

Regular Meeting – P.M.November 10, 2008

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, November 10, 2008.

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

Council members absent: Councillor Carol Gran.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Current Planning Supervisor, Danielle Noble*; Director of Works & Utilities, John Vos*; Director of Financial Services, Paul Macklem*; Director of Recreation, Parks & Cultural Services, David Graham*; Manager, Community Development & Real Estate, Doug Gilchrist*; Financial Planning Manager, Keith Grayston*; Civic Properties Manager, Randy Cleveland*; Public Art Coordinator, Sandra Kochan*; Assistant General Manager, Airport Operations, Dave Fuller*; Property Manager, Ron Forbes*; Community Planning Manager, Theresa Eichler*; 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 Given was requested to check the minutes of the meeting.

3. COMMITTEE REPORTS

3.1 Advisory Committee on Community & Women's Issues, dated October 24, 2008, re: Committee's Input on OCP Review

Moved by Councillor Rule/Seconded by Councillor Hobson

R1022/08/11/10 THAT Council forward the minutes from the July 18, 2008 and September 12, 2008 meetings of the Advisory Committee on Community & Women's Issues, attached to the report of the Advisory Committee dated October 24, 2008, to the Official Community Plan review for consideration;

AND THAT Council direct staff to forward the policies within the current Official Community Plan that do not relate to land use and development into an appropriate document;

AND THAT Council direct staff to consult the Advisory Committee on Community & Women's Issues on the appropriate format for this previously referred to document.

Carried

3.2 Public Art Coordinator, dated November 3, 2008, re: Approval of Public Art Committee Recommendations for William R. Bennett Bridge Public Art Project

Staff:

- Gave a Presentation to Council regarding the selection process.
- Introduced the Members from the Public Art Committee that were in attendance.
- The Public Art Committee's annual report to Council will be brought forward within the next few weeks, which will summarize the Committee's budget in further detail.

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- Confirmed that the Purchasing Department was consulted with respect to giving additional criteria points to local artists and advised Council of the Purchasing Department's response.

Judy Burns, Chair, Public Art Committee:

- Advised that the maquette on display represent the winning bid as well as the 2nd place bid.
- Gave background information regarding how the proponents were short listed and how the Committee made their choice.

Moved by Councillor Rule/Seconded by Councillor Given

R1023/08/11/10 THAT City Council approve the recommendation of the Public Art Committee to award to ie Creative Artworks Inc. of Vancouver the commission for the design, fabrication and installation of 'Spirit' (the working title for a two-part sculptural installation) on City-owned land adjacent to the east end of the William R. Bennett Bridge.

AND THAT the Mayor and Clerk be authorized to sign a contract with ie Creative Artworks Inc. for an amount not to exceed \$200,000 (funded from the Public Art Reserve with a \$40,000 contribution from the British Columbia Ministry of Transportation) for the design, fabrication and installation of the artwork.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Planning & Development Services Department, dated October 28, 2008, re: Rezoning Application No. Z08-0074 – Dale & Lisa Lamb – 4383 Hobson Road (B/L 10116)

(a) Planning & Development Services report dated October 28, 2008.

Councillor Hobson declared a conflict of interest as he is the registered owner of an adjacent property and left the meeting at 2:07 p.m.

Moved by Councillor Day/Seconded by Councillor Blanleil

R1024/08/11/10 THAT Rezoning Application No. Z08-0074 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 167, O.D.Y.D, Plan 17542, located on 4383 Hobson Rd, Kelowna, B.C. 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 requirements of the Works & Utilities Department being completed to their satisfaction;

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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.

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

Bylaw No. 10116 (Z08-0074) – Dale & Lisa Lamb – 4383 Hobson Road

Moved by Councillor Letnick/Seconded by Councillor Given**R1025/08/11/10** THAT Bylaw No. 10116 be read a first time.Carried5. **BYLAWS (ZONING & DEVELOPMENT)****(BYLAWS PRESENTED FOR ADOPTION)**

5.1 Bylaw No. 10084 (Z08-0056) – Jason Moore & Yvette Toews – 5110 Chute Lake Crescent

Councillor Hobson returned to the meeting at 2:09 p.m.

