

Regular Meeting – P.M.

September 8, 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 September 8th, 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: Acting City Manager, Paul Macklem; City Clerk, Stephen Fleming; Subdivision Approving Officer, Shelley Gambacort*; Current Planning Supervisor, Danielle Noble*; Director of Planning & Development Services, Jim Paterson*; Manager, Community Development & Real Estate, Doug Gilchrist*; Planner, Alec Warrander*; Planner, Birte Decloux*; Planner, Carlie Ferguson*; Planner, Nelson Wight*; Assistant General Manager, Airport Operations, Dave Fuller*; Projects Supervisor, Martin Johansen*; Wastewater Engineer, Joel Shaw*; Transportation Demand Supervisor, Jerry Dombowsky*; Park Design & Construction Supervisor, Andrew Gibbs*; Environment/Solid Waste Manager, Mark Watt*; and Council Recording Secretary, Sandi Horning.

Guests: Supervisor, Regional Waste Reduction Officer, Carol Suhan*.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. DEVELOPMENT APPLICATION REPORTS

- 3.01 Planning & Development Services Department, dated August 27, 2008, re: Agricultural Land Reserve Application No. A07-0012 – Danco Developments Ltd. (Gary Feeny) – 1650 KLO Road

Moved by Councillor Letnick/Seconded by Councillor Rule

R787/08/09/08 THAT Council hear from the Applicant, or its representative, with respect to Agricultural Land Reserve Appeal No. A07-0012.

Carried

Grant Maddock, Applicant's Representative:

- Introduced the people who will be speaking on behalf of the Applicant.
- Confirmed that the Applicant purchased the subject property three (3) years ago.

Catherine Orban, M.Sc., P.Ag., Applicant's Representative:

- Is a professional Agrologist with a Master's Degree in Geography, specializing in Soil Science.
- A detailed site assessment was conducted on November 1, 2007.
- The property is currently accessed off of KLO Road.
- As the site is essentially flat, water does tend to pool on the site as drainage is and has been an issue.
- The potential agricultural capability of the site is primarily limited by excess moisture and high groundwater levels. There are also issues associated with access and pre-existing anthropogenic disturbance.

Regular Meeting – P.M.

September 8, 2008

- The potential for improvements to drainage on the subject property is severely inhibited by the technical issues associated with the ongoing disposal of excess water in an urban area with high groundwater levels.
- The site is not considered to be suitable for cultivation or livestock production and is not currently connected with local or regional agricultural operations.
- Exclusion of the subject property from the ALR is not anticipated to have adverse impacts on surrounding agricultural operations or on local or regional agricultural productive capacity.

Jim Wood, Applicant's Representative:

- Retired teacher who is currently farming various properties within the City.
- Leased the subject property in 1998 for farming purposes, but could not make the property agriculturally viable. Any crops that were planted either died or were not successfully grown.
- Was given an opportunity to purchase the property, but did not do so.

Moved by Councillor Blanleil/Seconded by Councillor Letnick

R788/08/09/08 THAT Agricultural Land Reserve Appeal No. A07-0012 for Lot 3, District Lot 131, ODYD, Plan KAP77109, located at 1650 KLO Road, Kelowna, B.C. requesting exclusion of the subject property from the Agricultural Land Reserve, pursuant to Section 30(1) of the *Agricultural Land Commission Act*, be supported by Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

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

3.02 Planning & Development Services Department, dated August 28, 2008, re: Rezoning Application No. Z08-0060 – Ronald Egert (Egert Development Ltd.) – 425 Hardie Road

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

Moved by Councillor Letnick/Seconded by Councillor Given

R789/08/09/08 THAT Rezoning Application No. Z08-0060 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 26, Twp. 26, ODYD, Plan 14901, located at 425 Hardie Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

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

THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Rutland Water Works and the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer.

Carried

Regular Meeting – P.M.

September 8, 2008

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

Bylaw No. 10076 (Z08-0060) – Ronald Egert (Egert Development Ltd.) – 425 Hardie Road

Moved by Councillor Letnick/Seconded by Councillor Given

R790/08/09/08 THAT Bylaw No. 10076 be read a first time.

Carried

3.03 Planning & Development Services Department, dated August 19, 2008, re: Agricultural Land Reserve Appeal No. A08-0007 – Harold and Grace Hartfield – 1335 Gibson Road

Moved by Councillor Day/Seconded by Councillor Hobson

R791/08/09/08 THAT Agricultural Land Reserve Appeal No. A08-0007 for Lot 2, Section 36, Township 26, O.D.Y.D., Plan 4060, located on Gibson Road, Kelowna, B.C. for a homesite severance subdivision within the Agricultural Land Reserve, pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

3.04 Planning & Development Services Department, dated August 27, 2008, re: Rezoning Application No. Z08-0065 – Gurdev and Parmjit Sra (Gurdev Sra) – 1285 Tanemura Crescent

(a) Planning & Development Services report dated August 27, 2008.

Moved by Councillor Letnick/Seconded by Councillor Given

R792/08/09/08 THAT Rezoning Application No. Z08-0065 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 13, Township 26, O.D.Y.D., Plan KAP85143, located on Tanemura Cr, 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. 10075 (Z08-0065) – Gurdev and Parmjit Sra (Gurdev Sra) – 1285 Tanemura Crescent

Regular Meeting – P.M.

September 8, 2008

Moved by Councillor Letnick/Seconded by Councillor Given

R793/08/09/08 THAT Bylaw No. 10075 be read a first time.

Carried

3.05 Planning & Development Services Department, dated August 13, 2008, re: Official Community Plan Bylaw Amendment Application No. OCP08-0020 – City of Kelowna

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

Moved by Councillor Letnick/Seconded by Councillor Day

R794/08/09/08 THAT the OCP Bylaw No. OCP08-0020, to amend Kelowna 2020 – Official Community Plan Bylaw No. 7600, by removing text in Section 8.3, as outlined in Schedule “A” of the report of the Planning and Development Services Department, dated August 13, 2008, be considered by Council;

AND FURTHER THAT the necessary amending bylaws be forwarded to a Public Hearing for further consideration.

AND THAT Council considers the APC public process, to be appropriate consultation for the purpose of section 879 of the *Local Government Act*.

Carried

Councillor Clark – Opposed.

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

Bylaw No. 10059 (OCP08-0020) – City of Kelowna – Requires a majority of all Members of Council (5)

Moved by Councillor Given/Seconded by Councillor Letnick

R795/08/09/08 THAT Bylaw No. 10059 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

Councillor Clark – Opposed.

3.06 Planning & Development Services Department, dated August 27, 2008, re: Rezoning Application No. Z07-0063 – Robert Anderson (Roblyn Developments Ltd.) – 1000 Graham Street

(a) Planning & Development Services report dated August 27, 2008.

Regular Meeting – P.M.

September 8, 2008

Moved by Councillor Given/Seconded by Councillor Letnick

R796/08/09/08 AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

THAT Rezoning Application No. Z07-0063 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 42, Section 22, Township 26, O.D.Y.D., Plan 28367, located on Graham 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 Rutland Waterworks Irrigation District being completed to their satisfaction;

AND FURTHER 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. 10079 (Z07-0063) – Robert Anderson (Roblyn Developments Ltd.) – 1000 Graham Road

Moved by Councillor Clark/Seconded by Councillor Rule

R797/08/09/08 THAT Bylaw No. 10079 be read a first time.

Carried

3.07 Planning & Development Services Department, dated August 29, 2008, re: Official Community Plan Amendment Application No. OCP07-0037 and Rezoning Application No. Z07-0107 – FortisBC Inc. (New Town Planning Services Inc.) – 3550 Lochrem Road

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

Staff:

- Confirmed that a letter was received from NavCanada back in May 2008 indicating their support of this application provided certain conditions are met.

Council:

- Would like a copy of the background rationale regarding why this specific site was chosen as opposed to other sites in the City.

Moved by Councillor Day/Seconded by Councillor Hobson

R798/08/09/08 THAT Official Community Plan Amendment Application No. OCP07-0037 to amend the future land use designation on a portion of Lot 2, Section 23, Township 23, O.D.Y.D., Plan 2257, Except Plan H15414, from

Regular Meeting – P.M.

September 8, 2008

Rural/Agricultural to Public Services/Utilities, in accordance with Map "A" be considered by Council;

AND THAT Council considers the Advisory Planning Commission 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 August 29, 2008.

AND THAT Rezoning Application No. Z07-0107 to rezone a portion of Lot 2, Section 23, Township 23, O.D.Y.D., Plan 2257, Except Plan H15414, from A1 – Agriculture 1 to P4 – Utilities, in accordance with Map "B" be considered by Council;

AND FURTHER THAT final adoption of the OCP amending bylaw and zone amending bylaw be considered subject the following:

1. Landscaping to be provided on the land be in general accordance with Schedule "C";
2. 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

Mayor Shepherd – Opposed.

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

- (i) Bylaw No. 10077 (OCP07-0037) – FortisBC Inc. (New Town Planning Services Inc.) – 3550 Lochrem Road – **Requires a majority of all Members of Council (5)**

Moved by Councillor Letnick/Seconded by Councillor Given

R799/08/09/08 THAT Bylaw No. 10077 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

Mayor Shepherd – Opposed.

- (ii) Bylaw No. 10078 (Z07-0107) – FortisBC Inc. (New Town Planning Services Inc.) – 3550 Lochrem Road

Moved by Councillor Gran/Seconded by Councillor Blanleil

R800/08/09/08 THAT Bylaw No. 10078 be read a first time.

Carried

Mayor Shepherd – Opposed.

Regular Meeting – P.M.

September 8, 2008

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 4.01 Bylaw No. 10039 (Z07-0047) – Mario & Odessa Digiovanni – 1385 McBride Road

Moved by Councillor Gran/Seconded by Councillor Blanleil

R801/08/09/08 THAT Bylaw No. 10039 be adopted.

Carried

- 4.02 (a) Bylaw No. 10049 (OCP08-0017) – Cedar Creek Developments Ltd. – 5635 Chute Lake Road – **Requires a majority of all Members of Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Gran

R802/08/09/08 THAT Bylaw No. 10049 be adopted.

Carried

- (b) Bylaw No. 10050 (Z07-0083) – Cedar Creek Developments Ltd. – 5635 Chute Lake Road

Moved by Councillor Letnick/Seconded by Councillor Given

R803/08/09/08 THAT Bylaw No. 10050 be adopted.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.01 Assistant General Manager, Airport Operations, dated September 2, 2008, re: Khadija Hashi, dba Happy and Grateful Shoe Shine – Kelowna International Airport

Moved by Councillor Day/Seconded by Councillor Letnick

R804/08/09/08 THAT Council authorize the Mayor and City Clerk to sign a Licence Agreement with Khadija Hashi to operate a shoe shine concession at the Kelowna International Airport.

Carried

- 5.02 Assistant General Manager, Airport Operations, dated August 26, 2008, re: Fixed Rate Walk Out Limousine Service – Kelowna International Airport

Regular Meeting – P.M.

September 8, 2008

Moved by Councillor Given/Seconded by Councillor Letnick

R805/08/09/08 THAT Council receive the Report of the Assistant General Manager, Airport Operations dated August 26, 2008;

AND THAT staff be directed to prepare the necessary amending bylaw to the City of Kelowna Airport Fees Bylaw No. 7982 to reflect the new "Fixed Rate Walk Out Limousine Service" as outlined in the Report and forward the amending bylaw for reading consideration.

Carried

5.03 Assistant General Manager, Airport Operations, dated August 26, 2008, re: Airport Use Agreement for Flair Airlines Ltd. – Kelowna International Airport

Moved by Councillor Letnick/Seconded by Councillor Rule

R806/08/09/08 THAT Council authorize the Mayor and City Clerk to sign the Air Carrier Airport Use Agreement allowing Flair Airlines Ltd. to operate at the Kelowna International Airport.

Carried

5.04 Assistant General Manager, Airport Operations, dated August 26, 2008, re: Supplemental Agreement to Ground Handler Licence and Sub-Lease Agreement – Ironman Holdings Ltd. dba Kelowna Ramp Services – Kelowna International Airport

Moved by Councillor Gran/Seconded by Councillor Day

R807/08/09/08 THAT Council authorize the Mayor and City Clerk to sign the Supplemental Agreement to Ground Handler Licence and Sub-Lease Agreement amending the Agreement to reflect a change of the rooms presently sub-leased at the Kelowna International Airport.

Carried

Councillor Clark left the meeting at 2:36 p.m.

5.05 Assistant General Manager, Airport Operations, dated August 26, 2008, re: Airport Use Agreement for Sunwing Airlines – Kelowna International Airport

Staff:

- Confirmed that the runway expansion is not required to make this operation viable; however it would provide a benefit.
- Advised that the runway extension is on schedule.

Moved by Councillor Rule/Seconded by Councillor Letnick

R808/08/09/08 THAT Council authorize the Mayor and City Clerk to sign the Air Carrier Airport Use Agreement allowing Sunwing Airlines to operate at the Kelowna International Airport.

Carried

Regular Meeting – P.M.

September 8, 2008

- 5.06 Assistant General Manager, Airport Operations, dated August 26, 2008, re: Ground Handler Licence and Sub-Lease Agreement – Strategic Aviation Services Ltd. – Kelowna International Airport

Moved by Councillor Hobson/Seconded by Councillor Day

R809/08/09/08 THAT Council authorize the Mayor and City Clerk to sign the Ground Handler Licence and Sub-Lease Agreement allowing Strategic Aviation Services Ltd. to operate at the Kelowna International Airport.

Carried

- 5.07 Transportation Manager, dated August 28, 2008, re: Handicapped Parking Pass Workshop Final Report – Parking Management

Staff:

- The Parking Management Plan is currently being updated and will include a component on disabled parking.

Councillor Day:

- Confirmed that the Kelowna Parking Committee was involved in the workshop, as well as the drafting of the recommendations.

Moved by Councillor Day/Seconded by Councillor Given

R810/08/09/08 THAT Council formally request both the Social Planning and Research Council of B.C. (SPARC) and the Province of B.C., to cooperate in initiating a review of the eligibility criteria currently set out for issuance of a handicapped parking pass to define those in need.

Carried

- 5.08 Civic Properties Projects Supervisor, dated August 29, 2008, re: Apple Bowl Emergency Light Repairs

Staff:

- Advised that temporary lighting is not an option as it will not supply adequate lighting to the sports field.
- Improvements to the handrails at the Apple Bowl are being considered.
- Confirmed that an assessment of the facilities available at the Mission Sports Fields is being considered for 2009.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R811/08/09/08 THAT City Council approve interim funding of \$120,000 to the Apple Bowl for repairs to the sport field lighting system that suffered damage due to a lightning strike on August 9, 2008 from the following reserves: \$50,000 from the 2008 Insurance Deductible Budget, \$60,000 from the Civic Facilities Reserve (R132), and \$10,000 from the Major Facilities Reserve (R067);

AND THAT staff continue to pursue funding under the insurance policy;

Regular Meeting – P.M.

September 8, 2008

AND FURTHER THAT the 2008 Financial Plan be amended to provide for this expenditure.

Carried

5.09 Park Design & Construction Supervisor, dated September 3, 2008, re: Tender Award for Tennis Courts at Parkinson Recreation Park and Blair Pond Park

Moved by Councillor Given/Seconded by Councillor Hobson

R812/08/09/08 THAT the contract for construction of six tennis courts at Parkinson Recreation Park and one tennis court at Blair Pond Park be awarded to the low bidder, Sierra Landscaping Ltd, in the amount of six hundred ninety five thousand two hundred seventy dollars and seventy cents (\$695,270.70) plus GST.

Carried

5.10 Wastewater Engineer, dated September 2, 2008, re: WWTF Stage 2 Phase 1 Upgrade

Staff:

- An open house is planned for September 18th for local residents so that they can be made aware of what is happening on the site.
- No funds are coming from General Taxation; the funds are from DCC's and utility user fees.

Moved by Councillor Day/Seconded by Councillor Gran

R813/08/09/08 THAT the Contract for construction of the Kelowna Wastewater Treatment Facility (WWTF) Upgrade be awarded to Maple Reinders Inc. for the amount of \$43,219,185 which includes GST and 10% contingency;

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

Carried

5.11 Environment & Solid Waste Manager, dated September 3, 2008, re: Curbside Cart Tender RFP T08-064, Recommended Vendor

Moved by Councillor Day/Seconded by Councillor Given

R814/08/09/08 THAT Council awards the Automated Curbside Collection Program cart purchase to IPL Inc. at a cost to the City of Kelowna of \$4,417,000.

Carried

5.12 Manager, Community Development & Real Estate, dated August 26, 2008, re: Bylaw Amendments for On-Street Mobile Store

Regular Meeting – P.M.

September 8, 2008

Moved by Councillor Letnick/Seconded by Councillor Day

R815/08/09/08 THAT Council approve the requested amendments to Business License and Regulation Bylaw No. 7878 as identified in the report by the Community Development and Real Estate Department dated July 31, 2008;

AND THAT Bylaw No. 10061 being Amendment No. 15 to Business License and Regulation Bylaw No. 7878 be advanced for reading consideration;

AND THAT Council considers the form of advertising as outlined in the report of the Community Development & Real Estate department dated August 26, 2008 to be sufficient.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

6.01 Bylaw No. 10061 – Amendment No. 15 to Business Licence and Regulation Bylaw No. 7878

Moved by Councillor Letnick/Seconded by Councillor Given

R816/08/09/08 THAT Bylaw No. 10061 be read a first, second and third time.

Carried

7. COUNCILLOR ITEMS

Councillor Hobson:

- Has information regarding FCM's recent study on Canadian Perceptions Toward the "New Realities of High Gas Prices" – Implications for Public Transit and Environment Policy which he will circulate to Council for comment.

Councillor Given:

- Expressed a concern about the lack of sidewalks in the Cross Road intersection and the new Dr. Knox School. Concerned about the lack of sidewalks in the area.
- Concerned about the air quality in the area surrounding the Irrigation Yard for Black Mountain Irrigation (1200 Belgo Road) as there has been some blasting conducted on the site.

Councillor Letnick:

- Would like to see a reduction in the amount of "grey" water flowing into Okanagan Lake.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R817/08/09/08 THAT Council direct staff to investigate ways to provide incentives for new development to retain as much grey water on site as possible and report back to Council.

Carried

Regular Meeting – P.M.

September 8, 2008

City Clerk:

- Confirmed that the Federal election has been called for October 14th and that Public Hearing and Regular Council Meeting scheduled for that day has been cancelled, as per Council's September 2, 2008 Resolution.

Councillor Hobson:

- Advised that FCM will be requesting that municipalities hold all candidates meetings for the local candidates running the upcoming Federal election so that municipal issues can be addressed.

8. TERMINATION

The meeting was declared terminated at 4:17 p.m.

Certified Correct:

Mayor

SLH/hp

City Clerk