

Regular Meeting – P.M.

June 28, 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 28th, 2010.

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

Council members absent: Councillor Angela Reid.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; General Manager, Community Services, John Vos*; Director, Real Estate & Building Services, Doug Gilchrist*; Manager, Urban Land Use, Danielle Noble*; Director, Infrastructure Planning, Randy Cleveland*; Manager, Strategic Land Development, Derek Edstrom*; Manager, Financial Accounting, Jackie Dueck*; Director, Financial Services, Keith Grayston*; Revenue Manager, George King*; Manager, Environment & Land Use, Todd Cashin*; Director, Airport, Sam Samaddar*; Deputy Director, Airport Operations, Dave Fuller*; Manager, Park Services, Ian Wilson*; Reception/Watch Support Supervisor, Anita Rideout*; Manager, Park & Public Space Projects, Andrew Gibbs*; Manager, Transportation Services, Darryl Astofooroff*; Manager, Road, Drainage & Solid Waste Projects, Purvez Irani*; 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 James was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.01 Superintendent McKinnon, re: Bi-Monthly Policing Report

Councillor Rule joined the meeting at 1:37 p.m.

Inspector Forgues:

- Presented the Bi-Monthly Policing Report.
- Advised that the RCMP and the Bylaw Officers work in partnership to ensure that the public is aware of the rules regarding bike helmets.

Councillor Hobson joined the meeting at 1:39 p.m.

City Clerk:

- Clarified the process the Bylaw Officers follow when dealing with bicycle riders that do not wear helmets.

4. UNFINISHED BUSINESS

4.01 City Clerk, dated June 22, 2010, re: Agri-Tourism Text Amendment

(a) City Clerk report dated June 22, 2010.

Councillor James declared a conflict of interest as he has a direct pecuniary interest in this matter as the owner of an agri-tourism business and left the meeting at 1:47 p.m.

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City Clerk:

- Clarified some of the wording contained within the amendments to the agri-tourism Bylaw with respect to the "tourist season" definition.
- Clarified the process for considering the amendments to the Business Licence Bylaw.

Staff:

- Confirmed that the Agricultural Land Commission allows bed & breakfast accommodation on agricultural lands, but that the use is considered a secondary use.
- Clarified that a property under 4 hectares could still be permitted to have bed & breakfast units only. Any properties over 4 hectares can have both bed & breakfast units and agri-tourism accommodations, as long as the total of both types of units does not exceed the maximum as set out in the Bylaw.

Moved by Councillor Stack/Seconded by Councillor Blanleil

R581/10/06/28 THAT Bylaw No. 10269 be amended at first reading, for a second time;

AND THAT Bylaw No. 10269 be returned to public hearing on July 13, 2010 for further consideration;

AND THAT Council direct staff to bring forward an amendment to the Business Licence and Regulation Bylaw 7878 to amend the Agri-Tourist Business Licence section, as described in the report of the City Clerk dated June 22, 2010.

Carried

(b) BYLAW PRESENTED FOR AMENDMENT AT FIRST READING

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

Moved by Councillor Blanleil/Seconded by Councillor Stack

R582/10/06/28 THAT Bylaw No. 10269 be amended at first reading, a second time, by:

- a) Deleting the definition of **AGRI-TOURIST ACCOMMODATION** and replacing it with a new definition as follows:

"**AGRI-TOURIST ACCOMMODATION** means the seasonal availability of short term accommodation for tourists on a farm, orchard, or vineyard in association with an **agri-tourism** activity which is subordinate and secondary to the principal agricultural use. Typical uses include but are not limited to **seasonal farm cabins**, and campsites/recreational **vehicle** sites. Seasonal, in this instance, means the accommodation must be available for use only between April 01 and October 31 of each year."; and

- b) Amending the definition **AGRI-TOURIST ACCOMMODATION UNIT** by identifying "**sleeping units**" as a defined term; and
- c) Adding the sub-title "**A1st - Agriculture 1 with Secondary Suite and Agri-tourist Accommodation**" to the end of sub-section 11.1.1 A1 -

