

Regular Meeting – P.M.June 29, 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 29th, 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, John Vos; City Clerk, Stephen Fleming; General Manager, Community Sustainability, Jim Paterson*; Manager, Urban Land Use, Danielle Noble*; Director, Recreation & Cultural Services, Jim Gabriel*; Electrical Administration Manager, Cindy McNeely*; Manager, Financial Accounting, Jackie Dueck*; Director, Civic Operations, Joe Creron*; Project Engineer, Road, Drainage & Solid Waste Projects, Purvez Irani*; Manager, Cultural Services, Sandra Kochan*; Design Technician, Kelly Hanson*; Project Manager, Integrated Systems, Mark Watt*; Risk Manager, Lance Kayfish*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:41 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Anna Warwick Sears, Executive Director, re: Okanagan Basin Water Board Presentation

Executive, Director, Okanagan Basin Water Board, Anna Warwick Sears:

- Gave a presentation to Council on the Okanagan Basin Water Board's activities.

Staff:

- Confirmed that the Kelowna Joint Water Committee is already working on a region-wide plan to deal with water restrictions.

Moved by Councillor Given/Seconded by Councillor Hodge

R697/09/06/29 THAT Council receive, for information, the verbal report from the Okanagan Base Water Board.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Community Sustainability Division, dated June 19, 2009, re: Agricultural Land Appeal No. A09-0004 - Elizabeth Borrett (Aaron Dow) - 3681 Hart Road **Mayor to invite the Applicant or Applicant's Representative to come forward.**

Staff:

- Confirmed that Council could place a condition on the homesite severance that a covenant be placed on the property which would not permit an additional home to be constructed on the site.

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

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Applicants, Elizabeth Borrett and Roger Borrett, Jr.:

- Would like to be able to sever a 2 acre parcel from the parent property so that the 2 acres be sold to her son.
- Confirmed that the property has been in the family since 1928. Her father-in-law took possession of the property in 1960 and that the land has been actively farmed since that time.
- Confirmed that the property line adjustment was done when her son bought the adjoining acreage. The lot line adjustment was completed in 1991.
- Advised that the little house on the property was built in 1965, but was not registered as an independent lot until 1980.
- Believes that the alternate staff recommendation would result in anything that is in agriculture now having to be removed, and therefore, she does not agree with staff's alternate recommendation.
- Believes that if the alternate recommendation was approved, she would have to redo the servicing on the site.
- Advised that she would like to have her own piece of land that is independent of her son's property.
- Confirmed that the second house on the property is currently being rented by her brother and is a separate parcel that is totally independent of her parcel of property.
- Advised that she does not agree with staff's recommendation to consolidate the "remainder" of Lot A, Plan 31613 (her property) with the adjacent parcel being Lot 2, Plan KAP48949 (her son's property).

Moved by Councillor Hodge/Seconded by Councillor Blanleil

R698/09/06/29 THAT Agricultural Land Reserve Appeal No. A09-0004 for Lot A, Section 10, Township 26, Osoyoos Division Yale District Plan 31613, located at 3681 Hart Road, Kelowna, B.C. for a homesite severance within the Agricultural Land Reserve, pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Municipal Council subject to:

- Limitation of the size of the homesite severance to 0.4 hectares (1.0 acres) to include the existing home, a maximum 10.0 meter wide access along the south property line, and the existing private sewage disposal system;

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

DEFEATED

Mayor Shepherd and Councillors Hobson, Reid, Rule and Stack – Opposed.

Moved by Councillor Hobson/Seconded by Councillor Stack

R699/09/06/29 THAT Agricultural Land Reserve Appeal No. A09-0004 for Lot A, Section 10, Township 26, Osoyoos Division Yale District Plan 31613, located at 3681 Hart Road, Kelowna, B.C. for a homesite severance within the Agricultural Land Reserve, pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Municipal Council subject to:

- Consolidation of the "remainder" of Lot A, Section 10, Township 26, Osoyoos Division Yale District Plan 31613 with adjacent parcel Lot 2, Section 10, Township 26, Osoyoos Division Yale District Plan KAP48949 owned by Roger H Borrett, the intended purchaser;
- Limitation of the size of the homesite severance to 0.4 hectares (1.0 acres) to include the existing home, a maximum 10.0 meter wide access along the south property line, and the existing private sewage disposal system;

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

Carried
Councillors Blanleil, Given and Hodge – Opposed.

4.2 Community Sustainability Division, dated June 18, 2009, re: Rezoning Application No. Z09-0025 - Nicholas and Julie Kellet - 382 Braeloch Road

(a) Community Sustainability Division report dated June 18, 2009.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R700/09/06/29 THAT Rezoning Application No. Z09-0025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B Section 23 Township 28 SDYD Plan 26731, located at 382 Braeloch Road, Kelowna, B.C. from the RR2 – Rural Residential 2 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 and Environment & Land Use being completed to their satisfaction.

Carried

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

Bylaw No. 10214 (Z09-0025) - Nicholas and Julie Kellet - 382 Braeloch Road

Moved by Councillor James/Seconded by Councillor Given

R701/09/06/29 THAT Bylaw No. 10214 be read a first time.

Carried

4.3 Community Sustainability Division, dated June 19, 2009, re: Rezoning Application No. Z09-0024 - Rajinder and Basant Bhullar (Suki Bhullar) - 1525 Collison Road

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

Moved by Councillor Stack/Seconded by Councillor Given

R702/09/06/29 THAT Rezoning Application No. Z09-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot A Section 22 Township 26 ODYD Plan 11943, located at 1525 Collison Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone as shown on Map "A" attached to the report of Community Sustainability Division, dated June 19, 2009, 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 FURTHER 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. 10207 (Z09-0024) - Rajinder and Basant Bhullar (Suki Bhullar) - 1525 Collison Road

Moved by Councillor Given/Seconded by Councillor James

R703/09/06/29 THAT Bylaw No. 10207 be read a first time.

Carried

- 4.4 Community Sustainability Division, dated June 22, 2009, re: Rezoning Application No. Z07-0046 - Eidse Builders (Terry and Joan Raisenan) - 1975 Kane Road

Moved by Councillor Given/Seconded by Councillor Blanleil

R704/09/06/29 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9886, (Z07-0046, Eidse Builders - Gary Tebutt), for Lot B, Plan 22004, Sec. 33, Twp. 26, ODYD, located on 1975 Kane Road, Kelowna, BC be extended from May 27, 2009 to November 27, 2009.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 10177 (HRA09-0001) – Heritage Revitalization Agreement Authorization Bylaw – Lois McCloskey – 770 Bernard Avenue

Moved by Councillor Hodge/Seconded by Councillor Rule

R705/09/06/29 THAT Bylaw No. 10177 be adopted.

Carried

6. **NON-DEVELOPMENT APPLICATION REPORTS**

- 6.1 Electrical Administration Manager, dated June 15, 2009, re: PowerSense Program

PowerSense Operations Manager, FortisBC, Carol Suhan:

- Gave a presentation to Council regarding the PowerSense Program.

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Moved by Councillor Reid/Seconded by Councillor Hodge

R706/09/06/29 THAT Council directs staff to examine the possibility of using local area service to encourage property owners to finance renewal energy upgrades and report back to Council.

Carried

Moved by Councillor Rule/Seconded by Councillor Hodge

R707/09/06/29 THAT Council receive, for information, the report of the Electrical Administration Manager dated June 15, 2009.

Carried

The meeting recessed at 3:26 p.m. The meeting reconvened at 3:36 p.m.

6.2 Financial Accounting Manager, dated June 21, 2009, re: 2008 Annual Report **Mayor to invite anyone in the public gallery who wishes to speak on the report to come forward.**

Mayor Shepherd invited anyone in the public gallery who wished to make comment on the 2008 Annual Report to come forward. No one came forward.

Moved by Councillor Given/Seconded by Councillor Stack

R708/09/06/29 THAT the Annual Report for the year ended December 31, 2008 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

6.3 Director, Design and Construction Services, dated June 23, 2009, re: Award of Construction Contract TE09-04

Staff:

- Provided information regarding any possible road closures and how the public will be accommodated during construction.

Moved by Councillor James/Seconded by Councillor Given

R709/09/06/29 THAT the Contract for the construction of the *Gordon Drive Upgrade 5 & 6 – Four Laning from Cook Road to Lanfranco Road* be awarded to Hayter Construction Ltd. for the amount of \$2,451,545.25, which includes GST (\$116,740.25) that will be fully rebated.

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

AND THAT the Director of the Design & Construction Services Dept. be authorized to approve any necessary Change Orders to this Contract as contingent items arise, up to a maximum amount of \$300,000.

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6.4 Director of Civic Operations, dated June 22, 2009, re: Trash to Treasure

Staff:

- Clarified that staff are prepared to hold a City of Kelowna only event in 2009 and would then consider region-wide event for 2010.

Moved by Councillor Stack/Seconded by Councillor Given

R710/09/06/29 THAT Council receive the report of the Director, Civic Operations dated June 22, 2009 regarding Trash 2 Treasure event with the attached report of the Regional Waste Reduction Supervisor;

AND THAT staff contact the local not-for-profit groups, and other municipalities who have conducted a Trash 2 Treasure event, in order to obtain their input and report back to Council;

AND FURTHER THAT Council request that a Kelowna and/or region wide event be considered for the spring of 2010.

Carried

6.5 Director of Recreation and Cultural Services dated June 24, 2009, re: Western Canadian Music Awards Bid Support

Moved by Councillor Hobson/Seconded by Councillor Given

R711/09/06/29 THAT the City of Kelowna support a bid prepared by Kelowna members and supporters of Music BC (the 'Host Committee') to designate Kelowna as the Host City for the 2010 Western Canadian Music Awards;

AND THAT the City of Kelowna commit \$40,000 from the Festivals and Community Celebrations Reserve Fund in support of the bid;

AND THAT if the bid is accepted, the Cultural Services Manager will be a City of Kelowna liaison with the Host Committee;

AND FURTHER THAT if the bid is accepted, staff and the Host Committee will deliver a pre-event report and post-event report to City Council to provide information regarding the economic and cultural development impact of the event.

Carried

6.6 Utility Services Manager, dated June 29, 2009, re: 2009 Water Rates

Staff:

- Gave a presentation to Council regarding the proposed water rates for 2009.
- Confirmed that staff are currently conducting a 5 year cost analysis for the water services and will be bringing a report back to Council for consideration.

Neal Klassen, Water Smart Coordinator:

- Confirmed that the City has a policy of one (1) property – one (1) meter.
- Confirmed that the strata is billed for water consumption and not the individual strata property owners. One (1) meter is installed on strata properties. Advised that strata properties use approximately 17% more water than non-strata properties.

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Moved by Councillor Given/Seconded by Councillor Rule

R712/09/06/29 THAT Council approve an overall rate increase of 7% to meet all water utility program requirements and to ensure water use reduction targets adopted by council are achieved;

AND THAT Council approves the 2009 water rates and service charges to be effective with the first billing cycle in August;

AND FURTHER THAT Bylaw No. 10213 being Amendment No. 33 to Water Regulation Bylaw No. 2173 be forwarded to Council for first three reading consideration.

Carried

Moved by Councillor Reid/Seconded by Councillor Given

R713/09/06/29 THAT Council directs staff to report back to Council regarding the options for bulk metering of strata and multi-family properties.

Carried

Councillor Blanleil left the meeting at 5:15 p.m.

6.7 Director, Infrastructure Planning, dated June 24, 2009, re: Okanagan Lake Bridge pontoons Adaptive Reuse - Project Update and Memorandum of Agreement with WRB Bridge Group

Staff:

- Since the City is assuming some liability when taking over ownership of the pontoons, an Alternative Approval Process (“AAP”) is being triggered.
- Council could decide to hold a referendum rather than proceed with an AAP; however the time required for a referendum surpasses the time allotted by SNC Lavalin and the Province. If a referendum is requested, then this project could not go forward.
- Explained any potential liability the City may be taking over as a result of using the pontoons.
- Advised that the City is engaging an engineer that is proficient in building this type of structure and the use of pontoons.
- Confirmed that the indemnification will happen after the installation of the pontoons and the provision of the “as built” drawings.
- Staff have not explored other commercial activities as this time; however they are not ruling out the possibility of having commercial activities on the pier.
- Advised that the Kelowna Yacht club is on side with the project as a whole.
- Advised that if the grant funding is not approved, then the City would have to do another AAP in order to deal with the borrowing of additional funds.
- Confirmed that electrical is included in the base cost of the pontoons.
- Advised that SNC Lavalin is looking into sandblasting the sides of the pontoons; however staff have not heard back from them with respect to this matter.
- Advised that the cost to provide sewer and water services to the pontoons is somewhere in the range of \$400,000 - \$500,000.

Moved by Councillor Hodge/Seconded by Councillor Stack

R714/09/06/29 THAT Council approves the attached Memorandum of Agreement (MOA) between WRB Bridge Group (WRB; a joint venture of SNC Lavalin Constructors (Pacific) Inc. and CMIR OKB Holdings) and the City of Kelowna for the installation of the Okanagan Lake Bridge (OLB) pontoons to a

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permanent location adjacent to the downtown yacht basin (per Annex 2) and the transfer of ownership to the City following their relocation;

AND THAT, subject to obtaining voter ascent and all other 'conditions precedent' in the MOA, the Mayor and City Clerk be authorized to execute the legal agreements on behalf of the City of Kelowna;

AND THAT an Alternative Approval Process (AAP) opportunity open to all electors within the City of Kelowna be initiated to accept the terms of the MOA;

AND THAT 4:00pm, August 7, 2009 be set as the deadline for receipt of elector responses in the form attached to this report, which is a 'condition precedent' to the City of Kelowna proceeding with the MOA;

AND THAT Council authorizes \$1.0 million for 2009 expenditures with funding from the City Park Land Acquisition Reserve and that the 2009 Financial Plan be amended to provide for this expenditure;

AND THAT Council direct staff to seek external funding including potential sponsorships, grants, partnerships and/or lease considerations for expenditures in 2009, 2010 and 2011 towards completion of the project and report back to Council with a progress report in September, 2009.

Carried

6.8 City Clerk, verbal update, re: AutoVu License Plate Recognition System

Staff:

- Advised that the Bylaw Enforcement vehicle was out in front of Council Chamber between 1:00 pm – 1:30 pm this afternoon and that the equipment received a great deal of interest from the media.
- Provided information regarding the vehicle and its equipment and how it can be used by Bylaw Enforcement staff.
- Confirmed that the City only has one (1) vehicle equipped with the system at the moment, but may consider purchasing another vehicle should this vehicle prove its worth.

Moved by Councillor Hobson/Seconded by Councillor Given

R715/09/06/29 THAT Council receive, for information, the verbal report from the City Clerk regarding the City's new AutoVu License Plate Recognition System;

AND THAT staff report back to Council in September with an update regarding the AutoVu License Plate Recognition System.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

BYLAWS PRESENTED FOR FIRST THREE READINGS)

7.1 Bylaw No. 10213 – Amendment No. 33 to Water Regulation Bylaw No. 2173

Moved by Councillor Stack/Seconded by Councillor Hobson

R716/09/06/29 THAT Bylaw No. 10213 be read a first, second and third time.

Carried

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- 7.2 Bylaw No. 10201 – Road Closure and Removal of Highway Dedication Bylaw – Portion of Joe Riche Road **Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.**

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. No one came forward.

Moved by Councillor Reid/Seconded by Councillor Stack

R717/09/06/29 THAT Bylaw No. 10201 be adopted.

Carried

8. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Advised that the latest recipient of the “Spirit of Kelowna” Acknowledgment is Harold Zinger. Mr. Zinger is a retired man who has, for the past 15 years, been cleaning up the Old Glenmore neighbourhood everyday, 7 days a week, year round. Mr. Zinger goes around picking up litter from the streets and in Robertson Park. Mr. Zinger is also involved in the Neighbourhood Watch Program and keeps a good eye on things in the neighbourhood.

- 8.2 Mayor Shepherd, re: Notices of Motion

Mayor Shepherd put Council on notice that she intends to bring forward a motion requesting that Council pass a resolution in support of the RCMP’s initiative to ban the use of cell phones while driving.

Mayor Shepherd put Council on Notice that she intends to bring forward a motion requesting that Council pass a resolution directing staff to bring forward a Report to Council regarding the CD21 zone process.

9. TERMINATION

The meeting was declared terminated at 6:07 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk