

Regular Meeting – P.M.December 13, 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, Monday, December 13th, 2010.

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

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Community & Media Relations, Carla Stephens*; Manager, Urban Land Use, Danielle Noble*; Community Planning Manager, Theresa Eichler*; Manager, Property Management, Ron Forbes*; Property Officer, Tammy Abrahamson*; Director, Infrastructure Planning, Randy Cleveland*; Subdivision Approving Officer, Ryan Smith*; Director, Financial Services, Keith Grayston*; Director, Recreation & Cultural Services, Jim Gabriel*; Manager, Long Range Planning, Gary Stephen*; Planner Specialist, Graham March*; Sustainability Coordinator, Tracy Guidi*; Sustainability Coordinator, Michelle Kam*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:30 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 and a delayed broadcast is shown on Shaw Cable.

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

3. PUBLIC IN ATTENDANCE

3.1 Superintendent McKinnon, re: Bi-Monthly Policing Report

Superintendent McKinnon:

- Presented the Bi-Monthly Policing Report.

Councillor Hobson joined the meeting at 1:32 p.m.

Moved by Councillor Hodge/Seconded by Councillor Craig

R1187/10/12/13 THAT Council receives, for information, the Bi-Monthly Policing Report dated December 13, 2010;

AND THAT Council authorizes the Mayor, on behalf of Council, to write a letter to the Provincial Crown Counsel and Provincial Judges expressing Council's concern with prolific criminals and their sentencing.

Carried

3.2 Dennis Day, Chair, and Tracy Gray, Board Member, Passenger Transportation Board, re: Taxi Regulation in British Columbia

Dennis Day, Chair, and Tracy Gray, Board Member, Passenger Transportation Board:

- Gave a presentation regarding Taxi Regulations in British Columbia.
 - To the best of their knowledge, there hasn't been any "Temporary Operating Permits" requested by any of the taxi companies who operate in the City of Kelowna for 2010 Christmas/New Year holiday.

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- Information regarding the Passenger Transportation Board can be found at www.ptboard.bc.ca.
- Information regarding “Temporary Operating Permits” can be found at http://www.th.gov.bc.ca/ptb/documents/IA_Temporary-operating-permits.pdf
- Information regarding “Designated Driver Service” Options for Taxis & Limousines can be found at http://th.gov.bc.ca/ptb/documents/IA_Designated_Driver_Services.pdf

Moved by Councillor Hodge/Seconded by Councillor Blanleil

R1188/10/12/13 THAT Council receives, for information, the presentation from the Passenger Transportation Board dated December 13, 2010 with respect to Taxi Regulations in British Columbia;

AND THAT the information obtained by the Ministry of Transportation & Infrastructure regarding the recent observations by Ministry staff in downtown Kelowna on Friday and Saturday nights be circulated to appropriate staff, including Superintendent McKinnon;

AND FURTHER THAT Council directs staff to schedule a Committee-of-the-Whole meeting with representatives of the local taxi and limousine companies, and other interested stakeholders, to discuss the taxi regulations in British Columbia.

Carried

4. COMMITTEE REPORTS

4.1 Youth Advisory Committee, Verbal Report, re: Mayor’s Youth Forum, Fall 2010 - Climate Change

Hugh Culver, Consultant:

- Introduced the presentation and provided some background information regarding the Mayor’s Youth Forum on Climate Change.

Linda Abbott-Simmons, Contracted Staff:

- Provided background information regarding how the data was collected and analyzed by the participants.

Michael MacDonald, Immaculata High School:

- Gave a presentation entitled “One Ride - Save the _ _ _ _ _ One Ride At a Time”.

Sara, Dr. Knox Middle School:

- Showed a video entitled “Green Wheel Wednesdays”.

Darren Anderson, Mt. Boucherie Senior Secondary School:

- Gave a presentation entitled “It’s as Easy as Turning a Key”.

Hugh Culver, Consultant:

- Provided closing comments.

Moved by Councillor Rule/Seconded by Councillor Hodge

R1189/10/12/13 THAT Council receives, for information, the Youth Advisory Committee’s presentation with respect to the Mayor’s Youth Forum on Climate Change.

Carried

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5.1 Land Use Management Department, dated December 3, 2010, re: Rezoning Application No. Z10-0079 – Emil Anderson Construction Co. Ltd. – 2428 Glacier Court

(a) Land Use Management Department report dated December 3, 2010.

Moved by Councillor Hobson/Seconded by Councillor Craig

R1190/10/12/13 THAT Rezoning Application No. Z10-0079 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 2, Section 28, Township 26 and of District Lot 125, ODYD, Plan KAP88921, located at 2428 Glacier Court, Kelowna, BC from the RM4 – Low Density Transitional 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 FURTHER THAT final adoption of Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

Carried

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

Bylaw No. 10461 (Z10-0079) – Emil Anderson Construction Co. Ltd. – 2428 Glacier Court

Moved by Councillor James/Seconded by Councillor Craig

R1191/10/12/13 THAT Bylaw No. 10461 be read a first time.

Carried

5.2 Land Use Management Department, dated November 30, 2010, re: Agricultural Land Reserve Application No. A10-0006 – Robert A. Johnson (Site 360 for Glenmore-Ellison Improvement District) – 2702 Glenmore Road North

Moved by Councillor James/Seconded by Councillor Hodge

R1192/10/12/13 THAT Agricultural Land Reserve Application No. A10-0006 for part of Lot A, Sections 21 & 28, Township 23, O.D.Y.D., Plan 5353, Except Plans B7114, 17921, 18046, 19773, 22105, 23083, 29083, and KAP78846, located at 2702 Glenmore Rd. N., Kelowna, B.C. for a non-farm use of part of the subject property, pursuant to Section 20(3) of the *Agricultural Land Commission Act*, be supported by Municipal Council;

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

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- 5.3 Land Use Management Department, dated November 29, 2010 re: Rezoning Application No. Z08-0030 - Paul Warnock - 1220-1222 and 1230 Brookside Avenue

Moved by Councillor Rule/Seconded by Councillor Hobson

R1193/10/12/13 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 10105 (Z08-0030 - Paul Warnock - 1230 Brookside Avenue and 1220 - 1222 Brookside) be extended from November 25, 2010 to May 25, 2011.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 10288 (Z09-0076) - Rajvinder and Harjit Johal (Axel Hilmer) - 408 Stetson Street

Moved by Councillor Hodge/Seconded by Councillor Rule

R1194/10/12/13 THAT Bylaw No. 10288 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Development Services, dated November 29, 2010, re: Stratification of 445-455 Rutland Road North, Kelowna, BC - Mayor to invite any tenant(s), or their representative(s), who deem themselves affected by the multiple housing strata conversion application to come forward.

Mayor Shepherd invited any tenant(s), or their representative(s), in the public gallery who deemed themselves affected by the multiple housing strata conversion application to come forward. No one came forward.

Moved by Councillor Blanleil/Seconded by Councillor James

R1195/10/12/13 THAT Council approves the application in the name of Sam Khurana to stratify the six (6) unit residential building located at 445-455 Rutland Road North.

Carried

- 7.2 Director, Financial Services, dated December 6, 2010, re: Municipal Reserves

Moved by Councillor Stack/Seconded by Councillor Rule

R1196/10/12/13 THAT Council receives the Report from the Director, Financial Services dated December 6, 2011 with respect to Municipal Reserves;

AND THAT Council approves the reserve consolidations detailed in Appendix B attached to the Report of the Director, Financial Services dated December 6, 2010 and direct staff to forward any bylaw required for reading consideration;

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AND THAT Council supports the repayment of the Internal Financing Energy Reserve at \$50,000 per year from taxation;

AND FURTHER THAT Council directs staff to present the complete presentation with respect to the Municipal Reserves at a future Council Meeting in 2011.

Carried

7.3 City Manager, Verbal Report, re: 2011 Financial Plan

Staff:

- Gave a presentation regarding the proposed 2011 Financial Plan.

Moved by Councillor Rule/Seconded by Councillor Hodge

R1197/10/12/13 THAT Council receives, for information, the Verbal Report dated December 13, 2010 with respect to the 2011 Financial Plan.

Carried

The meeting recessed at 4:13 p.m. so that Council could tour the "Santa Bus". The meeting reconvened at 4:27 p.m.

7.4 Director, Recreation & Cultural Services, dated December 3, 2010, re: Canada Winter Games Evaluation Committee Final Report

Moved by Councillor Stack/Seconded by Councillor Hodge

R1198/10/12/13 THAT Council receives, for information, the Report from the Director, Recreation & Cultural Services dated December 3, 2010 with respect to the City of Kelowna's Bid Proposal for the 2015 Canada Winter Games.

Carried

7.5 Policy & Planning Department, dated December 8, 2010, re: City of Kelowna Sustainable Urban Forest Strategy Phase 1 – Mid-term Report

Staff:

- Introduced the Council Report and the Consultants.
- Advised that the Second Phase report is scheduled to come back to Council in the Summer of 2011.

Mark Brown, Sub-Consultant, Senior Arborist and Urban Forest Specialist, B.A. Blackwell and Associates Ltd.:

- Gave the presentation regarding the City's Sustainable Urban Forest Strategy, Phase 1.

City Manager:

- Commented on the possibility of providing incentives to developers who do not disturb vegetation when developing property.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R1199/10/12/13 THAT Council endorses the information contained in the Policy and Planning Department report dated December 8, 2010 as the basis for completion of a Sustainable Urban Forest Strategy (Phase 2) in 2011.

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- 7.6 Sustainability Coordinator, dated December 1, 2010, re: Climate Action Revenue Incentive Program Reporting Requirement

Moved by Councillor Reid/Seconded by Councillor Hobson

R1200/10/12/13 THAT Council receives, for information, the report from the Sustainability Coordinator dated December 1, 2010 with respect to the Climate Action Revenue Incentive Program reporting requirements.

Carried

- 7.7 Sustainability Coordinator, dated December 6, 2010, re: Pacific Carbon Trust's Small/Medium Business Engagement Fund and Climate Smart Program

Moved by Councillor Reid/Seconded by Councillor Rule

R1201/10/12/13 THAT Council directs staff to apply for the \$5,000 Pacific Carbon Trust (PCT) Small/Medium Business Engagement Fund scholarship;

AND THAT, conditional on the successful application for the above scholarship, Council approves \$2,500 from the Energy Management Rebates Reserve so the Climate Smart Program can be offered to ten small to medium Kelowna businesses in 2011;

AND FURTHER THAT, conditional on the successful application for scholarship, the 2011 Financial Plan be amended to include the \$2,500 City share of cost for the project with funding from the Energy Management Rebates Reserve.

Carried

Councillor James - Opposed.

- 7.8 Director, Community & Media Relations, dated December 3, 2010, re: E-mail and Digital Subscription Management

Moved by Councillor Stack/Seconded by Councillor Craig

R1202/10/12/13 THAT Council directs staff to enter a one-year contract with GovDelivery to determine effectiveness of its product for e-mail and digital subscription management for dissemination of City information.

AND THAT Council directs staff to submit a supplemental for ongoing service charges in the 2012 budget if the pilot proves to be effective.

Carried

- 7.9 Manager, Property Management, dated December 8, 2010, re: License of Occupation Renewal - West-Wind Nurseries and Landscaping Ltd. (Saucier Road)

Moved by Councillor Craig/Seconded by Councillor James

R1203/10/12/13 THAT Council approves the City entering into a License of Occupation between the City of Kelowna and West-Wind Nurseries and Landscaping Ltd., in the form attached to the report from the Manager, Property Management, dated December 8, 2010 for the use of City-owned property being a portion of Lot 1, Plan 1247, for a term of three (3) years commencing December 1, 2010 at a rate of \$1,800.00 per year and renewal of

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one further two (2) year term at the sole discretion of the City for the purposes of landscape material storage;

AND THAT the Mayor and City Clerk be authorized to execute the License of Occupation Agreement.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.1 Bylaw No. 10460 - Road Closure Bylaw - Portion of Cedar Avenue (South of 3080 Abbott Street)

Moved by Councillor Blanleil/Seconded by Councillor Reid

R1204/10/12/13 THAT Bylaw No. 10460 be read a first, second and third time.

Carried

9. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Robert Fine, Executive Director, Central Okanagan Economic Development Commission as the latest recipient of the "Spirit of Kelowna" Acknowledgment. Mr. Fine generously donates his time and talents throughout the year to a variety of charity and community events.

9.2 Councillor Craig, re: Parking Enforcement in the Downtown Core

Moved by Councillor Craig/Seconded by Councillor James

R1205/10/12/13 THAT staff report back to Council regarding parking enforcement in the downtown area.

Carried

9.3 Mayor Shepherd, re: Okanagan Correctional Site

Mayor Shepherd:

- Advised that a letter has been received from the Solicitor General with respect to a proposed correctional facility to be located within the Okanagan.
- Advised that she will be responding to the Solicitor General's letter and that the content of the letter will include the fact that there is already an existing site within the City's boundaries that is owned by the Province and properly zoned for a correctional facility.

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10. TERMINATION

The meeting was declared terminated at 5:33 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk