

Regular Meeting – P.M.

June 14, 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, June 14<sup>th</sup>, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Kevin Craig, 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; Director, Land Use Management, Shelley Gambacort\*; Director, Infrastructure Planning, Randy Cleveland\*; Manager, Systems & Reporting, Genelle Davidson\*; Director, Design & Construction Services, Bill Berry\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

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

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

3. NON-DEVELOPMENT APPLICATION REPORTS

3.1 Drainage & Solid Waste Project Manager, dated June 9, 2010, re: Award of Construction Contract TE10-07 – Houghton Road Multi-Use Corridor

Staff:

- Advised that there will be a loss of parking stalls when the corridor is constructed.
- Construction will commence at the end of June and should be completed by the end of September.
- Confirmed that there have been several Open Houses held by the Infrastructure Planning Department with respect to this matter.
- Confirmed that a mail out was done to the surrounding residents regarding the construction timeline for the project.

Moved by Councillor Hobson/Seconded by Councillor Craig

R537/10/06/14 THAT the contract for the construction of the Houghton Road Multi-Use Corridor be awarded to Hayter Construction for the amount of \$2,382,044.40, which includes GST(\$113,430.69) that will be fully rebated and an 8% Contingency (\$168,045.46);

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

Carried

3.2 Manager, Financial Systems & Reporting, dated June 3, 2010, re: Harmonized Sales Tax (HST)

Staff:

- HST will be effective July 1, 2010.
- Outlined the exempt and taxable sales with respect to HST.
- Advised that the City's system has been set up to allow for a reversal of the HST in case the tax is no longer applicable in the future.
- Parking revenues are a taxable service and the taxes are currently imbedded into the parking fee. The Parking Manager will be bringing forward a report to deal with HST on parking fees.

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- The Financial Services Department is recommending to the various City departments that they conduct a review of their finances over the next year in order to track the expenditures that involve HST.

Moved by Councillor Craig/Seconded by Councillor Hobson

**R538/10/06/14** THAT Council receive, for information, the report from the Manager, Financial Systems & Reporting, dated June 3, 2010 with respect to the adjustment requirements for the new HST to City bylaws and Council Policies as per Schedule "A" attached to the report;

AND THAT Council amend Policy No. 325, Hydrant Use Permit Policy, as attached to Schedule "A" in the Report of the Manager, Financial Systems & Reporting dated June 3, 2010;

AND THAT Council give reading consideration to Bylaw No. 10357, being Amendment No. 23 to Airport Fees Bylaw No. 7982;

AND THAT Council give reading consideration to Bylaw No. 10358, being Amendment No. 5 to Cemetery Bylaw No. 8807;

AND THAT Council give reading consideration to Bylaw No. 10359, being Amendment No. 21 to Development Application Bylaw No. 8034;

AND THAT Council give reading consideration to Bylaw No. 10360, being Amendment No. 24 to Electricity Regulation Bylaw No. 7639;

AND THAT Council give reading consideration to Bylaw No. 10361, being Amendment No. 2 to Miscellaneous Fees & Charges Bylaw No. 9381;

AND THAT Council give reading consideration to Bylaw No. 10362, being Amendment No. 3 to Recreation, Parks & Cultural Services Bylaw No. 9609;

AND THAT Council give reading consideration to Bylaw No. 10364, being Amendment No. 16 to the Traffic Bylaw No. 8120;

AND THAT Council give reading consideration to Bylaw No. 10365, being Amendment No. 36 to Water Regulation Bylaw No. 2173;

AND FURTHER THAT information regarding the impact and trends of the HST implementation be collated and forwarded to the Audit Committee for review.

Carried

3.3 Director, Infrastructure Planning, dated June 8, 2010, re: Municipal Infrastructure Condition Assessment – Preliminary Overview

Staff:

- Provided an overview of the City's infrastructure condition assessment report.

City Manager:

- Staff will need to ensure that there are systems in place in order to meet the needs of the future.
- Need to integrate operational needs into the budget process so that infrastructure planning is not affected.

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Moved by Councillor Stack/Seconded by Councillor Craig

**R539/10/06/14** THAT Council directs staff to proceed with the 'next steps' in the development of a City-wide municipal infrastructure asset management plan for future consideration by Council.

Carried

3.4 City Clerk, dated June 7, 2010, re: 2010 Kelowna Family Y Capital Program Agreement Amendments

Moved by Councillor Hobson/Seconded by Councillor Stack

**R540/10/06/14** THAT Council receive the Certificate of Sufficiency dated June 7, 2010 pertaining amendment for a 10 year extension to the 2001 Capital Development and Management and Lease Agreement from 2030 to 2040 between the YMCA-YWCA of the Central Okanagan and the City of Kelowna and for an additional \$700,000 loan guarantee through a Tripartite Agreement between the City of Kelowna, the YMCA-YWCA of the Central Okanagan and the Toronto Dominion Bank.

Carried

#### 4. RESOLUTIONS

4.1 City Clerk, Draft Resolution, re: Text Amendment Application No. TA10-0006, Official Community Plan Bylaw Amendment Application No. OCP10-0005 and Rezoning Application No. Z10-0023 - No. 21 Great Projects Ltd. - 5000 Gordon Drive and 1290 Ivens Road

Staff:

- Advised that this application cannot be done as a variance as it contemplates varying density and you cannot vary density without rezoning the property.
- The applicant is willing to provide documentation with respect to the other RU3 lots that already exist within the City.
- Advised that the Text Amendment Bylaw, the OCP Bylaw and Rezoning Bylaw require Ministry of Transportation approval.

City Manager:

- By agreeing to the applicant's request, it is understood that Council is trying to give them sufficient time to address the conditions placed on them prior to adoption of the Bylaws.

Moved by Councillor Hodge/Seconded by Councillor Blanleil

**R541/10/06/14** THAT Council receive, for information, the June 8, 2010 letter from Dave Lange, Land Manager, The Ponds, with respect to the critical timing for development of Phase 2 of the Ponds, Kelowna; BC;

AND THAT Council direct staff to reschedule Text Amendment Application No. TA10-0006, Official Community Plan Bylaw Amendment Application No. OCP10-0005 and Rezoning Application No. Z10-0023 to the June 29, 2010 Public Hearing.

Carried

Councillor Rule - Opposed.

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Moved by Councillor Hodge/Seconded by Councillor Hobson

**R542/10/06/14** THAT Council directs staff to hold a separate Public Hearing on June 29, 2010, to commence at 4:00 pm, with respect to Text Amendment Application No. TA10-0006, Official Community Plan Bylaw Amendment Application No. OCP10-0005 and Rezoning Application No. Z10-0023.

Carried

5. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

5.1 Bylaw No. 10357 - Amendment No. 23 to Airport Fees Bylaw No. 7982

Moved by Councillor Rule/Seconded by Councillor Hodge

**R543/10/06/14** THAT Bylaw No. 10357 be read a first, second and third time.

Carried

5.2 Bylaw No. 10358 - Amendment No. 5 to Kelowna Memorial Park Cemetery Bylaw No. 8807

Moved by Councillor Rule/Seconded by Councillor Hodge

**R544/10/06/14** THAT Bylaw No. 10358 be read a first, second and third time.

Carried

5.3 Bylaw No. 10359 - Amendment No. 21 to Development Application Fees Bylaw No. 8034

Moved by Councillor Rule/Seconded by Councillor Hodge

**R545/10/06/14** THAT Bylaw No. 10359 be read a first, second and third time.

Carried

5.4 Bylaw No. 10360 - Amendment No. 24 to Electricity Regulation Bylaw No. 7639

Moved by Councillor Rule/Seconded by Councillor Hodge

**R546/10/06/14** THAT Bylaw No. 10360 be read a first, second and third time.

Carried

5.5 Bylaw No. 10361 - Amendment No. 2 to Miscellaneous Fees and Charges Bylaw No. 9381

Moved by Councillor Rule/Seconded by Councillor Hodge

**R547/10/06/14** THAT Bylaw No. 10361 be read a first, second and third time.

Carried

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- 5.6 Bylaw No. 10362 - Amendment No. 3 to Recreation, Parks and Cultural Services Fees and Charges Bylaw No. 9609

Moved by Councillor Rule/Seconded by Councillor Hodge

R548/10/06/14 THAT Bylaw No. 10362 be read a first, second and third time.

Carried

- 5.7 Bylaw No. 10364 - Amendment No. 16 to Traffic Bylaw No. 8120

Moved by Councillor Rule/Seconded by Councillor Hodge

R549/10/06/14 THAT Bylaw No. 10364 be read a first, second and third time.

Carried

- 5.8 Bylaw No. 10365 - Amendment No. 36 to Water Regulation Bylaw No. 2173

Moved by Councillor Rule/Seconded by Councillor Hodge

R550/10/06/14 THAT Bylaw No. 10365 be read a first, second and third time.

Carried

6. MAYOR & COUNCILLOR ITEMS

- 6.1 Mayor Shepherd, re: "Spirit of Kelowna" Acknowledgment

Mayor Shepherd:

- Acknowledged the First Lutheran Church & School as the latest recipient of the "Spirit of Kelowna" Acknowledgment.

Council:

- Would like staff to reserve some time on the July 12, 2010 Council Agenda (morning) in order to have a discussion with respect to the Downtown Plan.

7. TERMINATION

The meeting was declared terminated at 2:58 p.m.

Certified Correct:

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Mayor

SLH/dld

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City Clerk