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, October 4th, 2010.

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

Council members absent: Robert Hobson

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Land Use Manager, Danielle Noble*; Subdivision Approving Officer, Ryan Smith*; Director Financial Services, Keith Grayston*; Cultural Services Manager, Sandra Kochan*; Grants Manager, Lorna Gunn*; Planner Specialist, Maria Stanborough*; Purchasing Manager, Maureen MacGillivray*; Manager, Real Estate Services, Jordan Hettinga*; and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:34 p.m.

Mayor Shepherd advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet.

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

3. PUBLIC IN ATTENDANCE

3.1 Nancy Cameron, Executive Director, Tourism Kelowna, re: <u>2010</u> Activities

Roger Sellick, Chair, Tourism Kelowna Board of Directors.

- Advised Council of the 2010 activities of Tourism Kelowna Board of Directors.

Nancy Cameron, Executive Director

- Provided an update of Tourism Kelowna's 2010 Activities.
- <u>www.tourismkelowna.com</u> provides a video link show casing Kelowna. This video is now showing at the Vancouver International Airport and various other locations.

Moved by Councillor Reid/Seconded by Councillor Hodge

R919/10/10/04 THAT Council receive, for information, the verbal presentation dated October 4, 2010 from the representatives of Tourism Kelowna with respect to their 2010 Activities.

Carried

3.2 Nataley Nagy, Executive Director, Kelowna Art Gallery, re: $\underline{2010}$ Activities

Cultural Services Manager, Sandra Kochan:

- Introduced Nataley Nagy as the new Executive Director of the Kelowna Art Gallery and provided a brief background.
- Ms. Nagy, Executive Director, Kelowna Art Gallery provided an update of the Art Gallery's 2010 Activities.
- Ms. Nagy noted that there was an error in the 2010 Budget related to the insurance value that had been submitted to Council.

Council:

- Asked that the corrected version of the 2010 Budget be submitted to Council in colour.

Moved by Councillor Rule/Seconded by Councillor Hodge

R920/10/10/04 THAT Council receive, for information, the verbal presentation dated October 4, 2010 from the representatives of the Kelowna Art Gallery with respect to their 2010 Activities.

<u>Carried</u>

4. DEVELOPMENT APPLICATION REPORTS

- 4.1 Community Sustainability Division, dated September 15, 2010, re: Rezoning Application No. Z10-0069 Balbir & Baldev Kang (DE Pilling and Associates Ltd.) 435 Gerstmar Road
 - (a) Community Sustainability Division report dated September 15, 2010.

Moved by Councillor Craig/Seconded by Councillor James

R921/10/10/04 THAT Rezoning Application No. Z10-0069 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1, Section 22, Township 26 ODYD Plan 39039 located at Gertsmar Road, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU2s - Medium 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 and Rutland Water Works being completed to their satisfaction.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10427 (Z10-0069) - Balbir & Baldev Kang (DE Pilling and Associates Ltd. - 435 Gerstmar Road

Moved by Councillor Rule/Seconded by Councillor Hodge

R922/10/10/04 THAT Bylaw No. 10427 be read a first time.

- 4.2 Community Sustainability Division, dated September 24, 2010, re: Rezoning Application No. Z10-0076 Hugh & Bernice Westen 1070 Henderson Drive
 - (a) Community Sustainability Division report dated September 24, 2010

Moved by Councillor Stack/Seconded by Councillor Blanleil

R923/10/10/04 THAT Rezoning Application No. Z10-0076 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8 Section 24 Township 26 ODYD Plan KAP89034, located at 1070 Henderson Drive, Kelowna BC, from the from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1s - Large Lot Housing (Hillside Area) 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 be considered subject to the requirements of the Black Mountain Irrigation District being completed to their satisfaction;

AND THAT final adoption be considered subject to a Building Permit application being made for the suite.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

<u>Bylaw No. 10428 (Z10-0076)</u> - Hugh & Bernice Westen - 1070 Henderson Drive

Moved by Councillor Rule/Seconded by Councillor Hodge

R924/10/10/04 THAT Bylaw No. 10428 be read a first time.

Carried

- 4.3 Community Sustainability Division, dated September 15, 2010, re: Rezoning Application No. Z10-0063 Morley & Lorraine Slotys (Wolverine Construction) 1549 Blondeaux Crescent
 - (a) Community Sustainability Division report dated September 15, 2010.

Moved by Councillor Craig/Seconded by Councillor Hodge

R925/10/10/04 THAT Rezoning Application No. Z10-0063 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot B, Section 29, Township 26 ODYD Plan KAP72251 located at Blondeaux Crescent, Kelowna, BC, from the RU2 -Medium Lot Housing zone to the RU2s - Medium 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.

(b) BYLAW PRESENTED FOR FIRST READING

<u>Bylaw No. 10429 (Z10-0063)</u> - Morley & Lorraine Soltys (Wolverine Construction) - 1549 Blondeaux Crescent

Moved by Councillor Hodge/Seconded by Councillor Rule

R926/10/10/04 THAT Bylaw No. 10429 be read a first time.

Carried

- 4.4 Community Sustainability Division, dated September 21, 2010, re: Rezoning Application No. Z10-0066 Parmajit & Kiranjit Gill (Axel Hilmer Planning Consultant) 1331 Samurai Court
 - (a) Community Sustainability Division report dated September 21, 2010.

Moved by Councillor James/Seconded by Councillor Rule

R927/10/10/04 THAT Rezoning Application No. Z10-0066 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 19, Section 13, Township 26, ODYD Plan KAP87484 located at Samurai Court, Kelowna, BC, from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1hs - 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 a building permit for the suite be applied for prior to final adoption of the zone.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

<u>Bylaw No. 10431 (Z10-0066)</u> - Parmajit & Kiranjit Gill (Axel Hilmer Planning Consultant) - 1331 Samurai Court

Moved by Councillor Rule/Seconded by Councillor Hodge

R928/10/10/04 THAT Bylaw No. 10431 be read a first time.

Carried

- 4.5 Community Sustainability Division, dated September 24, 2010, re: Rezoning Application No. Z10-0072 Darren & Geralyn Turner (Billeck Construction dba New Kastle Homes) 2575 Grenfell Road
 - (a) Community Sustainability Division report dated September 24, 2010.

Moved by Councillor Craig/Seconded by Councillor Hodge

R929/10/10/04 THAT Rezoning Application No. Z10-0072 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 2, D.L. 136, ODYD, Plan 27284, located at 2575 Grenfell 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;

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 Branch being completed to their satisfaction;

AND THAT a building permit for the suite be applied for prior to final adoption of the zone.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

<u>Bylaw No. 10432 (Z10-0072)</u> - Darren & Geralyn Turner (Billeck Construction dba New Kastle Homes) - 2575 Grenfell Road

Moved by Councillor James/Seconded by Councillor Craig

R930/10/10/04 THAT Bylaw No. 10432 be read a first time.

Carried

4.6 (a) BYLAW PRESENTED FOR ADOPTION

<u>Bylaw No. 10280 (Z09-0066)</u> - T231 Enterprises Ltd. - 1677 Commerce Avenue (formerly 1598, 2620 & 2636 Highway 97 North)

Moved by Councillor Craig/Seconded by Councillor James

R931/10/10/04 THAT Bylaw No. 10280 be adopted.

Carried

(b) Community Sustainability Division, dated September 24, 2010, re: <u>Development Permit Application No. DP10-0098 - T231</u> Enterprises Ltd. - 1677 Commerce Avenue

Council:

 Inquired if the Applicant is required to provide sidewalks along a provincial arterial highway. There is no pedestrian access.

Staff:

- Staff noted that highway frontage upgrades would be mandated by the Ministry of Transportation and confirmed there is no sidewalk along this portion of the highway. The sidewalk displayed on the Landscape Plan terminates at the highway.
- Ministry of Transportation noted that this portion of highway will be part of a future road widening.

Moved by Councillor Blanleil/Seconded by Councillor Hodge

R932/10/10/04 THAT staff report back to Council with respect to the City's Policies regarding the provision of sidewalks for new developments adjacent to Highways 97 and 33.

Carried

Moved by Councillor Stack/Seconded by Councillor Reid

R933/10/10/04 THAT Final Adoption of Zone Amending Bylaw No. 10280 be considered by Council;

THAT the Council authorize the issuance of Development Permit No. DP10-0098 for Lot A, District Lot 125, ODYD, Plan KAP 90858, located at 1677 Commerce Avenue, Kelowna B.C., 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";
- d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

Carried

4.7 Community Sustainability Division, dated September 13, 2010 re: Rezoning Application No. Z05-0069 - Judston & Karen Wickwire - 1281 Highway 33 East

Moved by Councillor Stack/Seconded by Councillor James

R934/10/10/04 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9536 (Z05-0069 -Judston Wickwire - Highway 33 E) be extended from December 10, 2008 to June 10, 2009;

AND THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No.9536 (Z05-0069 -Judston Wickwire - Highway 33 E) be extended from June 10, 2009 to December 10, 2009;

AND THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No.9536 (Z05-0069 -Judston Wickwire - Highway 33 E) be extended from December 10, 2009 to June 10, 2010;

AND THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No.9536 (Z05-0069 -Judston Wickwire - Highway 33 E) be extended from June 10, 2010 to December 10, 2010.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

5.1 <u>Bylaw No. 10232 (Z10-0049)</u> - Nancy & Stephen Moretti - 1422 Alta Vista Road

Moved by Councillor James/Seconded by Councillor Craig

R935/10/10/04 THAT Bylaw No. 10232 be adopted.

Carried

5.2 <u>Bylaw No. 10331 (Z10-0021)</u> - Gerard & Theresa Fougere - 5267 Chute Lake Road

Moved by Councillor Craig/Seconded by Councillor James

R936/10/10/04 THAT Bylaw No. 10331 be adopted.

Carried

5.3 <u>Bylaw No. 10341 (Z10-0022)</u> - Andrew & Yvonne Moore (Andrew Moore) - 720 Tuner Road

Moved by Councillor Reid/Seconded by Councillor Blanleil

R937/10/10/04 THAT Bylaw No. 10341 be adopted.

Carried

5.4 <u>Bylaw No. 10385 (Z10-0041)</u> - Harjit & Sukhwinder Randhawa - 1321 Tanemura Crescent

Moved by Councillor Blanleil/Seconded by Councillor Reid

R938/10/10/04 THAT Bylaw No. 10385 be adopted.

Carried

5.5 <u>Bylaw No. 10386 (Z10-0047)</u> - Gregory & Dixie Lefebre (Architecturally Distinct Solutions Inc.) - 700 Barnaby Road

Moved by Councillor Reid/Seconded by Councillor Blanleil

R939/10/10/04 THAT Bylaw No. 10386 be adopted.

5.6 <u>Bylaw No. 10395 (Z10-0053)</u> - Cindy Ferguson (New Town Planning Services) - 195 Swick Road

Moved by Councillor Blanleil/Seconded by Councillor Reid

R940/10/10/04 THAT Bylaw No. 10395 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

Development Services, dated September 22, 2010, re: <u>Stratification of 250 Prior Road South, Kelowna, BC - Lots 7 & 8, Plan 17102</u> - Mayor to invite any tenant(s), or their representative(s), who deem themselves affected by the multiple housing strata conversion application to come forward.

Council

- Raised concern that information regarding tenant relocation has not been determined.

Staff:

- Advised that a notice to the tenants had been hand delivered on September 23rd advising that they could speak to Council regarding any concerns.
- The Applicant signed an Affidavit that the letter staff produced was delivered to tenants on September 23rd. Staff produced the letter to ensure consistent information was provided to the tenants.
- Staff will work with developer to resolve any relocation issues.

A motion by Councillor Rule to defer Council's approval of the application to stratify the five (5) unit residential building located at 250 Prior Road South until staff can report back with information on the relocation of the tenants was lost due to a lack of a seconder.

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

No one came forward.

Moved by Councillor Blanleil/Seconded by Councillor Stack

R941/10/10/04 THAT Council approve the application in the name of Kascade Development Group to stratify the five (5) unit residential building located at 250 Prior Road South subject to the following condition:

a) Consolidate the two (2) existing lots, being Lots 7 & 8, Plan 17102.

<u>Carried</u>

Mayor Shepherd and Councillor Rule - Opposed

6.2 Development Services, dated September 23, 2010, re: <u>Stratification of 400-420 Laurel Road, Kelowna, BC - Lot C, Plan 22313</u>

Mayor Shepherd Invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Andre Deswane, acting on behalf of the owner

- There are no vacancies and all 11 units are rented. Rents are approximately \$900.00 a month. Letters advising tenants were submitted with the 10 day period of notification that is required. The owner also included a letter to advise where they were at with the renovations. This is a process and in this market we are renovating each unit as they become available. There is due process with tenants and we follow the rules of the Tenancy Act.

We provide the renters with a choice to purchase by speaking to them in person or

provide a letter of intention and they can decide what they want to do.

There were no further comments.

Moved by Councillor James/Seconded by Councillor Blanleil

R942/10/10/04 THAT Council approve the application to stratify the eleven (11) residential units within three buildings located at 400-420 Laurel Road, Kelowna, BC.

<u>Carried</u>
Mayor Shepherd and Councillor Rule - Opposed

6.3 Grants Manager, dated September 23, 2010, re: <u>Kelowna-Kasugai</u> Economic Development Initiative Report

Richard Takai, COEDC Export Development Officer:

- Provided a Power Point Presentation, re: <u>Kelowna Kasugai Economic Development</u> Initiative

Council:

- Asked Mr. Takai to provide a list of schools and the Rotary Club in Kelowna that has relationships with Kasugai.
- Asked Mr. Takai what other cities in the province have a sister city relationships in Japan.
- Mr. Takai advised that he will provide this information to Council.

Moved by Councillor Stack/Seconded by Councillor Rule

R943/10/10/04 THAT Council receives the Kelowna-Kasugai Economic Development Initiative Report dated March 31st, 2010 as information;

AND THAT Council supports all of the recommendations within the Kelowna-Kasugai Economic Development Initiative Report;

AND FURTHER THAT Council directs staff to work with the Central Okanagan Economic Development Commission and the Kelowna-Kasugai Sister City Association to consider ways to strengthen the City's relationship with Kasugai and the greater Nagoya region in terms of furthering economic development.

Carried

6.4 Grants Manager, dated September 27, 2010, re: <u>Sister City Funding Policy</u>

Moved by Councillor Rule/Seconded by Councillor Stack

<u>R944/10/10/04</u> THAT Council adopt Council Policy No. 355 - Sister City Funding regarding the use of budget allocated to support Sister City relationships;

AND THAT Council directs staff to automatically carry-over the unused portion of the Sister City Funding Operating Budget to the next year on an ongoing basis;

AND FURTHER THAT Council directs staff to provide an annual update with respect to the Sister City Funding Operating Budget during Council's Budget Deliberations.

Carried

6.5 Planner Specialist, dated September 29, 2010, re: <u>Heritage</u> Interpretation and Recognition

Council:

- Directed staff to provide this report to the Gospel Mission for information and to encourage the placement of a China Town mural on their building. and discuss mural on their wall - for information and to encourage the mural of the china town mural
- Commented that they would like to meet the UBCO students who provided the research on this project.

Moved by Councillor Rule/Seconded by Councillor Stack

R945/10/10/04 THAT Council direct staff to erect a way-finding structure presenting information on the Chinatown site, and a way-finding structure marking the entrance to the North End Neighborhood;

AND THAT Council direct staff to change the statement of significance for 1570 Water Street as noted in the Setp.29,2010 report from the Policy and Planning Department;

AND THAT Council direct staff to erect a plaque commemorating the significant visit of Sun Yat-sen to Kelowna in 1911;

AND THAT Council direct staff to add 'V for Victory' symbols on street signs in the North End, should this be supported by further research and consultation;

AND THAT Council direct staff to determine the feasibility and costs of changing the signs at the foot of Knox Mountain and at the first lookout of Knox;

AND THAT Council direct staff to request that the Kelowna Gospel Mission consider a "Chinatown" mural as part of their proposed upgrades to their façade;

AND FURTHER THAT Council direct staff to implement the above using up to \$10,000 from 2010 Policy and Planning Department budget allocations.

Carried

6.6 Planner Specialist, dated September 29, 2010, re: <u>Heritage</u> Revitalization Agreements Update

Moved by Councillor Rule/Seconded by Councillor Hodge

<u>R946/10/10/04</u> THAT Council direct staff to review the Heritage Revitalization Agreement program in its entirety to ensure that the program is protecting the residential character of neighbourhoods while preserving heritage properties;

AND THAT Council direct staff to investigate compliance with existing Heritage Revitalization Agreements.

Carried

6.7 Manager, Purchasing and Stores, dated September 27, 2010, re: <u>Update</u> Purchasing Bylaw No. 9590

Moved by Councillor James/Seconded by Councillor Craig

R947/10/10/04 THAT Council give reading consideration to Bylaw No. 10422 being Amendment No. 1 to the Purchasing Bylaw No. 9590.

Carried

6.8 Director, Financial Services, dated September 28, 2010, re: <u>Special Events Policing Charges</u>

Moved by Councillor Rule/Seconded by Councillor Hodge

<u>R948/10/10/04</u> THAT Council receive the report on Special Events Policing Charges from the Director, Financial Services dated September 28, 2010.

Carried

6.9 Manager, Real Estate & Building Services, dated September 29, 2010, re: Kelowna Pacific Railway (KnightHawk Inc.) - 20 Year Lease Renewal of 16 Expired Crossing Agreements

Moved by Councillor James/Seconded by Councillor Hodge

R949/10/10/04 THAT Council direct staff to proceed with the steps necessary to renew and make payment on sixteen (16) Kelowna Pacific Railway Crossing Agreements within the City at a cost of \$75,500 as attached to the Report of the Manager, Real Estate & Building Services dated September 29, 2010;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete these transactions;

AND THAT all costs associated with these renewals, estimated to total \$72,500 be charged to Project No. 1480 and Work Order No. 1480-30 for \$15,000, 1480-40 for \$20,000 and 1480-50 for \$37,500.

<u>Carried</u>

7. <u>BYLAWS (OTHER THAN ZONING & DEVELOPMENT)</u>

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

7.1 <u>Bylaw No. 10420</u> - Road Closure Bylaw - Portion of Pandosy Street

Moved by Councillor Stack/Seconded by Councillor Reid

R950/10/10/04 THAT Bylaw No. 10420 be read a first, second and third time.

October 4, 2010

7.2 <u>Bylaw No. 10421</u> - Road Closure Bylaw - Portion of Pandosy Street - Walkway

Moved by Councillor Stack/Seconded by Councillor Reid

R951/10/10/04 THAT Bylaw No. 10421 be read a first, second and third time.

Carried

7.3 Bylaw No. 10422 - Amendment No. 1 to Purchasing Bylaw No. 9590.

Moved by Councillor Stack/Seconded by Councillor Reid

R952/10/10/04 THAT Bylaw No. 10422 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

7.4 <u>Bylaw No. 10399</u> - Road Closure Bylaw - Portion of Ivens Road -

Moved by Councillor Craig/Seconded by Councillor James

R953/10/10/04 THAT Bylaw No. 10399 be adopted.

Carried

7.5 <u>Bylaw No. 10417</u> - Name Change Bylaw - Portion of Caramillo Road to Boynton Place

Moved by Councillor James/Seconded by Councillor Craig

R954/10/10/04 THAT Bylaw No. 10417 be adopted.

Carried

8. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged United Punjab Sports Club for hosting a new sport event in our community.

Councillor Stack

- Acknowledged the Ride for the Red which is fundraiser for the Red Cross. Participants were greeted under the new Bear Sculpture in Stuart Park.
- The Red Cross is hoping this will be an annual event.

Councillor Reid

 Would like Council to consider allocating \$5,000 from Council Contingency so up to ten (10) Kelowna small businesses could participate in the Small Business Engagement Fund.

Council:

- Would like additional information. Staff asked to place on Tuesday, October 5 Regular meeting agenda for further information and discussion.

Councillor Craig;
- Acknowledged the United Way Drive thru breakfast at the Ramada and noted that the United Way collected more than \$40,000. The event was very successful.

Mayor Shepherd:

Advised that there is no Council meeting next week.

9. **TERMINATION**

The meeting was declared terminated at 5:07 p.m.

<u>Certified Correct</u>:

Mayor	City Clerk
ACM/dld/scf	