Agriculture 1/A1s - Agriculture 1 with Secondary Suite/A1t - Agriculture 1 with Agri-tourist Accommodation; and

- d) Amending Section 11.1.3 **Secondary Uses** by adding in its appropriate location “**agri-tourism**” as a Secondary Use and renumbering the subsequent sub-paragraphs; and
- e) Amending Section 11.1.8 **Other Regulations - Agri-tourist accommodation** by;
 - (i) deleting in sub-paragraph (a) Purpose, the word “exceed” after the words “and not to replace or” and replacing it with the words “compete with.”;
 - (ii) deleting in sub-paragraph (d) Minimum lot size, “5.0 ha” and replacing it with “4.0 ha”;
 - (iii) amending sub-paragraph (e) Maximum number of **agri-tourist accommodation** units permitted by;
 - (a) deleting “ 5.0 ha” and replacing it with “4.0 ha”, and
 - (b) deleting the words “this formula: 1 **agri-tourist accommodation** unit per hectare, rounded down to the nearest whole hectare, to a maximum of 10 units. A table is provided below for clarity.” and replacing it with the words and table “the following table:

Lot size (hectares)	< 4.0	4.00 to 5.99	6.00 to 6.99	7.00 to 7.99	8.00 to 8.99	9.00 to 9.99	≥ 10.00
Agri-tourist accommodation units *	✘	5 units	6 units	7 units	8 units	9 units	10 units
* See Section 11.1.8(g)							

- (iv) deleting in sub-paragraph(f) **Recreational vehicles** the sentence:

“Of the permitted number of **agri tourist accommodation units**, no more than 5 shall be **recreational vehicle sites** or campsites,”

and replacing with:

“Outside storage of **recreational vehicles** is not permitted, other than **recreational vehicles** that are registered to the property owner. Storage of **recreational vehicles** is not permitted on the **recreational vehicle site**.”; and
- (v) amending sub-paragraph (g) **Bed & breakfasts** by:
 - (a) deleting the words “be inclusive of” before the words “the sleeping units of the” and replacing with “include number of,”; and
 - (b) by identifying “**sleeping units**” as a defined term; and
- (vi) amending sub-paragraph (h) **Location** by:

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- (a) deleting the word “for” after the words “within 30.0m of the road **frontage**” and replacing it with “of”; and
 - (b) by deleting the words “to be located” before the words “with 10.0m of any **lot** line other than the front **lot** line.” in their entirety; and
- (vii) amending sub-paragraph (i) Buffering and landscaping by:
- (a) deleting the title “Buffering and landscaping” in its entirety and replacing it with the title, “Access, buffering and landscaping”; and
 - (b) adding the words “around the perimeter of the **agri-tourist accommodation**, and” after the words “Level 5 Landscape Buffer (incl. fencing) is required; and
- (viii) amending subparagraph (j) Servicing by:
- (a) adding the words “,and approval where applicable” after the words “according to the requirements; and
 - (b) deleting the following sub-subparagraphs:
 - “ i. A sanitary dump facility is to be provided on the property if the **agri-tourist accommodation** includes **recreational vehicles**.
 - ii. Water and sewer connections are not permitted for individual **recreational vehicle** sites”
- and replace it with a new sub-subparagraph i. as follows:
- “i. If the **agri-tourist accommodation** includes **recreational vehicles** and where individual water and sewer connections are not provided a sanitary dump facility is to be provided on the property.”

Carried

Councillor James rejoined the meeting at 1:58 p.m.

5. DEVELOPMENT APPLICATION REPORTS

- 5.01 Community Sustainability Division, dated June 18, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP10-0001 and Rezoning Application No. Z10-0002 - DRS Ventures Ltd. (DE Pilling & Associates Ltd.) - 1800 Crosby Road **Mayor to invite the Applicant or the Applicant’s Representative to come forward.**

Mayor Shepherd invited the applicant or the applicant’s representative to come forward.

Andy Sandhu, Applicant’s Representative

- He is one of 3 owners of the subject property.
- Confirmed that the property was purchased in 2006 and since that time, the property owners have been dealing with the City with respect to the development of the site.
- Advised that the property owners have done everything that the City has requested of them.

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- Confirmed that he spoke to the City's Subdivision Approving Officer when he first purchased the property back in 2006 and that at that time, the Subdivision Approving Officer advised him that he approves of the development.

Dawn Williams, DE Pilling & Associates Ltd., Applicant's Representative

- Confirmed that she has had discussions with staff regarding how the property fits into the City's Official Community Plan ("OCP") as well as the potential development of the site.
- Has correspondence from City staff from 2005 that provides some clarification with respect to the ongoing discussions regarding the subject property.
- Believes that the topography of the site does not match what the OCP contemplates.

Staff:

- Advised that the future OCP contemplates the same land use as the current OCP for this area.
- There are no wetland areas in the immediately vicinity of the proposed development; however there are 3 distinct wetlands within the parent parcel of the property.
- Addressed some of the environmental concerns with respect to the site.

City Manager:

- Clarified the City's intent when designating parkland in the OCP.
- Addressed the process that staff follow when making recommendations to Council.

Moved by Councillor James/Seconded by Councillor Hobson

R583/10/06/28 THAT OCP Bylaw Amendment No. OCP10-0001 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of a part of the Southeast ¼ Section of Section 5 Township 23 Osoyoos Division Yale District Except Plan 896, located at 1800 Crosby Road, Kelowna, B.C., from the current Park - Major Park/Open Space designation to the proposed Multiple Unit Residential - Low Density designation, as shown on Map "A" attached to the report of Land Use Management Department, dated June 18, 2010, NOT be considered by Council;

AND THAT Rezoning Application No. Z10-0002 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a part of the Southeast ¼ Section of Section 5 Township 23 Osoyoos Division Yale District Except Plan 896, located at 1800 Crosby Road, Kelowna, B.C., from A1 - Agriculture 1 to the RM3 - Low Density Multiple Housing zone as shown on Map "B" attached to the report of Land Use Management Department, dated June 18, 2010, NOT be considered by Council.

Carried
Councillor Blanleil - Opposed.

Moved by Councillor Hobson/Seconded by Councillor James

R584/10/06/28 THAT Council directs staff to report back to Council with respect to parkland potential in the Glenmore Highlands area.

Carried

5.02 Community Sustainability Division, dated June 16, 2010, re: Rezoning Application No. Z08-0040 - Adrienna Fehr (Adrienna & Cornie Fehr) - 125 Robson Road

(a) Community Sustainability Division report dated June 16, 2010.

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R585/10/06/28 THAT Rezoning Application No. Z08-0040 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5, Section 23, Township 26, ODYD, Plan 10372, located at 125 Robson Road, Kelowna, B.C. from the from the RU1 - Large Lot Housing zone to the RU1(s) - Large Lot Housing with 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 Development Engineering Branch being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Rutland Waterworks District being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subject to the consideration of a Development Variance Permit for the siting and location of both the new principal dwelling and the suite within an accessory building.

Carried

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

Bylaw No. 10369 (Z08-0040) - Adrienna Fehr (Adrienna & Cornie Fehr) - 125 Robson Road

Moved by Councillor Stack/Seconded by Councillor Blanleil

R586/10/06/28 THAT Bylaw No. 10369 be read a first time.

Carried

5.03 Community Sustainability Division, dated June 18, 2010, re: Rezoning Application No. Z10-0043 - Simon Wiencki - 2839 Helmcken Road

(a) Community Sustainability Division report dated June 18, 2010.

Moved by Councillor Hodge/Seconded by Councillor Craig

R587/10/06/28 THAT Rezoning Application No. Z10-0043 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 13, District Lot 135, ODYD Plan 17194, located at 2839 Helmcken Road, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU1s 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 a building permit for the suite be applied for prior to final adoption of the zone.

Carried

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

Bylaw No. 10370 (Z10-0043) - Simon Wiencki - 2839 Helmcken Road

Moved by Councillor Stack/Seconded by Councillor Hobson

R588/10/06/28 THAT Bylaw No. 10370 be read a first time.

Carried

5.04 Community Sustainability Division, dated June 18, 2010, re: Rezoning Application No. Z10-0035 - Larry Deboice (New Town Architectural Services) - 340 Francis Avenue

(a) Community Sustainability Division report dated June 18, 2010.

Staff:

- Confirmed that the parking requirements for the site have been met.

Moved by Councillor Hodge/Seconded by Councillor Stack

R589/10/06/28 THAT Rezoning Application No. Z10-0035 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, D.L. 14, ODYD, Plan KAP69396 except Plan KAP73098 located at 340 Francis Avenue, Kelowna, B.C. from RU1 - Large Lot Housing to RU6 - Two Dwelling Housing 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;

THAT the Director of Land Use Management authorize the issuance of Development Permit No. DP10-0057 for Lot B, D.L. 14, ODYD, Plan KAP69396 located at 340 Francis Avenue, Kelowna, BC subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C".

Carried

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

Bylaw No. 10371 (Z10-0035) - Larry Deboice (New Town Architectural Services) - 340 Francis Avenue

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Moved by Councillor Stack/Seconded by Councillor Hobson

R590/10/06/28 THAT Bylaw No. 10371 be read a first time.

Carried

5.05 Community Sustainability Division, dated June 10, 2010, re: Rezoning Application No. Z10-0039 – Hardeep & Jarnail Goraya (Axel Hilmer Planning Consultant) – 721 Renshaw Road

(a) Community Sustainability Division report dated June 10, 2010.

Moved by Councillor Craig/Seconded by Councillor Hodge

R591/10/06/28 THAT Rezoning Application No. Z10-0039 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 6, District Lot 143, ODYD, Plan KAP76112, located at Renshaw Road, Kelowna, BC, from the RU1 – Large Lot Housing zone to the RU1s – 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 an occupancy permit be issued for the suite prior to final adoption of the zone;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the discharge of the restrictive covenant;

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. 10372 (Z10-0039) – Hardeep & Jarnail Goraya (Axel Hilmer) – 721 Renshaw Road

Moved by Councillor Stack/Seconded by Councillor Hobson

R592/10/06/28 THAT Bylaw No. 10372 be read a first time.

Carried

5.06 Community Sustainability Division, dated June 18, 2010, re: Rezoning Application No. Z10-0033 – New Opportunity for Women (NOW) Canada Society Inc. – 2609 Richter Street

(a) Community Sustainability Division report dated June 18, 2010.

City Clerk:

- Advised that this item will be forwarded to the August 10th Public Hearing as per the Applicant's requested.

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Moved by Councillor Hobson/Seconded by Councillor Stack

R593/10/06/28 THAT Rezoning Application No. Z10-0033 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of; Lot 2, DL 135, O.D.Y.D., Plan 3929, located on Richter Street, Kelowna, B.C. from the RU6 - Two Dwelling Housing 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 in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND FURTHER 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

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

Bylaw No. 10373 (Z10-0033) - New Opportunities for Women (NOW) Canada Society Inc. - 2609 Richter Street

Moved by Councillor Craig/Seconded by Councillor James

R594/10/06/28 THAT Bylaw No. 10373 be read a first time.

Carried

6. **BYLAWS (ZONING & DEVELOPMENT)**

(BYLAWS PRESENTED FOR ADOPTION)

6.01 Bylaw No. 10264 (Z09-0063) - Joan Needham - 4646 McClure Road

Moved by Councillor James/Seconded by Councillor Craig

R595/10/06/28 THAT Bylaw No. 10264 be adopted.

Carried

7. **NON-DEVELOPMENT APPLICATION REPORTS**

7.01 General Manager, Community Services, dated June 22, 2010, re: Bartholomew Water System Upgrade Project

Staff:

- This will allow the water flow for fire protection to be stronger and will benefit the surrounding residents and area.

Moved by Councillor Hobson/Seconded by Councillor Craig

R596/10/06/28 THAT Council receive the report of the General Manager of Community Services regarding a \$400,000 project to upgrade water supply to Bartholomew Court and surrounding properties;

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AND THAT Council approve funding of \$325,000 with \$275,000 from the MFA Debt Water Utility Reserve and \$50,000 from the Hydrant Reserve.

Carried

7.02 Financial Accounting Manager, dated June 23, 2010, re: 2009 Annual Report Mayor to invite anyone in the public gallery who wishes to make comment on the 2009 Annual Report to come forward.

Mayor Shepherd invited anyone in the public gallery who wished to make comment on the 2009 Annual Report to come forward. No one came forward.

Moved by Councillor Hodge/Seconded by Councillor Rule

R597/10/06/28 THAT Council receive the Annual Report for the year ended December 31, 2009.

AND THAT Council receive the Council Remuneration and Expenses report, Employee Remuneration report and schedule of Payment for the Provision of Goods and Services.

Carried

7.02(a) Director, Financial Services, dated June 25, 2010, re: Strategic Community Investment Funds

Staff:

- Apologised for the late Council Report submission and advised that the City is required to report this matter out to Council prior to the end of June 2010.

Moved by Councillor Hobson/Seconded by Councillor James

R598/10/06/28 THAT Council receive, for information, the Report of the Director, Financial Services dated June 25, 2010 with respect to the use of the Strategic Community Investment Funds.

Carried

7.03 Revenue Manager, dated June 23, 2010, re: Council Request to Re-Examine Criteria #8 from the Permissive Tax Exemption Policy No. 327

Councillor Hodge declared a conflict of interest as he volunteers for one of the organizations that applies for the Permissive Tax Exemption and left the meeting at 3:11 p.m.

Councillor Stack declared a conflict of interest as he is employed by one of the organizations that applies for the Permissive Tax Exemption and left the meeting at 3:11 p.m.

Moved by Councillor Craig/Seconded by Councillor James

R599/10/06/28 THAT Council receives the report from the Revenue Manager, dated June 23, 2010 regarding Council's request to re-examine criteria #8 from the Permissive Tax Exemption Policy No. 327;

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AND THAT the permissive exemption conditions remain as previously approved by Council.

Carried

7.04 Deputy Director, Airport Operations, dated May 31, 2010, re: Garda Security Screening Inc. – New Lease of Space in the Air Terminal Building and Combined Operations Building – YLW

Councillor Hodge rejoined the meeting at 3:16 p.m.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R600/10/06/28 THAT Council approve the City entering into a new Sub-Lease with Garda Security Screening Inc. (“Garda”) for certain office space located at the Kelowna International Airport in the form attached to the Report of the Deputy Director, Airport Operations dated May 31, 2010;

AND THAT the Mayor and City Clerk be authorized to execute the Sub-Lease on behalf of the City of Kelowna.

Carried

7.05 Deputy Director, Airport Operations, dated June 4, 2010, re: New Vehicle Rental Concession Licences and Resulting Bylaw Amendments

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R601/10/06/28 THAT Council receive, for information, the report of the Deputy Director, Airport Operations dated June 4, 2010 with respect to the New Vehicle Rental Concession Licences and Resulting Bylaw Amendments;

AND THAT Council give reading consideration to Bylaw No. 10366 – being Amendment No. 24 to the City of Kelowna Airport Fees Bylaw No. 7982;

AND THAT Council award the airport vehicle rental concession licences, in the form attached to the report of the Deputy Director, Airport Operations dated June 4, 2010 to the following companies effective September 1, 2010:

1. Devon Transport Ltd. Doing business as Budget Car & Truck Rental;
2. Skeena Rent A Car Ltd. Doing business as National Car Rentals;
3. Aviscar Inc.; and
4. Enterprise Rent-A-Car Canada Limited.

AND FURTHER THAT Council authorizes the Mayor and City Clerk to execute the licences on behalf of the City of Kelowna.

