

Regular Meeting – P.M.

November 2, 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, November 2<sup>nd</sup>, 2009.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, 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; General Manager, Community Services, John Vos\*; Director, Land Use Management, Shelley Gambacort\*; Director, Policy & Planning, Signe Bagh\*; Planner Specialist, Maria Stanborough\*; Manager, Park Services, Ian Wilson\*; Manager, Building Services, Martin Johansen\*; Manager, Water & Drainage, Don Degan\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:36 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Norm LeCavalier, President, and Bryn Gilbert, Vice-President, Kelowna Chamber of Commerce, re: Kelowna Chamber – Municipal Affairs Update

Norm LeCavalier, President; Bryn Gilbert, Vice-President; and Weldon LeBlanc, Executive Director, Kelowna Chamber of Commerce:

- Gave an presentation regarding the Kelowna Chamber of Commerce's Municipal Affairs update.
- Advised that a copy of the Municipal Report can be forwarded to the City Clerk for distribution to Council.

Moved by Councillor Hodge/Seconded by Councillor Reid

R1025/09/11/02 THAT Council receive, for information, the verbal report from the Kelowna Chamber of Commerce dated November 2, 2009 with respect to the Municipal Affairs update.

Carried

3.2 Lesley Dieno, Okanagan Regional Library, re: Fall 2009 Update

Lesley Dieno, Executive Director, and Don Nettleton, Financial Manager, Okanagan Regional Library:

- Thanked Council for their support with respect to provincial funding cuts.
- Gave a presentation regarding the Okanagan Regional Library's activities.

Moved by Councillor Rule/Seconded by Councillor Hodge

R1026/09/11/02 THAT Council receive, for information, the verbal report from the Okanagan Regional Library dated November 2, 2009 with respect to the Fall 2009 Update.

Carried

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4. DEVELOPMENT APPLICATION REPORTS

4.1 Community Sustainability Division, dated October 21, 2009, re: Rezoning Application No. Z09-0023 – Bhupinder & Raj Dhanwant (Bob Dhanwant) – 410 Hartman Road

- (a) Community Sustainability Division report dated October 21, 2009.

Council:

- Expressed a concern regarding the rezoning and the form & character of the development once the rezoning is granted.

Moved by Councillor James/Seconded by Councillor Blanleil

**R1027/09/11/02** THAT Rezoning Application No. Z09-0023 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 26, Township 26, O.D.Y.D., Plan KAP46388, located on Hartman Road, Kelowna, B.C. from the RR3 Rural Residential 3 zone to the RM3 - Low Density Multiple 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 Black Mountain Irrigation District, being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

Carried

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

Bylaw No. 10257 (Z09-0023) – Bhupinder & Raj Dhanwant (Bob Dhanwant) – 410 Hartman Road

Moved by Councillor James/Seconded by Councillor Hodge

**R1028/09/11/02** THAT Bylaw No. 10257 be read a first time.

Carried

4.2 Community Sustainability Division, dated October 20, 2009, re: Rezoning Application No. Z09-0045 – Carrie Moir – 2080 KLO Road

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

Moved by Councillor Hodge/Seconded by Councillor Stack

**R1029/09/11/02** THAT Rezoning Application No. Z09-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7 District Lot 131 ODYD Plan 18771, located at 2080 KLO Road, Kelowna, B.C. from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with 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.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10258 (Z09-0045) – Carrie Moir – 2080 KLO Road

Moved by Councillor Hodge/Seconded by Councillor James

R1030/09/11/02 THAT Bylaw No. 10258 be read a first time.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

5.1 Bylaw No. 10141 (Z08-0100) – Eunkyung Chang – 905 Lanfranco Road

Moved by Councillor Rule/Seconded by Councillor Hodge

R1031/09/11/02 THAT Bylaw No. 10141 be adopted.

Carried

5.2 Bylaw No. 10214 (Z09-0025) – Nicholas & Julie Kellet – 382 Braeloch Road

Moved by Councillor Hodge/Seconded by Councillor Rule

R1032/09/11/02 THAT Bylaw No. 10214 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

6.1 Director, Policy & Planning, dated September 30, 2009, re: Updated Sustainability Checklist for Development Permit Applications

Staff:

- Gave a presentation regarding the updates to the Sustainability Checklist.
- Advised that there is a criteria measurement in place so that Council can better determine whether or not the Checklist has been used by the developer, and if so, how the development rates in relation to sustainability.

City Manager:

- Confirmed that the City cannot enforce a higher standard than what is currently in the BC Building Code.

Moved by Councillor Reid/Seconded by Councillor Hodge

R1033/09/11/02 THAT Council direct staff to utilize the updated Sustainability Checklist in the context of Land Use Development Permit Applications and the Official Community Plan, currently undergoing review;

AND THAT the updated Sustainability Checklist be used for Land Use Development Permit Applications on a mandatory basis for a six (6) month trial

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period commencing January 1, 2010 and that staff report back to Council upon the expiration of the six (6) month trial period with any recommended changes to the Sustainability Checklist.

Carried

Moved by Councillor Reid/Seconded by Councillor Hodge

THAT Council direct staff to explore what mechanisms exist for measuring, and holding accountable, statements made on the Sustainability Checklist during an application process and report back to Council;

Amendment Moved by Councillor Rule/Seconded by Councillor Hobson

R1034/09/11/02 THAT Council direct staff to research options for sustainability enhancement bonuses where developments score high/investigate what incentives are already in place by other local governments.

Carried

The original motion, as amended, was then voted on and carried as follows:

Moved by Councillor Reid/Seconded by Councillor Hodge

R1035/09/11/02 THAT Council direct staff to explore what mechanisms exist for measuring, and holding accountable, statements made on the Sustainability Checklist during an application process and report back to Council;

AND THAT Council direct staff to research options for incentives where developments score well on the Sustainability Checklist, including what other municipalities currently have in place, and report back to Council.

Carried

Councillor Reid left the meeting at 3:19 p.m.

6.2 Manager, Utility Services, dated October 29, 2009, re: City Boulevard Tree Leaf Pick Up and Disposal – Fall 2009

Staff:

- Advised that residents can upgrade from the 240 litre container to 360 litre container for a fee of \$25.00.
- Confirmed that there are about 25% of the residents that look after city boulevard trees.

Moved by Councillor Rule/Seconded by Councillor Hodge

R1036/09/11/02 THAT City Council support a one-time unlimited yard waste pick up service for all Kelowna residents provided by Okanagan Environmental Waste Systems at a cost of \$165,018 funded from landfill reserves;

AND THAT City Council direct staff to report back in January 2010 on the overall 2009 yard waste and boulevard tree leaf pick up programs.

DEFEATED

Councillors Blanleil, Hobson, James and Stack - Opposed

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Moved by Councillor Blanleil/Seconded by Councillor Hobson

R1037/09/11/02 THAT City Council approves a one-time city boulevard tree leaf pick up service for the week of November 23 - 30, 2009 at a cost of \$26,250 funded from landfill reserves;

AND THAT City Council also consider an annual program, funded from taxation, for affected residents that deal with city boulevard tree leaf waste each fall, recognizing the assistance that they provide;

AND FURTHER THAT City Council direct staff to report back in January 2010 on the overall 2009 yard waste and boulevard tree leaf pick up programs.

Carried

6.3 Director, Real Estate & Building Services, dated October 28, 2009, re: Award of Construction Management Contract for the Replacement of the Rutland West Ice Slab

Staff:

- Advised that the project will start at the beginning of March 2010 and will be completed by June 26, 2010.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R1038/09/11/02 THAT Council approve the award of a construction management contract to Septra Projects Ltd. for the replacement of the Rutland West Ice Slab located at 945 Dodd Road;

AND THAT the Building Services Manager be authorized to evaluate and accept or reject bids submitted in response to the public tendering process administered by the construction manager, Septra Projects Ltd., in respect to the Rutland West Ice Slab replacement;

AND THAT the Building Services Manager be authorized to direct the construction manager (Septra Projects Ltd.) to execute, one or more contract(s) with such contractor(s) as recommended by the construction manager (Septra Projects Ltd.) to carry out the Rutland West Ice Slab replacement;

AND FURTHER THAT the Mayor and the City Clerk be authorized to execute the contract on behalf of the City.

Carried

6.4 City Clerk, dated October 27, 2009, re: Safe Premises Bylaw No. 10064

Staff:

- Provided background information with respect to the Safe Premises Bylaw.
- Advised that staff will be working with the Interior Health Authority to determine what criteria will need to be met in order to impose the Safe Premises Bylaw.
- Confirmed that the Bylaw wording has been vetted by the City Solicitor.

Moved by Councillor Hodge/Seconded by Councillor Hobson

R1039/09/11/02 THAT Council give reading consideration to Safe Premises Bylaw No. 10064;

AND THAT Nuisance Controlled Substance Bylaw No. 9510 be rescinded;

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AND THAT Council direct staff to develop a policy with respect to the use of Safe Premises Bylaw No. 10064 for circumstances other than marijuana grow operations and report back to Council;

AND FURTHER THAT Safe Premises Bylaw No. 10064 be forwarded to the other local area municipalities and that staff encourage those municipalities to adopt a similar bylaw.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

7.1 Bylaw No. 10064 - Safe Premises Bylaw

Moved by Councillor Hobson/Seconded by Councillor Stack

R1040/09/11/02 THAT Bylaw No. 10064 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

7.2 Bylaw No. 10203 - Amendment No. 2 to City of Kelowna Advisory Planning Commission Bylaw No. 8546

Moved by Councillor Hobson/Seconded by Councillor Stack

R1041/09/11/02 THAT Bylaw No. 10203 be adopted.

Carried

7.3 Bylaw No. 10206 - Amendment No. 5 to Heritage Procedures Bylaw No. 7776

Moved by Councillor Rule/Seconded by Councillor Hobson

R1042/09/11/02 THAT Bylaw No. 10206 be adopted.

Carried

8. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Advised that Michael Ross, a teacher at OKM, is the latest recipient of the "Spirit of Kelowna" Acknowledgment.

Councillor Rule:

- Advised that the City's Youth Advisory Committee is holding its next Youth Forum this Thursday at UBC-O and that the Youth Forum will be focusing on sustainability.

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9. TERMINATION

The meeting was declared terminated at 4:37 p.m.

Certified Correct:

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Mayor

SLH/dld

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City Clerk