Moved by Councillor Rule/Seconded by Councillor Clark**R1026/08/11/10** THAT Bylaw No. 10084 be adopted.Carried6. **NON-DEVELOPMENT APPLICATION REPORTS**

6.1 Director of Works & Utilities, Director of Financial Services and Director of Recreation, Parks & Cultural Services, dated November 4, 2008, re: 20-Year Servicing Plan and Financial Strategy (2008 Update)

Staff:

- Advised that the new rates won't come into effect until February 2009.

Moved by Councillor Letnick/Seconded by Councillor Blancheil

R1027/08/11/10 THAT Council adopt the revised 20 Year Servicing Plan and Financing Strategy, for the infrastructure financing plan for new growth within the City of Kelowna as projected in the Official Community Plan to the year 2020;

AND THAT the necessary bylaw changes be prepared for Council consideration;

AND FURTHER THAT Council receive staff information regarding the public and stakeholder consultation process including the 'Public and Stakeholder Input' document dated November 4, 2008

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Carried

- 6.2 Assistant General Manager, Airport Operations, dated November 5, 2008, re: Common Use Terminal Equipment Fees – Kelowna International Airport

Moved by Councillor Given/Seconded by Councillor Day

R1028/08/11/10 THAT Council receive, for information, the Report of the Assistant General Manager – Airport Operations dated November 5, 2008;

AND THAT staff be directed to prepare the necessary amending bylaw to the City of Kelowna Airport Fees Bylaw No. 7982 to reflect the new “Common Use Terminal Equipment Fee” as outlined in the Report and forward the amending bylaw for reading consideration.

Carried

- 6.3 Assistant General Manager, Airport Operations, dated November 5, 2008, re: Air Carrier Airport Use Agreement for Pacific Coastal Airlines – Kelowna International Airport

Moved by Councillor Day/Seconded by Councillor Blanleil

R1029/08/11/10 THAT Council authorize the Mayor and City Clerk to sign the Air Carrier Airport Use Agreement allowing Pacific Coastal Airlines to operate at the Kelowna International Airport.

Carried

- 6.4 Property Manager, dated October 28, 2008, re: Lagoons System Operating Agreement

Councillor Blanleil declared a conflict of interest as he is resident of Discovery Bay (whose Strata Council is a party to the Lagoon System Operating Agreement) and left the meeting at 2:27 p.m.

Staff:

- The original Development Agreement indicated that the City would pay 1/3 of the operating cost of the Lagoon System.
- The Alternative Approval Process is initiated when an agreement by Council exceeds a five (5) year term and requires a capital contribution.

Moved by Councillor Hobson/Seconded by Councillor Day

R1030/08/11/10 THAT City Council approve the Lagoons System Operating Agreement as attached to the report from the Property Manager, Civic Properties Department, dated October 28, 2008;

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

AND THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated subject to the report of the Property Manager, Civic Properties Department, dated October 28, 2008;

AND FURTHER THAT 4:00 p.m. January 6, 2009 be set as the deadline for receipt of elector responses in the form attached to the report of the Property

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Manager, Civic Properties Department, dated October 28, 2008 as Schedule "A" in relation to the City of Kelowna proceeding with an operating agreement between the City of Kelowna and the Strata Councils of the Dolphins, Lagoons, Sunset Bay Waterfront Resort and Discovery Bay for a period of 15 years with 10-year renewal options as outlined in the report of the Property Manager, Civic Properties Department, dated October 28, 2008.

Carried

6.5 Property Manager, dated October 31, 2008, re: Guisachan House Restaurant Lease

Councillor Blanleil returned to the meeting at 2:38 p.m.

Staff:

- Gave background information regarding the Lease.
- Advised that the following changes were made to the Lease:
 - The term changed from five (5) years, to five (5) years with two (2) renewal options; and
 - The rate was increased by \$1,000.00.
- Will advise Council once a reopening date has been established.
- Advised that any outside activities, such as wedding ceremonies, will have to be completed by 7:00 pm. Any other activity must be completed by 9:00 pm.

Moved by Councillor Hobson/Seconded by Councillor Rule

R1031/08/11/10 THAT Council defer consideration of the Guisachan House Lease Agreement to the November 24, 2008 Council meeting in order for staff to address the following concerns expressed by Council:

- The change in term of the Lease;
- The rate increase; and
- The restriction of outside activities.

Carried

6.6 Community Planning Manager, dated October 22, 2008, re: Report from Land Economist

Councillor Letnick declared a conflict of interest as a member of his family will be directly affected by the proposed policy and left the meeting at 2:52 p.m.

Staff:

- Gave a presentation to Council that explained the details of the proposed Policy.
- Advised that staff would be able to accommodate some of the requested by the Urban Development Institute.
- Advised that this Report only deals with Phase 1 of the Land Economist's Report as research still needs to be completed.
- Believes that the Official Community Plan review will recommend changes with respect to how Council deals with density in town centers.
- Advised that there are almost 80 units that are currently bound by Housing Agreements, whether rental or ownership.

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Council:

- Concerned that not all of the information is available to Council in order to make an informed decision as Council has not received a copy of the letter submitted by the Urban Development Institute.

Moved by Councillor Day/Seconded by Councillor Given

R1032/08/11/10 THAT Council defers consideration of the draft Council Policy which sets out provision of amenities, affordable housing or cash-in-lieu thereof to the November 24, 2008 Council meeting.

CarriedMoved by Councillor Rule/Seconded by Councillor Given

R1033/08/11/10 THAT Council directs staff to bring forward recommendations and options should Council wish to amend the City's Housing Agreement format in order to change the term of the Agreement from ten (10) years to perpetuity and report back to Council.

Carried

Councillor Letnick returned to the meeting at 3:34 p.m.

7. RESOLUTIONS

7.1 Draft Resolution re: 2009 Council Meeting Schedule

Moved by Councillor Hobson/Seconded by Councillor Rule

R1034/08/11/10 THAT the 2009 Council Meeting schedule be adopted as follows:

Monday Regular Meetings

January 12, 19 and 26
 February 2, 9, 16 and 23
 March 2, 9, 16, 23 and 30
 April 6, 20 and 27
 May 4, 11 and 25
 June 1, 15, 22 and 29
 July 13 and 27
 August 10 and 24
 September 14 and 21
 October 5, 19 and 26
 November 2, 9, 16, 23 and 30
 December 7 and 14

Public Hearing/Regular Meetings

January 13 and 27
 February 10 and 24
 March 10 and 24
 April 7 and 21
 May 5 and 19
 June 2, 16 and 30
 July 14 and 28
 August 11 and 25
 September 8 and 22
 October 6 and 20
 November 3 and 17
 December 1 and 15

Carried

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- 8.1 Bylaw No. 10060 – Road Closure Bylaw – Portion of 671 & 679 Clifton Road. **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 deemed themselves affected by the proposed road closure to come forward. No one came forward.

Moved by Councillor Day/Seconded by Councillor Blanleil

R1035/08/11/10 THAT Bylaw No. 10060 be adopted.

Carried

9. COUNCILLOR ITEMS

Mayor Shepherd:

- Provided background information regarding the Advisory Committee for People with Disabilities' concerns with respect to voting by the visually impaired.

Moved by Councillor Rule/Seconded by Councillor Given

R1036/08/11/10 THAT Council direct staff to research alternative ways to ensure independence and secrecy of ballots for the visually impaired for the next civic election in 2011.

Carried

Councillor Day:

- Advised that the start time of the Kelowna Parking Committee's meeting on Thursday will be postponed to 2:00 pm.

Councillor Hobson:

- Advised that UBCM is currently researching the impact of the recent announcement by the Premier to freeze property assessments at the 2007 levels.

10. TERMINATION

The meeting was declared terminated at 3:46 p.m.

Certified Correct:

Mayor

City Clerk

SLH/sb