

Regular Meeting – P.M.

September 14, 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, September 14th, 2009.

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

Council members absent: Councillor Andre Blanleil.

Staff members in attendance were: Acting City Manager, Paul Macklem; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort*; Director, Infrastructure Planning, Randy Cleveland*; Manager, Property Management, Ron Forbes*; Project Manager, Integrated Systems, Mark Watt*; Director, Corporate Services, Rob Mayne*; 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 Reid was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Murray Tekano, District Manager, and Bill Smith, Project Director, Okanagan Corridor, Ministry of Transportation & Infrastructure, re: High Occupancy Vehicle Lanes (HOV)

Murray Tekano, District Manager, Ministry of Transportation & Infrastructure:

- Gave a presentation to Council regarding the proposed HOV lanes for the City of Kelowna.
- Advised that the HOV lanes will be open to the public on September 20, 2009.
- The minimum fine for non-compliance of the HOV lane is \$109.00.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R888/09/14/09 THAT Council receive, for information, the Report from the Ministry of Transportation & Infrastructure with respect to High Occupancy Vehicle Lanes (HOV).

Carried

3.2 Bob Gibney, Manager of Corporate Services & Aboriginal Affairs, and Ian Dyck, Project Manager, Resource Plan, FortisBC, re: 2009 Resource Plan

Bob Gibney, Manager of Corporate Services & Aboriginal Affairs, FortisBC:

- Gave an overview to Council regarding today's presentation on the 2009 Resource Plan.

Dan Egolf, FortisBC:

- Gave a presentation to Council regarding FortisBC's 2009 Resource Plan.
- Will be directing FortisBC staff to work directly with City staff with respect to FortisBC's projections.

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Moved by Councillor Hodge/Seconded by Councillor Stack

R889/09/14/09 THAT Council receive, for information, the Report from the FortisBC with respect to the 2009 Resource Plan.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Community Sustainability Division, dated August 13, 2009, re: Rezoning Application No. Z09-0043 – Various Owners (City of Kelowna) – 5268, 5278, 5288, 5298, 5308, 5318, 5328, 5338 & 5348 Upper Mission Drive and 5127 Chute Lake Road

(a) Community Sustainability Division report dated August 13, 2009.

Moved by Councillor Hodge/Seconded by Councillor James

R890/09/14/09 THAT Rezoning Application No. Z09-0043 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

- i. Lots 1-9 Section 24 Township 28 SDYD Plan KAP87908, located at 5268, 5278, 5288, 5298, 5308, 5318, 5328, 5338, and 5348 Upper Mission Dr, Kelowna, B.C. from the RR2h – Rural Residential (Hillside Area) zone to the RR2 – Rural Residential 2 zone;
- ii. A portion of Lot 1 Section 24 Township 28 SDYD Plan 5485 Except Plans 18646, KAP49406, KAP50989, KAP64523 and KAP87908, located on 5127 Chute Lake Rd, Kelowna, B.C., from the RU1h – Large Lot Residential (Hillside Area) zone to the RR3 – Rural Residential 3 zone;
- iii. A portion of Lot 1 Section 24 Township 28 SDYD Plan 5485 Except Plans 18646, KAP49406, KAP50989, KAP64523 and KAP87908, located on 5127 Chute Lake Rd, Kelowna, B.C., from the RR3h – Rural Residential 3 (Hillside Area) zone to the RR3 – Rural Residential 3 zone;
- iv. A portion of Lot 1 Section 24 Township 28 SDYD Plan 5485 Except Plans 18646, KAP49406, KAP50989, KAP64523 and KAP87908, located on 5127 Chute Lake Rd, Kelowna, B.C., from the RR3h – Rural Residential 3 (Hillside Area) zone to the RR2 – Rural Residential 2 zone;
- v. A portion of Lot 1 Section 24 Township 28 SDYD Plan 5485 Except Plans 18646, KAP49406, KAP50989, KAP64523 and KAP87908, located on 5127 Chute Lake Rd, Kelowna, B.C., from the RR2h – Rural Residential 2 (Hillside Area) zone to the RR2 – Rural Residential 2 zone;

all as shown on Map “B” attached to the report of the Community Sustainability Division, dated August 13, 2009, be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

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

Bylaw No. 10233 (Z09-0043) – Various Owners (City of Kelowna) – 5268, 5278, 5288, 5298, 5308, 5328, 5338 & 5348 Upper Mission Drive and 5127 Chute Lake Road

Moved by Councillor Hodge/Seconded by Councillor Rule

R891/09/14/09 THAT Bylaw No. 10233 be read a first time.

Carried

4.2 Community Sustainability Division, dated August 13, 2009 re: Text Amendment Application No. TA09-0005 – City of Kelowna

(a) Community Sustainability Division report dated August 13, 2009.

Moved by Councillor Rule/Seconded by Councillor Stack

R892/09/14/09 THAT Zoning Bylaw Text Amendment No. TA09-0005 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule “A” of the report of the Land Use Management Department dated August 13, 2009 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA09-0005 be forwarded to a Public Hearing for further consideration.

Carried

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

Bylaw No. 10235 (TA09-0005) – City of Kelowna – Miscellaneous Housekeeping Amendments to Zoning Bylaw No. 8000

Moved by Councillor Hodge/Seconded by Councillor Rule

R893/09/14/09 THAT Bylaw No. 10235 be read a first time.

Carried

Moved by Councillor Hobson/Seconded by Councillor Stack

R894/09/14/09 THAT Council directs staff to explore options for ways to better identify the heights of structures, which includes ways to illustrate such regulations, and report back to Council.

Carried

4.3 Community Sustainability Division, dated August 18, 2009, re: Rezoning Application No. Z09-0034 – Malis, Raymond, Elizabeth & Siegmur Seida (Malis & Raymond Seida) – 122 Wyndham Crescent

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

Councillor Rule declared a conflict of interest as she lives within the notification area for Rezoning Application No. Z09-0034 and Rezoning Application No. Z09-0033 and left the meeting at 2:57 p.m.

Moved by Councillor Hobson/Seconded by Councillor Hodge

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R895/09/14/09 THAT Rezoning Application No. Z09-0034 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Section 4, Twp. 23, O.D.Y.D., Plan KAP52773, located at 122 Wyndham Cr. Kelowna, B.C. from the 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;

AND THAT the covenant KK106748 be discharged from the title prior to final adoption;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Building and Permitting Department being completed to their satisfaction.

Carried

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

Bylaw No. 10236 (Z09-0034) - Malis, Raymond, Elizabeth & Siegmur Seida (Malis & Raymond Seida) - 122 Wyndham Crescent

Moved by Councillor Hodge/Seconded by Councillor James

R896/09/14/09 THAT Bylaw No. 10236 be read a first time.

Carried

4.4 Community Sustainability Division, dated August 18, 2009, re: Rezoning Application No. Z09-0033 - Malis & Raymond Seida - 124 Wyndham Crescent

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

Moved by Councillor Hodge/Seconded by Councillor Reid

R897/09/14/09 THAT Rezoning Application No. Z09-0033 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 17, Section 4, Twp. 23, O.D.Y.D., Plan KAP51847, located at 124 Wyndham Cr. Kelowna, B.C. from the 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;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Building and Permitting Department being completed to their satisfaction.

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

Bylaw No. 10237 (Z09-0033) - Malis & Raymond Seida - 124 Wyndham Crescent

Moved by Councillor Hodge/Seconded by Councillor James

R898/09/14/09 THAT Bylaw No. 10237 be read a first time.

Carried

Councillor Rule rejoined the meeting at 3:03 p.m.

4.5 Community Sustainability Division, dated August 25, 2009, re: Rezoning Application No. Z09-0028 - Arlene Tuttle (Chris Vickery) - 3832 Finch Road

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

Moved by Councillor Rule/Seconded by Councillor James

R899/09/14/09 THAT Rezoning Application No. Z09-0028 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 32, Township 23, O.D.Y.D., Plan 38647, located on Finch Road, Kelowna, B.C. from the A1 Agriculture 1 zone to the A1(s) Agriculture 1 with 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. 10239 (Z09-0028) - Arlene Tuttle (Chris Vickery) - 3832 Finch Road

Moved by Councillor Rule/Seconded by Councillor Hodge

R900/09/14/09 THAT Bylaw No. 10239 be read a first time.

Carried

4.6 Community Sustainability Division, dated September 2, 2009, re: Rezoning Application No. Z09-0036 - Satinderpal & Rajandeep Ghuman (Axel Hilmer) - 745 Renshaw Road

(a) Community Sustainability Division report dated September 2, 2009.

Moved by Councillor James/Seconded by Councillor Rule

R901/09/14/09 THAT Rezoning Application No. Z09-0036 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 143, ODYD Plan KAP76112, located on Renshaw Road, Kelowna, B.C. from the RU1 Large Lot Housing zone to the RU1(s) Large Lot Housing with a Secondary Suite zone be considered by Council;

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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 discharge of the restrictive covenant.

