

Regular Meeting – P.M.March 1, 2010

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, March 1, 2010.

Council members in attendance: Deputy Mayor Charlie Hodge, Councillors Andre Blanleil, Kevin Craig, Robert Hobson, Graeme James, Angela Reid, Michele Rule and Luke Stack*.

Council members absent: Mayor Sharon Shepherd.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; General Manager, Community Services, John Vos*; General Manager, Corporate Sustainability, Paul Macklem*; Manager, Urban Land Use, Danielle Noble*; Manager, Transportation Services, Darryl Astofooroff*; Traffic Supervisor, Fred Wollin*; Manager, Park & Public Space Projects, Andrew Gibbs*; Director, Regional Services, Ron Westlake*; Director, Design & Construction Services, Bill Berry*; Cultural Services Manager, Sandra Kochan*; Planner Specialist, Maria Stanborough*; Manager, Water & Drainage, Don Degan*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Deputy Mayor Hodge called the meeting to order at 1:32 p.m.

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

3. DEVELOPMENT APPLICATION REPORTS

3.1 Community Sustainability Division, dated February 19, 2010, re: Rezoning Application No. Z10-0006 - Kevin & Janet Hertz (Peter Chataway) - 334 Christleton Avenue

(a) Community Sustainability Division report dated February 19, 2010.

Councillor Stack joined the meeting at 1:33 p.m.

Moved by Councillor Hobson/Seconded by Councillor James

R170/10/03/01 THAT Rezoning Application No. Z10-0006 to amend City of Kelowna Zoning Bylaw NO. 8000 by changing the zoning classification of Lot 6, D.L. 14, ODYD, Plan 3451, located at 334 Christleton Avenue, B.C. from the from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone be considered by Council;

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

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

Regular Meeting – P.M.March 1, 2010(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10296 (Z10-0006) - Kevin & Janet Hertz (Peter Chataway) - 334 Christleton Avenue

Moved by Councillor James/Seconded by Councillor Craig

R171/10/03/01 THAT Bylaw No. 10296 be read a first time.

Carried

3.2 Community Sustainability Division, dated February 19, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP09-0017 and Rezoning Application No. Z09-0079 - Natisa Development Corp. & City of Kelowna (Meiklejohn Architects Inc.) - 3441, 3451, 3461 & 3471 Lakeshore Road

(a) Community Sustainability Division report dated February 19, 2010.

Staff:

- Advised that Council will be considering an Temporary Use Permit application with respect to the Tiny Town RV site so that the site can be used for temporary parking for the area.

Council:

- Requested that staff be prepared to provide additional information at the Public Hearing of this application.

Moved by Councillor James/Seconded by Councillor Blanleil

R172/10/03/01 THAT OCP Bylaw Amendment No. OCP09-0017 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 3, District Lot 134 ODYD Plan 38150, and Lot 39 District Lot 134 ODYD Plan 3886 except Plan KAP76671, located at 3441 & 3451 Lakeshore Road, Kelowna BC from the Major Park/Open Space designation to the Commercial designation as shown on Map "A" attached to the report of Land Use Management Department, dated February 19, 2010, be considered by Council;

THAT Rezoning Application No. Z09-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 134 ODYD Plan 38150, and Lot 39 District Lot 134 ODYD Plan 3886 except Plan KAP76671, located at 3441 & 3451 Lakeshore Road, Kelowna BC from the P3 - Parks & Open Space zone to the C9 - Tourist Commercial zone; and changing the zoning classification of Lot 36 District Lot 134 ODYD Plan 3886 located at 3471 Lakeshore Road, Kelowna BC, from the RU6 - Two Dwelling Housing zone to the C9 - Tourist Commercial zone, be considered by Council;

THAT the OCP Bylaw Amendment No. OCP09-0017 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

THAT final adoption of the zone amending bylaw be considered subsequent to lane closure and the registration of a plan of subdivision to consolidate the properties into one title;

Regular Meeting – P.M.March 1, 2010

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 properties;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

