

Regular Meeting – P.M.March 28, 2011

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, March 28th, 2011.

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

Council members absent: Councillors Andre Blanleil and Kevin Craig.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Supervisor, Urban Land Use, Danielle Noble*; Manager, Property Management, Ron Forbes*; Manager, Cultural Services, Sandra Kochan*; Manager, Parks & Public Places, Terry Barton*; Director, Infrastructure Planning, Randy Cleveland*; Director, Financial Services, Keith Grayston*; Director, Recreation & Cultural Services, Jim Gabriel*; Property Officer, Tammy Abrahamson*; Manager Park Services, Ian Wilson*; Fire Chief, Jeff Carlisle*; Manager, Utility Services, Don Degen*; Director, Policy & Planning, Signe Bagh*; Manager, Long Range Planning, Gary Stephen*; Parks Planner, Barb Davidson*; Design Technician, Jason Ough*; Planner Specialist, Kristine Bouw*; Risk Manager, Lance Kayfish*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:43 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.

Mayor Shepherd advised that Agenda Item 7.10 will be moved forward and dealt with after Agenda Item 7.01 in order to accommodate the consultant.

3. PUBLIC IN ATTENDANCE

3.1 Chris Bose, Executive Director, Alternator Centre for Contemporary Art, re: 2011 Professional Arts Grant Recipient Update

Staff:

- Introduced the Chris Bose, the Executive Director of the Alternator Centre for Contemporary Art.

Chris Bose, Executive Director, Alternator Centre for Contemporary Art:

- Gave a presentation regarding their 2011 Professional Arts Grant.
- Introduced the members of the Board of Directors that were in the gallery.

Moved by Councillor Hodge/Seconded by Councillor Rule

R307/11/03/28 THAT Council receives, for information, the verbal presentation from the Alternator Centre for Contemporary Art dated March 28, 2011.

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4. COMMITTEE REPORTS

- 4.01 Communities in Bloom Committee, dated March 17, 2011, re: Communities in Bloom Update, Workplan and Conference

Staff:

- Introduced some of the Committee members in the gallery.
- Gave a presentation with respect to the Committee's 2010 Summary and 2011 Plans.

Moved by Councillor Hodge/Seconded by Councillor Hobson

R308/11/03/28 THAT Council receives, for information, the March 17, 2011 report from the Communities in Bloom Committee;

AND THAT Council approves the 2011 workplan of the Communities in Bloom Committee as outlined in the March 17, 2011 report from the Communities in Bloom Committee;

AND FURTHER THAT Council directs staff to apply to become the host city for the 2012 Provincial Communities in Bloom Conference and submit a 2012 budget request if successful.

Carried

5. DEVELOPMENT APPLICATION REPORTS

- 5.01 Land Use Management Department, dated March 17, 2011, re: Rezoning Application No. Z10-0102 - Kulwinder Singh Dhami and Mandeep Kaur Dhami (Kulwinder Singh Dhami) - 1451 Montenegro Drive

- (a) Land Use Management Department report dated March 17, 2011.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R309/11/03/28 THAT Rezoning Application No. Z10-0102 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 20, Section 13, Township 26, O.D.Y.D., Plan KAP84278, located on Montenegro Drive, Kelowna, BC from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1hs - 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 a building permit for the suite be applied for prior to final adoption of the zone;

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

Carried

- (b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10511 (Z10-0102) - Kulwinder and Mandeep Dhami (Kulwinder Dhami - 1451 Montenegro Drive

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Moved by Councillor James/Seconded by Councillor Hodge

R310/11/03/28 THAT Bylaw No. 10511 be read a first time.

Carried

5.02 Land Use Management Department, dated March 17, 2011 re: Rezoning Application No. Z11-0011 - George and Aneta Andres - 820 Quigley Road

(a) Land Use Management Department report dated March 17, 2011.

Moved by Councillor Hodge/Seconded by Councillor James

R311/11/03/28 THAT Rezoning Application No. Z11-0011 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 10, Section 22, Township 26, ODYD Plan 19576, located on Quigley Road, 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 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**

Bylaw No. 10512 (Z11-0011) - George and Aneta Andres - 820 Quigley Road

Moved by Councillor Hodge/Seconded by Councillor James

R312/11/03/28 THAT Bylaw No. 10512 be read a first time.

Carried

5.03 Land Use Management Department, dated March 17, 2011, re: Rezoning Application No. Z10-0091 - D & S Schulz Enterprises Ltd. (Siegfried Schulz) - 196 Cariboo Road

(a) Land Use Management Department report dated March 17, 2011.

Moved by Councillor Stack/Seconded by Councillor James

R313/11/03/28 THAT Rezoning Application No. Z10-0091 to amend City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of portions of Lot H, Section 4, Township 23, O.D.Y.D., Plan 20088, located on Cariboo Road, Kelowna, BC, from the RR3 - Rural Residential 3 zone to the RU6 - Two Dwelling Housing and RU1 - Large Lot Housing zones, as shown on Map "A" attached to the report of the Land Use Management Department, dated March 14, 2011, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

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AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Glenmore Ellison Improvement District and the Development Engineering Branch being completed to their satisfaction.

Carried

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

Bylaw No. 10513 (Z10-0091) - D & S Schulz Enterprises Ltd.
(Siegfried Schulz) - 186 Cariboo Road

Moved by Councillor James/Seconded by Councillor Hodge

R314/11/03/28 THAT Bylaw No. 10513 be read a first time.

Carried

- 5.04 Land Use Management Department, dated March 17, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP06-0010 and Rezoning Application No. Z06-0033 - Rutland Seventh Day Adventist Church - 1215 Highway 33 West

Moved by Councillor Hobson/Seconded by Councillor Stack

R315/11/03/28 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of OCP Amending Bylaw No. 9928 (OCP06-0010) and Zone Amending Bylaw No. 9929 (Z06-0033) - Seventh Day Adventist Church (British Columbia Conference) / Rutland Seventh-Day Adventist Church be extended from March 4, 2011 to September 4, 2011.

Carried

- 5.05 Land Use Management Department, dated March 15, 2011, re: Rezoning Application No. Z08-0071 - Bill Bonn (Tysen Properties) - 543 South Crest Drive

Moved by Councillor James/Seconded by Councillor Reid-Nagy

R316/11/03/28 THAT in accordance with Development Application Procedures Bylaw No. 8140, the deadline for the adoption of Zone Amending Bylaw No. 10291 (Z08-0071, Tysen Properties, 543 South Crest Drive), be extended from March 9, 2011 to September 9, 2011.

Carried

- 5.06 Land Use Management Department, dated March 17, 2011, re: Rezoning Application No. Z09-0024 - Roger and Suki Bhullar (Suki Bhullar) - 1525 Collison Road

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R317/11/03/28 THAT in accordance with Development Application Procedures Bylaw No. 8140, the deadline for the adoption of Zone Amending Bylaw No. 10207 (Z09-0024, R. Bhullar, 1525 Collison Rd), be extended from January 28, 2011 to July 28, 2011.

Carried

5.07 Land Use Management Department, dated March 18, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP08-0027 and Rezoning Application No. Z08-0104 - 0823250 BC Ltd. (Architecturally Distinct Solutions) - 695 Webster Road

Moved by Councillor Stack/Seconded by Councillor Hobson

R318/11/03/28 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of the OCP and zone Amending Bylaw No's. 10161 (OCP08-0027) and 10162 (Z08-0104), Block 35 Section 26 Township 26 ODYD Plan 264 Except: (1) Plans B991, B4202 and B4348 (2) Parcel A on Plan CG 157, located at 695 Webster Road, Kelowna, B.C.) be extended from April 4, 2011 to October 4, 2011.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR RESCINDMENT AT THIRD READING)

6.01 Bylaw No. 9673 (HRA06-0001) - Heritage Revitalization Agreement Authorization Bylaw - Valerie Hallford - 429 Park Avenue

Staff:

- Advised that the Applicant received notification, via registered mail, that Council would be considering rescinding the Bylaws unless she contacted staff requested the appropriate extensions.
- To date, the Applicant has not pursued an extension.

Moved by Councillor Hodge/Seconded by Councillor Hobson

R319/11/03/28 THAT Council defers consideration of Agenda Item No. 6.01 with respect to rescinding first three readings given to Bylaw No. 9673 to the April 4, 2011 P.M. Regular Meeting;

AND THAT Council directs staff to contact the Applicant, by phone, in order to confirm that the Applicant is aware that the Bylaw is being rescinded.

Carried

6.02 Bylaw No. 9674 (HRA06-0001) - Reekie House Heritage Designation Bylaw - Valerie Hallford - 429 Park Avenue

Moved by Councillor Hodge/Seconded by Councillor Hobson

R320/11/03/28 THAT Council defers consideration of Agenda Item No. 6.02 with respect to rescinding first three readings given to Bylaw No. 9674 to the April 4, 2011 P.M. Regular Meeting;

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AND THAT Council directs staff to contact the Applicant, by phone, in order to confirm that the Applicant is aware that the Bylaw is being rescinded.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

6.03 Bylaw No. 10387 (Z10-0059) - Wanda and Michael Murinko - 533 Harrop Avenue

Moved by Councillor Rule/Seconded by Councillor Hodge

R321/11/03/28 THAT Bylaw No. 10387 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

7.01 Fire Chief, dated March 16, 2011, re: First Medical Responder Agreement

Moved by Councillor Rule/Seconded by Councillor Hodge

R322/11/03/28 THAT Council approves the City entering into an Agreement, with the Emergency and Health Services Commission, for First Medical Responder, with the option to terminate the Agreement by giving thirty (30) days written notice, in the form attached to the Report of the Fire Chief, dated March 16, 2011;

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

Carried

7.10 Utility Services Manager, dated March 18, 2011, re: Landscape and Irrigation Standards – Water Sustainability Action Plan

Staff:

- Gave a presentation regarding the implementation of the City's Landscape & Irrigation Standards for Water Conservation.
- Explained the process that homeowners would need to follow in order to retrofit their irrigation systems.

David Reid, Consultant, HB Lanarc Consulting:

- Gave a presentation regarding the public consultation that was conducted.

Moved by Councillor Reid-Nagy/Seconded by Councillor Hobson

R323/11/03/28 THAT Council receives, for information, the Report from the Utilities Services Manager dated March 18th, 2011 recommending that Council adopt a new Water Regulation Bylaw and amend the Subdivision, Development & Servicing Bylaw No. 7900;

AND THAT Bylaw No. 10480, being Water Regulation Bylaw be forwarded for reading consideration;

AND THAT after final adoption of Bylaw No. 10480 being Water Regulation Bylaw, Council repeal Bylaw No. 2173 being the current Water Regulation Bylaw and rescind Council Policy No. 325, being Hydrant Use Policy;

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AND THAT Bylaw No. 10481, being Amendment No. 14 to the Subdivision, Development & Servicing Bylaw No. 7900 be forwarded for reading consideration;

AND FURTHER THAT after adoption of Bylaw No. 10481 being Amendment No. 14 to the Subdivision, Development & Regulation Bylaw No. 7900, Council Policy No. 266, being Subdivision, Development & Servicing Approved Products List Policy be revised as outlined in Schedule "A" attached to the Report from the Utilities Services Manager dated March 18th, 2011.

Carried

Mayor Shepherd advised that Agenda Items 8.01 and 8.02 would be moved forward and dealt with immediately.

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.01 Bylaw No. 10480 - Water Regulation Bylaw

Moved by Councillor Hobson/Seconded by Councillor Reid-Nagy

R324/11/03/28 THAT Bylaw No. 10480 be read a first, second and third time.

Carried

8.02 Bylaw No. 10481 - Amendment No. 14 to Subdivision, Development and Servicing Bylaw No. 7900

Moved by Councillor Hobson/Seconded by Councillor Reid-Nagy

R325/11/03/28 THAT Bylaw No. 10481 be read a first, second and third time.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS (con't)

7.02 Director, Recreation & Cultural Services, dated March 22, 2011, re: Kelowna Lawn Bowling Club Business Plan

Moved by Councillor Hodge/Seconded by Councillor Hobson

R326/11/03/28 THAT Council receives, for information, the Business Plan from the Kelowna Lawn Bowling Club as attached to the report from the Director of Recreation & Cultural Services dated March 22, 2011;

AND THAT Council supports a one-time grant of \$5,000.00 for Kelowna Lawn Bowling Club towards their 2011 operations;

AND FURTHER THAT the grant of \$5,000 be paid from Council Contingency.

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- 7.03 Director, Financial Services, dated March 17, 2011, re: Utility Billing Customer Care, Water Meter and Meter Reading Services Contract

Moved by Councillor Hobson/Seconded by Councillor Stack

R327/11/03/28 THAT Council approve a fifteen (15) month extension of the Corix Utilities Inc. contract for Utility Billing Customer Care, Water Meter and Meter Reading Services from September 30, 2011 to December 31, 2012, with an option to extend the contract for a further year.

AND THAT the Mayor and City Clerk be authorized to sign an extension agreement.

Carried

- 7.04 Policy & Planning Department, dated March 23, 2011, re: 2030 Official Community Plan - 2011 Public Consultation

Staff:

- Reviewed the survey data that was collected during the last four (4) open houses that were held with respect to the draft 2030 Official Community Plan.
- Reviewed some of the proposed “revised” wording for the draft 2030 Official Community Plan resulting from feedback at the open houses.
- Confirmed that, *Local Government Act*, sets out that the Agricultural Land Commission must comment on the 2030 Official Community Plan Bylaw after initial consideration.
- Confirmed that staff has already been working with the Agricultural Land Commission with respect to the draft 2030 Official Community Plan.
- It is staff’s intention to forward the 2030 Official Community Plan Bylaw to the April 11, 2011 Council meeting for initial consideration.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R328/11/03/28 THAT Council receives, for information, the Report from the Policy and Planning Department dated March 23, 2011;

AND THAT Council directs staff to bring forward Official Community Plan (OCP) 2030 - Bylaw No. 10500 for initial consideration and referral to the Agricultural Land Commission.

Carried

- 7.05 Manager, Property Management, dated March 23, 2011, re: Traffic Bylaw No. 8120 - Fees (Amendment)

Moved by Councillor Stack/Seconded by Councillor Hobson

R329/11/03/28 THAT Council receives for information, the Report from the Manager, Property Management, dated March 23, 2011, outlining suggested changes to the Traffic Bylaw pertaining to sidewalk/roadway occupancy permit fees;

AND THAT Bylaw No. 10501, being Amendment No. 17 to the City of Kelowna Traffic Bylaw No. 8120, be forwarded for reading consideration;

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AND FURTHER THAT Council directs staff to issue an Expression of Interest for all five (5) downtown locations.

Carried

7.06 Park Planner, dated March 22, 2011, re: Dehart Community Park

Staff:

- Gave a presentation regarding the proposed future development of the Dehart Community Park.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R330/11/03/28 THAT Council receives, for information, the report from the Park Planner dated March 22, 2011, with respect to Dehart Community Park.

Carried

Moved by Councillor Rule/Seconded by Councillor Hodge

R331/11/03/28 THAT Council directs staff to report back to Council with respect to the feasibility of using a portion of the Dehart Community Park site as an off-leash dog park on a temporary basis until the park is developed.

Carried

Councillors James and Stack - Opposed.

7.07 Utility Technologist, dated March 22, 2011, re: Okaview PRV Interconnect

Moved by Councillor Hobson/Seconded by Councillor James

R332/11/03/28 THAT Council receives, for information, the report from the Utility Technologist dated March 22, 2011, with respect to the Okaview PRV Interconnect.

AND THAT Council approves an expenditure of \$25,000 from account R204 (Water Development Reserve) to accommodate the completion of Okaview PRV Interconnect (project #2417).

AND FURTHER THAT the 2011 Financial Plan be amended accordingly.

Carried

7.08 Architecture Planner, dated March 22, 2011, re: Kelowna Passenger Ship Marina Expansion

Staff:

- Advised that the Fire Department will also be upgrading the fire suppression system at the Kelowna Yacht Club.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R333/11/03/28 THAT Council receives, for information, the report from the Architecture Planner dated March 22, 2011, with respect to the Kelowna Passenger Ship Marina Expansion.

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AND THAT Council approves an expenditure of \$50,000.00 from the Civic Facilities Reserve (R132) to accommodate the fire suppression system for the Kelowna Passenger Ship Marina Expansion, to be repaid through lease payments over five (5) years.

AND FURTHER THAT the 2011 Financial Plan be amended accordingly.

Carried

7.09 Risk Manager, dated March 23, 2011, re: Impact and Actions Resulting from Fire at the City Park Pavilion Building

Staff:

- Provided an update regarding the fire at the City Park Pavilion Building.
- Advised that temporary washrooms are being established for this area of City Park.
- Advised that the City has issued a mobile vendor RFP for this area of City Park as the permanent concession facility was destroyed as a result of the fire.

Councillor Reid-Nagy left the meeting at 4:53 p.m.

Moved by Councillor Hodge/Seconded by Councillor James

R334/11/03/28 THAT Council receives, for information, the report from the Risk Manager dated March 23, 2011, with respect to the fire at the City Park Pavilion building.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.03 Bylaw No. 10501 - Amendment No. 17 to Traffic Bylaw No. 8120

Moved by Councillor Hobson/Seconded by Councillor Hodge

R335/11/03/28 THAT Bylaw No. 10501 be read a first, second and third time.

Carried

9. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Tom Smithwick as the latest recipient of the "Spirit of Kelowna" for all the work he does with Freedom's Door.

9.02 Councillor Items

Councillor Hobson:

- Advised that he has been re-elected as a Trustee for the Municipal Finance Association.

Councillor Stack:

- Advised that the Kelowna-Kasugai Sister City Association is hosting a fundraising event for Japan on Wednesday, March 30, 2011 at Stuart Park.

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10. TERMINATION

The meeting was declared terminated at 5:08 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SLH/dld