Carried

Councillor Stack rejoined the meeting at 3:18 p.m.

7.06 Deputy Director, Airport Operations, dated June 14, 2010, re: Air Carrier Airport Use Agreement for Les Investissements Nolinor Inc. (“Nolinor Air”) – Kelowna International Airport

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Moved by Councillor Hodge/Seconded by Councillor Hobson

R602/10/06/28 THAT Council consent to and approve the Air Carrier Airport Use Agreement in the form attached to the Report of the Deputy Director, Airport Operations, dated June 14, 2010 allowing Nolinor Air to operate at the Kelowna International Airport;

AND THAT the Mayor and City Clerk be authorized to execute the Air Carrier Airport Use Agreement.

Carried

7.07 Deputy Director, Airport Operations, dated June 18, 2010, re: Free Access to Public and Private High Fidelity Wireless Network – Kelowna International Airport

Moved by Councillor Rule/Seconded by Councillor Hodge

R603/10/06/28 THAT Council approve the City entering into a new Second Supplemental Agreement with BOLDstreet Inc. for a 5-year term commencing on July 1, 2010, for the provision of free private and public wireless network communication services at Kelowna International Airport, in the form attached to the Report of the Deputy Director, Airport Operations, dated June 18, 2010.

AND THAT the Mayor and City Clerk be authorized to execute the Second Supplemental Agreement on behalf of the City of Kelowna.

Carried

7.08 Client Services Supervisor, dated June 18, 2010, re: Fees for Police Services

Staff:

- Advised that there has been a 57% increase in criminal records checks since the year 2000.
- Advised that there has been a 112% increase in requests for fingerprints since the year 2000.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R604/10/06/28 THAT Council receive for information, the Report from the Client Services Supervisor, dated June 17, 2010 with respect to amending the fees in Bylaw No. 9381 being the City of Kelowna Miscellaneous Fees and Charges Bylaw;

AND THAT Council give reading consideration to Bylaw No. 10368 being Amendment No. 3 to the Miscellaneous Fees and Charges Bylaw No. 9381.

Carried

7.09 Park Services Manager, dated June 15, 2010, re: Boulevard Maintenance Bylaw No. 5708-84

Staff:

- Gave a presentation with respect to the City's Boulevard Bylaw and the changes to the Bylaw that staff are recommending.

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- Advised that there are seven (7) City Bylaws that contain policies with respect to boulevard maintenance and it is being suggested that those policies be incorporated into one (1) bylaw.
- The suggested changes to the Boulevard Bylaw will:
 - o better define boulevards
 - o differentiate between "fronting" vs. "adjacent";
 - o provide a procedure for boulevards that can't be maintained; and
 - o clarify expectations regarding vegetation, weeds, trees, leaves etc.

Moved by Councillor Hobson/Seconded by Councillor Stack

R605/10/06/28 THAT Council receive, for information, the report from the Park Services Manager dated June 15, 2010 regarding boulevard construction and maintenance;

AND THAT Council direct staff to bring an updated version of Boulevard Maintenance Bylaw No. 5708-84 back to Council for approval with consideration to consolidating other boulevard related bylaws and policies.

Carried

7.10 Director, Infrastructure Planning, dated June 18, 2010, re: Wood First

Staff:

- Gave a presentation regarding the proposed "Wood First" resolution for consideration.

Moved by Councillor Hobson/Seconded by Councillor Craig

R606/10/06/28 THAT Council adopts the following Wood First Resolution in acknowledgment and support of Bill 9 - BC's *Wood First Act*:

WHEREAS BC's forest industry as an integral part of the City of Kelowna's economy is developing new markets and new opportunities for wood products as a long-term strategy for a sustainable wood industry;

AND WHEREAS the BC Government has passed a Wood First Act to facilitate a culture of wood by requiring the use of wood as the primary material in all new provincially funded buildings, in a manner consistent with the British Columbia Building Code;

