

Regular Meeting - P.M.May 7, 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, May 7, 2012.

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

Council members absent: Councillors Andre Blanleil and Robert Hobson.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort*; Manager, Urban Land Use, Danielle Noble*; Director, Policy & Planning, Signe Bagh*; Community Planning Manager, Theresa Eichler*; Planner, Lauren Sanbrooks*; Director, Financial Services, Keith Grayston*; Manager, Long Range Planning, Gary Stephen*; Manager, Financial Planning, Angie Thiessen*; Manager, Transportation & Mobility, Peter Truch*; Engineering Traffic Technician, Brian Oliveira*; Electrical Administrative Manager, Cindy McNeely*; Manager, Transportation Services, Darryl Astofooroff*; Traffic Programmer, Stu Evans*; Traffic Supervisor, Fred Wollin*; Sustainability Coordinator, Michelle Kam*; Manager, Property Management, Ron Forbes; Director, Corporate Services, Rob Mayne*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

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

3. DEVELOPMENT APPLICATION REPORTS

3.01 Land Use Management Department, dated April 19, 2012, re: Rezoning Application No. Z12-0014 - Lionel & Terry Nicholson and Steven & Loretta Nicholson (Loretta Nicholson) - 384 Glenwood Avenue

(a) Land Use Management Department report dated April 19, 2012.

Moved by Councillor Stack/Seconded by Councillor Zimmermann

R390/12/05/07 THAT Rezoning Application No. Z12-0014 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, District Lot 14, ODYD Plan 3305, and the full width of the alley to the north of the site as per map 'A' attached, located on Glenwood Avenue, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone be, considered by Council.

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 subsequent to the requirements of Development Engineering being completed to their satisfaction.

Carried

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Bylaw No. 10700 (Z12-0014) - Lionel & Terry Nicholson and Steven & Loretta Nicholson (Loretta Nicholson) - 384 Glenwood Avenue

Moved by Councillor Stack/Seconded by Councillor GivenR391/12/05/07 THAT Bylaw No. 10700 be read a first time.Carried

3.02 Land Use Management Department, Supplemental Report dated April 27, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP11-0018 and Rezoning Application No. Z11-0090 - JB Developments Ltd. - 373-375 Fizet Avenue

(a) Land Use Management Department supplemental report dated April 27, 2012.

Moved by Councillor Singh/Seconded by Councillor Basran

R392/12/05/07 THAT Council consider the Public Consultation process undertaken by the applicant as outlined in the report of the Land Use Management, dated April 27, 2012 as appropriate for the purpose of Section 879 of the *Local Government Act*.

AND THAT the OCP and Zone Amending Bylaws be forwarded to a Public Hearing for further consideration;

Carried**(b) BYLAWS PRESENTED FOR FIRST READING**

(i) Bylaw No. 10703 (OCP11-0018) - JB Developments Ltd. - 373-375 Fizet Avenue - Requires a majority of all Members of Council (5)

Moved by Councillor Given/Seconded by Councillor StackR393/12/05/07 THAT Bylaw No. 10703 be read a first time;

AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

(ii) Bylaw No. 10704 (Z11-0090) - JB Developments Ltd. - 373-375 Fizet Avenue

Moved by Councillor Stack/Seconded by Councillor GivenR394/12/05/07 THAT Bylaw No. 10704 be read a first time.Carried

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3.03 Manager, Long Range Planning, dated May 2, 2012, re: OCP 2030 Bylaw 10500 - Housekeeping Amendments

(a) Manager, Long Range Planning report dated May 2, 2012.

Moved by Councillor Given/Seconded by Councillor Stack

R395/12/05/07 THAT Council receives, for information, the report from the Long Range Planning Manager dated May 2, 2012 with respect to staff initiated housekeeping amendments to OCP 2030 Bylaw 10500;

AND THAT Amendment Bylaw No. 10621 being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan be amended at First Reading as outlined in the report from the Long Range Planning Manager dated May 2, 2012;

AND FURTHER THAT once consultation has been completed, OCP Amendment Bylaw No. 10621 being an amendment to Bylaw No. 10500 Kelowna 2030 Official Community Plan - Bylaw 10500 be forwarded to a Public Hearing.