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

- (i) Bylaw No. 10297 (OCP09-0017) - Natisa Development Corp. & City of Kelowna (Meiklejohn Architects Inc.) - 3441 & 3451 Lakeshore Road - **Requires a majority of all Members of Council (5)**

Moved by Councillor Craig/Seconded by Councillor James**R173/10/03/01** THAT Bylaw No. 10297 be read a first time.Carried

- (ii) Bylaw No. 10298 (Z09-0079) - Natisa Development Corp. & City of Kelowna (Meiklejohn Architects Inc.) - 3441, 3451 & 3471 Lakeshore Road

Moved by Councillor Rule/Seconded by Councillor Craig**R174/10/03/01** THAT Bylaw No. 10298 be read a first time.Carried

3.3 Community Sustainability Division, dated February 19, 2010, re: Text Amendment Application No. TA10-0003 - City of Kelowna

- (a) Community Sustainability Division report dated February 19, 2010.

Moved by Councillor Reid/Seconded by Councillor Hobson

R175/10/03/01 THAT Text Amendment No. TA10-0003 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Community Sustainability Division dated February 19, 2010 be considered by Council;

AND THAT Text Amendment No. TA10-0003 be forwarded to a Public Hearing for further consideration.

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

Bylaw No. 10295 (TA10-0003) - City of Kelowna - Text Amendment to Zoning Bylaw No. 8000 - Breweries and Distilleries Major and Minor

Regular Meeting – P.M.

March 1, 2010

Moved by Councillor Craig/Seconded by Councillor Rule

R176/10/03/01 THAT Bylaw No. 10295 be read a first time.

Carried

- 3.4 Community Sustainability Division, dated February 18, 2010, re: Rezoning Application No. Z07-0029 - Kevin & Cynthia Patterson - 530 Ziprick Road

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R177/10/03/01 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9890 (Z07-0029 - Kevin & Cynthia Patterson, Lot C, Plan 31688, Section 22, Township 26, ODYD, 530 Ziprick Road, Kelowna, BC be extended from December 11, 2009 to June 11, 2010.

Carried

- 3.5 Community Sustainability Division, dated February 18, 2010, re: Rezoning Application No. Z07-0046 - Terry & Joan Raisanen (Eidse Builders) - 1975 Kane Road

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R178/10/03/01 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 November 27, 2009 to May 27, 2010.

Carried

- 3.6 Community Sustainability Division, dated February 18, 2010, re: Rezoning Application No. Z07-0056 - 0754028 BC Ltd. & Doyle Avenue Holdings Ltd. (New Town Planning Services Inc.) - 1372-1374, 1378, 1382, 1386 St. Paul Street & 520 Doyle Avenue

Moved by Councillor Craig/Seconded by Councillor Blanleil

R179/10/03/01 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 10051 (Z07-0056 - 754028 B.C. Ltd., Inc. No. BC 0754028; Doyle Avenue Holdings Co. Ltd., Inc. No. BC 0761637 - 1372-1374, 1378, 1382, 1386 St. Paul St.; 526 Doyle Avenue) be extended from February 19, 2010 to August 19, 2010.

Carried

- 3.7 Community Sustainability Division, dated February 15, 2010, re: Development Permit Application No. DP08-0187 and Development Variance Permit Application No. DVP08-0188 - 0804815 BC Ltd. (Bevanda Architecture Inc.) - 426-436, 440-446 & 450-454 Bernard Avenue

Moved by Councillor James/Seconded by Councillor Rule

R180/10/03/01 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the issuance of Development Permit

Regular Meeting – P.M.

March 1, 2010

Application DP08-0187 and Development Variance Permit Application No. DVP08-0188 for 426-436, 440-446, 450-454 Bernard Avenue be extended from October 7, 2009 to April 7, 2010.

Carried

- 3.8 Community Sustainability Division, dated February 18, 2010, re: Development Permit Application No. DP06-0141 – Ca’Solare Developments Inc. (G Group of Companies) – 4760 Lakeshore Road

Moved by Councillor James/Seconded by Councillor Craig

R181/10/03/01 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the issuance of Development Permit Application DP06-0141 for 4760 Lakeshore Road be extended for a period of 180 days to April 27, 2010.

Carried

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 4.1 Bylaw No. 10277 (TA09-0008) – City of Kelowna – Text Amendment – Amendment to Section 13 of the City of Kelowna Zoning Bylaw No. 8000

Moved by Councillor Reid/Seconded by Councillor Hobson

R182/10/03/01 THAT Bylaw No. 10277 be adopted.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 General Manager, Community Services, dated February 19, 2010, re: Tipping Fees for Materials from Westside Transfer Station

Staff:

- Confirmed that staff have considered using some of the landfill revenues towards the construction of the road from UBC-O to the landfill and that the proposed road will be considered by Council through the upcoming OCP review.
- Advised that currently there is \$200,000.00 in the landfill budget for the UBC-O landfill connection.
- Confirmed that staff will be revisiting the landfill tipping fees to ensure that the tipping fees being charged are sufficient to cover the costs associated with the landfill.

Council:

- Expressed a concern that transfer of materials from the Westside Transfer Station will increase traffic along Glenmore Road.

Moved by Councillor Hobson/Seconded by Councillor Stack

R183/10/03/01 THAT Council receives the report of the General Manager; Community Services dated February 19, 2010 regarding Landfill Tipping Fees for material from the Westside Transfer Station.

Regular Meeting – P.M.

March 1, 2010

AND THAT Council direct staff to work with the Central Okanagan Regional District to implement a system for full cost recovery for materials coming from this facility based on the payment strategies outlined in this report.

Carried
Councillors James & Rule - Opposed.

- 5.2 Director, Airport, dated February 22, 2010, re: Air Carrier Airport Use Agreement for Air Transat A.T. Inc. – Kelowna International Airport

Moved by Councillor Blanleil/Seconded by Councillor Craig

R184/10/03/01 THAT Council consent to and approve the Air Carrier Airport Use Agreement allowing Air Transat A.T. Inc. (“Air Transat”) 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 Air Transat to operate at the Kelowna International Airport.

Carried

- 5.3 Transportation Services Manager, dated February 22, 2010, re: Traffic Calming and Rumble Strips

Staff:

- Gave a presentation regarding the procedures in place for traffic calming within the City of Kelowna.
- Advised that the City’s current Subdivision Bylaw sets the hillside standards with respect to width of roads and construction of sidewalks.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R185/10/03/01 THAT Council receive for information the report from the Transportation Services Manager, dated February 22, 2009.

Carried

- 5.4 Park & Public Space Projects Manager, dated February 22, 2010, re: Council Policy 242 – Request for Exemption to Allow Community Award Plaques in Stuart Park

Moved by Councillor Rule/Seconded by Councillor Craig

R186/10/03/01 THAT Council grant an exemption to Council Policy 242 (Commemorative Recognitions in City Parks) so that plaques acknowledging recipients of the City’s annual Civic Awards can be displayed in Stuart Park.

Carried

- 5.5 Director, Regional Services, dated February 24, 2010, re: Award of Design/Build Contract for Dayton St. Pedestrian/Cycling Overpass

Staff:

- Displayed a photo of the proposed design for the Dayton Street Pedestrian/Cycling Overpass.
- Displayed a slide of the Preliminary Design Plan for the Recreation Park Multi-Use Trail.

Regular Meeting – P.M.

March 1, 2010

- Explained the criteria used to determine the successful bid for the design and construction of pedestrian/cycling overpass.
- Advised that the overpass will be 4m wide and will be designed for wheelchair use.
- Advised that there will be a public walkway that will go right through the Landmark Square complex site.
- Advised that Graham Design Buildings Ltd. has constructed three (3) of the pedestrian overpasses within the City of Calgary, as well as two (2) others within the Province of British Columbia.
- Confirmed that the Public Art Committee has been involved in the tendering process and that the Committee has provided input regarding the quality and placement of public art along the overpass. The public art component will be paid for out of the Public Art Budget.
- Confirmed that there is a proposal to incorporate signage on the structure.

Moved by Councillor Reid/Seconded by Councillor Hobson

R187/10/03/01 THAT Council award a contract for the design and construction of the Dayton St Pedestrian/Cycling Overpass to Graham Design Builders Ltd in the amount of \$2,500,000.00.

AND THAT the Mayor and City Clerk be authorized to execute this contract.

Carried

- 5.6 Director, Design & Construction Services, dated February 24, 2010, re: Award of Contract T10-022 Asphalt Overlay/Mill & Fill 2010

Moved by Councillor Hobson/Seconded by Councillor James

R188/10/03/01 THAT Council award the Contract for the 2010 Asphalt Overlay/Mill & Fill work to Emil Anderson Construction (EAC) Inc., for the amount of \$ 781,709.75, which includes GST

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

Carried

- 5.7 Cultural Services Manager, dated February 24, 2010, re: 2010 Professional Arts Grants

Moved by Councillor Hobson/Seconded by Councillor Stack

R189/10/03/01 THAT City Council approves grants of \$20,000 to the Alternator Centre for Contemporary Art, \$25,000 to Ballet Kelowna and \$50,000 to the Okanagan Symphony, funded from the 2010 Cultural Services budget for Professional Arts organizations.

Carried

- 5.8 Planner Specialist and Cultural Services Manager, dated February 22, 2010, re: Council Policy No. 274 - Arts & Cultural Policy

Staff:

- Gave a presentation to regarding the changes to Council Policy No. 274, Arts & Cultural Policy.

Regular Meeting – P.M.

March 1, 2010

Moved by Councillor Hobson/Seconded by Councillor Stack

R190/10/03/01 THAT Council endorse the revised Council Policy No. 274 - Arts & Culture Policy (Appendix A), updated so as to represent current City policies, practices and intended future directions;

AND THAT Council direct staff to begin work on a Cultural Plan;

AND FURTHER THAT Council endorse an application to the 2010 Legacies Now Creative Communities Program for a grant of up to \$20,000 for use in the development of the Cultural Plan.

Carried

5.9 Utility Services Manager, dated February 22, 2010, re: 2009 Water Sustainability Action Plan Update and 2010 Plan

Staff:

- Gave a presentation to regarding the Water Sustainability Action Plan.
- Advised that the Water Conservation Program commenced in 1998.
- Advised that staff are completing a business case to deal with potential rebates for the purchase of low flow toilets.
- Advised that water reuse for golf courses is not a concern of staff at this time as there are no golf courses currently on City water.

Moved by Councillor Reid/Seconded by Councillor Rule

R191/10/03/01 THAT City Council receives as information an update on the Water Sustainability Action Plan from the Utility Services Manager dated February 22, 2010.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

6.1 Bylaw No. 10275 - Amendment No. 29 to Sewer System User Bylaw No. 3480

Moved by Councillor Hobson/Seconded by Councillor Reid

R192/10/03/01 THAT Bylaw No. 10275 be adopted.

Carried

6.2 Bylaw No. 10292 - Amendment No. 34 to the Water Regulation Bylaw No. 2173

The adoption of Bylaw No. 10292 was not considered by Council as the Bylaw needs to be amended at third reading in order to correct some typographical errors.

Regular Meeting - P.M.

March 1, 2010

- 6.3 Bylaw No. 10293 - Amendment No. 7 to Sewer Parcel Tax Bylaw No. 8924

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R193/10/03/01 THAT Bylaw No. 10293 be adopted.

Carried

7. COUNCILLOR ITEMS

Councillor Stack:

- Advised that there is a South Pandosy Business Improvement meeting this evening and encouraged the business owners in the area to attend.

8. TERMINATION

The meeting was declared terminated at 4:12 p.m.

Certified Correct:

Deputy Mayor Hodge

Deputy City Clerk

SLH/dld