AND WHEREAS the City of Kelowna has adopted a Sustainable Infrastructure Policy (#352) to improve the performance of City-owned municipal infrastructure as evaluated against a comprehensive dashboard of evidence-based sustainability targets;

THEREFORE BE IT RESOLVED that the City of Kelowna will continue to support the development of its wood culture by:

- Being a wood champion and supporting the BC government's Wood First Act by adopting the Wood First Resolution per the report to Council dated June 18, 2010 from the Director of Infrastructure Planning;
- Ensuring that the performance of wood systems and products are considered whenever appropriate to maximize the achievement of the objectives of Kelowna's

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Sustainable Infrastructure Policy throughout all phases of infrastructure procurement and ownership;

- Ensuring that all municipal infrastructure projects in Kelowna receiving Provincial or wood industry financial support employ the appropriate structural or architectural use of wood.

Carried
Councillor Hodge - Opposed.

7.11 Roads, Drainage & Solid Waste Project Manager, dated June 23, 2010, re: Award of Construction Contract TE 10-08 - Cawston Avenue Multi-path Corridor & Ethel Street Utility Upgrades

Staff:

- Confirmed that the Cawston Avenue portion was funded in part with Federal funds and that construction will be completed by the end of 2010.

Moved by Councillor Hobson/Seconded by Councillor Craig

R607/10/06/28 THAT the contract for the construction of the Cawston Avenue Multi-path Corridor & Ethel Street Utility Upgrades be awarded to Peter Bros. Construction Ltd. for the amount of \$5,418,448.56 (HST included).

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

Carried

7.12 Manager, Park & Public Space Projects, dated June 23, 2010, re: Gerstmar Park - Contract Award T10-053

Moved by Councillor Stack/Seconded by Councillor Hobson

R608/10/06/28 THAT the contract for construction of Gerstmar Park be awarded to Sierra Landscaping Ltd., for the amount of six hundred sixty thousand five hundred eighteen dollars and eighty cents (\$660,518.80), excluding HST;

AND THAT the Mayor and City Clerk be authorized to execute the Contract on behalf of the City of Kelowna;

AND FURTHER THAT the Director of Design and Construction Services be authorized to approve any authorized Change Orders to this contract as contingent items arise, up to a maximum of \$66,000.

Carried

7.13 Manager, Strategic Land Development, dated June 23, 2010, re: Status Report - Kelowna Yacht Club - Clubhouse Relocation

Staff:

- Introduced members of the Kelowna Yacht Club in the gallery.

Guest, Pat McCusker, Consultant, New Town Architecture Urban Planning

- Gave a presentation regarding the relocation of the clubhouse at the Kelowna Yacht Club.

Regular Meeting – P.M.

June 28, 2010

Moved by Councillor Blanleil/Seconded by Councillor Stack

R609/10/06/28 THAT Council receive, for information, the report of the Manager, Strategic Land Development dated June 23, 2010 with respect to the Kelowna Yacht Club clubhouse relocation.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.01 Bylaw No. 10366 - Amendment No. 24 to the Airport Fees Bylaw No. 7982

Moved by Councillor Hodge/Seconded by Councillor James

R610/10/06/28 THAT Bylaw No. 10366 be read a first, second and third time.

Carried

8.02 Bylaw No. 10368 - Amendment No. 3 to Miscellaneous Fees and Charges Bylaw No. 9381

Moved by Councillor Hodge/Seconded by Councillor James

R611/10/06/28 THAT Bylaw No. 10368 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

8.03 Bylaw No. 10342 - Road Closure Bylaw - Portion of Loseth Drive - **Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.**

Mayor Shepherd invited anyone in the public gallery who wishes to make comment on the proposed road closure to come forward. No one came forward.

Moved by Councillor Hodge/Seconded by Councillor James

R612/10/06/28 THAT Bylaw No. 10342 be adopted.

Carried

9. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged the Royal Canadian Legion, Branch No. 26, as the latest recipient of the "Spirit of Kelowna" Acknowledgment.

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10. TERMINATION

The meeting was declared terminated at 4:50 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk