

Regular Meeting – P.M.

February 9, 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, February 9th, 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: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort*; Director, Infrastructure Planning & Asset Management, Randy Cleveland*; Public Art Coordinator, Sandra Kochan*; Manager, Financial Accounting, Jackie Dueck; Police Administration Manager, Scott Meadows*; Project Manager, Design & Construction, Andrew Gibbs*; Park & Landscape Planner, Barb Davidson*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:35 p.m.

2. Councillor James was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Mayor Shepherd, re: Presentation of The Government Finance Officers Association's Canadian Award for Financial Reporting

Mayor Shepherd:

- Presented the Government Finance Officers Association's Canadian Award for Financial Reporting to the Financial Accounting Manager, Jackie Dueck, on behalf of the City of Kelowna's Financial Services Department.

3.2 Norman Chavula, Program Officer for Research Monitoring and Evaluation at Women for Change, re: Kelowna-Zambia Partnership

Councillor Rule:

- Introduced Norman Chavula.

Deb deSilva, Kelowna-Zambia Partnership:

- Gave background information regarding the Kelowna-Zambia Partnership.

Norman Chavula:

- Brought greetings from Zambia and presented Mayor Shepherd with a gift.

3.3 Dr. Paul Hasselback, MD MSc FRCPC, Medical Health Officer, Interior Health Authority, re: Regulatory and Health Improving Activities & Roles

Dr. Paul Hasselback:

- Interior Health inherited responsibility for nearly half of the drinking water systems in the Province. 80% of those systems are in need of significant infrastructure investment to achieve national and international expectations.
- Encouraged jurisdictions to take an active role in protecting the Okanagan/Similkameen airshed and in mitigated existing air quality threats.
- Under the new Public Health Act, IHA and local governments will be mandated to work together when dealing with the Safe Premises Bylaw.

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Moved by Councillor Given/Seconded by Councillor Hobson

R107/09/02/09 THAT Council receive, for information, the verbal report from Dr. Hasselback, MD MSc FRCPC, Medical Health Officer, of February 9, 2009 with respect to the Interior Health Authority's regulatory and health improving activities and roles.

Carried

4. COMMITTEE REPORTS

4.1 Public Art Coordinator, dated February 3, 2009, re: 2008 Public Art Committee Report

Staff:

- Introduced the Committee members in attendance and reviewed the Public Art Budget for 2009/2010.

Judy Burns, Chair, Public Art Committee:

- Gave a presentation with respect to the Public Art Committee's 2008 achievements and provided Council with a copy of the newest Public Art Brochure.

Moved by Councillor Stack/Seconded by Councillor Hodge

R108/09/02/09 THAT City Council receive the 2009 report of the Public Art Committee dated February 3, 2009 for information.

Carried

5. DEVELOPMENT APPLICATION REPORTS

5.1 Community Sustainability Division, dated January 20, 2009, re: Agricultural Land Reserve Appeal No. A08-0009 – Joseph & Katherine Sowinski (Jason Sowinski) – 3265 McCulloch Road

Staff:

- Advised that the actual home site portion is .3 ha rather than .25 ha as noted in the Council Report.

Moved by Councillor James/Seconded by Councillor Given

R109/09/02/09 THAT Agricultural Land Reserve Appeal No. A08-0009 for Lot B, Section 10, Township 26, O.D.Y.D., Plan 19769, located on McCulloch Road, Kelowna, B.C. for a subdivision (option #2) within the Agricultural Land Reserve, pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Municipal Council subject to:

- Registration of a 219 Restrictive Covenant against the remainder parcel restricting location of the home site to an area of approximately 15,000 ft² that is not in current agricultural production
- Post a security bond in the form of a "letter of credit" at time of subdivision securing the estimated cost of the replant/densification of fruit trees on the agricultural portion, as determined by a professional agrologist.

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

Carried

5.2 Community Sustainability Division, dated December 12, 2008, re: Rezoning Application No. Z08-0099 – Ruth & Mohammed Umran (Ruth Umran) – 1045 El Paso Road

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

Moved by Councillor Hobson/Seconded by Councillor Hodge

R110/09/02/09 THAT Rezoning Application No. Z08-0099 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 22, Section 25, Township 26, ODYD, Plan 22986, located on El Paso Road, Kelowna, BC from the A1 – Agricultural 1 zone to the A1s – Agricultural 1 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 Black Mountain Irrigation District being completed to their satisfaction.

Carried

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

Bylaw No. 10152 (Z08-0099) – Ruth & Mohammed Umran (Ruth Umran) – 1045 El Paso Road

Moved by Councillor James/Seconded by Councillor Given

R111/09/02/09 THAT Bylaw No. 10152 be read a first time.

Carried

5.3 Community Sustainability Division, dated January 19, 2009, re: Official Community Plan Bylaw Amendment Application No. OCP08-0029 and Rezoning Application No. Z08-0105 – City of Kelowna – 3694 & 3696 Lakeshore Road

(a) Community Sustainability Division report dated January 19, 2009.

Moved by Councillor Hobson/Seconded by Councillor Stack

R112/09/02/09 THAT OCP Bylaw Amendment No. OCP08-0029 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Amended Lot 23A & Amended Lot 24A, Block 4, District Lot 134, ODYD, Plan 515, located at 3694 & 3696 Lakeshore Road, respectively, Kelowna, BC, from the Single/Two Unit Residential designation to Major Park/Open Space designation, as shown on Map “A” attached to the report of Land Use Management Department, dated January 19, 2009, be considered by Council;

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THAT Rezoning Application No. Z08-0105 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Amended Lot 23A & Amended Lot 24A, Block 4, District Lot 134, ODYD, Plan 515, located at 3694 & 3696 Lakeshore Road, respectively, Kelowna, BC, from the RU1 – Large Lot Housing zone to the P3 – Parks and Open Space zone be considered by Council;

THAT Council considers 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 Land Use Management Department dated January 19, 2009;

THAT the OCP Bylaw Amendment No. OCP08-0029 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

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

- (i) Bylaw No. 10153 (OCP08-0029) – City of Kelowna – 3694 & 3696 Lakeshore Road – Requires a majority of all Members of Council (5)

Moved by Councillor Hodge/Seconded by Councillor Rule

R113/09/02/09 THAT Bylaw No. 10153 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. 10154 (Z08-0105) – City of Kelowna – 3694 & 3696 Lakeshore Road

Moved by Councillor Rule/Seconded by Councillor Hodge

R114/09/02/09 THAT Bylaw No. 10154 be read a first time.

Carried

5.4 Community Sustainability Division, dated January 27, 2009, re: Rezoning Application No. Z08-0035 – Dwayne & Sandra Jeurond – 890 Juniper Road

- (a) Community Sustainability Division report dated January 27, 2009.

Moved by Councillor Stack/Seconded by Councillor Hobson

R115/09/02/09 THAT Rezoning Application No. Z08-0035 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot D Section 23 Township 26 ODYD Plan 19579, located at 890 Juniper 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;

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AND THAT the 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 Development Engineering Branch and Rutland Water District being completed to their satisfaction.

Carried

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

Bylaw No. 10083 (Z08-0035) – Dwayne & Sandra Jeurond – 890 Juniper Road

Moved by Councillor Reid/Seconded by Councillor Blanleil

R116/09/02/09 THAT Bylaw No. 10083 be read a first time.

Carried

6. **NON-DEVELOPMENT APPLICATION REPORTS**

6.1 Police Administration Manager, dated February 2, 2009, re: City of Kelowna Rotational Towing and Storage List and City of Kelowna Council Policy Manual – Policy Number 291

Staff:

- Advised that the changes have been discussed with the service providers.

Moved by Councillor Given/Seconded by Councillor Hodge

R117/09/02/09 THAT Council approve changes and updates to City of Kelowna Council Policy No. 291 – City of Kelowna Rotational Towing and Storage List, as outlined in the report from the Police Administration Manager dated February 2, 2009.

Carried

6.2 Project Manager, Design & Construction, dated February 4, 2009, re: Stuart Park, Phase 1 – Project Financial Update

Staff:

- Provided information regarding how the construction costs escalated resulting in the project's budget having a shortfall of \$1.5 Million.

Council:

- Acknowledged the letter that was sent by the Downtown Kelowna Association expressing their concern with respect to the removal of the ice surface.

City Manager:

- Advised that staff can bring back a recommendation with alternatives, which will essentially cut funding from other parts of the City's budget.

Moved by Councillor Given/Seconded by Councillor Rule

R118/09/02/09 THAT Council receive, for information, the report of the Project Manager, Design & Construction dated February 4, 2009 with respect to the status of the Stuart Park Phase 1 development project;

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AND THAT Council directs staff to investigate other funding opportunities for the ice rink function proposed for the park and report back to Council with options.

Carried

Councillors Blanche, Hobson and James – Opposed.

6.3 Parking Planning Manager, dated February 4, 2009, re: Kelowna and Area Mountain Bike Strategy

Staff:

- Advised that City staff will be addressing the decommissioning of non-sanctioned mountain bike trails within the City.

Dan McDonald and Dave Williamson, Consultants, Cascade Environmental Resource Group Ltd.:

- Gave a presentation to Council with respect to the Kelowna and Area Mountain Bike Strategy.
- Believes that the Central Okanagan will be recognized world-wide for its excellence in mountain bike trails, facilities and management.
- The preferred area for the first bike park site is Hollywood Road.

Moved by Councillor Hodge/Seconded by Councillor Reid

R119/09/02/09 THAT Council approve the Kelowna and Area Mountain Bike Strategy as a guide for the development and management of mountain bike facilities within the City of Kelowna.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

7.1 Bylaw No. 10144 – Amendment No. 21 to Electricity Regulation Bylaw No. 7639

Moved by Councillor Stack/Seconded by Councillor Hobson

R120/09/02/09 THAT Bylaw No. 10144 be adopted.

Carried

8. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Andre Chaisson, a security person at the Bank of Montreal, as the latest recipient of the “Spirit of Kelowna” Acknowledgment for his great work of keeping people from loitering in the area around the bank.

Councillor Given:

- Advised that he was recently elected as Chair to the Okanagan Basin Water Board.

Councillor Hobson:

- Expressed a concern with respect to the possibility CHBC being sold.

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Moved by Councillor Hobson/Seconded by Councillor Hodge

R121/09/02/09 THAT Council authorizes the Mayor to forward a letter to the CRTC expressing Council's concern with respect to the potential sale of CHBC and Council's desire to maintain the local news content.

Carried

9. TERMINATION

The meeting was declared terminated at 5:05 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld