

Regular Meeting – P.M.

August 24, 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, August 24th, 2009.

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

Council members absent: Councillors Angela Reid and Michele Rule.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; General Manager, Community Services, John Vos*; General Manager, Corporate Sustainability, Paul Macklem*; Manager, Urban Land Use, Danielle Noble*; Director, Corporate Services, Rob Mayne*; Airport Director, Sam Samaddar*; Airport Development Manager, Henry Castorf*; Director, Recreation & Cultural Services, Jim Gabriel*; Manager, Community & Neighbourhood Programs, Louise Roberts-Taylor; Manager, Property Management, Ron Forbes*; Parking Coordinator, Stu Evans*; Manager, Partnership Development & Research, Reid Oddleifson*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

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

Mayor Shepherd asked that Council take a moment of silence in memory of Councillor Brian Given who passed away on August 17, 2009 from cancer.

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

3. DEVELOPMENT APPLICATION REPORTS

3.1 Community Sustainability Division, dated August 14, 2009, re: Official Community Plan Bylaw Amendment Application No. OCP09-0004 and Rezoning Application No. Z09-0013 – Condor Holdings Ltd. (Worman Resources Inc.) – 480 Osprey Avenue

(a) Community Sustainability Division report dated August 14, 2009.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R835/09/08/24 THAT OCP Bylaw Amendment No. OCP09-0004 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 12, DL 14, O.D.Y.D., Plan 7927, located on Osprey Avenue, Kelowna, B.C., from the existing “Multiple Unit Residential – Medium Density” designation to the proposed “Commercial” designation, as shown on Map “A” attached to the report of the Community Sustainability Division, dated August 14, 2009, be considered by Council;

AND 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 Community Sustainability Division dated August 14, 2009;

THAT Rezoning Application No. Z09-0013 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12, DL 14, O.D.Y.D., Plan 7927, located on Osprey Avenue, Kelowna, B.C. from the existing “RU6 – Two Dwelling Housing” zone to the proposed “C4 – Urban Centre Commercial” zone be considered by Council;

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AND THAT the OCP Bylaw Amendment No. OCP09-0004 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 Permit and 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 Department being completed to their satisfaction.

Carried

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

- (i) Bylaw No. 10227 (OCP09-0004) – Condor Holdings Ltd. (Worman Resources Inc.) – 480 Osprey Avenue – Requires a majority of all Members of Council (5)

Moved by Councillor James/Seconded by Councillor Hodge

R836/09/08/24 THAT Bylaw No. 10227 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. 10228 (Z09-0013) – Condor Holdings Ltd. (Worman Resources Inc.) – 480 Osprey Avenue

Moved by Councillor Hodge/Seconded by Councillor James

R837/09/08/24 THAT Bylaw No. 10228 be read a first time.

Carried

- 3.2 Community Sustainability Division, dated August 14, 2009 re: Rezoning Application No. Z05-0031 – Okanagan Seasons Resort Ltd. (Allan Manson) – 1490 Mayden Road

Moved by Councillor Hobson/Seconded by Councillor Stack

R838/09/08/24 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9488 (Z05-0031) – Okanagan Seasons Resort Ltd. (Allan Manson) – 1490 Mayden Road be extended to October 4, 2009.

Carried

3.3 (a) **BYLAW PRESENTED FOR ADOPTION**

- Bylaw No. 9488 (Z05-0031) – Okanagan Seasons Resort Ltd. – 1490 Mayden Road

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Moved by Councillor James/Seconded by Councillor Hodge

R839/09/08/24 THAT Bylaw No. 9488 be adopted.

Carried

- (b) Community Sustainability Division, dated August 14, 2009, re: Development Permit Application No. DP05-0077 – Okanagan Seasons Resort Ltd. (Allan Manson) – 1490 Mayden Road

Moved by Councillor Hobson/Seconded by Councillor Stack

R840/09/08/24 THAT Final Adoption of Zone Amending Bylaw No. 9488 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP05-0077 for Lot B, DL125, O.D.Y.D., Plan 17322, located on Mayden Rd., 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";
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;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

Carried

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 4.1 Bylaw No. 10168 (Z08-0118) – Robert & Lula Mills – 684 Barnaby Road

Moved by Councillor Stack/Seconded by Councillor James

R841/09/08/24 THAT Bylaw No. 10168 be adopted.

Carried

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5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 General Manager, Community Services, dated August 19, 2009, re: Kelowna Family Y Gym

Staff:

- Confirmed that this item was shown in the 10-Year Capital Plan as a Priority #2 project.

Moved by Councillor Hobson/Seconded by Councillor Stack

R842/09/08/24 THAT Council approves, in principle, the provision of City funding toward the Kelowna Family Y expansion to a maximum amount of \$1.756M;

AND THAT Council direct staff to bring forward 2010 Budget submissions as outlined in the report of the General Manager, Community Services.

Carried

- 5.2 General Manager, Corporate Sustainability, dated August 12, 2009, re: Lakeshore Fire Protection Agreement – Notice of Termination

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R843/09/08/24 THAT Council approve termination, with six (6) months notice, of the Lakeshore Fire Protection Agreement with the Regional District of Central Okanagan (RDCO);

AND THAT Council directs staff to enter into discussions with the Regional District of Central Okanagan for a new Lakeshore Fire Protection Agreement and report back to Council.

Carried

- 5.3 Airport Director, dated August 18, 2009, re: Drive to 1.6 Million Passengers – Kelowna International Airport

Staff:

- Gave a presentation to Council regarding the Kelowna International Airport's Drive to 1.6 Million Passengers.
- Advised that the Planning Principles behind the Drive to 1.6 Million Passengers are as follows:
 - o the Master Plan anticipates accommodating 1.6 million passengers by 2015;
 - o the current economic conditions;
 - o the Airport's financial position of maintaining the low cost model approach;
 - o planning for a phased approach; and
 - o the actual construction (expenditure) will be triggered by passenger traffic demand.
- Confirmed that the Airport Advisory Committee approved the "Drive to 1.6 Million Passengers" Development Plan as presented and recommended that staff forward it to Council for approval.
- Confirmed that the Airport Advisory Committee approved the increases to the Airport Improvement Fee as outlined and recommended that staff forward it to Council for approval.
- Confirmed that the "Drive to 1.6 Million Passengers" Development Plan was reviewed with the Airline Consultative Committee at a meeting on May 6, 2009 and the Committee has not provided any objections to the program.

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Moved by Councillor Hobson/Seconded by Councillor Blanleil

R844/09/08/24 THAT Council receive the report of the Airport Director dated August 18th, 2009.

THAT Council approve the Drive to 1.6 Million Passengers Airport Development Program;

AND THAT Council authorize the program be funded from the Airport Improvement Fee (AIF) reserve;

AND THAT Council authorize the AIF to be increased to \$12 per enplaned passenger effective January 1, 2011 and to \$15 per enplaned passenger effective January 1, 2013.

AND FURTHER THAT Council give reading consideration to Bylaw No. 10229 being Amendment No. 22 to the Airport Fees Bylaw No. 7982.

Carried

5.4 Airport Director, dated August 18, 2009, re: Sub-Lease for the Operation and Maintenance of a Public Car Parking Facility – Kelowna International Airport

Moved by Councillor Stack/Seconded by Councillor Hobson

R845/09/08/24 THAT Council authorize the Airport Director to enter into a new sub-lease agreement with Royal Star Enterprises Inc. for the operation and maintenance of a public car parking facility at Kelowna International Airport effective September 1, 2009 and ending August 31, 2012, with a provision for two one-year renewals at the option of the City of Kelowna.

AND THAT Council authorizes the Mayor and City Clerk to execute the sub-lease agreement on behalf of the City of Kelowna.

Carried

5.5 Director, Recreation & Cultural Services, dated August 18, 2009, re: Senior Societies Service Delivery Agreements

Moved by Councillor Hobson/Seconded by Councillor Stack

R846/09/08/24 THAT Council endorse the Senior Society Service Delivery Agreements between the City of Kelowna and the Water Street Senior Centre Society, Rutland Senior Centre Society and the Okanagan Mission Senior Centre Society;

AND THAT the Director of Recreation and Cultural Services be authorized to execute the agreements on behalf of the City;

AND FURTHER THAT Council give reading consideration to Bylaw No. 10230 being Amendment No. 2 to Fees and Charges for Recreation, Parks and Cultural Services Bylaw No. 9609.

Carried

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- 5.6 Director, Real Estate & Building Services, dated August 19, 2009, re: Amendment No. 14 to City of Kelowna Traffic Bylaw No. 8120 – Small Car

Moved by Councillor James/Seconded by Councillor Blanleil

R847/09/08/24 THAT Council receive the report dated August 19, 2009 from the Director, Real Estate & Building Services;

AND THAT Council give reading consideration to Bylaw No. 10221 being Amendment No. 14 to the City of Kelowna Traffic Bylaw No. 8120.

Carried

- 5.7 Director, Real Estate & Building Services, dated August 19, 2009, re: Sail Boat Parking and Storage at the Cook Road Parking Lot

Moved by Councillor Hobson/Seconded by Councillor James

R848/09/08/24 THAT Council receive, for information, the Report from the Director, Real Estate & Building Services dated August 19, 2009.

Carried

- 5.8 Manager, Partnership Development & Research, dated August 18, 2009, re: 2015 Canada Winter Games – Kelowna Bid Committee

Moved by Councillor Hodge/Seconded by Councillor Hobson

R849/09/08/24 THAT Council appoint the following individuals to the 2015 Canada Winter Games Kelowna Bid Committee;

Ron Rubadeau – Chairman	
Barry Urness	Steve Jenkins
Bryn Gilbert	Tracie Ward
Chad Douglas	Walter Gray
Doug Nicholas	Jim Gabriel, City Liaison
Heather Schneider	Reid Oddleifson, City Liaison

AND THAT the 2015 Canada Winter Games Kelowna Bid Committee be delegated the authority to make financial decisions within the limits of the Council approved Financial Plan for this project;

Carried

- 5.9 City Clerk, dated August 19, 2009, re: Bylaw No. 6647 – Kelowna Noise and Disturbance Control Variance

Staff:

- Advised that the construction company has already advised the area residents of the special event.

Moved by Councillor Hobson/Seconded by Councillor James

R850/09/08/24 THAT Council receive for information the report of the City Clerk dated August 19, 2009;

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AND THAT Council considers the KGH floor pour a special event in the public interest;

AND THAT for this special event, construction noise be permitted commencing at 6:00am on August 26 and 31st, 2009 and September 03, 15, 18, 24, and 29th;

AND THAT for this special event, construction noise be permitted to end at 2:00am on October 02, 07, 14, 19, 21, and 27th, 2009, and November 03, 2009.

Carried

6. RESOLUTIONS

- 6.1 Mayor Shepherd, Draft Resolution, re: Rezoning Application No. Z09-0031 – Louis Spartin, Tracey Spartin, Gary Taylor and Maureen Ryan (Troika Developments Inc.) – 3975 & 3985 Lakeshore Road

Councillor Stack declared a conflict of interest as he is a long-time family friend of the owners of the property and left the meeting at 3:30 p.m.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R851/09/08/24 THAT Council defers Bylaw No. 10218 to the September 8, 2009 Public Hearing.

Carried

Councillor Stack rejoined the meeting at 3:31 p.m.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 10221 – Amendment No. 14 to Traffic Bylaw No. 8120

Moved by Councillor Hobson/Seconded by Councillor Stack

R852/09/08/24 THAT Bylaw No. 10221 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 10229 – Amendment No. 22 to the Airport Fees Bylaw No. 7982

Moved by Councillor Hobson/Seconded by Councillor Stack

R853/09/08/24 THAT Bylaw No. 10229 be read a first, second and third time.

Carried

- 7.3 Bylaw No. 10230 – Amendment No. 2 to Fees and Charges for Recreation, Parks and Cultural Services Bylaw No. 9609

Moved by Councillor Hobson/Seconded by Councillor Stack

R854/09/08/24 THAT Bylaw No. 10230 be read a first, second and third time.

Carried

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- 7.4 Bylaw No. 10222 – Amendment No. 15 to the City of Kelowna Parks and Public Spaces Bylaw No. 6819-91

Moved by Councillor Hobson/Seconded by Councillor Stack**R855/09/08/24** THAT Bylaw No. 10222 be adopted.Carried

- 7.5 Bylaw No. 10217 – Amendment No. 13 to Traffic Bylaw No. 8120

Moved by Councillor Hobson/Seconded by Councillor Stack**R856/09/08/24** THAT Bylaw No. 10217 be adopted.Carried

Councillor Hodge – Opposed.

- 7.6 Bylaw No. 10223 – Amendment No. 75 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Stack/Seconded by Councillor Hobson**R857/09/08/24** THAT Bylaw No. 10223 be adopted.Carried8. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Gertie Johnson as the latest recipient of the “Spirit of Kelowna” Acknowledgment.

Councillor Stack:

- Advised that the City Solicitor has now modified his advice regarding his conflict of interest declaration with respect to applications where New Town Planning is involved. Based on the recent legal advice, he will no longer be declaring a conflict of interest with respect to applications where New Town Planning is acting as an agent.

Mayor Shepherd:

- Advised that Council passed a resolution during the morning session of today’s Council Meeting that Council formally terminate the adaptive reuse of the Okanagan Lake Bridge Pontoons and that staff be directed to remove the pontoons from the grant applications.

Moved by Councillor Hobson/Seconded by Councillor Hodge**R858/09/08/24** THAT Council direct staff to investigate other tools that could be considered for the Alternative Approval Process and report back to Council;

AND THAT a public meeting be held regarding the Alternative Approval Process.

Carried

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9. TERMINATION

The meeting was declared terminated at 3:52 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld