

Regular Meeting – P.M.

January 12, 2009

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, January 12th, 2009.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil*, Brian Given, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Staff members in attendance were: Acting City Manager, Paul Macklem; City Clerk, Stephen Fleming; General Manager, Citizen Services, John Vos*; General Manager, Community Sustainability Division, Jim Paterson*; Urban Land Use Supervisor, Danielle Noble*; Director of Strategic Initiatives & Intergovernmental Partnerships, David Graham*; Manager, Property Management, Ron Forbes*; Property Officer, Tammy Abrahamson*; Director, Infrastructure Planning & Asset Management, Randy Cleveland*; Director, Design & Construction Services, Bill Berry*; Manager, Purchasing Branch, Maureen MacGillivray*; Planner Specialist, Gary Stephens*; Planner, Paul McVey*; Partnership Development & Research Manager, Reid Oddleifson*; Manager, Utility Services Branch, Don Degen*; 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 is requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Debbie Hicks, President, Southern Interior Construction Association, re: Presentation of the 2008 Owner/Consultant Award to the City of Kelowna

Debbie Hicks, President, Southern Interior Construction Association:

- Gave background information regarding SICA.
- Presented the City of Kelowna with the 2008 Owner/Consultant Award in recognition of promoting fairness and equity in the construction industry.

Staff:

- Gave Council background information regarding the City's process and dealings with SICA.

3.2 Leanne Hammond Komori, Executive Director, Central Okanagan Foundation, re: City of Kelowna Emergency Grant Application

As Leanne Hammond Komori was not present in the Chamber for this item, Council deferred the item until her arrival.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Community Sustainability Division, dated December 4, 2008, re: Development Permit Application No. DP08-0228 – Henry & Phylis Tostenson (Bryan Ducharme) – 1155-1157 Ellis Street

Staff:

- Certain upgrades to St. Paul Street will be required as this property has sat unoccupied for some time.
- The property traverses across the laneway which is why upgrades to St. Paul Street are required.

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Moved by Councillor Blanleil/Seconded by Councillor Hobson

R007/09/01/12 THAT Council hear from the applicant with respect to Development Permit Application No. DP08-0228.

Carried

Bryan Ducharme, Applicant's Representative:

- Gave a presentation to Council regarding the proposed development.
- Feels that the project will address a community need for sports facilities.
- All zoning regulations for the site have been adhered to.
- Council can visit their website at www.Sunplex.ca if they wish further information.
- Advised that the initiative is fully self-funded and will benefit the community in many ways.
- Have entered into a 10 year lease for the subject property and anticipate being located on the property for at least the term of the lease.
- This is a private business that will be generating revenue for the owner company.
- Will be using fans to try and cool down the building during the hot summer months.
- Advised that a fence will be erected along the Ellis Street side of the property.

Council:

- Concerned about the proximity of this site to the CN Rail site and the fact that the CN Rail site may be redeveloped within the next 10 years.

Staff:

- Advised that a food primary establishment would not necessitate a liquor licence application and therefore Council would have to consider the food primary application at a later date.
- Advised that the parking requirements are satisfied.

Moved by Councillor Given/Seconded by Councillor Blanleil

R008/09/01/12 THAT Council authorize the issuance of Development Permit No. DP08-0228 for Lot A, District Lot 139, SDYD Plan KAP53948, located at 1155 Ellis 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. The location of signage on the building to be in general accordance with Schedule "B" and in accordance with Sign Bylaw No. 8235.
4. Landscaping to be provided on the land be in general accordance with Schedule "C" and that the applicant work with City staff to enhance the landscaping on the site along the southern boundary of the property as well as along Ellis Street;
5. 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;

AND THAT the applicant be required to complete the above-noted condition No. 5 within 180 days of Council approval of the development permit application in order for the permit to be issued;

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AND FURTHER THAT the Development Permit be issued subsequent to the requirements of Works and Utilities being completed to their satisfaction.

Carried

- 3.2 Leanne Hammond Komori, Executive Director, Central Okanagan Foundation, re: City of Kelowna Emergency Grant Application

Leanne Hammond Komori, Executive Director, Central Okanagan Foundation:
Advised that the Central Okanagan Foundation is recommending this emergency grant.

Moved by Councillor Stack/Seconded by Councillor Hodge

R009/09/01/12 THAT the allocation of a \$5,000 emergency grant by the Central Okanagan Foundation to the Seniors Outreach Services Society be approved by Council.

Carried

- 4.2 Community Sustainability Division, dated December 9, 2008, re: Rezoning Application No. Z08-0108 – R A Quality Homes Ltd. – 251 Poonian Street (B/L 10138)

- (a) Community Sustainability Division report dated December 9, 2008.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R010/09/01/12 THAT Rezoning Application No. Z08-0108 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 10, Section 25, Township 26, O.D.Y.D., Plan KAP80986, located on Poonian Street, Kelowna, B.C. from the RU2 – Medium Lot Housing Zone to the RU2(s) Medium 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. 10138 (Z08-0108) – R A Quality Homes Ltd. – 251 Poonian Street

Moved by Councillor Given/Seconded by Councillor James

R011/09/01/12 THAT Bylaw No. 10138 be read a first time.

Carried

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4.3 Community Sustainability Division, dated December 9, 2008 re: Rezoning Application No. Z08-0107 – R A Quality Homes Ltd. – 239 Poonian Street (B/L 10137)

(a) Community Sustainability Division report dated December 9, 2008.

Moved by Councillor Rule/Seconded by Councillor Hodge

R012/09/01/12 THAT Rezoning Application No. Z08-0107 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 11, Section 25, Township 26, O.D.Y.D., Plan KAP80986, located on Poonian Street, Kelowna, B.C. from the RU2 – Medium Lot Housing Zone to the RU2(s) Medium 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. 10137 (Z08-0107) – R A Quality Homes Ltd. – 239 Poonian Street

Moved by Councillor James/Seconded by Councillor Given

R013/09/01/12 THAT Bylaw No. 10137 be read a first time.

Carried

4.4 Community Sustainability Division, dated December 9, 2008, re: Official Community Plan Bylaw Amendment Application No. OCP08-0025 and Rezoning Application No. Z08-0090 – Andrew & Carolyn Stevenson – 718 Paret Road (B/L 10139 & B/L 10140)

(a) Community Sustainability Division report dated December 9, 2008.

Staff:

- Advised that a restrictive covenant cannot restrict left-hand turns onto the site; however staff can provide further details at the Public Hearing with respect to this matter.
- A representative from the Transportation Division will be available at the Public Hearing to address any transportation/traffic concerns raised by Council and the public.

Moved by Councillor Hodge/Seconded by Councillor Rule

R014/09/01/12 THAT OCP Bylaw Amendment No. OCP08-0025 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 2, District Lot 357, S.D.Y.D. Plan KAP 86608 located on Paret Road, Kelowna, B.C., from Single/Two-Unit Residential to Educational/ Major Institutional as shown on Map "A" attached to the report of Land Use Management Department, dated December 9, 2008, be considered by Council;

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AND THAT Council considers 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 Land Use Management Department dated December 9, 2008;

AND THAT Rezoning Application No. Z08-0090 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 357, S.D.Y.D., Plan KAP86608, located on Paret Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the P2 Educational and Minor Institutional zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP08-0025 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a 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 and Parks Department being completed to their satisfaction, including to secure a restrictive covenant that restricts all access and egress of traffic to forward movements only;

AND THAT final adoption be considered upon securing a restrictive covenant restricting the P2 use to “care centre - major” only, excluding all other P2 uses.

Carried

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

- (i) Bylaw No. 10139 (OCP08-0025) – Andrew & Carolyn Stevenson – 718 Paret Road – Requires a majority of all Members of Council (5)

Moved by Councillor Given/Seconded by Councillor James

R015/09/01/12 THAT Bylaw No. 10139 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. 10140 (Z08-0090) – Andrew & Carolyn Stevenson – 718 Paret Road

Moved by Councillor Rule/Seconded by Councillor Hodge

R016/09/01/12 THAT Bylaw No. 10140 be read a first time.

Carried

4.5 Community Sustainability Division, dated December 12, 2008, re: Rezoning Application No. Z08-0100 – Eunkyung Chang – 905 Lanfranco Road (B/L 10141)

- (a) Community Sustainability Division report dated December 12, 2008.

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Moved by Councillor Hobson/Seconded by Councillor Hodge

R017/09/01/12 THAT Rezoning Application No. Z08-0100 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 135 ODYD Plan 39866, located at 905 Lanfranco Road, Kelowna, B.C. from the RU2 – Medium Lot Housing zone to the RU2s – Medium 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;

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. 10141 (Z08-0100) – Eunkyung Chang – 905 Lanfranco Road

Moved by Councillor Hodge/Seconded by Councillor Rule

R018/09/01/12 THAT Bylaw No. 10141 be read a first time.

Carried

4.6 Community Sustainability Division, dated December 12, 2008, re: Rezoning Application No. Z08-0095 – Lipkovits Holdings Ltd. & 0703966 BC Ltd. (Al Lipkovits) – 345 Woods Road (B/L 10133)

(a) Community Sustainability Division report dated December 12, 2008.

Moved by Councillor Hobson/Seconded by Councillor Stack

R019/09/01/12 THAT Rezoning Application No. Z08-0095 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A, Section 22, Township 26, ODYD, Plan KAP86574, located on Woods Road, Kelowna, BC 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.

Carried

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

Bylaw No. 10133 (Z08-0095) – Lipkovits Holdings Ltd. & 0703966 BC Ltd. (Al Lipkovits) – 345 Woods Road

Moved by Councillor Rule/Seconded by Councillor Hodge

R020/09/01/12 THAT Bylaw No. 10133 be read a first time.

Carried

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- 4.7 Community Sustainability Division, dated December 24, 2008, re: Official Community Plan Bylaw Amendment Application No. OCP08-0022 and Rezoning Application No. Z08-0087 – Tower Ranch Holding Corporation Inc. (Host Consulting Ltd.) – (Off of) Day Road, 2016 & 2455 McCurdy Road East (B/L 10142 & B/L 10143)
- (a) Community Sustainability Division report dated December 24, 2008.

Moved by Councillor Hobson/Seconded by Councillor Given

R021/09/01/12 THAT OCP Bylaw Amendment No. OCP08-0022 to amend Map 19.1 of the Kelowna 2020 – Official Community Plan Bylaw No. 7600, by changing the Future Land Use designations of Lots 1 & 6, Section 31, Township 27, ODYD, Plan KAP80993, and Strata Lots 1 & 2, Section 31, Township 27, ODYD, Strata Plan KAS3569 together with an interest in the Common Property in proportion to the unit entitlement of the Strata Lot as shown on Form V, located on McCurdy Road East, Kelowna, BC from the Commercial, Multiple Unit Residential (Low Density), and Private Recreation designations, to the Multiple Unit Residential (Low Density) and Private Recreation designations, as shown on Map “A” attached to the report of the Land Use Management Department dated December 24th, 2008, be considered by Council;

AND THAT Rezoning Application No. Z08-0087 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Strata Lots 1 & 2, Section 31, Township 27, ODYD, Strata Plan KAS3569 together with an interest in the Common Property in proportion to the unit entitlement of the Strata Lot as shown on Form V, located at 2455 McCurdy Road, Kelowna, BC from the CD6- Comprehensive Residential Golf Resort zone to the CD6- Comprehensive Residential Golf Resort (Liquor Primary) zone, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP08-0022, and zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

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

- (i) Bylaw No. 10142 (OCP08-0022) – Tower Ranch Holding Corporation Inc. (Host Consulting Ltd.) – (Off of) Day Road, 2016 & 2455 McCurdy Road East – Requires a majority of all Members of Council (5)

Moved by Councillor Reid/Seconded by Councillor Stack

R022/09/01/12 THAT Bylaw No. 10142 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

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- (ii) Bylaw No. 10143 (Z08-0087) – Tower Ranch Holding Corporation Inc. (Host Consulting Ltd.) – 2016 & 2455 McCurdy Road East

Moved by Councillor Reid/Seconded by Councillor Stack

R023/09/01/12 THAT Bylaw No. 10143 be read a first time.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 9978 (Z07-0020) – Claude Casavant & Marie Casavant Theroux – 167 Homer Court

Moved by Councillor Reid/Seconded by Councillor Stack

R024/09/01/12 THAT Bylaw No. 9978 be adopted.

Carried

- 5.2 Bylaw No. 10107 (Z08-0073) – Colin Day (Lone Pine Estates) – 685 Lone Pine Drive

Moved by Councillor Reid/Seconded by Councillor Stack

R025/09/01/12 THAT Bylaw No. 10107 be adopted.

Carried

- 5.3 Bylaw No. 10111 (Z08-0093) – Shelley Nicholl-Smith – 1441 Flemish Street

Moved by Councillor Hobson/Seconded by Councillor Stack

R026/09/01/12 THAT Bylaw No. 10111 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Planner Specialist, dated January 7, 2009, re: OCP Review – Introduction of Consultant

Staff:

- The Phase 1 Consultants have completed their work and the Phase 1 document is now with staff for review. Staff anticipate additional amendments to the Phase 1 document.
- There are a number of processes staff have put in place to ensure that Council has an opportunity to review the data collected during the Phase 2 OCP review.
- An OCP hotline has been established with a bench mark of a 24 hour turn-a-round for inquiries and requests.

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Joel Short, Consultant, Urban Systems:

- Gave a presentation to Council regarding the Official Community Plan Review – Phase 2.
- Will be reviewing all of the policy and feedback with respect to Phase 1. The Phase 2 scenario will have to reflect the policy document that was created during Phase 1.
- Hard copies of the survey will be available to the public and will be located at various sites within the City.
- Will be notifying the Residents Associations within the City so that they can help get the word out to the public.

Moved by Councillor Hobson/Seconded by Councillor Reid

R027/09/01/12 That the report from the Policy & Planning Department dated January 7, 2009 be received for information.

Carried

6.2 Manager, Partnership Development & Research, dated December 8, 2008, re: MRP Aquatic Centre – Corporate Naming Sponsorship and Status Report

Staff:

- If Council agrees with the recommendation, staff can move forward on a marketing plan.

Moved by Councillor Hobson/Seconded by Councillor Stack

R028/09/01/12 THAT Council receive for information the “Naming Sponsorship Package” as attached to the report from the Manager of Partnership Development and Research dated December 8, 2008;

AND THAT Council authorize the additional name of “*H₂O Adventure and Fitness Centre*” for the Aquatic Centre as the name to be incorporated into the final title of the facility.

Carried

Councillors Hodge and James – Opposed.

6.3 Utility Operations Manager, dated January 6, 2009, re: Water Sustainability Action Plan Update

Staff:

- Gave background information regarding the Water Sustainability Action Plan.
- Have had a 20% reduction in water consumption since metering was installed 12 years ago.
- Clarified that the City does has had a Low Flow Fixture Bylaw in place since 1994; however that Bylaw has not been reviewed since implementation and there are now even better low flow technologies and fixtures available.

Neal Klassen, City of Kelowna Water Smart Program, H2Okanagan Water Conservation:

- Advised that there is no net loss to Okanagan Lake during “indoor” water use.
- Often times, most “outdoor” water use evaporates; however the net loss to Okanagan Lake has not been determined. Most of the water put on landscaping does not actually drain back to the Lake, and what does, is exposed to outside sources, such as pesticides etc.
- Gave a presentation to Council regarding the Water Sustainability Action Plan.

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Moved by Councillor Hodge/Seconded by Councillor Stack

R029/09/01/12 THAT Council receive, for information, the update on the Water Sustainability Action Plan attached to the Report of the Utility Operations Manager dated January 6, 2009.

Carried

6.4 Manager, Property Management, dated January 7, 2008, re: Kelowna Badminton Club

Staff:

- The City of Kelowna owns the property and the building on site.
- Maintenance is covered by the Lease Agreement.

Moved by Councillor Hodge/Seconded by Councillor Given

R030/09/01/12 THAT City Council approve a five (5) year lease based on the attached criteria, in the City standard format with Kelowna Badminton Club for the lease of the Kelowna Badminton Club building located at 1098 Richter Street;

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

Carried

6.5 City Clerk, dated January 7, 2009, re: Guisachan House Lease Agreement

Moved by Councillor Blanleil/Seconded by Councillor Given

R031/09/01/12 THAT Council receive the Certificate of Sufficiency dated January 7, 2009 pertaining to the Guisachan House Lease Agreement;

AND THAT Council direct the Mayor and City Clerk to execute the lease agreement.

Carried

6.6 City Clerk, dated January 7, 2009, re: Lagoons System Operating Agreement

Councillor Blanleil declared a conflict of interest as he lives in the area and is directly affected by this Agreement and left at 4:52 p.m.

Moved by Councillor Given/Seconded by Councillor James

R032/09/01/12 THAT Council receive the Certificate of Sufficiency dated January 7, 2009 pertaining to the Lagoons System Operating Agreement;

AND THAT Council direct the Mayor and City Clerk to execute the operating agreement.

Carried

Councillor Blanleil returned to the meeting at 4:53 p.m.

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7. RESOLUTIONS

- 7.1 Draft Resolution re: Cancellation of the January 27, 2009 Public Hearing & Regular Council Meeting

Moved by Councillor Hobson/Seconded by Councillor Given

R033/09/01/12 THAT the Public Hearing and Regular Meeting scheduled for Tuesday, January 27, 2009 be cancelled.

Carried

- 7.2 Draft Resolution re: Cancellation of the May 11, 2009 Council Meeting

Moved by Councillor Rule/Seconded by Councillor Hodge

R034/09/01/12 THAT the Regular Meeting scheduled for Monday, May 11, 2009 be cancelled;

AND THAT a Council meeting be scheduled for Tuesday, May 19, 2009 prior to the Tuesday, May 19, 2009 Public Hearing in order to deal with time sensitive or priority items.

Carried

Mayor Shepherd and Councillors Blanleil, Given and James– Opposed.

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 8.1 Bylaw No. 10106 – Solid Waste Management Regulation Bylaw

Moved by Councillor Hobson/Seconded by Councillor Stack

R035/09/01/12 THAT Bylaw No. 10106 be adopted.

Carried

- 8.2 Bylaw No. 10130 – Amendment No. 74 to Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Hobson/Seconded by Councillor Stack

R036/09/01/12 THAT Bylaw No. 10130 be adopted.

Carried

- 8.3 Bylaw No. 10131 – Road Closure Bylaw – Portion of Barnaby Road – **Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.**

Mayor Shepherd Invited the applicant or anyone in the public gallery who deemed themselves affected by the road closure to come forward, followed by comments of Council. No one came forward.

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Moved by Councillor Stack/Seconded by Councillor Hobson

R037/09/01/12 THAT Bylaw No. 10131 be adopted.

Carried

9. MAYOR & COUNCILLOR ITEMS

9.1 Mayor Shepherd, re: “Spirit of Kelowna” Acknowledgment

Mayor Shepherd:

- Acknowledged the Santa Sleigh Bus organizers as the first recipient of the “Spirit of Kelowna” Acknowledgement.

Councillor Rule:

- Advised that the Nomination forms for the Civic Awards are now available and all nominations need to be submitted by February 13, 2009.

10. TERMINATION

The meeting was declared terminated at 5:29 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld