

Regular Meeting – P.M.

June 13, 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, June 13th, 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; Director, Real Estate & Building Services, Doug Gilchrist*; Director, Land Use Management, Shelley Gambacort*; Community Planning Manager, Theresa Eichler*; Manager, Parks & Public Places, Terry Barton*; Director, Infrastructure Planning, Randy Cleveland*; Parks Planner, Barb Davidson*; Manager, Special Projects, Jackie Dueck*; Manager, Community & Neighbourhood Programs, Louise Roberts-Taylor*; Manager, Strategic Projects, Mark Watt*; Manager, Building Services, Martin Johansen*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:38 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 Craig was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Director, Infrastructure Planning, dated June 7, 2011, re: 2011 Planning Institute of British Columbia Awards of Excellence – Parkland Acquisition Guidelines

Staff:

- Presented the 2011 PIBC Award of Excellence to the Consultant, Anderton Consulting Inc., Mayor & Council and City's Project Management Team for the City of Kelowna's Parkland Acquisition Guidelines

Moved by Councillor James/Seconded by Councillor Hodge

R586/11/06/13 THAT Council receives, for information, the report from the Director, Infrastructure Planning dated June 6, 2011 with respect to the 2011 Planning Institute of British Columbia Award of Excellence for the City of Kelowna's Parkland Acquisition Guidelines.

Carried

3.2 Cheryl Miller, Grants Manager, Central Okanagan Foundation, re: City of Kelowna Emergency Grant

Cheryl Miller, Grants Manager, Central Okanagan Foundation:

- Provided background information with respect to the emergency grant being recommended by the Central Okanagan Foundation

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Moved by Councillor Craig/Seconded by Councillor Hobson

R587/11/06/13 THAT Council approves the emergency grant in the amount of \$5,000.00 to the Interior Alzheimer Support Society as recommended by the Central Okanagan Foundation.

Carried

3.3 David Widdis, MCIP, Regional Growth Strategy Coordinator, Regional District of Central Okanagan, re: Regional Growth Strategy Process - Update

David Widdis, MCIP, Regional Growth Strategy Coordinator, Regional District of Central Okanagan:

- Provided an update with respect to the Regional Growth Strategy Process.

Moved by Councillor Hobson/Seconded by Councillor Rule

R588/11/06/13 THAT Council receives, for information the verbal presentation from the Regional Growth Strategy Coordinator for the Regional District of Central Okanagan dated June 13, 2011 with respect to an update regarding the Regional Growth Strategy Process.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Land Use Management Department, dated May 26, 2011, re: Rezoning Application No. Z11-0039 - 0872097 BC Ltd. (Paul Watson) - 1326 Tanemura Crescent

(a) Land Use Management Department report dated May 26, 2011.

Moved by Councillor Hobson/Seconded by Councillor Rule

R589/11/06/13 THAT Rezoning Application No. Z11-0039 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 11, Section 13, Township 26, ODYD Plan KAP86150, located on Tanemura Crescent, 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 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. 10559 (Z11-0039) - 0872097 BC Ltd. (Paul Watson) - 1326 Tanemura Crescent

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Moved by Councillor Hobson/Seconded by Councillor Rule

R590/11/06/13 THAT Bylaw No. 10559 be read a first time.

Carried

4.2 Land Use Management Department, dated May 25, 2011, re: Rezoning Application No. Z11-0032 - Douglas Staines - 1401 Lambert Avenue

(a) Land Use Management Department report dated May 25, 2011.

Moved by Councillor Hobson/Seconded by Councillor Reid-Nagy

R591/11/06/13 THAT Rezoning Application No. Z11-0032 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 9, Section 30, Township 26, ODYD Plan 9950 except Plan 11491, located on Lambert 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 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. 10561 (Z11-0032) - Douglas Staines - 1401 Lambert Avenue

Moved by Councillor Rule/Seconded by Councillor Hodge

R592/11/06/13 THAT Bylaw No. 10561 be read a first time.

Carried

4.3 Land Use Management Department, dated May 30, 2011, re: Rezoning Application No. Z10-0086 - City of Kelowna - 445 & 455 Rockview Lane

(a) Land Use Management Department report dated May 30, 2011.

Moved by Councillor Stack/Seconded by Councillor Hobson

R593/11/06/13 THAT Rezoning Application No. Z10-0086 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1 Section 23 and 24 Township 28 SDYD Plan KAP91022 (See Plan As To Limited Access), located on 455 Rockview Lane, Kelowna, BC from the CD2 - Kettle Valley Comprehensive Residential Development zone to the P4 - Utilities zone and Lot 2 Section 23 and 24 Township 28 SDYD Plan KAP91022, located on 445 Rockview Lane, Kelowna, BC from the CD2 - Kettle Valley Comprehensive Residential Development zone to the P3 - Parks and Open Space zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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AND FURTHER THAT, after adoption of the zone amending bylaw, Council directs Staff to complete the project in general accordance with the draft landscape plan attached to the report of the Land Use Management Department dated May 30, 2011.

Carried(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10563 (Z10-0086) - City of Kelowna - 445 & 455 Rockview Lane

Moved by Councillor Hodge/Seconded by Councillor RuleR594/11/06/13 THAT Bylaw No. 10563 be read a first time.Carried

4.4 Land Use Management Department, dated May 30, 2011, re: Rezoning Application No. Z11-0023 - Danny Damario & Susan Girard - 4191 Lakeshore Road

(a) Land Use Management Department report dated May 30, 2011.

Moved by Councillor Craig/Seconded by Councillor Reid-Nagy

R595/11/06/13 THAT Rezoning Application No. Z11-0023 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1 Section 6 Township 26 ODYD Plan 9270, located at 4191 Lakeshore 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 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 the Building & Permitting 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. 10564 (Z11-0023) - Danny Damario & Susan Girard - 4191 Lakeshore Road

Moved by Councillor Craig/Seconded by Councillor JamesR596/11/06/13 THAT Bylaw No. 10564 be read a first time.Carried

4.4 Land Use Management Department, dated May 27, 2011 re: Rezoning Application No. Z07-0046 - Terry & Joan Raisanen - 1975 Kane Road

Moved by Councillor James/Seconded by Councillor Stack

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R597/11/06/13 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9886, (Z07-0046, Eidse Builders - Gary Tebutt), for Lot B, Plan 22004, Sec. 33, Twp. 26, ODYD, located on 1975 Kane Road, Kelowna, BC be extended from May 27, 2011 to November 27, 2011.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

5.1 Bylaw No. 10313 (LUC09-0001) - Thomas & Marlene Tobin - 7850 Highway 97 North

Moved by Councillor James/Seconded by Councillor Craig

R598/11/06/13 THAT Bylaw No. 10313 be adopted.

Carried

5.2 Bylaw No. 10314 (Z08-0113) - Thomas & Marlene Tobin - 7850 Highway 97 North

Moved by Councillor Craig/Seconded by Councillor James

R599/11/06/13 THAT Bylaw No. 10314 be adopted.

Carried

5.3 Bylaw No. 10451 (Z10-0075) - Watermark Development Ltd. - 2960 Appaloosa Road

Moved by Councillor Blanleil/Seconded by Councillor Reid-Nagy

R600/11/06/13 THAT Bylaw No. 10451 be adopted.

Carried

5.4 Bylaw No. 10526 (Z11-0009) - Beverly Hazzard - 1565 Lewis Road

Moved by Councillor Reid-Nagy/Seconded by Councillor Blanleil

R601/11/06/13 THAT Bylaw No. 10526 be adopted.

Carried

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6. NON-DEVELOPMENT APPLICATION REPORTS

6.1 Land Use Management Department, dated June 8, 2011, re: Development Application Fee Bylaw Review

Staff:

- Provided a summary of the changes that are being proposed in the new Development Application Fee Bylaw.

Moved by Councillor Rule/Seconded by Councillor Hodge

R602/11/06/13 THAT the fee for “Rezoning to Add “S” Designation for Secondary Suite” as set out in Schedule “A” of proposed Bylaw No. 10560, being the new Development Application Fee Bylaw, remain at \$578.00.

Carried

Mayor Shepherd and Councillors Blanleil, Craig and James - Opposed.

Moved by Councillor Hobson/Seconded by Councillor Stack

R603/11/06/13 THAT Council receives, for information, the report from the Land Use Management Department dated June 8, 2011 with respect to creating a new Development Application Fee Bylaw;

AND THAT Council gives reading consideration to Bylaw No. 10560, being the new “Development Application Fee Bylaw”, as amended by Council;

AND THAT after final adoption of Bylaw No. 10560, being Development Application Fee Bylaw, Council rescinds Bylaw No. 8034 being the Development application Fees Bylaw, and all amendments thereto;

AND THAT after adoption of Bylaw No. 10560, being Development Application Fee Bylaw, Council directs staff to bring forward any necessary amendments to Sign Bylaw No. 8235, Development Application Procedures Bylaw No. 8140 and Subdivision, Development & Servicing Bylaw No. 7900;

AND FURTHER THAT Council gives reading consideration to Bylaw No. 10556 being Amendment No. 4 to Miscellaneous Fees & Charges Bylaw No. 9381.

Carried

Moved by Councillor Stack/Seconded by Councillor Hodge

R604/11/06/13 THAT Council directs staff to bring forward a UBCM Resolution requesting that the Provincial Government amend the *Local Government Act* and/or *Community Charter* with respect to advertising requirements.

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- 6.2 Manager, Community & Neighbourhood Programs, dated June 6, 2011, re: School District No. 23 Joint Use Agreements

Moved by Councillor Rule/Seconded by Councillor Hodge

R605/11/06/13 THAT Council receives the report from the Manager, Community & Neighbourhood Programs regarding the School District #23 Joint Use Agreements dated June 6, 2011 for information;

AND THAT Council approves the Joint Use Agreements between School District #23 and the City of Kelowna for Bankhead Elementary School, South Kelowna Elementary School, and Watson Road Elementary School as outlined in the report from the Manager, Community & Neighbourhood Programs dated June 6, 2011;

AND THAT the Mayor and City Clerk be authorized to execute the School District #23 Joint Use agreements on behalf of the City of Kelowna.

Carried

- 6.3 Manager, Special Projects, dated June 8, 2011, re: Poplar Point Pump Station Upgrade

Moved by Councillor Craig/Seconded by Councillor Reid-Nagy

R606/11/06/13 THAT Council approves borrowing from the Municipal Finance Authority of British Columbia, as part of their 2011 fall issue, \$2,000,000 as authorized through Loan Authorization Bylaw No. 9625 which authorized the construction of the Poplar Point Pump Station Upgrade;

AND THAT the Regional District of Central Okanagan be requested to prepare a security issuing bylaw with a 20 year term.

Carried

- 6.4 Manager, Special Projects, dated June 8, 2011, re: Brandt's Creek Tradewaste Treatment Plant

Moved by Councillor Hodge/Seconded by Councillor Hobson

R607/11/06/13 THAT Council approves borrowing from the Municipal Finance Authority of British Columbia, as part of their 2011 fall issue, \$3,850,000 as authorized through Loan Authorization Bylaw No. 10135 which authorized the construction of Brandt's Creek Tradewaste Treatment Plant;

AND THAT the Regional District of Central Okanagan be requested to prepare a security issuing bylaw with a 20 year term.

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- 6.5 Manager, Strategic Projects, dated June 6, 2011, re: Waste Water Heat Reclamation Agreement Amendment

Moved by Councillor Hobson/Seconded by Councillor Rule

R608/11/06/13 THAT Council approves the City entering into the amended Waste Water Heat Reclamation Agreement in the form attached to the Report of the Manager, Strategic Projects dated June 6, 2011, which amends the Waste Water Heat Reclamation Agreement between the City of Kelowna and Okanagan University College to acknowledge a typographical error;

AND THAT Council authorizes the Mayor and City Clerk to execute the “Waste Water Heat Reclamation Agreement dated October 1, 2003 made between the City of Kelowna (the “City”) and Okanagan College (“OUC”) (the “Waste Water Agreement”).

Carried

- 6.6 Parks Planner, dated June 7, 2011, re: Heron’s Landing Public Art Donation

Staff:

- Gave a presentation with respect to the Heron’s Landing Public Art Donation.
- Provided information regarding the site selection process used by staff.
- Provided background information regarding the Public Art Committee’s comments on the Heron’s Landing Public Art Donation.

Moved by Councillor Hodge/Seconded by Councillor Reid-Nagy

R609/11/06/13 THAT Council receives, for information, the Report from the Parks Planner dated June 7, 2011 with respect to the possible donation of artwork called Heron’s Landing;

AND THAT Council approves the preferred location for Heron’s Landing along the Sutherland Avenue Multi-use Corridor near Mill Creek at Highway 97;

AND FURTHER THAT Council directs staff to return to Council with a final report regarding the appraisal and all costs including transportation, engineering, installation and maintenance;

DEFEATED

Councillors Blanleil, Craig, James, Rule and Stack - Opposed.

Moved by Councillor Blanleil/Seconded by Councillor Hodge

R610/11/06/13 THAT Council receives, for information, the Report from the Parks Planner dated June 7, 2011 with respect to possible donation of artwork called Heron’s Landing;

AND THAT Council approves the preferred location for Heron’s Landing along the Sutherland Avenue Multi-use Corridor near Mill Creek at Highway 97;

AND FURTHER THAT all costs including transportation, engineering, installation and maintenance be funded from the Public Art Committee’s budget.

DEFEATED

Councillors Craig, Hobson, Reid-Nagy, Rule and Stack - Opposed.

Moved by Councillor Craig/Seconded by Councillor Rule

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R611/11/06/13 THAT the Public Art Committee report back to Council with it's five (5) year plan, including an update with respect to any plans for public art in the Rutland area.

Carried

6.7 Director, Infrastructure Planning, dated June 7, 2011, re: Reducing Road Speeding – Springfield Road

Staff:

- Gave a presentation with respect to the different options for reducing road speeding on Springfield Road.

Moved by Councillor Hodge/Seconded by Councillor Stack

R612/11/06/13 THAT Council, receives, for information, the Report from the Director of Infrastructure Planning dated June 7, 2011 with respect to reducing road speeding, especially on Springfield Road;

AND THAT Council directs staff to report back with an integrated response plan to increased speed control on Springfield Road.

Carried

6.8 Manager, Building Services, dated June 8, 2011, re: Emergency Roof Repair – Badminton Club, Gaston Avenue

Moved by Councillor Hodge/Seconded by Councillor Reid-Nagy

R613/11/06/13 THAT Council receives the report from the Building Services Manager, dated June 8, 2011, with respect to the emergency roof repair for the Badminton Club located on Gaston Avenue;

AND THAT the 2011 Financial Plan be amended to fund the emergency roof repair costs with \$149,220 from General Reserve and \$60,780 from capital building project number 2852 (RCMP Windsor Road generator installation).

Carried

6.9 Manager, Building Services, dated June 8, 2011, re: Cook Road Boat Launch and Downtown Public Day Moorage

Staff:

- Provided further information regarding the possible donation from the Downtown Rotary Club of Kelowna.

Moved by Councillor Hodge/Seconded by Councillor Craig

R614/11/06/13 THAT Council receives for information, the report from the Manager, Building Services, dated June 8, 2011, with respect to the condition of the Cook Road Boat launch and docking facility and the plan for improvements to both the Cook Road and Water Street boat launching and docking facilities.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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NOTE: Agenda items No. 7.1 and 7.2 may be dealt with in one resolution. Mayor shall confirm with Council whether they wish to do so, or to remove one or more of the bylaws to be read individually.

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

7.1 Bylaw No. 10556 - Amendment No. 4 to Miscellaneous Fees and Charges
Bylaw No. 9381

7.2 Bylaw No. 10560 - Development Application Fee Bylaw

Moved by Councillor Blanleil/Seconded by Councillor Reid-Nagy

R615/11/06/13 THAT Bylaw Nos. 10556 and Bylaw No. 10560 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

7.3 Bylaw No. 10515 - Development Cost Charge Bylaw

Moved by Councillor Hobson/Seconded by Councillor Stack

R616/11/06/13 THAT Bylaw No. 10515 be adopted.

Carried

7.4 Bylaw No. 10550 - Amendment No. 1 to Water Regulation Bylaw no. 10480

Moved by Councillor Hobson/Seconded by Councillor Stack

R617/11/06/13 THAT Bylaw No. 10550 be adopted.

Carried

8. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Dick Gunoff as the latest recipient of the "Spirit of Kelowna" Acknowledgment for all the many years of service that he has given, and continues to give, to the Kelowna-Veendam Sister City Association.

8.2 Councillor Items

Mayor Shepherd:

- Advised that the Declaration of the State of Local Emergency has been cancelled as the threat of flooding along Mission Creek has subsided.
- Advised that Staff-Sergeant Terry McLachlan of the Kelowna RCMP received the Order of Merit of the Police Forces. Staff-Sergeant McLachlan was one of 44 police officers from across the country to receive the honour for exceptional service during his 24 year career in the RCMP.

9. TERMINATION

The meeting was declared terminated at 3:58 p.m.

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Certified Correct:

Mayor

SLH/dld

City Clerk