

Regular Meeting – P.M.

May 3, 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, May 3rd, 2010.

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

Council members absent: Michele Rule

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Design Planner, Pat McCormick; Manager, Land Use Management, Danielle Noble; Director, Financial Services, Keith Grayston; Financial Planning Manager, Angie Thiessen; Roads, Drainage & Solid Waste Project Manager, Purvez Irani; Building and Permitting Branch Manager, Mo Bayat; Partnership Development Manager, Reid Oddleifson; Director, Corporate Services, Rob Mayne; and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

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

Mayor Shepherd:

- Acknowledged that she had been invited to Glenmore Elementary to present the Amgen Award for Science Teaching Excellence to Erika van Oyen.

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

3. PUBLIC IN ATTENDANCE

3.1 Michael McDonald, re: Participation at the British Columbia Youth Parliament

Michael McDonald:

- Is a Grade 11 student at Immaculata High School. Michael described his participation at the BC Youth Parliament as a life changing experience. The experience has fuelled his political interest.
- Thanked Mayor and Council for providing the funds to attend this event.

3.2 Dr. Nancy Knight, Associate Vice President, Planning, The University of British Columbia, and Dr. Doug Owram, Deputy Vice Chancellor and Principal, The University of British Columbia-Okanagan, re: UBC-Okanagan Sustainable Transportation Status Report

Doug Owram, Deputy Vice Chancellor and Principal, UBC-O:

- Provided brief background information on the Sustainable Transportation Status Report.
- Commented that student hours and needs of transit is not the same as office hours and needs.

Dr. Nancy Knight, Associate Vice President, Planning, UBC-O

- Provided a power point presentation regarding the overview of The University of British Columbia's comprehensive report on Sustainable Transportation.

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Mayor Shepherd:

- Would like staff to come forward for a request for funding for an analysis on some options regarding cycling lanes on the overpass.
- Commented that UBCO should be involved with the City's charette for the Rutland area.

Moved by Councillor Craig/Seconded by Councillor Hodge

R384/10/05/03 THAT Council receives, for information, the UBC-Okanagan Sustainable Transportation Status Report dated May 3, 2010.

Carried

4. COMMITTEE REPORTS

4.1 Urban Design Planner, Staff Liaison to the Public Art Committee, dated April 28, 2010, re: Funding for 2010 Community Public Art Projects

Council:

- Would like staff to indicate in future reports a break down of costs.
- Suggested that it would have been more appropriate for the Living Positive group to have looked in the City's Social Grants Program for this endeavour.
- Suggested the original works for these two projects could remain with the creators but have a print made and provided to the City for the public realm.
- Inquired if all permits have been met including the Ministry of Environments approval.

Staff:

- Confirmed permits have been met but will confirm whether approval has been received from the Ministry of Environment.

Moved by Councillor Craig/Seconded by Councillor Hobson

R385/10/05/03 THAT City Council approve funding for the 2010 Community Public Art projects proposed by the Living Positive Resource Centre and by the Cool Arts Society.

Carried

Councillor Hodge and Blanleil - Opposed

Moved by Councillor Blanleil/Seconded by Councillor Stack

R386/10/05/03 THAT Council direct staff to review with the Public Art Committee the implications of changing the Committee's Terms of Reference to ensure all projects are owned and remain available to the public and report back to Council.

Carried

5. DEVELOPMENT APPLICATION REPORTS

5.1 Community Sustainability Division, dated April 1, 2010, re: Agricultural Land Reserve Appeal Application No. A09-0019 - Beverly Druitt Hazzard (Porter Ramsay) - 1565 Lewis Road - Mayor to invite the Applicant or the Applicant's Representative to come forward.

Councillor James decided a conflict of interest due to family owning neighbouring property and departed the meeting at 2:38 p.m.

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Council:

- Inquired if there were any guarantees for the protection of Garner Pond. Staff noted a No Disturb Covenant would be placed.

Tom Smithwick, Representative for the Applicant

- Mr. Smithwick noted that Beverly Hazzard grew up on this property and is now retired. Ms. Hazzard inherited the property from her parents and now lives in the home situated on the property. Her desire is that the property be subdivided into 3 lots with her residing on one lot and her 2 children would each receive a lot. Immediate neighbouring lots to the north and south were given approval to subdivide. Ms. Hazzard would be creating a subdivision that makes sense in that overall neighbourhood. The pond could be preserved through a covenant process.

Council:

- Would like staff provide the Agricultural Land Commission's decisions on applications that have come before Council.

Moved by Councillor Blanleil/Seconded by Councillor Stack

R387/10/05/03 THAT Agricultural Land Reserve Appeal No. A09-0019 for Lot 3 Section 13 Township 26 ODYD Plan 4283 Except Plans H16654, H8383 and KAP85622 located at 1565 Lewis Road, Kelowna, B.C. for approval to undertake a three lot subdivision within the Agricultural Land Reserve, 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
Councillor Reid - Opposed

Councillor James re-joined the meeting at 3:04 p.m.

5.2 Community Sustainability Division, dated April 16, 2010, re: Rezoning Application No. Z10-0015 - Randolph & Deanna Palatin (Inez Palatin) - 1707 Morrison Road

Moved by Councillor Hodge/Seconded by Councillor Craig

R388/10/05/03 THAT Rezoning Application No. Z10-0015 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 36 Township 26 ODYD Plan KAP90335 located at 1707 Morrison Road, Kelowna, B.C. from the from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 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 Black Mountain Irrigation District and the Interior Health Authority being completed to their satisfaction.

Carried
Mayor Shepherd, Councillors Stack and Hobson - Opposed

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

Bylaw No. 10339 (Z10-0015) - Randolph & Deanna Palatin (Inez Palatin) - 1707 Morrison Road

Moved by Councillor Hodge/Seconded by Councillor James

R389/10/05/03 THAT Bylaw No. 10339 be read a first time.

Carried

Mayor Shepherd, Councillors Stack and Hobson - Opposed

- 5.3 Community Sustainability Division, dated April 15, 2010, re: Rezoning Application No. Z10-0019 - Swaranjit & Harbant Punia (Swaranjit Punia) - 650 Wayne Road

Moved by Councillor James/Seconded by Councillor Stack

R390/10/05/03 THAT Rezoning Application No. Z10-0019 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 2, Section 22, Township 26, ODYD, Plan KAP58290, located at Wayne 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 for the suite be applied for prior to final adoption of the zone;

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

Carried

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

Bylaw No. 10340 (Z10-0019) - Swaranjit & Harbant Punia (Swaranjit Punia) - 650 Wayne Road

Moved by Councillor Hodge/Seconded by Councillor James

R391/10/05/03 THAT Bylaw No. 10340 be read a first time.

Carried

- 5.4 Community Sustainability Division, dated April 21, 2010, re: Rezoning Application No. Z10-0022 - Andrew & Yvonne Moore (Andrew Moore) - 720 Turner Road

Moved by Councillor Hodge/Seconded by Councillor James

R392/10/05/03 THAT Rezoning Application No. Z10-0022 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 5, District Lot 358, ODYD, Plan 26738, located at Turner 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;

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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

(a) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10341 (Z10-0022) - Andrew & Yvonne Moore (Andrew Moore) - 720 Turner Road

Moved by Councillor Reid/Seconded by Councillor Stack

R393/10/05/03 THAT Bylaw No. 10341 be read a first time.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

6.1 Bylaw No. 10312 (Z09-0060) - FAA Enterprises Ltd. & Frank Aiello (Frank Aiello) - 4170 McClain Road

Moved by Councillor Hobson/Seconded by Councillor Reid

R394/10/05/03 THAT Bylaw No. 10312 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

7.1 City Manager, dated April 27, 2010, re: 2010 Financial Plan - Final Budget

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R395/10/05/03 THAT Council adopt the 2010-2014 Financial Plan;

AND THAT Council approve the formulation of 2010 Property Tax Rates that will raise the required funds in 2010, from General Taxation, in the amount of \$93,260,000, resulting in an average net property owner impact of 1.62%;

AND FURTHER THAT bylaw 10334 to adopt the 2010-2014 Financial Plan, bylaws 10335 & 10336 for the 2010 Tax Rates and bylaws 10337 & 10338 for the Reserve Fund Expenditures be advanced for reading consideration by Council.

Carried

7.2 Roads, Drainage & Solid Waste Project Manager, dated April 27, 2010, re: Award of Construction Contract TE 10-02 - Gordon Drive Bridge, Gordon Drive Four Laning from Cook Road to Lexington Drive

Moved by Councillor Blanleil/Seconded by Councillor Stack

R396/10/05/03 THAT the contract for the construction of the Gordon Drive Bridge, Gordon Drive Four Laning from Cook Road to Lexington Drive be

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awarded to West Shore Constructors Ltd. for the amount of \$4,809,253.20 (GST excluded);

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

AND THAT the Director of Design & Construction Services Department be authorized to approve any necessary Change Orders to this Contract as contingent items arise, up to a maximum amount of \$500,000.00.

Carried

7.3 Building & Permitting Branch Manager, dated April 19, 2010, re: Requirements of Green Roof Technology

Moved by Councillor Hodge/Seconded by Councillor Reid

R397/10/05/03 THAT Council receive, for information, the report of the Building & Permitting Branch Manager dated April 19th, 2010;

AND THAT the report be forwarded to the local branch of the UDI for their information.

Carried

7.4 Partnership Development Manager, dated April 28, 2010, re: Sponsorship Naming Rights for H₂O Adventure & Fitness Centre

Council:

- Acknowledged that Reid is retiring after 30 years with the City and thanked him for his service to the City.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R398/10/05/03 THAT the City discontinues the pursuit of sponsorship naming rights for H₂O Adventure + Fitness Centre through the consulting services contract with the Media Team.

Carried

7.5 Director, Corporate Services, dated April 28, 2010, re: Bylaw Adjudication Registry System

Council:

- Report back to Council 6 months after it's implemented and provide comparative statistics at that time.

Moved by Councillor Stack/Seconded by Councillor Craig

R399/10/05/03 THAT Council authorize the Mayor and City Clerk to execute the Southern Interior Bylaw Notice Dispute Adjudication Registry Agreement.

Carried

7.6 City Clerk, dated April 28, 2010, re: Amendment to Alternative Approval Process Elector Response Form for the 2010 Kelowna Family Y Capital Program Agreement Amendments

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Moved by Councillor Hobson/Seconded by Councillor Blanleil

R400/10/05/03 THAT Council approve the *amended* elector response form attached to the report of the City Clerk dated April 28, 2010 in relation to the City of Kelowna proceeding with the amendment to the Capital Development and Management and Lease Agreement with the Kelowna Family Y for the 10 year extension, and to act as guarantor of an additional \$700,000 through amendment of the Tripartite Agreement between the City of Kelowna, the YMCA-YWCA of the Central Okanagan and the Toronto Dominion Bank.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.1 Bylaw No. 10328 – Road Closure Bylaw – Parts of Chute Lake Road

Moved by Councillor Hobson/Seconded by Councillor Stack

R401/10/05/03 THAT Bylaw No. 10328 be read a first, second and third time.

Carried

8.2 Bylaw No. 10334 – Five Year Financial Plan 2010-2014

Moved by Councillor Hobson/Seconded by Councillor Stack

R402/10/05/03 THAT Bylaw No. 10334 be read a first, second and third time.

Carried

8.3 Bylaw No. 10335 – Tax Structure Bylaw, 2010

Moved by Councillor Hobson/Seconded by Councillor Stack

R403/10/05/03 THAT Bylaw No. 10335 be read a first, second and third time.

Carried

8.4 Bylaw No. 10336 – Annual Tax Rates Bylaw, 2010

Moved by Councillor Hobson/Seconded by Councillor Stack

R404/10/05/03 THAT Bylaw No. 10336 be read a first, second and third time.

Carried

8.5 Bylaw No. 10337 – Development Cost Charge Reserve Fund Expenditure Bylaw, 2010

Moved by Councillor Hobson/Seconded by Councillor Stack

R405/10/05/03 THAT Bylaw No. 10337 be read a first, second and third time.

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- 8.6 Bylaw No. 10338 - Sale of City-Owned Land Reserve Fund Expenditure Bylaw, 2010

Moved by Councillor Hobson/Seconded by Councillor Stack

R406/10/05/03 THAT Bylaw No. 10338 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 8.7 Bylaw No. 10329 - Amendment No. 1 to Five Year Financial Plan 2009-2013, Bylaw No. 10189

Moved by Councillor Blanleil/Seconded by Councillor Reid

R407/10/05/03 THAT Bylaw No. 10329 be adopted.

Carried

9. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged the Capri Rotary for their hard work and renovations to the Shilo House. The Shilo House is the first home purchased by the 30K Club.

Mayor Shepherd:

- Commented that SILGA hosted a well planned convention and will write a letter on behalf of Council thanking them for the great event.

Councillor Blanleil departed the meeting at 4:19 pm.

Councillor Stack:

- Advised that SFU Professor Gordon Price was a guest speaker at UDI and that he gave a presentation regarding "Great Space and Great Cities" that was very enlightening. Would like Mr. Price to present to Council or view his filmed presentation at a future Council meeting.

Moved by Councillor Stack/Seconded by Councillor James

R408/10/05/03 THAT staff report back on whether Professor Gordon Price's presentation to UDI can be made available to Council.

Carried

Mayor Shepherd:

- Advised the Media that Council will have a special meeting on May 31st.

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10. TERMINATION

The meeting was declared terminated at 4:25 p.m.

Certified Correct:

Mayor

City Clerk

ACM/dld