by Councillor Rule/Seconded by Councillor Given

R506/08/06/09 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Text Amending Bylaw 9702 (TA06-0009) and Zone Amending Bylaw No. 9703 (Z06-0004) – (University of British Columbia – Campus and Community Planning) – Lot B, Sec. 10, Twp. 23, O.D.Y.D., Plan KAP57788, Lot A, Sections 10 & 11, Twp. 23, O.D.Y.D., Plan KAP57788, and Lot A, Sections 10 & 11, Twp. 23, O.D.Y.D., Plan 38917 Exc. Plan KAP57788, located on University Way and Highway 97 N. be extended from February 6, 2008 to August 6, 2008.

Carried

- 4.3 Planning & Development Services Department, dated June 3, 2008 re: Rezoning Application No. Z03-0065; Development Permit Application No. DP03-0160 and Development Variance Permit Application No. DVP03-0161 - City of Kelowna (Bob Turik) - 1370 Bertram Street and 555 Fuller Avenue

Moved by Councillor Letnick/Seconded by Councillor Rule

R507/08/06/09 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9761 (Z03-0065), City of Kelowna, (Bob Turik) – Lot A, District Lot 139, O.D.Y.D., Plan KAP86241, on Fuller Avenue, Kelowna, BC be extended from April 17, 2008 to October 17, 2008.

Carried

- 4.4 Planning & Development Services Department, dated May 22, 2008 re: Rezoning Application No. Z08-0043 - Carey Cook and Johanne Chevalier-Cook - 2110 Burtch Road (B/L 10014)

(a) Planning & Development Services report dated May 22, 2008.

Moved by Councillor Letnick/Seconded by Councillor Rule

R508/08/06/09 THAT Rezoning Application No. Z08-0043 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 49, Sec. 19, Twp 26, ODYD, Plan 25943, located on Burtch Rd., 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;

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

Bylaw No. 10014 (Z08-0043) - Carey Cook and Johanne Chevalier-Cook - 2110 Burtch Road

Moved by Councillor Rule/Seconded by Councillor Letnick

R509/08/09/06 THAT Bylaw No. 10014 be read a first time.

Carried

- 4.5 Planning & Development Services Department, dated May 28, 2008 re: Rezoning Application No. Z08-0016 - Mine Hill Estates Ltd. (D.E. Pilling and Associates Ltd.) - 1230 Loseth Drive (B/L 10016)

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

Councillor Day declared a conflict of interest due to owning property in the area and departed the meeting at 2:19 p.m.

Moved by Councillor Gran/Seconded by Councillor Blanleil

R510/08/06/09 THAT Rezoning Application No. Z08-0016 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 14 Section 13 Township 26 Osoyoos Division Yale district Plan KAP82094, located on Loseth Drive, Kelowna, B.C. from the A1 – Agriculture 1 Zone to RU1h – Large Lot Housing (Hillside) Zone as shown on Map “A” attached to this report of Planning & Development Services Department, dated May 28, 2008, 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. 10016 (Z08-0016) - Mine Hill Estates Ltd. (D.E. Pilling and Associates Ltd.) - 1230 Loseth Drive

Moved by Councillor Clark/Seconded by Councillor Rule

R511/08/09/06 THAT Bylaw No. 10016 be read a first time.

Carried

Councillor Day re-entered the meeting at 2:21 p.m.

- 4.6 Planning & Development Services Department, dated May 29, 2008 re: Rezoning Application No. Z08-0032 - Parminder S. Hans (Protech Consultants Ltd.) - 890 Kitch Road (B/L 10017)

- (a) Planning & Development Services report dated May 29, 2008.

Moved by Councillor Letnick/Seconded by Councillor Day

R512/08/06/09 THAT Rezoning Application No. Z08-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 14 Section 22 Township 26 Osoyoos division Yale District Plan 19576, located at

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890 Kitch 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. 10017 (Z08-0032) - Parminder S. Hans (Protech Consultants Ltd.) - 890 Kitch Road

Moved by Councillor Clark/Seconded by Councillor Rule

R513/08/09/06 THAT Bylaw No. 10017 be read a first time.

Carried

5. **BYLAWS (ZONING & DEVELOPMENT)**

(BYLAWS PRESENTED FOR ADOPTION)

5.1 Bylaw No. 9702 (TA06-0009) – The University of British Columbia (University of British Columbia – Campus & Community Planning) – 3140 & 3333 University Way and 4990 North Hwy 97.

Moved by Councillor Letnick/Seconded by Councillor Rule

R514/08/06/09 THAT Bylaw No. 9702 be adopted.

Carried

5.2 Bylaw No. 9703 (Z06-0004) - University of British Columbia (UBC – Campus & Community Planning) – 3140 & 3333 University Way and 4990 Highway 97 North

Moved by Councillor Letnick/Seconded by Councillor Rule

R515/08/06/09 THAT Bylaw No. 9703 be adopted.

Carried

5.3 Bylaw No. 9990 (TA07-0005) - City of Kelowna

Moved by Councillor Letnick/Seconded by Councillor Rule

R516/08/06/09 THAT Bylaw No. 9990 be adopted.

Carried

6. **NON-DEVELOPMENT APPLICATION REPORTS**

6.1 City Manager, verbal report, re: City of Kelowna Organizational Restructuring

- City Manager presented Council with the new City of Kelowna Organizational Restructuring.

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- 6.2 Fire Chief, dated May 23, 2008, re: CORD Emergency Mutual Aid Agreement

Moved by Councillor Day/Seconded by Councillor Hobson

R517/08/06/09 THAT Council approve the CORD Emergency Mutual Aid Agreement be amended to include the District of Westside;

AND THAT the Mayor and Clerk be authorized to execute the CORD Emergency Mutual Aid Agreement, as amended, for an additional three (3) year period.

Carried

- 6.3 Property Manager, dated May 26, 2008, re: Ben Lee Park Concession

Moved by Councillor Blanleil/Seconded by Councillor Letnick

R518/08/06/09 THAT City Council approves a three year lease with two one-year options to renew, based on the attached criteria, in the City standard format with "Una Mak dba Concession Stand at Ben Lee Park" for the lease of the Ben Lee Park Concession;

AND THAT the Mayor and City Clerk be authorized to execute the lease;

AND FURTHER THAT the 2008 Financial Plan be amended accordingly.

Carried

- 6.4 Property Manager, dated May 26, 2008, re: Rutland Arena Skate Shop Concession

Moved by Councillor Letnick/Seconded by Councillor Day

R519/08/06/09 THAT City Council approves a two year lease with three one-year options to renew, based on the attached criteria, in the City standard format with "Una Mak dba Rutland Skate Shop" for the lease of the Rutland Arena Skate Shop Concession;

AND THAT the Mayor and City Clerk be authorized to execute the lease;

AND FURTHER THAT the 2008 Financial Plan be amended accordingly.

Carried

- 6.5 Manager, Community Development and Real Estate, dated June 4, 2008, re: Assignment of Lease - Metro Café (Chapman Parkade)

Moved by Councillor Day/Seconded by Councillor Letnick

R520/08/06/09 THAT the Assignment of Lease from Solana Consulting and Investment Corp. (Metro Café) to Julian Axe be approved pursuant to the terms and conditions in the Assignment of Lease document;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete this transaction;

AND FURTHER THAT upon execution of the lease renewal this transaction be released to the public, subject to any privacy rights provided for in the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c.165.

Carried

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7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 10011 - Amendment No. 1 to Local Area Service No. 26
(Sewer) Fisher Road Parcel Tax Bylaw No. 9937

Moved by Councillor Gran/Seconded by Councillor Blanleil

R521/08/06/09 THAT Bylaw No. 10011 be read a third time.

Carried

- 7.2 Bylaw No. 10012 - Amendment No. 1 to Local Area Service No. 28
(Water) Fisher Road Parcel Tax Bylaw No. 9938

Moved by Councillor Gran/Seconded by Councillor Blanleil

R522/08/06/09 THAT Bylaw No. 10012 be read a third time.

Carried

- 7.3 Bylaw No. 10015 - Additional Hotel Room Tax Bylaw

Moved by Councillor Gran/Seconded by Councillor Blanleil

R523/08/06/09 THAT Bylaw No. 10015 be read a third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Day/Seconded by Councillor Hobson

R524/08/06/09 THAT Bylaw No. 10008 be adopted.

Carried

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

Moved by Councillor Hobson/Seconded by Councillor Day

R525/08/06/09 THAT Bylaw No. 10009 be adopted.

Carried

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8. COUNCILLOR ITEMS

Councillor Letnick:

- Commented on the WCB Bridge Opening.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R526/08/06/09 THAT the Mayor write a letter to the Provincial Transportation Minister asking for time lines and a process for identifying the preferred location of a second crossing over Lake Okanagan and associated road right of ways on both sides of the lake.

Carried

Mayor Shepherd:

- Thanked the members of the public in Chambers who were protesting against the Rabbit Control Contract for their courtesy during the meeting and encouraged those concerned to visit the City's website for further information.

9. TERMINATION

The meeting was declared terminated at 3:03 p.m.

Certified Correct:

Mayor

City Clerk

ACM/dld