Carried(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10240 (Z09-0036) - Satinderpal & Rajandeep Ghuman (Axel Hilmer) - 745 Renshaw Road

Moved by Councillor Hodge/Seconded by Councillor RuleR902/09/14/09 THAT Bylaw No. 10240 be read a first time.Carried

4.7 Community Sustainability Division, dated August 31, 2009, re: Rezoning Application No. Z09-0039 - Colin, Brenda & Dorothy Thomson - 4150 Lakeshore Road

(a) Community Sustainability Division report dated August 31, 2009.

Staff:

- Confirmed that the lot widths will be 15.234m.

Moved by Councillor Hobson/Seconded by Councillor James

R903/09/14/09 THAT Rezoning Application No. Z09-0039 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Section 6, Township 26 and of District Lot 5040, O.D.Y.D., Plan 39376, located on Lakeshore Road, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot 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 and the Environment Branch, being completed to their satisfaction.

Carried(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10241 (Z09-0039) - Colin, Brenda & Dorothy Thomson - 4150 Lakeshore Road

Moved by Councillor Reid/Seconded by Councillor HobsonR904/09/14/09 THAT Bylaw No. 12041 be read a first time.Carried

4.8 Community Sustainability Division, dated August 25, 2009, re: Official Community Plan Bylaw Amendment Application No. OCP06-0010 and Rezoning Application No. Z06-0033 - Seventh-Day Adventist Church (Rutland Seventh-Day Adventist Church) - 1215 Highway 33 West

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Moved by Councillor Hobson/Seconded by Councillor Stack

R905/09/14/09 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of OCP Amending Bylaw No. 9928 (OCP06-0010) - Highway 33 - Lot B, Sec. 22, Twp. 26, O.D.Y.D., Plan 12600, Exc. Plan 39705 and Zone Amending Bylaw No. 9929 (Z06-0033) - Seventh Day Adventist Church (British Columbia Conference) / Rutland Seventh-Day Adventist Church - Lot B, Sec. 22, Twp. 26, O.D.Y.D., Plan 12600, Exc. Plan 39705 be extended from March 4, 2009 to March 4, 2010.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

5.1 Manager, Strategic Projects, dated August 31, 2009, re: Kelowna-Vernon Biosolids Composting Facility, Phase 2 Contract TE 09-08

Staff:

- The proposed expansion will address any odour concerns from the surrounding area residents.

Moved by Councillor Hobson/Seconded by Councillor James

R906/09/14/09 THAT Council approves the additional \$2.6 million for tender TE 09-08 (Kelowna-Vernon Biosolids Facility).

AND THAT Council authorize the source of funding being, \$914,356 from the Wastewater Utility and \$1,685,644 from the DCC Wastewater Reserve (R750) and that the 2009 Financial Plan be amended.

AND THAT Council direct staff to renew the "Memorandum of Understanding: Regional Biosolids Composting Facility" and the "Regional Biosolids Composting Facility Joint Operating Agreement" with Vernon for Council consideration.

AND FINALLY THAT Council request Vernon City Council to consider the RDCO's request to become a tipping fee customer of the expanded facility.

Carried

5.2 Director, Real Estate & Building Services, dated September 9, 2009, re: KSAN Lease of Knowles House

Staff:

- Provided background information to Council regarding the lease of the Knowles House by KSAN.

Moved by Councillor Hobson/Seconded by Councillor Stack

R907/09/14/09 THAT City Council approve the cancellation, without penalty, of the lease between the City and the Kelowna South-Central Association of Neighbourhoods for the Knowles House located at 865 Bernard Avenue;

ADD THAT Council direct staff to negotiate a lease with the Kelowna Alzheimer's Society for the continued use of the Knowles House;

AND FURTHER THAT a provision be made in the lease with the Kelowna Alzheimer's Society to allow Kelowna South-Central Association of

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Neighbourhood to use the Knowles House, free of charge, for their monthly board meetings and for special events.

Carried

- 5.3 Director, Real Estate & Building Services, dated September 9, 2009, re: Telus Communications Inc. – Licence of Occupation

Moved by Councillor Hobson/Seconded by Councillor James

R908/09/14/09 THAT City Council approve the Licence of Occupation between the City of Kelowna and Telus Communications Inc. for that portion of the land that encroaches on a highway right of way;

AND THAT the Mayor and City Clerk be authorized to execute all documents associated with the Licence of Occupation;

AND FURTHER THAT upon registration pursuant to the Land Title Act, R.S.B.C. 1996, c.250, information regarding this transaction may be released to the public, subject to any privacy rights provided for in the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c.165.

Carried

- 5.4 City Clerk, dated September 9, 2009, re: Amendment No. 2 to Fetal Alcohol Syndrome Warning Sign Bylaw

Staff:

- Advised that the Bylaw was first adopted in 1994.

Moved by Councillor Rule/Seconded by Councillor Hodge

R909/09/14/09 THAT Council give reading consideration to Bylaw No. 10231, being Amendment No. 2 to the Fetal Alcohol Syndrome Warning Sign Bylaw;

AND THAT the City of Kelowna Fetal Alcohol Syndrome Warning Sign Bylaw No. 7538 be further amended by deleting the word "or" in subsection (b) of paragraph 2 of the Bylaw and replacing it with the word "and".

Carried

Moved by Councillor Rule/Seconded by Councillor Hodge

R910/09/14/09 THAT staff notify liquor establishments of the requirements of City of Kelowna Fetal Alcohol Spectrum Disorder Sign Bylaw No. 7538 by way of the Business Licence application/renewal process.

Carried

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- 5.5 City Clerk, dated September 9, 2009, re: Bylaw Dispute Adjudication System

Moved by Councillor Hobson/Seconded by Councillor Stack

R911/09/14/09 THAT Council authorize staff to apply to the Province for inclusion on their list of municipalities authorized to operate under Local Government Bylaw Notice Enforcement Act;

AND THAT Council authorize staff to further investigate partnerships with other Okanagan Local Governments to facilitate implementation of the Bylaw Dispute Adjudication System;

AND FURTHER THAT Council authorize staff to develop, create and implement the necessary Bylaws required to proceed with the provisions of the bylaw Dispute Adjudication System resulting in a simple, fair and cost effective method of dealing with minor Bylaw infractions.

Carried

- 5.6 City Clerk, dated September 9, 2009, re: Appointment of Chief and Deputy Chief Election Officers

Moved by Councillor Hodge/Seconded by Councillor Hobson

R912/09/14/09 THAT Karen Needham be appointed Chief Election Officer and Rob Mayne and Stephen Fleming be appointed Deputy Chief Election Officers in accordance with section 41 of the *Local Government Act* for the purpose of conducting the 2009 local government by-election;

AND THAT the Chief Election Officer be authorized to enter into agreements with relevant third parties the purposes of conducting the 2009 local government by-election.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 10231 - Amendment No. 2 to City of Kelowna Fetal Alcohol Syndrome Warning Sign Bylaw No. 7538

Moved by Councillor Stack/Seconded by Councillor Hobson

R913/09/14/09 THAT Bylaw No. 10231 be read a first, second and third time.

Carried

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(BYLAWS PRESENTED FOR ADOPTION)

6.2 Bylaw No. 10221 - Amendment No. 14 to Traffic Bylaw No. 8120

Moved by Councillor Hobson/Seconded by Councillor James

R914/09/14/09 THAT Bylaw No. 10221 be adopted.

Carried

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

Moved by Councillor Hobson/Seconded by Councillor Stack

R915/09/14/09 THAT Bylaw No. 10229 be adopted.

Carried

6.4 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 Hodge

R916/09/14/09 THAT Bylaw No. 10230 be adopted.

Carried

7. MAYOR & COUNCILLOR ITEMS

7.1 Mayor Shepherd, re: "Spirit of Kelowna" Acknowledgment

Mayor Shepherd:

- Advised that Gordie Abougoush of Boyd Autobody & Glass is the latest recipient of the "Spirit of Kelowna" Acknowledgment.

Councillor Hobson left the meeting at 4:01 p.m.

Councillor Rule:

- Advised that September 22nd is "International Car Free Day" and Vernon City Council is challenging Kelowna City Council to use other modes of transportation instead of their cars on that day.

Mayor Shepherd:

- Advised that a News Release has been issued with respect to Council's decision concerning a referendum question. There are not any items before Council that require a referendum at this time and therefore it is unlikely that Council will put forward a referendum question on the 2009 By-Election ballot.
- Confirmed that the City of Kelowna has now subscribed to Facebook and Twitter.

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8. TERMINATION

The meeting was declared terminated at 4:15 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk