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, February 21st, 2011.

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

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Deputy City Clerk, Karen Needham*; Director, Land Use Management, Shelley Gambacort*; Supervisor, Urban Land Use, Danielle Noble*; Planner Specialist, Pat McCormick*; Manager, Community Planning, Theresa Eichler*; Fire Chief, Jeff Carlisle*; Assistant Fire Chief, Tom Doherty*; Planner, Luke Turri*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:37 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 Hobson was requested to check the minutes of the meeting.

Mayor Shepherd advised that one of the presenters for the Public Art Committee Report may not be present until sometime after 2:15 pm and therefore the Agenda will be amended in order to accommodate the presenter's schedule.

3. PUBLIC IN ATTENDANCE

3.1 Janet Digby, Chair, City of Kelowna Heritage Grants Program Committee, Central Okanagan Heritage Society, re: City of Kelowna Heritage Grants Program

Janet Digby, Chair, City of Kelowna Heritage Grants Program Committee:
- Introduced the Grant Committee Members, Program Manager and COHS Board Members in attendance.
- Gave a presentation with respect to the City of Kelowna Heritage Grants Program.

Moved by Councillor Hobson/Seconded by Councillor Reid-Nagy

R162/11/02/21 THAT Council receives, for information, the verbal report from the City of Kelowna Heritage Grants Program Committee, Central Okanagan Heritage Society, dated February 21, 2011 with respect to the City of Kelowna's Heritage Grants Program;

AND THAT Council directs staff to ensure that the Central Okanagan Heritage Society reports back to Council with an update on the City of Kelowna Heritage Grants Program by September 2011;

AND FURTHER THAT the Central Okanagan Heritage Society's report back to Council includes the Society's recommendations with respect to the City of Kelowna Heritage Grant Program for consideration by Council during the 2012 budget deliberations.

Carried

4. COMMITTEE REPORTS

4.2 Deputy City Clerk, dated February 15, 2011, re: Council Remuneration Review Task Force

Moved by Councillor Hodge/Seconded by Councillor James

R163/11/02/21 THAT Council endorses the Terms of Reference for the Council Remuneration Review Task Force as attached to the report of the Deputy City Clerk dated February 15, 2011;

AND THAT Council appoints Shelley Gilmore, Lori Dickson, Len Pelland, Bruce Stevenson, and Lillian Moller as members of the Council Remuneration Review Task Force;

AND FURTHER THAT the Council Remuneration Review Task Force report back to Council by no later than May 31, 2011.

Carried
Councillor Blanleil – Opposed.

5. DEVELOPMENT APPLICATION REPORTS

5.1 Land Use Management Department, dated February 10, 2011, re: Rezoning Application No. Z11-0005 – Kevin Lavigne and Amanda Telfer (Kevin Lavigne) – 1483 Ayre Avenue

(a) Land Use Management Department report dated February 10, 2011.

Moved by Councillor Reid-Nagy/Seconded by Councillor Stack

R164/11/02/21 THAT Rezoning Application No. Z11-0005 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 7, Section 30, Township 26 ODYD Plan 11261, located on Ayre Avenue, 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 Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT the suite be eligible for final occupancy prior to final adoption of the zone;

AND THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Carried

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

Bylaw No. 10488 (Z11-0005) – Kevin Lavigne and Amanda Telfer (Kevin Lavigne) – 1483 Ayre Avenue

Moved by Councillor Hodge/Seconded by Councillor Rule

R165/11/02/21 THAT Bylaw No. 10488 be read a first time.

Carried

5.2 Land Use Management Department, dated February 7, 2011, re: Rezoning Application No. Z11-0001 – Peter and Marie Baigent (Manzanita Homes Inc.) – 433 West Avenue

(a) Land Use Management Department report dated February 7, 2011.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R166/11/02/21 THAT Rezoning Application No. Z11-0001 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 8 Block 1 District Lot 14 ODYD Plan 4743, located at 433 West Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1s – Large 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 being completed to their satisfaction;

AND FURTHER THAT a building permit application for the secondary suite be received prior to final adoption of the zone.

Carried

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

Bylaw No. 10489 (Z11-0001) – Peter and Marie Baigent (Manzanita Homes Inc.) – 433 West Avenue

Moved by Councillor Stack/Seconded by Councillor Hobson

R167/11/02/21 THAT Bylaw No. 10489 be read a first time.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

6.1 Fire Chief, dated February 11, 2011, re: Fire Service Agreement – Regional District of Central Okanagan

Staff:
- Advised that the City Solicitor has reviewed the Fire Service Agreement and staff are confident that the Agreement includes a “save harmless” clause in favour of the City.
- It is staff’s assumption that the Regional District would advise their residents of the Fire Service Agreement; however the staff will follow up with the Regional District to ensure that the residents affected are aware of the Agreement.

Moved by Councillor James/Seconded by Councillor Rule

R168/11/02/21 THAT Council approves the City entering into an Agreement with the Regional District of Central Okanagan, for the expansion of fire protection in the June Springs Fire Protection Area and the Lakeshore Road Fire Protection Area as outlined in Schedule A of the agreement attached to the report of the Fire Chief dated February 11, 2011;

AND THAT the Mayor and City Clerk be authorized to execute the Fire Service Agreement in the form attached to the report of the Fire Chief dated February 11, 2011.

Carried

4. COMMITTEE REPORTS

4.1 Public Art Committee, dated February 16, 2011, re: Public Art Exhibition at Kelowna Art Gallery

Staff:
- Introduced the Chair of the Public Art Committee.

Amanda Parks, Chair, Public Art Committee:
- Introduced the members of the Public Art Committee that were in attendance in the gallery.
- Gave a presentation to Council regarding the proposed Public Art Exhibit at the Kelowna Art Gallery.

Renee Burgess, Head of Public Programming, Kelowna Art Gallery:
- Provided comment regarding having an out-of-town panelist participate in the proposed exhibition.

Moved by Councillor Hobson/Seconded by Councillor Reid-Nagy

R169/11/02/21 THAT Council receive, for information, the Report from the Public Art Committee dated February 16, 2011, with respect to the Public Art Exhibition at Kelowna Art Gallery;

AND THAT Council approve the recommendation from the Public Art Committee to allocate $10,000.00 from the Public Art Program to enter into a partnership with the Kelowna Art Gallery as per the terms set out in the Report from the Public Art Committee dated February 16, 2011.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

6.2 Land Use Planner, dated February 16, 2011, re: Liquor Policy Review – Final Report & Implementation Plan

Staff:
- Advised that the stakeholders have reviewed the Liquor Policy Review Final Report, but not Council Policy No. 359.
- Advised that the Liquor Control & Licensing Branch does not support "soft closings"; however, the Branch has agreed to allow for a trial period and confirmed that the trial period for "soft closings" will be from May 2011 to September 2011.
- Advised that some of the implementation strategy guidelines will be tied to other City Bylaws such as the Business License Bylaw.

A motion by Councillor Hodge to direct staff to conduct further consultations with the stakeholders was lost due to lack of a seconder.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R170/11/02/21 THAT Council endorses the Liquor Policy Review as attached to the Report from the Land Use Planner, dated February 16, 2011 as a guide for the development and promotion of vibrant, active Urban Centres through improving the late-night economy;

AND THAT Council endorses a new policy for Liquor Licensing, as attached to the Report of the Land Use Planner dated February 16, 2011, as recommended in the Liquor Policy Review;

AND THAT Council Policy No. 315 being "Liquor Licensing Procedures Liquor Primary (lp) and Retail Liquor Sales (rls)" be rescinded.

AND THAT Council adopts Council Policy No. 359, being "Liquor Licensing Policy & Procedures";

AND FURTHER THAT the moratorium that was placed on new applications for C7LP liquor primary rezoning for greater than 100 patrons in the Study Area Boundary of the Kelowna Downtown Plan (2000), generally described as north of Harvey Avenue, east of Abbott Street, south of Doyle Avenue and west of Richter Street as described at the March 15, 2010 Regular P.M. Council Meeting until a review of Council Policy 315 is complete, be rescinded.

Carried
Councillor Hodge – Opposed.

6.3 Deputy City Clerk, dated February 15, 2011, re: Southern Interior Local Government Association (SILGA)/Union of BC Municipalities (UBCM) Resolutions

Staff:
- Advised that the deadline for submission of the SILGA Resolutions is March 1, 2011.
- Advised that the resolution for Provincial Income Assistance Rates has been amended since the Council Package was prepared. The year in the first line was changed from 2005 to 2010 and the Ministry responsible for Income Assistance Rates is now the Ministry of Social Development.

Council:
- Requested that the resolution to Increase Funding and Resources for Agriculture be divided into two (2) separate resolutions, one for agriculture in general and the other for the Agricultural Land Commission.
- Requested that the resolution to Restore Gaming Grants be amended to refer to non-profit organizations.
- Requested that the resolution for Citizen Complaints Regarding the RCMP be changed to refer to RCMP and Police in the Province of BC and that the Province establish an "independent" committee.

Moved by Councillor James/Seconded by Councillor Hodge

R171/11/02/21 THAT Council endorses the City of Kelowna resolution for Increased Funding and Resources for Agriculture as amended by Council;

AND THAT Council directs staff to forward the City of Kelowna Increased Funding and Resources for Agriculture sponsored resolution for consideration

and endorsement by the Southern Interior Local Government Association (SILGA).

Carried

Moved by Councillor Stack/Seconded by Councillor Rule

R172/11/02/21 THAT Council endorses the City of Kelowna resolution for Increased Resources for the Agricultural Land Commission;

AND THAT Council directs staff to forward the City of Kelowna Increased Resources for the Agricultural Land Commission sponsored resolution for consideration and endorsement by the Southern Interior Local Government Associations (SILGA).

Carried
Councillor James – Opposed.

Moved by Councillor Craig/Seconded by Councillor Hodge

R173/11/02/21 THAT Council endorses the City of Kelowna resolution for Provincial Income Assistant Rates as amended by staff;

AND THAT Council directs staff to forward the City of Kelowna Provincial Income Assistant Rates sponsored resolution for consideration and endorsement by the Southern Interior Local Government Association (SILGA).

Carried

Moved by Councillor Rule/Seconded by Councillor Reid-Nagy

R174/11/02/21 THAT Council endorses the City of Kelowna resolution for Return to Heritage Funding as attached to the report of the Deputy City Clerk, dated February 15, 2011;

AND THAT Council directs staff to forward the City of Kelowna Return to Heritage Funding sponsored resolution for consideration and endorsement by the Southern Interior Local Government Association (SILGA).

Carried
Councillor Blanleil- Opposed.

Moved by Councillor Craig/Seconded by Councillor Reid-Nagy

R175/11/02/21 THAT Council endorses the City of Kelowna resolution for Restore Gaming Grants as amended by Council;

AND THAT Council directs staff to forward the City of Kelowna Restore Gaming Grants sponsored resolutions for consideration and endorsement by the Southern Interior Local Government Association (SILGA).

Carried

Moved by Councillor Craig/Seconded by Councillor Stack

R176/11/02/21 THAT Council endorses the City of Kelowna resolution for Citizen Complaints Regarding the RCMP/Police in British Columbia as amended by Council;

AND THAT Council direct staff to forward the City of Kelowna Citizen Complaints Regarding RCMP/Police in British Columbia sponsored resolution for consideration and endorsement by the Southern Interior Local Government Association (SILGA).

Carried

7. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:
- Acknowledged Chef Perry Bentley as the latest recipient of the "Spirit of Kelowna" Acknowledgment for his ongoing promotion of culinary events in the Okanagan Valley and for his recent judging in the Canadian Culinary Championships held at the Delta Grand Okanagan Hotel.

Mayor Shepherd:
- Reminded Council that Wednesday is "Anti-Bullying" Day and to wear pink.
- Advised the media and the public that the February 28th Special Meeting with the Okanagan Indian Band and the District of Lake Country Council is proceeding as scheduled.

7.2 Councillor Items

Councillor Rule:
- Advised that not only is it Heritage Week, but it's also Global Citizen week.

8. TERMINATION

The meeting was declared terminated at 3:41 p.m.

Certified Correct:

Mayor City Clerk

SLH/dld