

Regular Meeting – P.M.

March 26, 2012

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 26<sup>th</sup>, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

Council members absent: Councillor Andre Blanche

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Real Estate & Building Services, Doug Gilchrist\*; Manager, Urban Land Use, Danielle Noble\*; Director, Infrastructure Planning, Randy Cleveland\*; Manager, Regional Programs, Jerry Dombowsky\*; Manager, Park & Public Space Projects, Andrew Gibbs\*; Manager, Property Management, Ron Forbes\*; Manager, Utilities Planning, Andrew Reeder\*; Manager, Cultural Services, Sandra Kochan\*; Property Officer, Tammy Abrahamson\*; Property Officer, Graham Hood\*; Manager, Strategic Land Development, Derek Edstrom\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:32 p.m.

Mayor Gray 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.

3. PUBLIC IN ATTENDANCE

3.1 Nataley Nagy, Executive Director, Kelowna Art Gallery, re: Annual Report

Staff:

- Introduced the Executive Director of the Kelowna Art Gallery, Nataley Nagy.

Nataley Nagy, Executive Director, Kelowna Art Gallery:

- Gave a presentation regarding the Kelowna Art Gallery's Annual Report.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Land Use Management Department, dated March 16, 2012, re: Rezoning Application No. Z11-0006 -Domenic & Susanne Panucci - (IHS Designs Ltd.) - 3380 Neid Road

(a) Land Use Management Department report dated March 16, 2012.

Moved by Councillor Stack/Seconded by Councillor Zimmermann

R276/12/03/26 THAT Rezoning Application No. Z11-0006 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 2, Section 16, Township 26, ODYD, Plan 8853, located at 3380 Neid Road, Kelowna, B.C. from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with Secondary Suite zone, be considered by Council;

Regular Meeting – P.M.

March 26, 2012

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered subject to the requirements of the Fortis BC, Interior Health Authority & South East Kelowna Irrigation District being completed to their satisfaction.

Carried

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

Bylaw No. 10675 (Z11-0006) - Domenic & Susanne Panucci (IHS Designs Ltd.) - 3380 Neid Road

Moved by Councillor DeHart/Seconded by Councillor Zimmermann

**R277/12/03/26** THAT Bylaw No. 10675 be read a first time.

Carried

4.2 Land Use Management Department, dated March 16, 2012, re: Rezoning Application No. Z12-0008 – City of Kelowna & Interior Health Authority (Interior Health Authority) - 310 Strathcona Avenue & 313-323 Royal Avenue

(a) Land Use Management Department report dated March 16, 2012.

Staff:

- It is anticipated that a portion of the laneway will be consolidated with the two (2) properties to form the surface parking area.

Moved by Councillor Stack/Seconded by Councillor Given

**R278/12/03/26** THAT Rezoning Application No. Z12-0008 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 22, DL 14, ODYD, Plan 535 Except Plan KAP81038, located at 310 Strathcona Avenue and Lot A, DL 14, ODYD, Plan EPP11418, located at 313-323 Royal Avenue, Kelowna, BC, from the RU1 - Large Lot Housing zone to the HD1 - Kelowna General Hospital 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 Zone Amending Bylaw be considered subsequent to the requirements of Fortis BC and the Development Engineering Branch being completed to their satisfaction;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to completion of a Purchase / Sale Agreement with the City for the property located at 310 Strathcona Avenue;

AND THAT prior to final adoption of the Zone Amending Bylaw a plan of subdivision must be registered at the Land Titles Office to consolidate and hook the subject properties to the parent KGH property;

AND FURTHER THAT Council waive Section 2.2.1 b) ii) of the Development Application Procedures Bylaw to allow final adoption of the Zone Amending Bylaw without consideration of a Development Permit.

Regular Meeting – P.M.March 26, 2012Carried**(b) BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10676 (Z12-0008) - City of Kelowna and Interior Health Authority (Interior Health Authority) - 310 Strathcona Avenue & 313-323 Royal Avenue

Moved by Councillor DeHart/Seconded by Councillor ZimmermannR279/12/03/26 THAT Bylaw No. 10676 be read a first time.Carried

4.3 Land Use Management Department, dated March 14, 2012, re: Rezoning Application No. Z12-0005 - Lloyd & Yukari Balabanov (Troy Fehr) - 345 Snowsell Street

**(a)** Land Use Management Department report dated March 14, 2012.Moved by Councillor Given/Seconded by Councillor Zimmermann

R280/12/03/26 THAT Rezoning Application No. Z12-0005 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, Sections 4 and 9, Township 23, ODYD, Plan 22405, located on 345 Snowsell Street, Kelowna, BC from the A1 - Agriculture 1 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 FURTHER 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. 10677 (Z12-0005) - Lloyd & Yukari Balabanov (Troy Fehr) - 345 Snowsell Street

Moved by Councillor Given/Seconded by Councillor StackR281/12/03/26 THAT Bylaw No. 10677 be read a first time.Carried**5. NON-DEVELOPMENT APPLICATION REPORTS**

5.1 Manager, Regional Programs, dated March 20, 2012, re: Glenmore UBCO Living Labs Project Transit Pass Request

Regular Meeting – P.M.

March 26, 2012

Moved by Councillor Stack/Seconded by Councillor Basran

**R282/12/03/26** THAT Council supports the provision of 54 - three month transit passes for use in the UBCO ComPASS pilot program;

AND THAT the 2012 Financial Plan be amended for the purchase of the passes (\$8,532) along with the associated transit revenue (\$6,912) and the UBCO contribution (\$1,620).

Carried

Mayor Gray:

- Advised that Council attended an event earlier today regarding the opening of the Mission Recreation Park Transit Exchange.

5.2 Manager, Utilities Planning, dated March 19, 2012, re: 2012 Budget Amendment - Sanitary Sewer Upgrade Airport Way

Staff:

- Provided an overview of the amendments requested for the 2012 Budget.

Moved by Councillor Hobson/Seconded by Councillor Zimmermann

**R283/12/03/26** THAT Council receives, for information, the report from the Utilities Planning Manager dated March 19, 2012, with respect to 2012 Budget Amendment - Sanitary Sewer Upgrade Airport Way;

AND THAT Council approves \$400,000 (\$123,897 from DCC Sector A, and \$276,103 from Sanitary Utility reserves) for the purposes of constructing a Sanitary Trunk main within Airport Way;

AND FURTHER THAT the 2012 Financial Plan be amended accordingly.

Carried

5.3 Manager, Utilities Planning, dated March 19, 2012, re: 2012 Budget Amendment - Royal View to Mountain - Phase 1; Mountain Ave Main Replacement Cancellation and Reallocation of Funds to Kane/Drysdale Road

Moved by Councillor DeHart/Seconded by Councillor Given

**R284/12/03/26** THAT Council receives, for information, the report from the Utilities Planning Manager dated March 19, 2012 regarding the 2012 Budget Amendment for Royal View to Mountain - Phase 1 and Mountain Ave Main Replacement cancellation and reallocation of funds to Kane/Drysdale Road.

AND THAT Council approves reducing the budget for the DCC- Royal View to Mountain Ave Phase 1, 2012 Water Capital project from \$3,400,000 to \$400,000 (\$299,993 from DCC Sector A, \$94,735 from DCC Sector D and \$5,272 Water Utility) for the purposes of completing a pre-design report.

AND THAT Council approves the cancellation of the Mountain Ave Main Replacement project within the 2012 Storm Drainage Capital Budget, and that the \$225,000 of resulting taxation funding be reallocated to the Kane/Drysdale Road Detention Pond project.

AND FURTHER THAT the 2012 Financial Plan be amended accordingly.

Regular Meeting – P.M.

March 26, 2012

Carried

- 5.4 Manager, Property Management, dated March 15, 2012, re: License of Occupation – Road Adjacent to 3865 Highway 97 N (TrailerMaster Inc)

Moved by Councillor Basran/Seconded by Councillor Singh

**R285/12/03/26** THAT Council approves the City entering into a one (1) year License of Occupation with two (2) further one (1) year renewals at the City's sole discretion, with TrailerMaster Inc. for road located adjacent to 3865 Highway 97 N. to be used for RV storage, in the form attached to the report of the Manager, Property Management, dated March 15, 2012;

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

Carried

- 5.5 Manager, Strategic Land Development, dated March 21, 2012, re: Proposed Road Closure and Consolidation of City-owned Property – 575 Harvey Avenue

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

**R286/12/03/26** THAT Council receive for information, the Report from the Manager, Strategic Land Development dated March 21, 2012, recommending that Council adopt the proposed road closure and consolidation with City-owned property being Lot A, District Lots 14 and 139, Plan KAP52333, Except Plan 81471;

AND FURTHER THAT Bylaw No. 10678, being proposed road closure of land adjacent to 575 Harvey Avenue be forwarded for reading consideration.

Carried

- 5.6 Manager, Park and Public Space Projects, dated March 21, 2012, re: Queensway Marina – Project Update

Staff:

- Displayed a Context Plan of the proposal.
- Confirmed that none of the proponents, including the successful proponent, included the Fintry Queen in their submissions.
- Confirmed that staff received approval from Council last year to move the Fintry Queen. As the Fintry Queen must be relocated to an area of Okanagan Lake that the City has tenure over, the plan is to relocate the Fintry Queen to Sutherland Bay.
- Provided an overview of the next steps in the RFP process.
- Confirmed that there will not be a fuel service established for the 2012 boating season.

Regular Meeting – P.M.March 26, 2012Moved by Councillor DeHart/Seconded by Councillor Given

**R287/12/03/26** THAT Council endorses staff's recommendation to award the design, construction, operation and maintenance of the Queensway Marina to Westcorp Properties Inc.;

AND THAT Council authorizes staff to enter into an agreement with Westcorp Properties Inc. for the design and construction of the Queensway Marina for a lump sum payment of Two Hundred Thousand (\$200,000) Dollars;

AND THAT Council authorizes staff to enter into negotiations with Westcorp Properties Inc. with respect to a lease agreement for the operation and maintenance of the Queensway Marina;

AND FURTHER THAT staff report back to Council with the draft lease agreement for Council's consideration.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

6.1 Bylaw No. 10655 - Road Closure Bylaw - Stockley Street and Black Mountain Drive

Moved by Councillor Basran/Seconded by Councillor Hobson

**R288/12/03/26** THAT Bylaw No. 10655 be read a first, second and third time.

Carried

6.2 Bylaw No. 10678 - Road Closure Bylaw - Portion of Richter Street adjacent to 575 Harvey Avenue

Moved by Councillor Hobson/Seconded by Councillor DeHart

**R289/12/03/26** THAT Bylaw No. 10678 be read a first, second and third time.

Carried

7. MAYOR & COUNCILLOR ITEMS

Councillor Given:

- Reminded the public that Saturday, March 31<sup>st</sup> is Earth Hour and requested that everyone turn off their lights and appliances between 8:30 pm and 9:30 pm.

Councillor Stack:

- Advised that the Brandt's Creek Clean Up Event, which is hosted by the Glenmore Valley Community Association, is scheduled for Saturday, April 28, 2012.
- Inquired as to the proposed dog park at Central Green and particularly whether or not there were any changes to the plans that were previously seen by Council.

Regular Meeting – P.M.

March 26, 2012

City Manager:

- Will report back to Council with detailed information regarding the 2012 budget request for funding for additional dog parks within the City, including any particulars with respect to the dog park at Central Green.

Councillor Basran:

- Reminded the public that the City is currently conducting street sweeping.

Mayor Gray:

- Advised that Council has agreed to “free parking” in the downtown during the Downtown Kelowna Association’s “Small Shop Saturday” events. The first event will be held on Saturday, March 31, 2012 with two (2) additional events scheduled for June and November of 2012.

8. TERMINATION

The meeting was declared terminated at 2:41 p.m.

Certified Correct:

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Mayor

SLH/dld

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City Clerk