

Regular Meeting – P.M.

January 11, 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, January 11<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; Planner, Birte Decloux\*; Urban Land Use Manager, Danielle Noble\*; Director, Recreation & Cultural Services, Jim Gabriel\*; Project Engineer, Joel Shaw\*; Manager, Development Engineering, Steve Muenz\*; Director, Development Services, Ron Dickinson\*; Manager, Property Management, Ron Forbes\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:38 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Steve Kent, Scouting Chief Commissioner, re: Scouts Canada

Steve Kent, Scouting Chief Commissioner:

- Gave a presentation regarding Scouts Canada and the role it plays within the City of Kelowna.
- Encouraged Council and members of the public to visit Scouts Canada's website at [www.ScoutingNow.org](http://www.ScoutingNow.org).

4. COMMITTEE REPORTS

4.1 Accessibility Advisory Committee, dated December 18, 2009, re: Appointment of New Committee Members

Moved by Councillor Hodge/Seconded by Councillor Hobson

R009/10/01/11 THAT City Council appoint Hans van Leening and Ryan Hendricks as new members of the Accessibility Advisory Committee to fill the existing vacancies.

AND THAT Council accept, with regret, the resignation of Michel Landals and Ernie Gabbs from the Accessibility Advisory Committee.

Carried

4.2 Women's and Community Advisory Committee, dated December 18, 2009, re: Appointment of New Committee Members

Elizabeth Woods, Chair, Women's and Community Advisory Committee:

- Gave background regarding the new committee member appointments.

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Moved by Councillor Hodge/Seconded by Councillor Rule

**R010/10/01/11** THAT Council receive, for information, the report from the Women's and Community Advisory Committee dated December 18<sup>th</sup>, 2009;

AND THAT Council appoint Christine Bay and Heather Deegan as new members of the Women's and Community Advisory Committee.

Carried

5. UNFINISHED BUSINESS

5.1 Community Sustainability Division, dated December 18, 2009, re: Supplemental Report for Text Amendment Application No. TA09-0006 - City of Kelowna

(a) Community Sustainability Division report dated December 18, 2009

Councillor James declared a conflict of interest as he has a direct pecuniary interest in this matter as he is the owner of an agri-tourism business and left the meeting at 1:49 p.m.

Staff:

- Provided greater clarity of the changes being proposed to the Zoning Bylaw.
- Confirmed that the City's Sign Bylaw will prevail with respect to signage for any agri-tourism accommodations.
- Advised that at this time, DCC's are not being charge for agri-tourism accommodations.

Moved by Councillor Hobson/Seconded by Councillor Stack

**R011/10/01/11** THAT Council receives for information the Supplemental Report of the Community Sustainability Division dated December 18, 2009 with respect to the information requested from Staff for TA09-0006;

AND THAT Bylaw No. 10269 (TA09-0006) receives initial consideration;

AND FURTHER THAT Bylaw No. 10269 (TA09-0006) be forwarded to a Public Hearing for further consideration.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10269 (TA09-0006) - City of Kelowna - Text Amendment - Agriculture 1 Zone Amendments to Zoning Bylaw No. 8000.

Moved by Councillor Hodge/Seconded by Councillor Craig

**R012/10/01/11** THAT Bylaw No. 10269 be read a first time.

Carried

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6. DEVELOPMENT APPLICATION REPORTS

6.1 Community Sustainability Division, dated December 16, 2009, re: Text Amendment No. TA09-0008 – City of Kelowna

- (a) Community Sustainability Division report dated December 16, 2009.

Councillor James returned to the meeting 2:02 p.m.

Moved by Councillor Craig/Seconded by Councillor Stack

**R013/10/01/11** THAT Text Amendment No. TA09-0008, to amend City of Kelowna Zoning Bylaw No. 8000, by including the RU1h(s) Large Lot Housing (Hillside Area) with a secondary suite zone, as outlined in Schedule “A” of the report of the Land Use Management Department, dated December 16, 2009, be considered by Council;

AND FURTHER THAT the necessary amending bylaws be forwarded to a Public Hearing for further consideration.

Carried

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

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

Moved by Councillor Craig/Seconded by Councillor James

**R014/10/01/11** THAT Bylaw No. 10277 be read a first time.

Carried

6.2 Community Sustainability Division, dated December 3, 2009, re: Rezoning Application No. Z09-0065 – Mike A. Buchner & Sandra C. Buchner (Mike Buchner) – 835 Quigley Road

- (a) Community Sustainability Division report dated December 3, 2009.

Moved by Councillor Hobson/Seconded by Councillor Stack

**R015/10/01/11** THAT Rezoning Application No. Z09-0065 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 20, Section 22, Township 26, ODYD, Plan 19576, located at Quigley Road, Kelowna, BC, from the RU1 – Large Lot Housing zone to the RU1(s) Large 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 discharge of the covenants on the state of title.

Carried

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

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Bylaw No. 10278 (Z09-0065) – Michael & Sandra Buchner (Mike Buchner) – 835 Quigley Road

Moved by Councillor Rule/Seconded by Councillor Hodge

R016/10/01/11 THAT Bylaw No. 10278 be read a first time.

Carried

6.3 Community Sustainability Division, dated December 15, 2009, re: Rezoning Application No. Z09-0070 – Mathew & Donna Isabelle – 1199 Loseth Drive

(a) Community Sustainability Division report dated December 15, 2009.

Moved by Councillor Hobson/Seconded by Councillor Stack

R017/10/01/11 THAT Rezoning Application No. Z09-0070 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 3, Section 13, Township 26, ODYD, Plan KAP87484, located at Loseth Drive, Kelowna, BC, from the RU1h – Large Lot Housing (Hillside Area) zone to the RU1h(s) Large Lot Housing (Hillside Area) 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 Black Mountain Irrigation District being completed to their satisfaction.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10279 (Z09-0070) – Mathew & Donna Isabelle – 1199 Loseth Drive

Moved by Councillor Reid/Seconded by Councillor Blanleil

R018/10/01/11 THAT Bylaw No. 10279 be read a first time.

Carried

6.4 Community Sustainability Division, dated December 21, 2009, re: Rezoning Application No. Z09-0066 – T231 Enterprises Ltd. (T231 Enterprises Ltd. dba Braemar Group) – 2598, 2620 & 2636 Highway 97 North

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

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Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R019/10/01/11** THAT Rezoning Application No. Z09-0066 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 125, ODYD, Plan 3522, located at 2636 Highway 97 North, Lot 2, District Lot 125, ODYD, Plan 35785 except Plan KAP83939, located at 2598 Highway 97 North, Lot 1, District Lot 125, ODYD, Plan 35785 Except Plan KAP83940 located at 2620 Highway 97 North, Kelowna, B.C. from A1 - Agriculture 1 to the C10 - Service Commercial (Liquor Primary/Retail Liquor Sales) 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 registration of a plan of subdivision to consolidate the properties into one title;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of access easements for access to the adjoining hotel property;

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

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

Carried

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

Bylaw No. 10280 (Z09-0066) - T231 Enterprises Ltd. - 2598, 2620 & 2636 Highway 97 North

Moved by Councillor Blanleil/Seconded by Councillor Reid

**R020/10/01/11** THAT Bylaw No. 10280 be read a first time.

Carried

6.5 Community Sustainability Division, dated December 14, 2009, re: Rezoning Application No. Z06-0018 - M124 Enterprises Ltd. (Ted J. Thomas & Associates Ltd.) - 120 Old Vernon Road

Moved by Councillor Craig/Seconded by Councillor Rule

**R021/10/01/11** THAT first, second and third readings given Bylaw No. 9628 be rescinded;

AND THAT staff be directed to close the file for Rezoning Application Z06-0018.

Carried

6.6 Community Sustainability Division, dated December 14, 2009, re: Rezoning Application No. Z03-0069 - Mary Cresswell - 902 Skyline Street (now 901 Clifton Road)

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Moved by Councillor James/Seconded by Councillor Hodge

R022/10/01/11 THAT first, second and third readings given Bylaw No. 9276 be rescinded;

AND THAT staff be directed to close the file for Rezoning Application Z03-0069 by Mary Cresswell for 902 Skyline Street (now 901 Clifton Road).

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

7.1 Director, Recreation & Cultural Services, dated January 5, 2010, re: Civic & Community Awards Nomination Period

Staff:

- Gave a presentation to regarding the Civic & Community Awards.

Moved by Councillor Hodge/Seconded by Councillor Hobson

R023/10/01/11 THAT Council receive for information the report from the Director, Recreation & Cultural Services, dated January 5, 2010, that outlines the Civic & Community Award categories and nomination period.

Carried

7.2 Development Engineering Manager, dated January 5, 2010, re: Blasting Regulations

Staff:

- WorkSafeBC ensures that developers have the applicable liability coverage as it relates to that specific site.

Moved by Councillor Hodge/Seconded by Councillor Rule

R024/10/01/11 THAT the City of Kelowna require blasting companies, developers and home builders to provide general information on a proposed blast prior to any occurrence of blasting;

AND THAT the City of Kelowna authorize the Development Engineering Manager to meet with WorkSafeBC staff members to facilitate responses to concerns expressed by residents;

AND THAT the enforcement of blasting regulations remain under the authority of the British Columbia Ministry of Mines, WorkSafeBC and the British Columbia Ministry of Transportation;

AND THAT written information be provided to the public regarding blasting regulations and enforcement;

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AND FURTHER THAT staff report back to Council in one (1) year's time with an update with respect to the blasting regulations.

Carried

Moved by Councillor Stack/Seconded by Councillor Hodge

R025/10/01/11 THAT Council direct staff to draft a UBCM resolution for Council consideration requesting that the Provincial Government clarify blasting regulations and enforcement.

