

Regular Meeting – P.M.June 15, 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, June 15th, 2009.

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

Council members absent: Brian Given, Angela Reid

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; General Manager, Corporate Sustainability Paul Macklem*; General Manager, Community Sustainability Jim Paterson*; General Manager, Community Services, John Vos*; Director of Real Estate and Building Services, Doug Gilchrist*; Planner Specialist, Gary Stephen*; Director Policy and Planning Signe Bagh*; Director Land Use Management Shelley Gambacort*; Director Community & Media Relations, Carla Stephens*; Director Strategic Initiatives, David Graham*; Land Use Manager, Danielle Noble*; Director Community Services, Bill Berry*; Airport Director, Sam Samaddar*; Current Planning Manager, Theresa Eichler*; Director, Infrastructure Planning, Randy Cleveland*; Manager, Property Management, Ron Forbes*; Manager, Real Estate & Building Services, Derek Edstrom*; Project Manager Integrated Systems, Mark Watt*; Manager Community Services, Andrew Gibbs*; Planner, Greg Sauer*; Parks Planner, Barb Davidson*; and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:33 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Rob Steenwyk, re: Presentation of Certificate of Commendation

Council

- Mayor Shepherd presented Mr. Rob Steenwyk with the Certificate of Commendation on behalf of the Governor General.

3.2 Evelien Vermue, Veendam Exchange Student re: Overview of Exchange Student Experience

- Evelien Vermue described her very positive exchange student experience in Kelowna at KSS.

3.3 Renata Mills, Executive Director, Festivals Kelowna, re: A Review of 2008 & Preview of 2009

- Provided a Review of 2008 and a Preview of 2009 for Festivals Kelowna.
- On behalf of the Board of Directors and Festivals Kelowna, the Manager of Strategic Initiatives, Reid Oddleifson was presented with a plaque for his outstanding contributions to Festivals Kelowna.

Moved by Councillor Stack/Seconded by Councillor Hodge

R644/09/06/15 THAT Council receive as information Festivals Kelowna Review of 2008 and Preview of 2009.

Carried

Regular Meeting – P.M.June 15, 20094. COMMITTEE REPORTS4.1 City Clerk, dated June 4, 2009, re: Audit Committee Terms of ReferenceMoved by Councillor James/Seconded by Councillor Rule**R645/09/06/15** THAT Council receive for information the report of the City Clerk, dated June 04, 2009;

AND THAT Council endorse the revised Terms of Reference for the Audit Committee, attached to the Report of the City Clerk dated June 04, 2009.

Carried4.2 City Clerk, dated June 4, 2009, re: Council Appointments to CommitteesMoved by Councillor Hobson/Seconded by Councillor Stack**R646/09/06/15** THAT Council rescind the appointment of Councillor Stack to the Accessibility Advisory Committee;

AND THAT Council appoint Councillor Hodge to the Accessibility Advisory Committee;

AND THAT Council defer the appointments of Councillors Rule and Stack to the Committee to End Homelessness.

Carried5. DEVELOPMENT APPLICATION REPORTS5.1 Community Sustainability Division, dated June 2, 2009, re: Agricultural Land Reserve Appeal Application No. A09-0001 – Arian Poonian (Protech Consultants Ltd.) – 781 Wallace Road

Mayor Shepherd invited the applicant or the applicant's representative to come forward.

Grant Maddock, Applicant's Representative

- The property was purchased in 2007 and at that time the road was not built. The Applicant thought there would be level access across the road. Access to both parcels is not accessible from McCurdy Road. From a farming point of view you cannot get equipment from one road to another. It was a mistake that the property had not been consolidated by the City and ALC.

Catherine Orban, Agrologist

- Conducted site visits but did not look at soil capability due to the parcels being too small to farm on. Agriculture capability mapping for the site indicated that both parcels would be a Class 3 with soil and moisture deficiency. There are sloped and disturbed soils and the property is not very good for moving equipment. The suitability of the site has been compromised with the construction of the road.

Council:

- Confirmed that Applicant was aware he bought agricultural land and that the road was dedicated but was not constructed.
- Concerned that there will be two pieces of ALR property that will not be used agriculturally.

Regular Meeting – P.M.

June 15, 2009

- Inquired if the two pieces of property could be subdivided. Staff advised that the properties could not be subdivided unless sewer were provided or extended at owner's cost.

Moved by Councillor James/Seconded by Councillor Blanleil

R647/09/06/15 THAT Agricultural Land Reserve Appeal No. A09-0001 for a portion of Lot 1 Section 36 Township 26 ODYD Plan 41383 Except Plan KAP60857, located at 781 Wallace Road, Kelowna, B.C. for exclusion from the Agricultural Land Reserve, pursuant to Section 30(1) of the Agricultural Land Commission Act be supported by Municipal Council;

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

Defeated

Mayor Shepherd, Councillors Rule, Hodge, Stack and Hobson - Opposed

- 5.2 Community Sustainability Division, dated June 4, 2009, re: Agricultural Land Reserve Appeal Application No. A09-0003 – Elmo & Emma Rantucci – 2590-2620 Sexsmith Road

Moved by Councillor Hobson/Seconded by Councillor Stack

R648/09/06/15 THAT Agricultural Land Reserve Appeal No. A09-0003 for Lot 18, Block 15, Plan 1068, Sec 3, Twp 23, ODYD, located on Sexsmith Road, Kelowna, B.C. for a 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

- 5.3 Community Sustainability Division, dated May 25, 2009, re: Rezoning Application No. Z08-0014 – Elizabeth & Armogan Odiyar – 380 Taylor Road

(a) Community Sustainability Division report dated May 25, 2009.

Moved by Councillor Hodge/Seconded by Councillor Blanleil

R649/09/06/15 THAT Rezoning Application No. Z08-0014 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 22, Township 26, O.D.Y.D., Plan 30079, located on Taylor 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 Development Engineering Department, being completed to their satisfaction.

Defeated

Mayor Shepherd, Councillors Rule, Hodge, James, Blanleil, Stack and Hobson - Opposed

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

Bylaw No. 10209 (Z08-0014) – Elizabeth & Armogan Odiyar – 380 Taylor Road

Bylaw 10209 was not considered due to the Rezoning Application being defeated.

5.4 Community Sustainability Division, dated May 29, 2009, re: Text Amendment Application No. TA09-0003 – City of Kelowna

(a) Community Sustainability Division report dated May 29, 2009.

Moved by Councillor Stack/Seconded by Councillor Hodge

R650/09/06/15 THAT Zoning Bylaw Text Amendment No. TA09-0003 to amend City of Kelowna Zoning Bylaw No. 8000 by adding “Participant Recreation Services, Indoor” as a principle use to the industrial areas in the airport business park as noted on Comprehensive Development Zone 15 Map 1, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA09-0003 be forwarded to a Public Hearing for further consideration.

Carried

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

Bylaw No. 10208 (TA09-0003) – City of Kelowna – Amendment to the CD15 – Schedule “B” – Comprehensive Development zone

Moved by Councillor Hodge/Seconded by Councillor Rule

R651/09/06/15 THAT Bylaw No. 10208 be read a first time.

Carried

5.5 Community Sustainability Division, dated June 4, 2009, re: Land Use Contract Application No. LUC09-0002 – WGP-241 Holdings Ltd. – 2009-2015 Enterprise Way

(a) Community Sustainability Division report dated June 4, 2009.

Moved by Councillor Blanleil/Seconded by Councillor Stack

R652/09/06/15 THAT Application No. LUC09-0002 to discharge the Land Use Contract 77-1028 for Lot 1, District Lot 140, ODYD Plan 27785 located on Enterprise Way, Kelowna, BC, be considered by Council;

AND THAT Application No. LUC09-0002 be forwarded to a Public Hearing for further consideration.

Carried

Regular Meeting – P.M.

June 15, 2009

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

Bylaw No. 10210 (LUC09-0002) – WGP-241 Holdings Ltd. – 2009-2015 Enterprise Way

Moved by Councillor Rule/Seconded by Councillor Hodge

R653/09/06/15 THAT Bylaw No. 10210 be read a first time.

Carried

5.6 Community Sustainability Division, dated May 28, 2009, re: Official Community Plan Bylaw Amendment Application No. OCP09-0009 and Rezoning Application No. Z09-0026 – Cedar Creek Developments Ltd., 0775362 BC Ltd. and Kettle Valley Holdings Ltd. (Protech Consultants Ltd.) – (S of) South Perimeter Way, (W of) Mountainside Drive, 5570 Mountainside Drive, 5635 Chute Lake Road

(a) Community Sustainability Division report dated May 28, 2009.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R654/09/06/15 THAT OCP Bylaw Amendment No. OCP09-0009 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of a portion of Lot A Section 23 Township 28 SDYD Plan KAP88802, located on (S OF) South Perimeter Way, Kelowna, B.C., from the Major Park/Open Space designation to the Single/Two Unit Residential designation, as shown on Map “A” attached to the report of the Community Sustainability Division, dated May 28, 2009, 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 Community Sustainability Division dated May 28, 2009;

AND THAT Rezoning Application No. Z09-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

- i. a portion of Lot A Section 23 Township 28 SDYD Plan KAP88802 (“Lot A Plan KAP88802”), located on (S OF) South Perimeter Way, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone and a portion of Lot A Plan KAP88802 from the A1 – Agriculture 1 zone to the CD2 – Kettle Valley Comprehensive Residential Development zone;
- ii. a portion of Lot 1 Section 23 Township 28 SDYD Plan KAP71865 Except Plans KAP71954, KAP72416, KAP72846, KAP73329, KAP74924, KAP75525, KAP76664, KAP79583, KAP80284, KAP80574, KAP81737, KAP82635, KAP84295, KAP85435 AND KAP88803, located on (W OF) Mountainside Drive, Kelowna, B.C., from the CD2 – Kettle Valley Comprehensive Residential Development zone to the RU1 – Large Lot Housing zone;
- iii. a portion of Lot A Section 14 Township 28 SDYD Plan KAP57304 Except Plans KAP82635, KAP84031 AND KAP84295, located on 5570 Mountainside Drive, Kelowna, B.C., from the CD2 – Kettle Valley Comprehensive Residential Development zone to the RU1 – Large Lot Housing zone;

Regular Meeting – P.M.June 15, 2009

- iv. a portion of The Northwest 1/4 OF Section 14 Township 28 SDYD, located on 5635 Chute Lake Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the CD2 – Kettle Valley Comprehensive Residential Development zone;

all as shown on Map "B" attached to the report of Community Sustainability Division, dated May 28, 2009, be considered by Council;

AND FURTHER THAT the OCP Bylaw Amendment No. OCP09-0009 and zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

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

- (i) Bylaw No. 10211 (OCP09-0009) – Cedar Creek Developments Ltd., 0775362 BC Ltd. and Kettle Valley Holdings Ltd. - (S of) South Perimeter Way, (W of) Mountainside Drive, 5570 Mountainside Drive, 5635 Chute Lake Road)

Moved by Councillor Stack/Seconded by Councillor Blanleil

R655/09/06/15 THAT Bylaw No. 10211 be read a first time.

Carried

- (ii) Bylaw No. 10212 (Z09-0026) - Cedar Creek Developments Ltd., 0775362 BC Ltd. and Kettle Valley Holdings Ltd. - (S of) South Perimeter Way, (W of) Mountainside Drive, 5570 Mountainside Drive, 5635 Chute Lake Road

Moved by Councillor Stack/Seconded by Councillor Blanleil

R656/09/06/15 THAT Bylaw No. 10212 be read a first time.

Carried

- 5.7 Community Sustainability Division, dated May 12, 2009, re: Heritage Alteration Permit Application No. HAP09-0005 – City of Kelowna (Hugh Bitz) – 1825 Richter Street

Moved by Councillor Hodge/Seconded by Councillor Rule

R657/09/06/15 THAT Council authorize the issuance of Heritage Alteration Permit No. HAP09-0005; for Lot 7 & 8, Block 63, District Lot 138, ODYD, Plan 262 Except Plan 1000, Lots 44, 45, 46, 47 & 48 District Lot 138, ODYD, Plan 1000 located at 1825 Richter 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 applicant should consider ways to preserve the existing mature vegetation;

Regular Meeting – P.M.June 15, 2009

4. There be a no net loss of trees or onsite vegetation.

Carried

- 5.8 Director, Real Estate & Building Services, dated June 10, 2009, re: BC Housing Initiative (Tutt Street Place – N.O.W. Canada) – Progress Report

Staff:

- Provided background information that lead to this progress report.
- Staff advised that the Project Manager will ensure construction traffic will access Osprey.

Council:

- Concerned that merchant employees are parking in the public parking.
- Staff are to erect signage to new parking areas.

Moved by Councillor Hodge/Seconded by Councillor James

R658/09/06/15 THAT Council receive, for information, the report of the Real Estate & Building Services Director dated June 10, 2009 with respect to the BC Housing / NOW Canada project and related parking;

AND THAT Council support the proposed No-Net-Loss Parking Plan (permanent stalls) recommended by Staff in this report;

AND THAT Council direct staff to proceed with implementing the No-Net-Loss Parking Plan outlined in this report with additional funding in the amount of approximately \$10,000 to be funded from the Affordable Housing Reserve Fund;

AND THAT Council reconfirm previous direction to Staff to proceed with a parking study in 2009 for the Pandosy Town Center and report back to Council with recommendations related to implementation of a parking management strategy;

AND THAT Council direct Staff to continue to explore additional parking options for the Pandosy Town Center subject to the outcome of the parking study.

Carried

Councillor Blanleil - Opposed

- 5.9 Community Sustainability Division, dated April 24, 2009, re: Development Permit Application No. DP08-0234 – City of Kelowna (Philip Macdonald Architect) – 2955 Pandosy Street

Moved by Councillor Hodge/Seconded by Councillor Stack

R659/09/06/15 THAT the Council authorize the issuance of Development Permit No. DP08-0234 for Lot 2, District Lot 14, ODYD, Plan 35105, located at 2955 Pandosy 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) Landscaping to be provided on the land be in general accordance with Schedule "C";

Regular Meeting – P.M.June 15, 2009

- 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 the estimated value of the landscaping, as determined by a professional landscaper;
- 5) The registration of the subdivision plan at the Land Titles Office prior to issuance of the Development Permit;
- 6) The applicant be required to satisfy the Development Engineering Branch requirements prior to issuance of the Development Permit.

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Community Sustainability Division, dated May 20, 2009, re: Rezoning Application No. Z05-0041 – Georg-Michael Holzhey Ltd. & Gaboury Holdings Inc. (Georg-Michael Holzey Ltd.) – 205 & 210 Lougheed Road (formerly 2630 Hollywood Road)

- (a) Community Sustainability Division report dated May 20, 2009.

Moved by Councillor Stack/Seconded by Councillor Blanleil

R660/09/06/15 THAT Final Adoption of Zone Amending Bylaw No. 9691 be considered by the Municipal Council.

Carried

- (b) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9691 (Z05-0041) – Georg-Michael Holzhey Ltd. – 205 & 210 Lougheed Road (formerly 2630 Hollywood Road)

Moved by Councillor Stack/Seconded by Councillor Blanleil

R661/09/06/15 THAT Bylaw No. 9691 be adopted.

Carried

- 6.2 Bylaw No. 10063 (Z08-0008) – Ann Allan Holdings Inc. – 300 Penno Road

Moved by Councillor Stack/Seconded by Councillor Blanleil

R662/09/06/15 THAT Bylaw No. 10063 be adopted.

Carried

- 6.3 Bylaw No. 10077 (OCP07-0037) – FortisBC Inc. (New Town Planning Services Inc.) – 3550 Lochrem Road

Councillor Stack departed the meeting at 4:10 p.m. due to a conflict of interest.

Regular Meeting – P.M.

June 15, 2009

Staff:

- Staff advised they have enhanced the landscape plan and added trees. The ALR buffer zone includes a 6 foot high fence with additional plantings. A one year maintenance agreement is in place.

Moved by Councillor Graham/Seconded by Councillor Hobson

R663/09/06/15 THAT Bylaw No. 10077 be adopted.

Carried
Councillor Hodge - Opposed

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

Moved by Councillor James/Seconded by Councillor Hodge

R664/09/06/15 THAT Bylaw No. 10078 be adopted.

Carried
Councillor Hodge - Opposed

Councillor Stack re-entered the meeting at 4:18 p.m.

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

Moved by Councillor Hobson/Seconded by Councillor Stack

R665/09/06/15 THAT Bylaw No. 10152 be adopted.

Carried

6.6 Community Sustainability Division, dated June 10, 2009, re: Mission Creek Mountain Bike Skills Park – 1960 Hollywood Road South

(a) Community Sustainability Division report dated June 10, 2009.

Staff:

- Staff will look into providing more screening for the affected resident.

Moved by Councillor Hobson/Seconded by Councillor Stack

R666/09/06/15 THAT final adoption of zone amending Bylaw No. 10171 be considered;

AND THAT Council receive for information the updated plans for the Mission Creek Mountain Bike Skills Park as requested.

Carried

(b) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 10171 (Z09-0006) – City of Kelowna – 1960 Hollywood Road South

Regular Meeting – P.M.June 15, 2009Moved by Councillor Stack/Seconded by Councillor Hobson**R667/09/06/15** THAT Bylaw No. 10171 be adopted.Carried6.7 Bylaw No. 10180 (HRA09-0002) – Davara Holdings Ltd. (Dustin Sargent)
– 311 Borden Avenue

Councillor Stack declared a conflict of interest due to his affiliation with an organization that controls the property kitty corner to this property and departed the meeting at 4:33 p.m.

Moved by Councillor Hobson/Seconded by Councillor James**R668/09/06/15** THAT Bylaw No. 10180 be adopted.Carried

Councillor Stack re-entered the meeting at 4:34 p.m.

6.8 Bylaw No. 10181 (Z09-0016) – 696617 BC Ltd. (Ken & Barbara Redlick)
– 1310 Tanemura CrescentMoved by Councillor Hobson/Seconded by Councillor Stack**R669/09/06/15** THAT Bylaw No. 10181 be adopted.Carried**7. NON-DEVELOPMENT APPLICATION REPORTS**7.1 Community Sustainability Division, dated June 5, 2009, re: Sensitive Ecosystems Inventory: Kelowna 2007; Sensitive Habitat Inventory and Mapping – 2008 – Volume 3 and Wetland Inventory, Classification, Evaluation and Mapping

Council:

- Questioned if there would be an Open House. Staff noted there were no plans for an Open House only a press release. The Sensitive Ecosystems will be part of the OCP work and an OCP Open House is scheduled for the Fall.

Moved by Councillor Hodge/Seconded by Councillor Hobson**R670/09/06/15** THAT the following three reports be received for information:

- Sensitive Ecosystems Inventory (SEI): Kelowna, 2007;
- Sensitive habitat Inventory and Mapping (SHIM) – 2008: Volume 3; and,
- Wetland Inventory, Classification, Evaluation and Mapping (WIM);

AND THAT City Council endorse the use of the following three reports to assist in the updating of the Official Community Plan (Kelowna 2030) and other land use management and policy initiatives as appropriate:

- Sensitive Ecosystems Inventory: Kelowna, 2007;
- Sensitive habitat Inventory and Mapping–2008: Volume 3; and,

Regular Meeting – P.M.

June 15, 2009

- Wetland Inventory, Classification, Evaluation and Mapping;

AND FURTHER THAT staff be directed to follow the Communication Plan outlined in the June 5, 2009 memorandum.

Carried

- 7.2 Airport Director, dated June 9, 2009, re: Airport Use Agreement for 1263343 Alberta Inc. dba Enerjet – Kelowna International Airport

Moved by Councillor Blanleil/Seconded by Councillor Stack

R671/09/06/15 THAT Council consent to approve the Air Carrier Airport Use Agreement allowing 1263343 Alberta Inc. dba Enerjet to operate at the Kelowna International Airport.

AND THAT the Mayor and City Clerk be authorized to execute the Air Carrier Airport Use Agreement allowing 1263343 Alberta Inc. dba Enerjet to operate at the Kelowna International Airport.

Carried

- 7.3 Airport Director, dated June 4, 2009, re: Consent to Second Mortgage of Sub-Lease – 600897 BC Ltd. – Kelowna International Airport

Moved by Councillor Blanleil/Seconded by Councillor Stack

R672/09/06/15 THAT Council consent to a Mortgage of Sub-Lease No. 151230 between 600897 B.C. Ltd. (Carson Air) and the Canadian Imperial Bank of Commerce.

THAT Council consent to a Mortgage of Sub-Lease No. 146838 (assigned by A.O.G. Air Support Inc. to 600897 B.C. Ltd.) between 600897 B.C. Ltd. (Carson Air) and the Canadian Imperial Bank of Commerce.

AND THAT the Mayor and City Clerk be authorized to execute the Consents to Mortgage of Sub-Lease on behalf of the City.

Carried

- 7.4 Director, Design & Construction Services, dated June 5, 2009, re: Award of Construction Contract TE09-03 – Glenmore Road Bypass 2 & 3 – Dallas Road to Scenic Road

Moved by Councillor James/Seconded by Councillor Hodge

R673/09/06/15 THAT Council receive, for information, the Report from the Director, Design & Construction Services dated June 5, 2009 with respect to awarding the contract for the construction of the Glenmore Road Bypass 2 & 3;

AND THAT the Contract for the construction of the Glenmore Road Bypass 2 & 3 – (Dallas Road to Scenic Road) be awarded to Ansell Construction Ltd. for the amount of \$7,837,634.18, which includes GST;

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

AND FURTHER THAT the Director, Design & Construction Services be authorized to approve any necessary Change Orders to the Contract up to a maximum amount of \$500,000.

Carried

Regular Meeting – P.M.June 15, 20097.5 City Clerk, dated June 3, 2009, re: Regulation of the Sale of Graffiti Tools

Council;

- Would like letters written to the local Minister of Community Affairs, Premier Campbell, the Attorney General and copy MLA's.
- Council would like the Graffiti Co-ordinator to present to Council and identify what the plans are for the year.

Moved by Councillor Rule/Seconded by Councillor Stack

R674/06/15 THAT Council direct staff not to proceed with drafting a bylaw regulating the sale of graffiti tools for the reasons outlined in the report of the City Clerk dated June 3, 2009.

AND THAT Council authorize the Mayor to write to the provincial government encouraging an amendment to the *Community Charter* that would provide municipalities the ability to regulate the sale of graffiti tools.

Carried8. MAYOR & COUNCILLOR ITEMS8.1 Mayor Shepherd, re: "Spirit of Kelowna" Acknowledgment

Mayor Shepherd:

- Advised that the John McMahon, Principal of Glenmore Elementary School is the latest recipient of the Spirit of Kelowna Acknowledgment. Mr. McMahon is very supportive of his staff and students on many initiatives.

Councillor Stack:

- Provided a summary report on the Federation of Canadian Municipalities (FCM) Conference.

9. TERMINATION

The meeting was declared terminated at 5:22 p.m.

Certified Correct:_____
Mayor_____
City Clerk

ACM/dld