

Regular Meeting – P.M.June 23, 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 23rd, 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 Financial Services/Interim Director of Planning and Development Services, Paul Macklem; Director of Corporate Development, Rick Baker*; Manager, Community Development and Real Estate, Doug Gilchrist*; Environment and Solid Waste Manager, Mark Watt*; Director of Works and Utilities/Interim Director of Corporate Services, John Vos*; Planner Specialist, Gary Stephen*; Manager, Policy, Research and Strategic Planning, Signe Bagh*; Financial Accounting Manager, Jackie Dueck*; Transportation Manager, Ron Westlake*; Pat McCormick*; Current Planning Supervisor, Shelley Gambacort*; Planner, Danielle Noble*; Planner, Nelson Wight*; Planner, Paul McVey*; Planner, Carlie Ferguson*; Parks Planning Manager, Terry Barton*; and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:31 p.m.

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

Mayor Shepherd suggested Item 3.2 be heard before Item 3.1.

3. PUBLIC IN ATTENDANCE

3.2 Hazel Christy, President of the Planning Institute of British Columbia, re: Presentation

- Presented City of Kelowna's Planning Department with the Planning Institute of British Columbia Prestigious Planning Award of Excellence.

Councillor Hobson entered the meeting at 1:35 p.m.

3.1 Inspector, Cam Forgues, re: Monthly Policing Report

Staff:

- Plaque presented to Mayor and Council on behalf of the DARE Program for all their support for the program.

Council:

- Commented on the hate graffiti on the Jewish Centre and asked if the RCMP is treating this incident differently than regular graffiti incidents. Inspector Forgues advised that the RCMP is working with the Hate Crimes Division from Vancouver and actively pursuing.
- Inquired about noisy boat complaints.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R562/08/06/23 THAT staff review any options regarding the regulation and control of noisy boats including possible bylaws (similar to bylaw being considered by the City of Vernon) and to look into provincial fine regulations and the potential to lobby for increases.

Carried

4. COMMITTEE REPORTS

- 4.1 Rutland Town Centre Strategy Task Force, dated June 18, 2008, re: Rutland Task Force - Year End Report

Moved by Councillor Given/Seconded by Councillor Hobson

R563/08/06/23 THAT Council receive the year-end report of the Rutland Town Centre Strategy Task Force dated June 11, 2008;

AND THAT further discussion of land assembly potential be referred to Community Development and Real Estate for discussion with staff working on the Rutland Transit Exchange and the Rutland Town Centre Parks Plan;

AND THAT opportunities in Rutland related to the expansion of UBCO be referred to Policy, Research and Strategic Planning staff for further discussion with UBCO and consideration as part of the OCP Review;

AND THAT Council send a letter to the Ministry of Transportation asking for improved connections across Highway 33 (increased visibility and the time allocated for pedestrians) within the Rutland core and to consider turning over administration of the portion of Highway 33 within the Rutland Town Centre to the City;

AND THAT the implementation of a Recognition Program for property owners building new projects or undertaking façade improvements/renovations that enhance the urban environment be referred to the Uptown Rutland Business Association for their consideration;

AND THAT the issue of identifying changes required to foster child-friendly designs be referred to the Community Planning Manager and the Urban Design Planner and for consideration in the OCP Review;

AND THAT placement of Public Art within the Rutland Urban Centre be referred to the Public Art Coordinator and the Public Art Committee for their on-going implementation;

AND THAT landscaping medians along Highway 33 be deferred to a time when the Ministry of Transportation is considering a Highway 33 repaving project;

AND THAT a strategy for adding entrance-way signage for the Rutland Urban Centre be referred to URBA and the Public Art Committee for their joint consideration;

AND THAT exploration of means to capitalize on new information technologies be referred to URBA for their consideration;

AND THAT the potential for enhanced use of Rutland Lions Park be referred to the Parks Division with direction to consider changes to Rutland Lions Park to increase visibility into the park, create more useable open space and consider the potential for programmed events or activities as ways to enliven the park and discourage negative influences in the area;

AND FURTHER THAT the Rutland Town Centre Strategy Task Force be dissolved as a Task Force effective immediately, and that thank you letters be sent to its members.

Carried

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- 5.1 Planning & Development Services Department, dated June 17, 2008 re: Development Variance Permit Application No. DVP08-0070 - Teena Gillmore and Peter Irvine (Peter Irvine) - 510 Okanagan Boulevard

Moved by Councillor Letnick/Seconded by Councillor Given

R564/08/06/23 THAT Council authorize the issuance of Development Variance Permit No. DVP08-0070 for Lot 1, Block 11, District Lot 9, ODYD, Plan 3915, located at 510 Okanagan Boulevard, Kelowna, B.C;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.6.6(d) Development Regulations – Setbacks

Vary the required side yard setback from 2.0m required to 1.07m proposed.

Carried6. DEVELOPMENT APPLICATION REPORTS

- 6.1 Planning & Development Services Department, dated June 5, 2008 re: Rezoning Application No. Z05-0041 - Georg-Michael Holzhey (John Hertay) - 2630 Hollywood Road North

Moved by Councillor Hobson/Seconded by Councillor Day

R565/08/06/23 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9691 (Z05-0041) – Georg-Michael Holzhey (John Hertay) – 2630 Hollywood Road North be extended from June 12, 2008 to December 12, 2008.

Carried

- 6.2 Planning & Development Services Department, dated June 10, 2008 re: Rezoning Application No. Z04-0020 - 417860 Alberta Ltd. et al (Protech Consultants Ltd./Grant Maddock) - 5050 McCulloch Road

Council:

- Asked if this there is an absolute deadline for this application? Staff noted there have been many issues pertaining to this application and assured that it has not sat idle.

Moved by Councillor Gran/Seconded by Councillor Letnick

R566/08/06/23 THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 9313 (Z04-0020 – 417860 Alberta Ltd. et al) 5050 McCulloch Road, East ½ of Sec. 1, Twp. 26, Plan KAP48126, ODYD, be extended to November 2, 2008.

Carried

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- 6.3 Planning & Development Services Department, dated June 14, 2008 re: Rezoning Application No. Z08-0046 - Melanie Berg - 1250 Bothe Road

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

Moved by Councillor Hobson/Seconded by Councillor Letnick

R567/08/06/23 THAT Rezoning Application No. Z08-0046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, District Lot 131, ODYD, Plan 37963, located at 1250 Bothe 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. 10037 (Z08-0046) - Melanie Berg - 1250 Bothe Road

Moved by Councillor Rule/Seconded by Councillor Clark

R568/08/06/23 THAT Bylaw No. 10037 be read a first time.

Carried

- 6.4 Planning & Development Services Department, dated June 6, 2008 re: Text Amendment No. TA08-0005 - City of Kelowna

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

Moved by Councillor Hobson/Seconded by Councillor Letnick

R569/08/06/23 THAT Zoning Bylaw Text Amendment No. TA08-0005 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Planning & Development Services Department dated June 6, 2008 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA08-0005 be forwarded to a Public Hearing for further consideration.

Carried

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

Bylaw No. 10036 (TA08-0005) - City of Kelowna

Moved by Councillor Clark/Seconded by Councillor Rule

R570/08/06/23 THAT Bylaw No. 10036 be read a first time.

Carried

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- 6.5 Planning & Development Services Department, dated June 6, 2008 re: Text Amendment No. TA08-0002 - 0765777 BC Ltd. (Capri Insurance Services Ltd.) - 1690-1698 Powick Road

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

Moved by Councillor Letnick/Seconded by Councillor Gran

R571/08/06/23 THAT Zoning Bylaw Text Amendment No. TA08-0002 to amend City of Kelowna Zoning Bylaw No. 8000 by replacing the existing definition of “Automotive and Minor Recreation Vehicle Sales/Rentals” with revised definition as outlined in Schedule “A” of the report of the Planning & Development Services Department dated June 6, 2008 and as amended in the staff presentation, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA08-0002 be forwarded to a Public Hearing for further consideration.

Carried

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

Bylaw No. 10035 (TA08-0002) - City of Kelowna

Moved by Councillor Rule/Seconded by Councillor Clark

R572/08/06/23 THAT Bylaw No. 10035 be read a first time.

Carried

- 6.6 Planning & Development Services Department, dated June 9, 2008 re: Development Permit Application No. DP08-0100 - Leona Thiessen Craig and Clifford Andrusko (Worman Resources Inc.) - 436 Cedar Avenue

- (a) Planning & Development Services report dated June 9, 2008.

Moved by Councillor Letnick/Seconded by Councillor Given

R573/08/06/23 THAT Council forward Bylaw No. 10018 authorizing a Housing Agreement between the City of Kelowna and Clifford Andrusko, which requires the owners to designate 2 dwelling units for rental affordable housing on Lot 4, District Lot 14, ODYD, Plan 3226 located at 436 Cedar Avenue, Kelowna, B.C., for reading consideration.

Carried

Opposed - Councillor Gran

- (b) **BYLAW PRESENTED FOR FIRST THREE READINGS**

Bylaw No. 10018 (DP08-0100) - Leona Thiessen Craig and Clifford Andrusko (Worman Resources Inc.) - 436 Cedar Avenue

Moved by Councillor Letnick/Seconded by Councillor Given

R574/08/06/23 THAT Bylaw No. 10018 be read a first time.

Carried

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6.7 Planning & Development Services Department, dated June 13, 2008 re: Text Amendment Application No. TA07-0007 - P216 Enterprises Ltd. et al. (Busby Perkins and Will) - 2970-2974, 2978, 3000, 3006 and 3010 Pandosy Street and 475 Groves Avenue

(a) Planning & Development Services report dated June 9, 2008.

Council:

- Raised concern in regards to the application being tied to the text amendment. Staff noted that this is not an unusual process and that more detailed information would be brought forward at the Public Hearing stage.
- Need more rationale for these amenities that are being provided.

Moved by Councillor Given/Seconded by Councillor Blanleil

R575/08/06/23 THAT Zoning Bylaw Text Amendment No. TA07-0007 to amend City of Kelowna Zoning Bylaw No. 8000 by amending the C4 – Urban Centre Commercial zone as shown in Schedule “A” as outlined in the report of the Planning & Development Services Department dated May 30, 2008 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA07-0007 be forwarded to a Public Hearing for further consideration;

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

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. 10038 (TA07-0007) - P216 Enterprises Ltd. et al. - 2970-2974, 2978, 3000, 3006 and 3010 Pandosy Street and 475 Groves Avenue

Moved by Councillor Given/Seconded by Councillor Letnick

R576/08/06/23 THAT Bylaw No. 10038 be read a first time.

Carried

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

(BYLAWS PRESENTED FOR ADOPTION)

7.1 Bylaw No. 9944 (Z07-0038) – Franceen Herron and James & Sally Kelly (Gerry Herron) – 887 Bullock Road and 4623 Frederick Road

Moved by Councillor Blanleil/Seconded by Councillor Gran

R577/08/06/23 THAT Bylaw No. 9944 be adopted.

Carried

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8. NON-DEVELOPMENT APPLICATION REPORTS

- 8.1 Community Planning Manager, dated June 18, 2008, re: Land Economist Report

Coriolis Consulting Group:

- Provided Summary of Recommendations.

Moved by Councillor Letnick/Seconded by Councillor Given

R578/08/06/23 THAT Council receive the report from the Land Economist - Affordable Housing and Amenity Contributions dated June 19, 2008 from Urban Development Projects in Kelowna, for information.

AND THAT Council direct staff to develop policy recommendations for Council consideration based on the consultants recommendations.

Carried

- 8.2 Director of Corporate Development, dated June 10, 2008, re: Jail Services Contract

Moved by Councillor Letnick/Seconded by Councillor Clark

R579/08/06/23 THAT the City of Kelowna renew the contract with the Commissionaires BC to provide Jail Guard Services for a three (3) year period at a cost, excluding GST, of (based upon estimated actual hours of service required) \$1,812,224.00;

AND THAT the Mayor and City Clerk be authorized to execute the document.

Carried

- 8.3 Environment and Solid Waste Manager, dated June 15, 2008, re: Glenmore Landfill Comprehensive Site Development Plan

Moved by Councillor Day/Seconded by Councillor Blanleil

R580/08/06/23 THAT Council adopt the updated Glenmore Landfill Comprehensive Site Development Plan (June 2008) as the new framework for future capital works, operational and expansion strategies for the Glenmore Landfill;

AND THAT staff be directed to bring forward these works and strategies through the regular budgeting process, in accordance with the plan schedule and implementation framework.

Carried

- 8.4 Planner Specialist, dated June 18, 2008 re: OCP Review - Project Update

Moved by Councillor Letnick/Seconded by Councillor Day

R581/08/06/23 THAT the report from the Planning and Development Services Department dated June 18, 2008 be received for information.

Carried

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- 8.5 Manager, Policy, Research, and Strategic Planning, dated June 18, 2008, re: Ellis Street Concept Plan

Moved by Councillor Day/Seconded by Councillor Gran

R582/08/06/23 THAT City Council receive for information, the Ellis Street Streetscape Concept Plan (Attachment 1) as noted in the June 18, 2008 report from the Planning and Development Services Department;

AND THAT staff be directed to consult with business and property owners that would be affected by the proposed changes, and to report back to Council regarding their comments and their willingness to participate in the streetscape improvements according to the terms set out in the attached report.

Carried

- 8.6 Financial Accounting Manager, dated June 16, 2008, re: 2007 Annual Financial Report

Moved by Councillor Letnick/Seconded by Councillor Clark

R583/08/06/23 THAT the Annual Financial Report for the year ended December 31, 2007 be received;

AND THAT the Statement of 2008 and 2009 Municipal Objectives be received;

AND THAT the Council Remuneration and Expenses report, Employee Remuneration report and schedule of Payment for the Provision of Goods and Services be received.

Carried

- 8.7 Transportation Manager, dated June 18, 2008, re: Tender Award TE08-09 St. Paul Parking Lot

Moved by Councillor Day/Seconded by Councillor Given

R584/08/06/23 THAT Contract TE-08-09 for the construction of the parking lot at St. Paul Street and Cawston Avenue be awarded to Bennett Contracting Ltd. In the amount of \$561,808.28 including GST;

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

Carried

- 8.8 City Clerk, dated June 18, 2008, re: Local Area Service Establishment Bylaw No. 9847 Certificate of Sufficiency

Moved by Councillor Hobson/Seconded by Councillor Day

R585/08/06/23 THAT Council receive the Report of the Transportation Manager dated June 18, 2008 recommending the addition of Lot B, Plan 39699; Lot 4, Plan 9884; Strata Lot 1, Strata Plan KAS1773; and Strata Lot 2, Strata Plan KAS1773 to the Elm Street Local Service Area (File 657);

AND THAT Bylaw No. 9987, being Amendment No. 1 to Elm Street Local Area Service Establishment Bylaw No. 9847 (File 657) be forwarded to Council for reading consideration;

AND FURTHER THAT once included in Elm Street Local Service Area (File 657), Lot B, Plan 39699; Lot 4, Plan 9884; Lot 1, Plan KAS1773; and Lot 2, Plan KAS1773 be subject to all fees and charges specified by the original Bylaw No. 9847.

Carried

9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

9.1 Bylaw No. 9987 - Amendment No. 1 to Elm Street Local Area Service Establishment Bylaw No. 9847

Moved by Councillor Blanleil/Seconded by Councillor Gran

R586/08/06/23 THAT Bylaw No. 9987 be read a first, second and third time.

Carried

10. COUNCILLOR ITEMS

Councillor Gran:

- Advised that the Teddy Bear Picnic Event hosted by the Advisory Committee on Community and Women’s Issues was very successful.

Moved by Councillor Gran/Seconded by Councillor Hobson

R587/08/06/23 THAT Councillor Rule be appointed as Chair of the Advisory Committee on Community and Women’s Issues effective immediately;

AND THAT Councillor Letnick be appointed as a member of the Advisory Committee on Community and Women’s Issues.

Carried

11. TERMINATION

The meeting was declared terminated at 5:14 p.m.

Certified Correct:

Mayor

City Clerk

ACM/dld