Carried

(b) BYLAW PRESENTED FOR AMENDMENT AT FIRST READING

Bylaw No. 10621 (OCP11-0016) - City of Kelowna - Miscellaneous Housekeeping Amendments - Requires a majority of all Members of Council (5)

Moved by Councillor Given/Seconded by Councillor Stack

R396/12/05/07 THAT Bylaw No. 10621 be amended at first reading to include the changes as outlined in the Report from the Manager, Long Range Planning dated May 2, 2012;

AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

3.04 Manager, Long Range Planning, dated May 2, 2012, re: OCP 2030 Bylaw 10500 - Miscellaneous Amendments

(a) Manager, Long Range Planning report dated May 2, 2012.

Moved by Councillor Given/Seconded by Councillor Zimmermann

R397/12/05/07 THAT Council receives, for information, the report from the Long Range Planning Manager dated May 2, 2012 with respect to Council directed and staff initiated miscellaneous amendments to OCP 2030 Bylaw 10500;

AND THAT Amendment Bylaw No. 10702 being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan be given First Reading as outlined in the report from the Long Range Planning Manager dated April 18, 2012;

AND THAT after 1st reading Council directs staff to forward OCP Amendment Bylaw No. 10702 being an amendment to Bylaw No. 10500 Kelowna 2030 -

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Official Community Plan to the Agricultural Land Commission (ALC) for comments as per Local Government Act Section 882(3)(c);

AND FURTHER THAT once the ALC comments have been received, OCP Amendment Bylaw No. 10702 being an amendment to Bylaw No. 10500 Kelowna 2030 Official Community Plan - Bylaw 10500 be forwarded to a Public Hearing.

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

Bylaw No. 10702 (OCP12-0004) - Miscellaneous Amendments - Requires a majority of all Members of Council (5)

Moved by Councillor Stack/Seconded by Councillor Given

R398/12/05/07 THAT Bylaw No. 10702 be read a first time.

AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

3.05 Land Use Management Department, dated May 1, 2012, re: Agricultural Land Reserve Appeal Application No. A12-0003 - George Terada (Darlene Terada) - 1400 Latta Road

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R399/12/05/07 THAT Agricultural Land Reserve appeal A12-0003 for Lot 2, Section 31, Township 27 and of Section 36, Township 26 Osoyoos Division Yale District Plan KAP91485, located at 1400 Latta Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve, pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Municipal Council;

AND THAT the Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

3.06 Land Use Management Department, dated April 24, 2012, re: Rezoning Application No. Z10-0093 - Kimberly & John Berg and Shanny & Marlin Toews (Protech Consultants Ltd.) - 3170 Sexsmith Road

Staff:

- Advised that typically extensions are requested as infrastructure servicing issues have yet to be resolved.
- Advised that the rezoning applications for the properties on Sexsmith Road were triggered as a result of potential land uses under the I6 zone.

Council:

- Would like staff to include in the correspondence to the Sexsmith Road applicants a notice to the property owners/applicants that Council expressed a general unwillingness towards further extensions without compelling rationale to do so.

Moved by Councillor Singh/Seconded by Councillor Zimmermann

R400/12/05/07 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10445

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(Z10-0093, for Lot 26 Section 3 Township 23 ODYD Plan 18861, located at 3170 Sexsmith Road, Kelowna, BC), be extended from May 16, 2012 to November 16, 2012.

Carried

- 3.07 Land Use Management Department, dated April 24, 2012, re: Rezoning Application No. Z10-0094 - 567752 BC Ltd. (Protech Consultants Ltd.) - 3190 Sexsmith Road

Moved by Councillor Singh/Seconded by Councillor Zimmermann

R401/12/05/07 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10447, Z10-0094 Lot 25 Sections 2 & 3 Township 23 ODYD Plan 18861, located at 3190 Sexsmith Road, Kelowna, BC, be extended from May 16, 2012 to November 16, 2012.

Carried

- 3.08 Land Use Management Department, dated April 23, 2012, 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 Singh/Seconded by Councillor Zimmermann

R402/12/05/07 THAT in accordance with Development Application Procedures Bylaw No. 10540, 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 7, 2012 to October 7, 2012.

Carried

- 3.09 Land Use Management Department, dated April 19, 2012, re: Rezoning Application No. Z10-0102 - Kulwinder Singh Dhami & Mandeep Kaur Dhami (Kulwinder Singh Dhami) - 1451 Montenegro Drive

Moved by Councillor Singh/Seconded by Councillor Zimmermann

R403/12/05/07 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10511 Lot 20, Section 13, Township 26, O.D.Y.D., Plan KAP84278, located on Montenegro Drive, Kelowna, BC be extended from April 19, 2012 to October 19, 2012.

Carried

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- 3.10 Land Use Management Department, dated April 19, 2012, re: Rezoning Application No. Z11-0014 - Smartplans Ltd. - 477 Swan Drive

Moved by Councillor Singh/Seconded by Councillor Zimmermann

R404/12/05/07 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10524, Lot 6 Section 24, Township 28, SDYD, Plan KAP88425, located at 477 Swan Drive, Kelowna, BC be extended from March 7, 2012 to September 7, 2012.

Carried

- 3.11 Land Use Management Department, dated April 23, 2012, re: Rezoning Application No. Z10-0100 - Balwinder Singh Khunkhun and Harbax Kaur Khunkhun (Balwinder Khunkhun) - 445 Pearson Road

Moved by Councillor Singh/Seconded by Councillor Zimmermann

R405/12/05/07 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10522, Lot 67, Section 26, Township 26, O.D.Y.D., Plan 22239, located on 445 Pearson Road, Kelowna, BC be extended from May 17, 2012 to November 17, 2012.

Carried

- 3.12 Land Use Management Department, dated April 24, 2012, re: Rezoning Application No. Z10-0092 - Kimberly & John Berg (Protech Consultants Ltd.) - 3150 Sexsmith Road

Moved by Councillor Singh/Seconded by Councillor Zimmermann

R406/12/05/07 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10443 (Z10-0092, for Lot 27 Section 3 Township 23 ODYD Plan 18861, located at 3150 Sexsmith Road, Kelowna, BC), be extended from May 16, 2012 to November 16, 2012.

Carried

- 3.13 Land Use Management Department, dated April 24, 2012, re: Rezoning Application No. Z09-0035 - Matthew Ewonus (Protech Consultants Ltd.) - 3130 Sexsmith Road

Moved by Councillor Singh/Seconded by Councillor Zimmermann

R407/12/05/07 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10436 (Z09-0035, for Lot 28 Section 3 Township 23 ODYD Plan 18861, located at 3130 Sexsmith Road, Kelowna, BC), be extended from May 16, 2012 to November 16, 2012.

Carried

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- 3.14 Land Use Management Department, dated April 19, 2012, re: Rezoning Application No. Z11-0022 - Daniel S. Lobsinger - 2142 Stillingfleet Road

Moved by Councillor Singh/Seconded by Councillor Zimmermann

R408/12/05/07 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10527 for Lot B, Section 19, Township 26, ODYD Plan KAP51792, located on 2142 Stillingfleet Road, Kelowna, BC be extended from May 17, 2012 to November 17, 2012.

Carried

- 3.15 Land Use Management Department, dated April 27, 2012, re: Rezoning Application No. Z10-0043 - Simon Wiencki - 2839 Helmcken Road

- (a) Land Use Management Department dated April 27, 2012.

City Clerk:

- Advised that the rescindment was done back in February 2012 and therefore the first recommendation in the Report to Council is not required.

Moved by Councillor Singh/Seconded by Councillor Zimmermann

R409/12/05/07 THAT in accordance with Development Application Procedures Bylaw No. 10540 the deadline for the adoption of Zone Amending Bylaw No. 10370, Z10-0043 for Lot 13 District Lot 135 ODYD Plan 17194 located at 2839 Helmcken Road, be extended from July 27, 2011 to January 27, 2012;

AND THAT in accordance with Development Application Procedures Bylaw No. 10540 the deadline for the adoption of Zone Amending Bylaw No. 10370, Z10-0043 for Lot 13 District Lot 135 ODYD Plan 17194 located at 2839 Helmcken Road, be extended from January 27, 2012 to July 27, 2012;

AND FURTHER THAT final adoption of Zone Amending Bylaw No. 10370 be considered by Council.

Carried

- (b) BYLAW PRESENTED FOR ADOPTION

Bylaw No. 10370 (Z10-0043) - Simon Wiencki - 2839 Helmcken

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R410/12/05/07 THAT Bylaw No. 10370 be adopted.

CarriedMoved by Councillor Zimmermann/Seconded by Councillor Singh

R411/12/05/07 THAT Council directs staff to review the Industrial - Transition Land Use Designation contained in the Kelowna 2030 Official Community Plan and report back to Council.

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Council:

- Would like staff to provide the following information with respect to the Industrial Transition designation and the I6 zone:
 - o What are the appropriate uses in the I6 zone?
 - o Does the current Bylaw adequately regulate the area?
 - o What infrastructure upgrades are required for the I6 zone (i.e. sewer, water)?
 - o What is the view of the area residents and what does the neighbourhood have to say about the proposed uses?
 - o How is the City going to communicate with the neighbourhood?
- Requested that the report back to Council be prior to the end of October 2012.

4. BYLAWS (ZONING & DEVELOPMENT)(BYLAWS PRESENTED FOR ADOPTION)

4.01 Bylaw No. 10407 (Z10-0055) - Singla Bros. Holdings Ltd. - 875 Hollywood Road South

Moved by Councillor DeHart/Seconded by Councillor Zimmermann

R412/12/05/07 THAT Bylaw No. 10407 be adopted.

Carried

4.02 Bylaw No. 10611 (Z11-0064) - Gyula & Gyongi Schweigert (Gyula Schweigert) - 1340 Chichester Court

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R413/12/05/07 THAT Bylaw No. 10611 be adopted.

Carried

4.03 Bylaw No. 10682 (Z12-0011) - Gazelle Enterprises Inc. (Heartland Group) - 3195 Lakeshore Road

Moved by Councillor DeHart/Seconded by Councillor Zimmermann

R414/12/05/07 THAT Bylaw No. 10682 be adopted.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

The City Clerk advised that staff is requesting that Agenda Item No. 5.11 be moved forward on the Agenda and dealt with immediately as Agenda Item No. 5.11 has a direct impact on the Final Budget. Council agreed to move Agenda Item No. 5.11 forward.

5.11 Engineering Traffic Technician, Transportation & Mobility, dated May 2, 2012, re: Update - McKinley Road Safety Improvements

Staff:

- Advised that the road work will need to be coordinated with the lowering of the water levels in the area, which GEID anticipates to happen in September/October 2012.

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Moved by Councillor Singh/Seconded by Councillor Zimmermann

R415/12/05/07 THAT Council receives, for information, the report from the Engineering Traffic Technician, Transportation & Mobility, dated May 2, 2012, regarding the Update - McKinley Road Safety Improvements.

Carried

5.01 City Manager, dated May 2, 2012, re: 2012 Financial Plan - Final Budget

Staff:

- Gave a presentation with respect to the 2012 Financial Plan and reviewed the Final Budget Requests in further detail.

Moved by Councillor Zimmermann/Seconded by Councillor Basran

R416/12/05/07 THAT Council adopts the 2012-2016 Financial Plan;

AND THAT Council approves the formulation of 2012 Property Tax Rates that will raise the required funds in 2012, from General Taxation, in the amount of \$99,498,000, resulting in an average net property owner impact of 1.12%;

AND FURTHER THAT Bylaw No. 10688 to adopt the 2012-2016 Financial Plan, Bylaw Nos. 10689 and 10690 for the 2012 Tax Rates and Bylaw Nos. 10691 and 10692 for the Reserve Fund Expenditures be advanced for reading consideration.

Carried

5.02 Airport Director, dated April 19, 2012, re: Northern Air Support Ltd. Consent to Assignment of Sublease of lands at Kelowna International Airport to 8072248 Canada Inc.

Moved by Councillor Stack/Seconded by Councillor DeHart

R417/12/05/07 THAT Council consents to the assignment of the Sublease dated December 15, 1994, and all amendments and assignments thereto, between the City of Kelowna and Northern Air Support Ltd. as set out in Appendix "A" attached to the Report of the Airport Director, dated April 19, 2012.

AND THAT the Mayor and City Clerk be authorized to execute the Landlord's Consent to Assignment of Sublease document on behalf of the City.

Carried

5.03 Electrical and Administration Manager, dated April 26, 2012, re: Wholesale Power Agreement - FortisBC Inc.

Moved by Councillor DeHart/Seconded by Councillor Given

R418/12/05/07 THAT Council approves extending the current power supply agreement with FortisBC for another 23 months (February 29, 2012 - March 1, 2014) in accordance to the terms and conditions outlined in the attached agreement and form part of this report of the Electrical Administration Manager dated April 26, 2012.

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AND THAT the Mayor and City Clerk be authorized to execute the extended Agreement for Supply of Electricity - Wholesale Service between FortisBC Inc. and the City of Kelowna.

Carried

- 5.04 Manager, Transportation Services, dated May 1, 2012, re: Amendments to the City of Kelowna Traffic Bylaw No. 8120, Notice Enforcement Bylaw No. 10475 and Policy 216 - Traffic Control, Special Events

Moved by Councillor Given/Seconded by Councillor Singh

R419/12/05/07 THAT Council receives for information the report from the Transportation Services Manager, dated May 1, 2012 with respect to amendments to City of Kelowna Traffic Bylaw No. 8120, City of Kelowna Notice Enforcement Bylaw No. 10475 and Policy No. 216 Traffic Control - Special Events;

AND THAT Council Policy No. 216, Traffic Control - Special Events be revised as outlined in the report from the Transportation Services Manager, dated May 1, 2012;

AND THAT Bylaw No. 10666, being Amendment No. 19 to Traffic Bylaw No. 8120, be forwarded for reading consideration;

AND FURTHER THAT Bylaw No. 10667, being Amendment No. 4 to Bylaw Notice Enforcement Bylaw No. 10475, be forwarded for reading consideration.

Carried

- 5.05 Sustainability Coordinator, dated April 18, 2012, re: Climate Smart Memorandum of Understanding

Moved by Councillor Stack/Seconded by Councillor Singh

R420/12/05/07 THAT Council receives the Climate Smart update report by the Sustainability Coordinator dated April 18, 2012 for information;

AND THAT Council authorizes the City to enter into the Climate Smart Memorandum of Understanding in the form attached to the report of the Sustainability Coordinator dated April 18, 2012;

AND FURTHER THAT the Mayor and the City Clerk be authorized to execute the Climate Smart Memorandum of Understanding on behalf of the City of Kelowna.

Carried

- 5.06 Manager, Real Estate Services, dated May 2, 2012, re: Proposed Road Closure of a Portion of Glenmore Road North and Consolidation with 505-525 Snowsell Street North

Moved by Councillor Stack/Seconded by Councillor Given

R421/12/05/07 THAT Council receive for information, the Report from the Manager, Real Estate Services, dated April 30, 2012, recommending that Council adopt the proposed road closure of a portion of Glenmore Road North and consolidation with adjacent property being Lot A, Section 9, Township 23 Osoyoos Division Yale District Plan 33728, Except Plan 91466;

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AND THAT Bylaw No. 10485, being proposed road closure of land adjacent to 505-525 Snowsell Street North be forwarded for reading consideration.

Carried

5.07 Manager, Property Management, dated April 27, 2012, re: Licence of Occupation - Rotary Marsh/Brandt's Creek

Moved by Councillor Given/Seconded by Councillor Zimmermann

R422/12/05/07 THAT Council authorizes the City to enter into a License of Occupation with the Province of British Columbia for all that foreshore or land covered by water, being part of the bed of Okanagan Lake, fronting District Lot 3457, and Brandt's Creek, Osoyoos Division Yale District and containing 0.4 hectares, more or less, in the form attached to the Report of the Manager, Property Management dated April 27, 2012;

AND THAT the Mayor and City Clerk be authorized to execute the License of Occupation.

Carried

5.08 Planner, Policy & Planning, dated April 26, 2012, re: Heritage Revitalization Agreements Review

Moved by Councillor DeHart/Seconded by Councillor Basran

R423/12/05/07 THAT Council receives, for information, the report from the Planner, Policy and Planning dated April 26, 2012, with respect to the Heritage Revitalization Agreements;

AND THAT Council directs staff to bring forward for rescindment consideration the Heritage Revitalization Agreement for 865 Bernard Avenue;

AND THAT Council directs staff to submit an application to rezone the property located at 865 Bernard Avenue from the RU6 - Two Dwelling Housing zone to the P3 - Parks and Open Space zone;

AND FURTHER THAT Council directs staff to revise the Heritage Revitalization Agreement template and add a clause to section 1.0 of the Agreement to reflect the required residential component in residential land use designations.

Carried

5.09 Planner, Policy & Planning, dated April 26, 2012, re: Addition of Milk Shed and Garden Shed Statements of Significance for Guisachan Heritage Park

Moved by Councillor Zimmermann/Seconded by Councillor Stack

R424/12/05/07 THAT Council receives, for information, the report from the Policy and Planning Department dated April 26, 2012, with respect to additional Statements of Significance for Guisachan Heritage Park;

AND THAT Council endorses the Statement of Significance for the Guisachan Heritage Park Milk Shed at 1056-1060 Cameron Avenue;

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AND FURTHER THAT Council endorses the Statement of Significance for the Guisachan Heritage Park Garden Shed at 1056-1060 Cameron Avenue.

Carried

- 5.10 Manager, Community Planning, dated April 23, 2012, re: Revisions to Rental Housing Grants Policy and Housing Opportunities Reserve Fund Bylaw No. 8593

Mayor Gray advised that staff had to leave due to a family emergency and deferred the item to the May 14, 2012 PM Regular Council Meeting.

- 5.11 Engineering Traffic Technician, Transportation & Mobility, dated May 2, 2012, re: Update - McKinley Road Safety Improvements

This Agenda Item was moved forward on the Agenda and dealt with immediately before Agenda Item No. 5.01.

- 5.12 Director, Corporate Services, dated May 1, 2012, re: Lucaya Remediation - 1147-1157 Sunset Drive

Moved by Councillor Zimmermann/Seconded by Councillor Basran

R425/12/05/07 THAT Council, under the authority provided in Section 74 of the *Community Charter*, declares that the crane structure located on the property at 1151 Sunset Dr and legally described as Lot 5, District Lot 139, Osoyoos Division Yale District Plan KAP76304, is a "nuisance" that requires remedial action to remove the crane, or portion thereof, to eliminate the nuisance condition;

AND THAT Council, pursuant to the authority provided in Section 74 of the *Community Charter*, declares that the security measures on the property located at 1151 Sunset Dr., and legally described as Lot 5, District Lot 139, Plan KAP76304, are insufficient and, as a result, Council declares the property to be a nuisance that requires remedial action to secure adequately the vacant construction site;

AND THAT Council imposes the following remedial action upon the registered property owner, Lucaya Redux Corp., in respect of the property located at 1151 Sunset Dr., to remove the crane span, and to secure the property including exterior security fencing and on site security to eliminate the unsafe condition and declared nuisance;

AND THAT Council authorizes staff to take all appropriate actions in accordance with Section 17 [Municipal Action at Defaulter's Expense] of the *Community Charter* to ensure the property is brought into compliance with the Remedial Action specified in the Report of the Director, Corporate Services dated May 1, 2012 with respect to the Lucaya Remediation:

- in the event that the property owner has not fully complied with the remedial action order on or before the compliance date specified in Report of the Director, Corporate Services dated May 1, 2012; and
- that all costs incurred by the City to bring the property into compliance shall be at the expense of the property owner and, as per Section 17 of the *Community Charter*, these costs shall be treated as a debt owed to the City of Kelowna, and recoverable in accordance with Division 14 of Part 7 of the *Community Charter*.

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AND THAT Council sets the time limit for compliance with the remedial action detailed in the Report from the Director, Corporate Services dated May 1, 2012 at thirty (30) days commencing May 7, 2012;

AND THAT Council sets the time limit for a Notice of a request for Council to reconsider the remedial action requirement set at fourteen (14) days, commencing May 7, 2012.

AND FURTHER THAT Council directs staff to report back with a new Policy that deals with derelict construction sites.

Carried

- 5.13 City Clerk, dated April 19, 2012, re: Miscellaneous Housekeeping Amendments to Subdivision, Development and Servicing Bylaw No. 7900

City Clerk:

- Provided an overview of the requested amendments.

Moved by Councillor Singh/Seconded by Councillor DeHart

R426/12/05/07 THAT Council, receives, for information, the Report from the City Clerk dated April 19, 2012 recommending that Council adopt the recommended housekeeping amendments to the Subdivision, Development and Servicing Bylaw No. 7900;

AND THAT Bylaw No. 10696, being Amendment No. 16 to the Subdivision, Development and Servicing Bylaw No. 7900 be forwarded for reading consideration.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.01 Bylaw No. 10485 - Road Closure Bylaw - Portion of Glenmore Road North (adjacent to 505-525 Snowsell Street North)

Moved by Councillor Singh/Seconded by Councillor Basran

R427/12/05/07 THAT Bylaw No. 10485 be read a first, second and third time.

Carried

- 6.02 Bylaw No. 10666 - Amendment No. 19 to Traffic Bylaw No. 8120

Moved by Councillor Singh/Seconded by Councillor Basran

R428/12/05/07 THAT Bylaw No. 10666 be read a first, second and third time.

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- 6.03 Bylaw No. 10667 - Amendment No. 4 to Bylaw Notice Enforcement
Bylaw No. 10475

Moved by Councillor Singh/Seconded by Councillor Basran

R429/12/05/07 THAT Bylaw No. 10667 be read a first, second and third time.

Carried

- 6.04 Bylaw No. 10688 - Five Year Financial Plan 2012-2016

Moved by Councillor Singh/Seconded by Councillor Barsan

R430/12/05/07 THAT Bylaw No. 10688 be read a first, second and third time.

Carried

- 6.05 Bylaw No. 10689 - Tax Structure Bylaw

Moved by Councillor Singh/Seconded by Councillor Basran

R431/12/05/07 THAT Bylaw No. 10689 be read a first, second and third time.

Carried

- 6.06 Bylaw No. 10690 - Annual Tax Rates Bylaw

Moved by Councillor Singh/Seconded by Councillor Basran

R432/12/05/07 THAT Bylaw No. 10690 be read a first, second and third time.

Carried

- 6.07 Bylaw No. 10691 - Development Cost Charge Reserve Fund Expenditure
Bylaw, 2012

Moved by Councillor Singh/Seconded by Councillor Basran

R433/12/05/07 THAT Bylaw No. 10691 be read a first, second and third time.

Carried

- 6.08 Bylaw No. 10692 - Sale of City-owned Land Reserve Fund Expenditure
Bylaw

Moved by Councillor Singh/Seconded by Councillor Basran

R434/12/05/07 THAT Bylaw No. 10692 be read a first, second and third time.

Carried

Regular Meeting - P.M.May 7, 2012

- 6.09 Bylaw No. 10696 - Amendment No. 16 to Subdivision, Development and Servicing Bylaw No. 7900

Moved by Councillor Singh/Seconded by Councillor Basran

R435/12/05/07 THAT Bylaw No. 10696 be read a first, second and third time.

Carried

- 6.10 Bylaw No. 10697 - Amendment No. 4 to Housing Opportunities Reserve Fund bylaw No. 8593

The City Clerk advised that as Council did not hear the Report under Agenda Item No. 5.10, consideration of the Bylaw will have to be deferred to the May 14, 2012 PM Regular Council Meeting.

(BYLAWS PRESENTED FOR ADOPTION)

- 6.11 Bylaw No. 10649 - Amendment No. 5 to Council Procedure Bylaw No. 9200

The City Clerk advised that no correspondence had been received with respect to the proposed amendments to the Council Procedure Bylaw.

Moved by Councillor Singh/Seconded by Councillor Basran

R436/12/05/07 THAT Bylaw No. 10649 be adopted.

Carried

7. MAYOR & COUNCILLOR ITEMS

Mayor Gray:

- Provided an update with respect to his recent visit to Scottsdale, Arizona in which he had several meetings with the Mayor of Scottsdale, as well as other business people, regarding the potential establishment of a Kelowna-Scottsdale Business Council.

8. TERMINATION

The meeting was declared terminated at 4:36 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk