

Regular Meeting – P.M.

June 20, 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 20, 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; Manager, Strategic Land Development, Derek Edstrom*, Manager, Parks & Public Places, Terry Barton*; Director, Land Use Management, Shelley Gambacort*, Electrical Administration Manager, Cindy McNeely*, Director, Community & Media Relations, Carla Stephens*, Manager, Property Management, Ron Forbes*, Property Officer II, Tammy Abrahamson*, Director, Infrastructure Planning, Randy Cleveland*, Planner Specialist-Urban Design, Pat McCormick*, Director, Financial Services, Keith Grayston*, and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:35 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 Reid-Nagy was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Christene Walsh, Social Development Coordinator, Regional District of Central Okanagan, re: Homelessness Partnering Strategy (HPS) Results & Next Steps

Christene Walsh, Social Development Coordinator, Regional District of Central Okanagan:

- Provided an update with respect to Homelessness Partnering Strategy (HPS) Results & Next Steps.

Councillor Blanleil joined the meeting at 1:42 p.m.

Moved by Councillor Hodge/Seconded by Councillor Hobson

R629/11/06/20 THAT Council receives, for information the presentation from the Social Development Coordinator for the Regional District of Central Okanagan with respect to an update regarding the Homelessness Partnering Strategy (HPS) Results and Next Steps;

AND THAT the Mayor write a letter to the Interior Health Board Authority on behalf of Council to encourage IHA funding for after hours emergency mental health services.

Carried

Regular Meeting – P.M.

June 20, 2011

4. COMMITTEE REPORTS

4.1 Youth Advisory Committee, Verbal Report, re: Mayor's Youth Forum – Safety & Policing

Hugh Culver and Linda Abbott-Simon:

- Provided an update on the Mayor's Youth Forum regarding Safety and Policing.
- KLO Presentation, re: Staff Interview Responses
- RSS Presentation, Pre-Forum Experience, re: "Rutley Do-Right Video"
- KSS Presentation, re: Kelowna RCMP Central Homepage - Innovative Solution

Moved by Councillor Rule/Seconded by Councillor Hodge

R630/11/06/20 THAT Council receives, for information, the verbal presentation from the Youth Advisory Committee with respect to the Mayor's Youth Forum on Safety & Policing.

Carried

Mayor Shepherd declared a conflict of interest as she has an interest in property that is within the notification area for the subject application.

Councillor Hobson declared a conflict of interest as he has a direct relative that lives within the notification area for the subject application.

Mayor Shepherd and Councillor Hobson left the meeting at 2:29 p.m. and Deputy Mayor Stack took over as Chair of the meeting at 2:29 p.m.

5. UNFINISHED BUSINESS

5.1 Manager, Strategic Land Development, dated June 15, 2011, re: Cedar Avenue Redevelopment – Anonymous Donor Update

Moved by Councillor James/Seconded by Councillor Blanleil

R631/11/06/20 THAT Council receives, for information, the report from the Manager, Strategic Land Development, dated June 15, 2011, with respect to the potential donation towards park construction costs at the Cedar Avenue Redevelopment lands.

Carried

5.02 Land Use Management Department, dated June 10, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP10-0016 and Rezoning Application No. Z10-0090 – City of Kelowna – 3020, 3030, 3040, 3050, 3060, 3070 & 3080 Abbott Street, 3090, 3096 & 3098 Walnut Street and 252 & 301 Meikle Avenue

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

Moved by Councillor Reid/Nagy/Seconded by Councillor Hodge

R632/11/06/20 THAT Council direct staff to implement a new area planning and public consultation process for the Cedar Avenue area through an Area Re-development Plan;

Regular Meeting – P.M.June 20, 2011

AND THAT Bylaw No. 10505 and 10506 be rescinded at first reading and the file closed.

Carried
Councillor James and Blanleil - Opposed

Moved by Councillor Rule/Seconded by Councillor Reid/Nagy

R633/11/06/20 THAT Council direct staff to include the Cedar Avenue Area Re-development Plan for consideration in the 2012 budget.

Carried

Deputy Mayor Stack adjourned the meeting for a 5 minute break at 3:15 p.m.

Mayor Shepherd and Councillor Hobson rejoined the meeting at 3:15 p.m.

Mayor Shepherd reconvened the meeting at 3:18 p.m.

6. DEVELOPMENT APPLICATION REPORTS

6.1 Land Use Management Department, dated June 10, 2011, re: Development Permit Application No. DP11-0060 – The Board of School Trustees of School District No. 23 (CEI Architecture Planning Interiors) – 657 Raymer Avenue

Moved by Councillor Hobson/Seconded by Councillor Craig

R634/11/06/20 THAT Council authorize the issuance of Development Permit No. DP11-0060 for Lot A, District Lot 135, ODYD Plan 8662, located on Raymer Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";

AND THAT the requirements of the Development Engineering Branch be satisfied prior to the issuance of the Development Permit.

Carried

7. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

7.1 Bylaw No. 10238 (Z07-0070) – Sundowner Holdings Ltd. and Woodlawn Projects Inc. (Protech Consultants Ltd.) – 455 Cavell Place

Moved by Councillor Hodge/Seconded by Councillor Rule

R635/11/06/20 THAT Bylaw No. 10238 be adopted.

Carried

7.2 Bylaw No. 10535 (Z10-0038) – Norman and Michael Major – 5500 McCulloch Road

Moved by Councillor Hodge/Seconded by Councillor Rule

Regular Meeting – P.M.

June 20, 2011

R636/11/06/20 THAT Bylaw No. 10535 be adopted.

Carried

8. NON-DEVELOPMENT APPLICATION REPORTS

8.1 Land Use Management Department, dated June 10, 2011, re: Amended Development Application Procedures Bylaw

Staff:

- Summarized the amendments to the Development Application Procedures Bylaw.

Moved by Councillor Hobson/Seconded by Councillor Rule

R637/11/06/20 THAT Council, receives, for information, the Report from the Land Use Management Department dated June 10, 2011 with respect to amending the new Development Application Procedures Bylaw at third reading;

AND THAT Bylaw No. 10540, being the Development Application Procedures Bylaw, be amended at third reading to include the changes outlined in Schedule 'A' attached to the Report of the Land Use Management Department dated June 10, 2011.

Carried

8.2 Electrical Administration Manager, dated June 9, 2011, re: Electrical Utility – Net Metering Program

Staff:

- Introduced Corey Sinclair, FORTIS Manager of Regulatory Affairs

Corey Sinclair, Fortis Manager of Regulatory Affairs;

- Advised that Fortis adopted a Clean and Renewable Plan that was released by the government to ensure consistency with the Province.

Moved by Councillor James/Seconded by Councillor Stack

R638/11/06/20 THAT Council direct staff to amend the definition for “Net Metering System in Bylaw No. 10518 be changed to read:

(a) uses as its fuel, a source of clean or renewable energy restricted to water power, solar energy or geothermal energy.

Carried

Mayor Shepherd and Councillors Rule, Reid-Nagy and Craig - Opposed

Moved by Councillor Hobson/Seconded by Councillor Reid-Nagy

R639/11/06/20 THAT Council receive for information, the Report from the Electrical Administration Manager dated June 9, 2011 regarding a proposed net metering program to be implemented by the City of Kelowna, through the City service provider FortisBC;

AND THAT Council approve a Net Metering program for City of Kelowna residential, commercial, small and medium industrial customers taking service under select rate codes as identified in the report of the Electrical Administration Manager, dated June 9, 2011;

Regular Meeting – P.M.

June 20, 2011

AND FURTHER THAT Council give reading consideration to Bylaw No. 10518 being Amendment No. 28 to the City of Kelowna Electricity Regulation Bylaw No. 7639.

Carried

8.3 Director, Community & Media Relations, dated June 15, 2011, re: Flag Policy

Moved by Councillor Hodge/Seconded by Councillor Stack

R640/11/06/20 THAT Council receives, for consideration, the Report from the Director, Community & Media Relations dated June 15, 2011 with respect to implementing two new Council Policies;

AND THAT Council adopts Council Policy No. 361, being Flag Policy;

AND FURTHER THAT Council adopts Council Policy No. 362, being Flag Guidelines with the inclusion of half-masting occurring for all former Mayors and ensuring proper condition and disposal of flags.

Carried

8.4 Manager, Property Management, dated June 14, 2011, re: Relocation of Mobile Vendor

The City Manager departed the meeting at 4:22 p.m.

Acting City Manager, Paul Macklem joined the meeting at 4:24 p.m.

Moved by Councillor Rule/Seconded by Councillor Blanleil

R641/11/06/20 THAT Council approves the amendment to the Licence of Occupation dated June 2, 2011, between the City of Kelowna and Service Stars F&B Services (Wafelicious) for the relocation of the vendor location at the corner of Pandosy Street and Bernard Avenue to the location on Queensway Avenue, as set out in Appendix "A" attached to the Report of the Manager, Property Management, dated June 14, 2011;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Amendment to the Licence of Occupation after executed by the proponent.

Carried

Councillor Hodge - Opposed

8.5 Manager, Property Management, dated June 14, 2011, re: License of Occupation - 759 Crowley Avenue

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R642/11/06/20 THAT Council approves the City entering into a four (4) year and six (6) month License of Occupation, with R870 Holdings Ltd. (Canna Bay Enterprises Ltd.), for road at 759 Crowley Avenue to be used for equipment storage and parking, with the option to renew for an additional five (5) year term, in the form attached to the report of the Manager, Property Management, dated June 14, 2011;

Regular Meeting – P.M.

June 20, 2011

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the License of Occupation Agreements and all documents associated with this transaction.

Carried

8.6 Manager, Property Management, dated June 14, 2011, re: License of Occupation – Road Adjacent to 3837 and 3865 Highway 97 North

Council

- Questioned the setback guidelines for lots along Highway 97.

Moved by Councillor Hobson/Seconded by Councillor Stack

R643/11/06/20 THAT Council defer consideration of the License of Occupation for the road adjacent to 3837 and 3865 Highway 97 North;

AND THAT Council direct staff to determine the setback guidelines for these lots along Highway 97 and determine if this proposal is consistent with those regulations.

Carried

8.7 Director, Infrastructure Planning, dated June 15, 2011, re: Neighbourhood Zero Emission Vehicles & Conventional Electric Cars

Staff:

- Introduced Peter Truch, City's Transportation and Mobility Manager

Moved by Councillor Hobson/Seconded by Councillor Reid-Nagy

R644/11/06/20 THAT Council receives for information, the Report from the Director, Infrastructure Planning dated June 15, 2011 with respect to Neighbourhood Zero Emission Vehicles and full function Electric Cars;

AND THAT Council directs staff to report back to Council with amendments to Zoning Bylaw No. 8000 regarding the provision of electric car charging stations in all new residential, institutional, commercial and industrial developments;

AND THAT Council directs staff to submit a business case regarding options for electric vehicle charging facilities in key public locations and gas stations including the capacity of the local Fortis BC electrical grid to support market penetration of electric vehicles;

AND THAT Council directs staff to issue full function "electric cars" free "eco-pass" parking permits for downtown metered parking spots until such time that they have achieved reasonable market acceptance;

AND THAT Council directs staff, in the up-coming submission to renew the eco-pass program, provide an administrative mechanism to determine when "eco-pass" incentives are no longer required to promote fuel-efficient or non-renewable fuel vehicles;

AND FURTHER THAT Council directs staff to submit capital budgets for City-owned electric fleet vehicles (new and replacement) as appropriate.

Carried

Regular Meeting – P.M.

June 20, 2011

- 8.8 Planner Specialist-Urban Design, dated June 15, 2011, re: Bernard Avenue Revitalization Project – Local Service Area

Moved by Councillor Reid-Nagy/Seconded by Councillor Blanleil

R645/11/06/20 THAT Council receives for information, the Report from the Planner Specialist-Urban Design dated June 15, 2011 regarding the establishment of the Local Service Area for the Bernard Avenue Revitalization Project

AND THAT Council authorizes the City of Kelowna to include those properties identified in Map “A” for the proposed establishment of a Local Service Area for the Bernard Avenue Revitalization Project;

AND THAT Council approves Scenario 2 as the streetscape option that will be submitted to the property owners for funding endorsement;

AND THAT Council gives reading consideration to Bylaw No. 10557 being the “Establishment of a Local Service Area for the Bernard Avenue Revitalization Project”;

AND THAT Council gives reading consideration to Bylaw No. 10558 being the “Loan Authorization Bylaw for the Bernard Avenue Revitalization Project”;

AND FURTHER THAT Council directs staff to provide capital and operating budget submissions for the Bernard Avenue Revitalization Project for 2012 and subsequent years, for Council consideration, as required.

Carried
Councillors James and Craig - Opposed

- 8.9 Manager, Special Projects, dated June 16, 2011, re: Brandt’s Creek Tradewaste Treatment Plant

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R646/11/06/20 THAT Council rescinds the security issuing resolution passed during the June 13, 2011 P.M. Regular Meeting of Council as the term of borrowing should have been 15 years;

AND 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 FURTHER THAT the Regional District of Central Okanagan is requested to prepare a security issuing bylaw with a 15 year term.

Carried

Regular Meeting – P.M.

June 20, 2011

- 8.10 Deputy City Clerk, dated June 9, 2011, re: Voter Assist Terminal Amendment to Bylaw No. 10546, Use of Automated Voting Machines

Moved by Councillor Hodge/Seconded by Councillor James

R647/11/06/20 THAT Council, receives, for information the Report from the Deputy City Clerk dated June 9, 2011 regarding amending Bylaw No. 10546 being the 'Procedures for the Use of Automated Voting General Elections and Other Voting' at third reading to include the use of the Voter Assist Terminal.

Carried

9. RESOLUTIONS

- 9.1 City Clerk, Draft Resolution, re: UBCM – Requirements for Public Notice

Moved by Councillor Stack/Seconded by Councillor Craig

R648/11/06/20 WHEREAS under the *Local Government Act* and the *Community Charter*, local governments are required to provide the public with notice of certain issues it is considering and requires applicable notices to be published in a newspaper;

AND WHEREAS each British Columbia community has unique resources, needs and desires and the public is increasingly requesting to be supplied information in a variety of ways;

THEREFORE BE IT RESOLVED THAT UBCM lobbies the Provincial Government to amend the *Local Government Act* and the *Community Charter* to permit local governments to determine, by bylaw, requirements for public notice for their community.

Carried

10. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR FIRST THREE READINGS)

- 10.1 Bylaw No. 10518 - Amendment No. 28 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Craig/Seconded by Councillor James

R649/11/06/20 THAT Bylaw No. 10518 be read a first, second and third time.

Carried

- 10.2 Bylaw No. 10557 - Establishment of Local Area Service for the Bernard Avenue Revitalization

Moved by Councillor Craig/Seconded by Councillor James

R650/11/06/20 THAT Bylaw No. 10557 be read a first, second and third time.

Carried

Regular Meeting – P.M.

June 20, 2011

- 10.3 Bylaw No. 10558 - Loan Authorization for the Local Area Service for the Bernard Avenue Revitalization

Moved by Councillor Craig/Seconded by Councillor James

R651/11/06/20 THAT Bylaw No. 10559 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR AMENDMENT AT THIRD READING)

- 10.4 Bylaw No. 10540 - Development Applications Procedures Bylaw

Moved by Councillor Reid-Nagy/Seconded by Councillor Blanleil

R652/11/06/20 THAT Bylaw No. 10540 be amended at third reading.

Carried

- 10.5 Bylaw No. 10546 - Automated Voting Machines Authorization Bylaw

Moved by Councillor Blanleil/Seconded by Councillor Reid-Nagy

R653/11/06/20 THAT Bylaw No. 10546 be amended at third reading.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Hobson/Seconded by Councillor Stack

R654/11/06/20 THAT Bylaw No. 10556 be adopted.

Carried

- 10.7 Bylaw No. 10560 - Development Applications Fee Bylaw

Moved by Councillor Hobson/Seconded by Councillor Stack

R655/11/06/20 THAT Bylaw No. 10560 be adopted.

Carried

11. MAYOR & COUNCILLOR ITEMS

- 11.1 Mayor Shepherd, re: "Spirit of Kelowna" Acknowledgment

Mayor Shepherd:

- Acknowledged Jenelle Hynes, Dorothee Birker and Board of Directors of Fat Cat Children's Festival, The Children's Festival Society of Kelowna as the latest recipient of the "Spirit of Kelowna" for the time and energy devoted to make the annual Interior Savings Fat Cat Children's Festival such a great success.

12. TERMINATION

The meeting was declared terminated at 6:37 p.m.

Regular Meeting - P.M.

June 20, 2011

Certified Correct:

Mayor

ACM/jrl

City Clerk