Carried

7.3 Director, Design & Construction Services, dated January 5, 2010, re: Brandt's Creek Tradewaste Treatment Plant Upgrade TE09-11

Moved by Councillor James/Seconded by Councillor Hobson

R026/10/01/11 THAT the construction contract for the Brandt's Creek Tradewaste Treatment Plant (BCTWTP) Upgrade be awarded to Cumming Construction Ltd. for the amount of \$ 2,044,350 which includes GST (\$97,350);

AND THAT the Director of Design and Construction Services be authorized to approve any necessary Change Orders to this Contract as contingent items arise, up to a maximum of \$200,000;

AND FURTHER THAT the Mayor and City Clerk are authorized to execute the Contract on behalf of the City.

Carried

7.4 Director, Real Estate & Building Services, dated January 6, 2010, re: Youth and Family Services Lease Amendment and Extension

Moved by Councillor Reid/Seconded by Councillor Stack

R027/10/01/11 THAT Council approve the City entering into a renewal of a commercial lease in the form attached to the Report of the Director of Real Estate & Building Services, dated January 6, 2010, between the City of Kelowna and Terra Landscaping and Bobcat Services Ltd. for Unit 100 - 260 Harvey Avenue on behalf of Kelowna Youth and Family Services, for a term of five (5) years from December 1, 2009 to November 30, 2014;

AND FURTHER THAT the Mayor and City Clerk be authorized to sign the lease based on the attached business terms.

Carried

7.5 Director, Real Estate & Building Services, dated January 6, 2010, re: Delta Grand Okanagan Resort Wharf Sub-License Agreement

Moved by Councillor Hobson/Seconded by Councillor Stack

R028/10/01/11 THAT Council approve the City entering into a Sub-License, in the form attached to the Report of the Director of Real Estate & Building Services, dated January 6, 2010, between the City of Kelowna and Delta Hotels No. 48 Limited Partnership for the use of the foreshore and land covered by water fronting Lot 1, District Lots, 139, 4041, 4082 and 5199, ODYD, Plan

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KAP46717, otherwise known as the area occupied by the Delta Grand Okanagan Resort wharf, for a term of three (3) years from November 1, 2009 to October 31, 2012;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete this transaction.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

8.1 Bylaw No. 9612 - A Bylaw to Regulate the Removal or Deposit of Soil within the City of Kelowna

Moved by Councillor Stack/Seconded by Councillor Hobson

R029/10/01/11 THAT Bylaw No. 9612 be adopted.

Carried

9. MAYOR & COUNCILLOR ITEMS

9.1 Mayor Shepherd, re: “Spirit of Kelowna” Acknowledgment

Mayor Shepherd:

- Advised that the first recipient of the “Spirit of Kelowna” Acknowledgment for 2010 is Anna Jacyszyn. Ms. Jacyszyn is a professional Jazz singer and organizer of jazz festivities at the Kelowna Community Theatre.

9.2 Mayor Shepherd, re: CD21 Zone - Ministry of Transportation Requirements

Mayor Shepherd:

- Advised that staff are currently doing an analysis of the requirements of the Ministry of Transportation as they relate to the CD21 zone.

Moved by Councillor Hodge/Seconded by Councillor Craig

R030/10/01/11 THAT Council direct staff to schedule the report to Council with respect to the CD21 Zone to a meeting in which all members of Council will be present.

Carried

9.3 Councillor Rule, re: Council Committee Applications

Councillor Rule

- Requested clarification regarding the process for Committee Membership Applications.



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- 9.4 Councillor Hodge, re: Regional District of Central Okanagan – Dog Advisory Committee

Moved by Councillor Hodge/Seconded by Councillor Rule

**R031/10/01/11** THAT Council direct staff to place an advertisement in the local newspapers requesting applications for the two (2) City of Kelowna representatives on the Regional District of Central Okanagan's Dog Advisory Committee.

Carried

Councillor Stack:

- Provided an update with respect to the South Pandosy Business Improvement Area process.
- Reminded everyone about the Olympic Torch Relay Celebration on the evening of January 25, 2010.

- 9.5 Mayor Shepherd, re: Regional District of Central Okanagan Board of Directors

Moved by Councillor Hodge/Seconded by Councillor Hobson

**R032/10/01/11** THAT Council rescind the appointment of Councillor Stack as first alternate to the Regional District of Central Okanagan's Board of Directors effective January 11, 2010;

AND THAT Council appoints Councillor Craig as first alternate, Councillor Stack as second alternate and Councillor Blanche as third alternate to the Regional District of Central Okanagan's Board of Directors effective January 11, 2010.

Carried

Councillor Rule:

- Advised that there is a Bernard Avenue Open House scheduled for Monday, January 18, 2010 at 4:30 pm at the Royal Anne Hotel.

## 10. TERMINATION

The meeting was declared terminated at 3:35 p.m.

Certified Correct:

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Mayor

SLH/dld

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City Clerk