

Regular Meeting – P.M.March 26, 2007

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 26, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Barrie Clark, Colin Day, Brian Given, Carol Gran, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: Councillor Andre Blanleil

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Allison Flack; Approving Officer, Bob Shaughnessy\*; Acting Development Services Manager, Shelley Gambacort\*; Director of Financial Services, Paul Macklem\*; Director of Recreation, Parks and Cultural Services, David Graham\*; Director of Corporate Services, David Shipclark; Director of Planning & Development Services, Mary Pynenburg\*; Manager, Community Development & Real Estate, Doug Gilchrist\*; Financial Planning Manager, Keith Grayston\*; Planner, Nelson Wight\*; Planner, Danielle Noble\*; Community Planning Manager, Theresa Eichler; Manager, Policy, Research & Strategic Planning, Signe Bach\*; Planner, Cory Gain\*; Civic Properties Manager, Randy Cleveland\*; Civic Properties Projects Supervisor, Martin Johansen\*; Sport & Recreation Manager, Jim Gabriel\*; Cultural Services Manager, Lorna Gunn\*; Public Art Coordinator, Sandra Kochan\*; Development Manager, Reid Oddleifson\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:31 p.m.

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

3. PUBLIC IN ATTENDANCE

3.01 Superintendent McKinnon re: Monthly Policing Report

Moved by Councillor Gran/Seconded by Councillor Given

**R317/07/03/26** THAT Council authorize the sum of \$5,000 from Council Contingency for the April 26, 2007 Workshop of the Advisory Committee on Community & Women's Issues.

Carried

4. UNFINISHED BUSINESS

4.01 Civic Properties Manager, Verbal Report re: Council Chamber Re-Opening

4.02 Boundary Extension Review Team, dated March 21, 2007 re: Westside Governance – Council Commitments on Amalgamation

Moved by Councillor Day/Seconded by Councillor Given

**R318/07/03/26** THAT Council approve the following recommendations, subject to results of the consultation process currently underway with the citizens of Kelowna and if the Westside Governance Study Area voters favour amalgamation with the City of Kelowna:

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- Creation of a statutory reserve fund for the deposit of funds directly related to the Westside Governance Study Area transition process
- Creation of a Task Force to identify infrastructure improvements and operating service level priorities for the expenditure of funds allocated as part of the Westside Governance Study Area transition process
- Creation of an Advisory Committee to oversee implementation of infrastructure improvements and operating service level upgrades with funds allocated to the Westside Governance Study Area through the transition period

AND THAT the Westside Governance Committee be advised of the approved recommendations and requested to add this information to their website and communication materials.

Carried

5. DEVELOPMENT APPLICATION REPORTS

- 5.01 Planning and Development Services Department, dated March 14, 2007 re: Agricultural Land Reserve Application No. A06-0028 – Cheryl Diane Turton – 2796 K.L.O. Road

This item was withdrawn from the Agenda.

- 5.02 Planning and Development Services Department, dated March 14, 2007 re: Agricultural Land Reserve Application No. A06-0025 – Frank Schell as executor for the estate of Steven Feth (Benson Edwards LLP) – 1304 Morrison Road

Moved by Councillor Hobson/Seconded by Councillor Day

**R319/07/03/26** THAT Agricultural Land Reserve Application No. A06-0025 for property located at 1304 Morrison Road and legally described as: Lot 10 Section 36 Township 26 Osoyoos Division Yale District Plan 425 requesting permission to subdivide a .3 ha. lot in lieu of a homesite severance subdivision from the 4.05 ha. property pursuant to Section 21(2) of the *Agricultural Land Commission Act* be supported by Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

- 5.03 Planning and Development Services Department, dated March 21, 2007 re: Agricultural Land Commission Reserve Appeal No. A07-0003 – Carmen Seltnerich, Maria Levin (Tonette Graf) – 690 Hartman Road

Moved by Councillor Day/Seconded by Councillor Given

**R320/07/03/26** THAT Agricultural Land Reserve Appeal No. A07-0003 for Lot A, Section 25, Township 26, O.D.Y.D., Plan 5499 Except Plan KAP60758, located on Hartman Road, Kelowna, B.C. for a homesite severance subdivision within the Agricultural Land Reserve pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Municipal Council.

AND THAT Agricultural Land Reserve Appeal No. A07-0003 for Lot A, Section 25, Township 26, O.D.Y.D., Plan 5499 Except Plan KAP60758, located on Hartman Road, Kelowna, B.C. for a non-farm use within the Agricultural Land

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Reserve pursuant to Section 20(3) of the *Agricultural Land Commission Act*, be supported by Municipal Council, provided:

1. that only the existing “pickers cabin” be considered as a secondary dwelling unit, ensuring
  - a. that the dwelling meets current B.C. Building Code standards;
  - b. that the dwelling satisfies the City’s regulation for a “suite in an accessory building”
  - c. that the applicant rezone the property to the A1s – Agriculture with Secondary Suite zone.
2. that the uninhabited dwelling formerly occupied by the applicant’s parents be relocated to another parcel, be demolished, or decommissioned.

Carried

5.04 Planning and Development Services Department, dated March 7, 2007 re: Zoning Application No. Z06-0065 – T248 Enterprises Ltd. – 1379 & 1383 Richter Street, 726 Stockwell Avenue

(a) Planning & Development Services report dated March 7, 2007.

Staff:

- Advised that the applicant was approached regarding the affordable housing component and did not wish, at the time, to enter into a Housing Agreement with the City.

Moved by Councillor Hobson/Seconded by Councillor Day

**R321/07/03/26** THAT Rezoning Application No. Z06-0065 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 22, 23 & 24, District Lot 138, O.D.Y.D. Plan 1315, located on Richter Street and Stockwell Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM5 – Medium 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 the Works & Utilities Department being completed to their satisfaction;

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

AND 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.

Carried

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

Bylaw No. 9765 (Z06-0065) – T248 Enterprises Ltd. – 1379 & 1383 Richter Street, 726 Stockwell Avenue

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Moved by Councillor Clark/Seconded by Councillor Rule

**R322/07/03/26** THAT Bylaw No. 9765 be read a first time.

Carried

5.05 Planning and Development Services Department, dated March 13, 2007 re: Zoning Application No. Z07-0006 – Donald Gordon (Philip Macdonald Architect Inc.) – 734 Martin Avenue

(a) Planning & Development Services report dated March 13, 2007.

Staff:

- Advised that the applicant was approached regarding the affordable housing component and did not wish, at the time, to enter into a Housing Agreement with the City.

Moved by Councillor Given/Seconded by Councillor Letnick

**R323/07/03/26** THAT Rezoning Application No. Z07-0006 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5, District Lot 138, O.D.Y.D. Plan 1346, located on Martin Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM5 – Medium 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 the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of the accompanying Development permit and Development Variance Permit for the subject property and 1419 Richter Street.

Carried

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

Bylaw No. 9763 (Z07-0006) – Donald Gordon (Philip Macdonald Architect Inc.) – 734 Martin Avenue

Moved by Councillor Letnick/Seconded by Councillor Given

**R324/07/03/26** THAT Bylaw No. 9763 be read a first time.

Carried

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

**(BYLAWS PRESENTED FOR AMENDMENT AT FIRST READING)**

6.01 Bylaw No. 9757 (Z07-0001) – Greg Penner & Cameron Manning (National Society of Hope) – 2071 Gordon Drive

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Moved by Councillor Gran/Seconded by Councillor Day

**R325/07/03/26** THAT Bylaw No. 9757 be amended at first reading by deleting the owners name “Greg Penner & Cameron Manning” and replacing it with the new owners name “National Society of Hope”.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

7.01 Manager, Policy, Research & Strategic Planning, dated March 21, 2007 re: City of Kelowna Heritage Strategy

Guest, Donald Luxton, Donald Luxton & Associates Inc.:

- Gave a PowerPoint Presentation to Council concerning the 2007 Heritage Strategy.

Moved by Councillor Hobson/Seconded by Councillor Day

**R326/07/03/26** THAT Council receive the 2007 Heritage Strategy (prepared by Donald Luxton & Associates) attached to the Planning and Development Services Department report dated March 21, 2007;

AND THAT Council direct staff to commence implementation of the items listed for immediate action in the 2007 Heritage Strategy, as staff and budget resources permit.

AND FURTHER THAT Council direct staff involved with the restoration of protected heritage buildings to refer to the Parks Canada *Standards and Guidelines for the Restoration of Historic Places* as a guideline for restoration projects.

Carried

7.02 City Manger, dated March 19, 2007 re: Volume 2 – 2007 Financial Plan

Moved by Councillor Hobson/Seconded by Councillor Letnick

**R327/07/03/26** THAT the 2007 Financial Plan be increased by \$1,404,900 to provide for operating carry-over projects and \$110,897,440 for capital carry-over projects as summarized in Financial Plan Volume 2.

Carried

7.03 Community Development and Real Estate Division, re: Affordable Housing

(a) Community Planning Manager, dated March 20, 2007 re: Focusing on Affordable Housing Needs and Moving Forward with Requirements for Affordable Housing

Moved by Councillor Letnick/Seconded by Councillor Given

**R328/07/03/26** THAT Council identify the priority for achieving affordable housing to be on families with children in need of affordable rental housing, in accordance with the definition of rental affordability in 8.1.16 of the OCP;

AND THAT Council continue to partner with other levels of government, the private and non-profit sectors to achieve affordable housing;

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AND THAT the City continue to lobby senior government levels to invest in affordable housing in our communities, through FCM and UBCM, as it has done in previous years.

Carried

- (b) Manager, Community Development & Real Estate, dated March 20, 2007 re: Affordable Housing & Special Needs Task Force – City Rental Housing

Council:

- Concerned about discrimination when selecting people for City rental housing.
- Concerned about the tax burden on Kelowna taxpayers as a result of the potential loss of revenue.

Moved by Councillor Letnick/Seconded by Councillor Hobson

**R329/07/03/26** THAT Staff develop an affordable rental housing program to help address the housing need for lower income families with children;

AND THAT Staff be directed to rent homes that have been identified for use as affordable rentals to households with incomes that qualify, in accordance with the City-approved definition of affordable rental housing in Section 8.1.16 of the OCP. Households would be selected on a first-come first-serve basis, and subject to income criteria, and will be screened as suitable tenants, prior to occupying the affordable rentals. Preference would be given to families with children;

AND THAT the Manager, Community Development & Real Estate be authorized to amend the list of appropriate subsidized rental houses from time to time to address predetermined City requirements for the properties;

AND THAT the Manager, Community Development & Real Estate be authorized to execute all documents necessary to enter into the lease agreements for the selected properties and that the rental rate be set at a maximum of the affordable rents as defined in the City's OCP;

AND THAT staff be directed to bring forward a supplemental request to the 2007 final budget discussion to reflect funding for the reduction in ongoing rental revenue;

AND THAT all costs associated with providing the affordable rental housing be monitored annually and reported to Council as part of the budget process;

AND FURTHER THAT information regarding this program may be released to the public, subject to any privacy rights provided for in the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c.165.

Carried

Councillor Clark opposed.

- (c) Community Planning Manager, dated March 14, 2007 re: Community Land Trusts and Housing Reserve Funds

Staff:

- The Central Okanagan Foundation has confirmed that it does have the ability to receive donated land for park and wildlife conservation purposes.

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Moved by Councillor Hobson/Seconded by Councillor Day

**R330/07/03/26** THAT Council defer authorizing staff to develop a policy to specify an amount for a cash contribution from developers in lieu of affordable housing for zone changes where there is an increase in density, based on the findings of a land economist's report;

AND THAT Council direct funds received in lieu of providing affordable housing to the Housing Opportunities Reserve Fund (HORF);

THAT Council authorize staff to investigate policy for allocation of a portion of revenue from land sales of land acquired with funds from the Land Sales Reserve Fund to the Housing Opportunities Reserve Fund, including any budget implications the change in policy may affect;

AND THAT Council not request staff to pursue the creation of community land trust at this time;

AND FINALLY THAT Council refer to final budget its decision to reduce the allocation for the Housing Opportunities Reserve Fund by \$50,000.00 and reduce the DCC Provision for Non Profit Housing by \$60,000.00.

Carried

Moved by Councillor Letnick/Seconded by Councillor Hobson

**R331/07/03/26** THAT Council direct staff to investigate if the Central Okanagan Foundation would consider a policy to accept donated land from the City of Kelowna for the establishment of a community land trust.

Carried

(d) Community Planning Manager, dated March 20, 2007 re: Secondary Suites in Existing Buildings

Moved by Councillor Letnick/Seconded by Councillor Given

**R332/07/03/26** THAT Council defer this item to the April 2, 2007 Council meeting.

Carried

7.04 Community Planning Manager, dated March 15, 2007 re: Advisory Committee on People with Disabilities

Moved by Councillor Letnick/Seconded by Councillor Given

**R333/07/03/26** THAT Council amend the attached Terms of Reference for the Advisory Committee for People with Disabilities so as to increase membership to six individuals from the community, as indicated;

AND THAT Council appoint Keith Bradley as a member of the Advisory Committee for People with Disabilities.

Carried

7.05 Sport & Recreation Manager, dated March 12, 2007 re: Update to Liquor Licenses in Parks, Stadiums and Facilities

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Moved by Councillor Given/Seconded by Councillor Day

**R334/07/03/26** THAT City Council approve the revised Council Policy 223 – Liquor Licenses in Parks and Stadiums as attached to the report from the Sport and Recreation Manager dated March 12, 2007.

Carried

7.06 Civic Properties Manager, dated March 21, 2007 re: Kelowna Yacht Club Sewage Pump-Out Operation and Maintenance Funding

Moved by Councillor Letnick/Seconded by Councillor Day

**R335/07/03/23** THAT City Council approve the reallocation of surplus funding from Project 10-230-C5361 (Kelowna Yacht Club Sewage) to a contribution to the Kelowna Yacht Club to cover the 2007 incremental costs of insurance, maintenance and operation incurred as a result of the public boater and commercial passenger ship access to the facility;

AND THAT the Civic Properties Manager be authorized to execute the contribution;

AND FURTHER THAT the Department of Recreation Parks and Cultural Services return to Council during the 2008 annual budget cycle for consideration of multi-year funding.

Carried

7.07 Civic Properties Manager, dated March 21, 2007 re: Fintry Queen Pier Tenant Improvements

Moved by Councillor Letnick/Seconded by Councillor Given

**R336/07/03/26** THAT City Council approve funding of \$40,000 from the Civic Facilities Reserve for Tenant Improvements at the new Fintry Queen Pier that will be repaid by Tenants at the Fintry Queen Pier and Kelowna Passenger Ship Marina through their berth rental agreements;

AND THAT the 2007 Financial Plan be amended to include this capital expenditure.

Carried

7.08 Cultural Services Manager, dated March 20, 2007 re: Professional Arts Grants Recommendations

Moved by Councillor Given/Seconded by Councillor Letnick

**R337/07/03/26** THAT City Council approves \$18,500 for the Alternator Gallery, \$23,500 for Ballet Kelowna and \$48,000 for the Okanagan Symphony available in the 2007 Cultural Services budget for professional arts organizations.

Carried

7.09 Cultural Services Manager, dated March 26, 2007 re: Sunshine Theatre Company

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Staff:

- Confirmed that the relationship with KVPACS and the RCA is exclusive to the Sunshine Theatre Company.

Council:

- Concerned that the Sunshine Theatre does not employ local professionals.
- Concerned about the subsidy as they feel that the Sunshine Theatre Company would not fold if it did not receive this funding.

Moved by Councillor Given/Seconded by Councillor Letnick

**R338/07/03/26** THAT Council request that Tracie Ward, Executive Director of the Rotary Centre of the Arts address Council regarding questions concerning the Sunshine Theatre Company.

Carried

Tracy Ward, Executive Director, Rotary Centre of the Arts:

- Advised Council what the Sunshine Theatre Company has to offer - In school programs and extra-curricular opportunities.
- The Sunshine Theatre Company is the only professional company in Kelowna putting forward theatre based entertainment.
- Can provide Council with the Sunshine Theatre Company's budget if requested.
- Without the City's support, feels that the City of Kelowna will not have professional theatre on the stage.
- The Sunshine Theatre Company pays for the cost of using the Rotary Centre of the Arts (ie: administrative costs etc.)

Moved by Councillor Given/Seconded by Councillor Gran

**R339/07/03/26** THAT City Council approve a \$40,000 grant to be allocated from Cultural Services budget to Sunshine Theatre Company to present professional theatre in 2007/2008.

Carried

Councillor Clark opposed.

7.10 Public Art Coordinator, dated March 20, 2007 re: Approval of Public Art Committee Recommendations for Project Expenditures from the Public Art Reserve Fund

Moved by Councillor Hobson/Seconded by Councillor Day

**R340/07/03/26** THAT City Council approve the recommendation of the Public Art Committee to award to Karl Ciesluk of Ottawa the commission for the design, fabrication and installation of 'Growth' (a stone sculpture in 6 parts) in a number of selected locations in the Glenmore Linear Park system;

AND THAT the Mayor and Clerk be authorized to sign a contract with Karl Ciesluk for an amount not to exceed \$40,000 (funded from the Public Art Reserve) for the design, fabrication and installation of the artwork;

AND THAT City Council approve the recommendation of the Public Art Committee to award Geert Maas of Kelowna the commission for the 'The Spirit of Kelowna', a collaborative community public art project, to be permanently installed in City Hall upon completion;

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AND FURTHER THAT the Mayor and Clerk be authorized to sign a contract with Geert Maas for an amount not to exceed \$60,000 (funded from the Public Art Reserve) for the design, fabrication and installation of the artwork.

Carried

- 7.11 Development Manager, Recreation, Parks and Cultural Services, dated March 21, 2007 re: Youth Advisory Committee – Terms of Reference Revisions and Youth Forums

Moved by Councillor Rule/Seconded by Councillor Gran

**R341/07/03/26** THAT Council approve the Youth Advisory Committee – Terms of Reference revisions as attached to the report from the Development Manager, Recreation Parks and Cultural Services dated March 21, 2007;

AND THAT Council appoint Ms. Shelley Nicholl, School Trustee, to the Youth Advisory Committee for the remainder of the term;

AND THAT Council receive the final report from the Youth Forum held November 24, 2006.

Carried

8. COUNCILLOR ITEMS (including Committee Updates)

- 8.01 Councillor Hobson re: Recreation, Parks & Culture Service Task Force Update

Councillor Hobson deferred his report to the April 2, 2007 Council meeting.

9. TERMINATION

The meeting was declared terminated at 5:44 p.m.

Certified Correct:

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Mayor

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City Clerk

SLH/cjd