

Regular Meeting – P.M.October 1, 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, October 1st, 2012.

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

Council members absent: Andre Blanleil, Mohini Singh

Staff members in attendance were: Acting City Manager, Doug Gilchrist; Deputy City Clerk (& Recording Secretary), Karen Needham; General Manager Community Sustainability, Jim Paterson*; Director, Financial Services, Keith Grayston*; Director, Infrastructure Planning, Randy Cleveland*; Director Recreation & Cultural Services, Jim Gabriel.*

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:45 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. CONFIRMATION OF MINUTES

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Moved by Councillor Zimmermann/Seconded by Councillor Basran

R877/12/10/01 THAT the Minutes of the Regular Meeting of September 17, 2012 be confirmed as circulated.

Carried

3. PUBLIC IN ATTENDANCE

3.1 Superintendent McKinnon, re: Kelowna RCMP Report to Council - May to August 2012

Staff:

- Presented a summary of RCMP activity for the period May to August 2012

3.2 Councillor Stack - Union of BC Municipalities (UBCM) Summary Report

-circulated and spoke to a written summary report highlighting some key resolutions and discussion from the Sep24-28, 2012 UBCM conference attended by City of Kelowna Councillors Stack, DeHart, Hobson and Zimmermann.

4. UNFINISHED BUSINESS

4.1 Land Use Management Department, Supplemental Report dated September 10, 2012, re: Rezoning Application No.Z09-0062 - 0775362 BC Ltd (Gary Tebbutt) - (W OF) South Perimeter Way
To receive for information the Supplemental Report to amend Rezoning Application No.Z09-0062 in order to reflect the proposed changes to

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the zoning plan following questions and considerations raised at the February 08, 2011 Public Hearing.

Moved by Councillor Hobson/Seconded by Councillor Stack

R878/12/10/01 THAT Council receives for information, the Supplemental Report of the Community Sustainability Division dated September 10, 2012;

AND THAT Zone Amending Bylaw No. 10471 be amended at First Reading by removing Map "A" and replacing with a new Map "A", attached to and forming part of the Bylaw;

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

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the receipt of a subdivision plan in a registerable form by the Approving Officer;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Development Permit (Natural Environment);

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

Carried

4.1.1 Bylaw No. 10471 - 0775362 BC Ltd. (0775362 BC Ltd. (Gary Tebbutt)) - (W OF) South Perimeter Way
To amend Bylaw No. 10471 at First Reading by removing Map "A" and replacing with a new Map "A"

Moved by Councillor Basran/Seconded by Councillor Hobson

R879/12/10/01 THAT Bylaw No. 10471 be amended after first reading by removing Map "A" and replacing with a new Map "A".

Carried

5. DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

5.1 Land Use Management Department, dated September 18, 2012, re: Rezoning Application No. Z11-0079 - Aaron, Robert, Joshua, and Kathleen Pachal (Robert and Kathleen Pachal) - 925 Montcalm Drive
To rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 Two Dwelling Housing zone to construct two dwellings on the site.

Council:

- Requested that staff provide detailed visual information at the Public Hearing with regards to the site as related to surrounding properties, including elevations and topography.

Moved by Councillor Zimmermann/Seconded by Councillor Hobson

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R880/12/10/01 THAT Rezoning Application No. Z11-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Section 30, Township 26, ODYD Plan KAP82877, located on Montcalm Drive, 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 THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering Branch and Fortis BC Electrical being completed to their satisfaction.

Carried

- 5.1.1 Bylaw No. 10767 (Z11-0079) - Aaron, Robert, Joshua, and Kathleen Pachal - 925 Montcalm Drive
To give first reading to Bylaw No. 10767 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 Two Dwelling Housing zone.

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R881/12/10/01 THAT Bylaw No. 10767 be read a first time.

Carried

- 5.2 Land Use Management Department, dated September 13, 2012, re: Rezoning Application No. Z08-0030 - Paul Warnock (Paul Warnock) - 1230 Brookside Avenue, 1947-1949 Pask Street
To extend the deadline for adoption of Zone Amending Bylaw No.10105 from May 25, 2012 to November 25, 2012.

Moved by Councillor Zimmermann/Seconded by Councillor Stack

R882/12/10/01 THAT in accordance with Development Application Procedures Bylaw No. 10540 the deadline for the adoption of Zone Amending Bylaw No. 10105 (Z08-0030 - Paul Warnock - 1230 Brookside Avenue and 1947 - 1949 Pask Street) be extended from May 25, 2012 to November 25, 2012.

Defeated

Opposed - Given, DeHart, Hobson, Basran

- 5.3 Land Use Management Department, dated September 20, 2012, re: Rezoning Application No. Z08-0071 - Bill Bonn (Tysen Properties) - 543 South Crest Drive
To extend the deadline for adoption of Zone Amending Bylaw No.10291 from September 9, 2012 to March 9, 2013.

Moved by Councillor Hobson/Seconded by Councillor Basran

R883/12/10/01 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw 10291 (Z08-0071, Tysen Properties, 543 South Crest Drive), be extended from September 9, 2012 to March 9, 2013.

Carried

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- 5.4 Land Use Management Department, dated September 20, 2012, re: Rezoning Application No. Z10-0096 – 0831627 BC Ltd (Pezzente Holdings Inc., Alfonso Pezzente) – 540 Osprey Avenue
To extend the deadline for adoption of Zone Amending Bylaw No. 10482 from September 8, 2012 to March 8, 2013.

Moved by Councillor Zimmermann/Seconded by Councillor Hobson

R884/12/10/01 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10482 (Z10-0096), Lot 19, D.L. 14, ODYD, Plan 3769, located at 540 Osprey Avenue Kelowna, BC be extended from September 8, 2012 to March 8, 2013.

Carried

- 5.5 Land Use Management Department, dated September 20, 2012, re: Rezoning Application No. Z10-0104 – Eric & Margaret Nickel (Garry Tomporowski Arch.) – 1205, 1215, 1223, 1229 Richter Street
To extend the deadline for adoption of Zone Amending Bylaw No. 10544 from September 7, 2012 to March 7, 2013.

Moved by Councillor Hobson/Seconded by Councillor DeHart

R885/12/10/01 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10544 (Z10-0104), Lots 10-13 District Lot 138 ODYD Plan 1039, located on Richter Street, Kelowna, BC, be extended from September 7, 2012 to March 7, 2013.

Carried

6. BYLAWS FOR ADOPTION/RESCINDMENT (Development Related)

- 6.1 City Clerk, dated September 24, 2012, re: Official Community Plan Amendment No. OCP12-0001/Rezoning Application No. Z12-0001 – 373 Prestwick Street

- 6.1.1 To adopt Bylaw No. 10671 (OCP12-0001) in order to amend Map 4.1 – Generalized Future Land Use of the Kelowna 2030 – Official Community Plan.
Requires a majority of all Members of Council (5)

Moved by Councillor Hobson/Seconded by Councillor Basran

R886/12/10/01 THAT Bylaw No. 10671 be adopted.

Carried

- 6.1.2 To adopt Bylaw No. 10672 (Z12-0001) in order to rezone the subject property from the RM3 – Low Density Multiple Housing zone to the RU6 – Two Dwelling Housing zone, and a portion from the RU1hs – Large Lot Housing (Hillside Area) with Secondary Suite zone to the RM3 – Low Density Multiple Housing zone.

Moved by Councillor Hobson/Seconded by Councillor Basran

R887/12/10/01 THAT Bylaw No. 10672 be adopted.

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- 6.2 City Clerk, dated September 17, 2012, re: Housing Agreement with KNL Properties Ltd. Inc. No. 850280 - 260 Davie Road
 To rescind 1st, 2nd, and 3rd readings given to Bylaw No.10729, being Housing Agreement Authorization Bylaw for KNL Properties Ltd. at 260 Davie Road, and close the file.

Moved by Councillor Given/Seconded by Councillor Stack

R888/12/10/01 THAT first, second and third reading of Bylaw No. 10729 be rescinded;

AND THAT the file for Housing Agreement with KNL Properties Ltd. Inc. No. 850280, for the properties located at 260 Davie Road be closed.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

- 7.1 Planner, Policy and Planning Department, dated August 20, 2012, re: Addition of 822 Lawrence Avenue to the Heritage Register
To seek Council endorsement for the addition of 822 Lawrence Avenue to the Kelowna Heritage Register

Staff:

- Provided an overview of the process for evaluating properties, including the criteria used by the Community Heritage Committee when considering recommendations for the heritage registry.

Moved by Councillor Hobson/Seconded by Councillor Given

R889/12/10/01 THAT Council endorse the addition of 822 Lawrence Avenue to the Kelowna Heritage Register.

Carried

- 7.2 Regional Programs Manager, Regional Services, dated September 11, 2012, re: Facilitating Development of the Okanagan Car Share Co-op
To seek Council authorization for the City of Kelowna to facilitate the grant of \$6,500 from the Enterprising Non Profits organization to the Okanagan Car Share Co-op to be used for the purpose of Business Plan Development.

Staff:

- Confirmed there is no obligation, risk or liability for the City in this requested role as facilitator of the grant money.

Moved by Councillor Stack/Seconded by Councillor DeHart

R890/12/10/01 THAT Council endorse the development of the Okanagan Car Share Co-op by acting as a one-time funding conduit between the Enterprising Non Profits organization and the Okanagan Car Share Co-op;

AND THAT Financial Services staff be authorized to accept funding from the Enterprising Non Profits organization and transfer this funding to the Okanagan Car Share Co-op.

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- 7.3 Regional Programs Manager, Regional Services, dated September 11, 2012, re: Transit Shelter and Bench Advertising Franchise
To seek Council approval for renewal of the Kelowna Transit Shelter and Bench Advertising contract for a second five year term.

Moved by Councillor Hobson/Seconded by Councillor Given

R891/12/10/01 THAT Council approve the agreement for exclusive permission and rights for the sale of advertising on City of Kelowna Transit Shelters and Benches to Pattison Outdoor Advertising for the period of January 1, 2012 to December 31, 2016;

AND THAT the Mayor and City Clerk be authorized to sign the Transit Shelter and Bench Advertising Franchise Agreement with Pattison Outdoor Advertising.

Carried

- 7.4 Financial Planning Manager, Financial Services, dated September 26, 2012, re: Assumptions Used in the 5 Year Financial Plan; Format Changes - 2013 Provisional Budget Volume
To provide Council with information on the assumptions used in the 5 Year Financial Plan to project the years 2 through 5 of the plan and to advise Council on format changes for the 2013 Provisional Budget Volume.

Staff:

- Confirmed that Priority 2 requests will be listed in the budget documents and addressed during the budget discussions at the request of Council
- Noted that capital and operating budgets will be presented concurrently during budget deliberations.

Moved by Councillor Hobson/Seconded by Councillor Given

R892/12/10/01 That Council receives the report on Assumptions Used in the 5 Year Financial Plan and Format Changes - 2013 Provisional Budget Volume from the Financial Planning Manager, dated September 26th, 2012.

Carried

- 7.5 Property Manager, Real Estate and Building and Cultural Services Manager, Recreation & Cultural Services, dated September 26, 2012, re: Lease and Operating Agreement for the Rotary Centre for the Arts
To seek Council approval for, and execution of, a new Lease and Operating Agreement between the City and the Kelowna Visual and Performing Arts Centre Society (KVPACS).

Staff:

- Provided an overview of the new Lease and Operating agreement

Moved by Councillor Stack/Seconded by Councillor DeHart

R893/12/10/01 THAT Council approves the Lease and Operating Agreement between the City and the Kelowna Visual and Performing Arts Centre Society as attached to the report from the Property Manager and Cultural Services Manager dated September 26, 2012;

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AND THAT the Mayor and Clerk be authorized to execute the Lease and Operating Agreement on behalf of the City of Kelowna.

Carried

- 7.6 Cultural Services Manager, Recreation & Cultural Services, dated September 26, 2012, re: Overview of 2013 Arts, Culture & Heritage Grants and Community Public Art Grants
To provide Council with an overview of grant programs and processes to be administered by the Cultural Services Branch for 2013.

Staff:

- Provided an overview of the program and changes for 2013.
- Highlighted new criteria designed to align applications with the objectives of the cultural plan and Council priorities; will assist applicants in focusing efforts and funding in areas that will meet civic objectives and provide identified community benefit.

Moved by Councillor Zimmermann/Seconded by Councillor Basran

R894/12/10/01 THAT COUNCIL receives, for information, the overview of the Arts, Culture & Heritage Operating Grants, the Arts, Culture & Heritage Project Grants and the Community Public Art Grants for 2013 as contained in the report dated September 26, 2012 from the Cultural Services Manager;

AND THAT COUNCIL approves the guidelines for the 2013 Arts, Culture & Heritage Operating Grants, the 2013 Arts, Culture & Heritage Project Grants and the 2013 Community Public Art Grants as recommended in the report dated September 26, 2012 from the Cultural Services Manager;

AND FURTHER THAT COUNCIL directs staff to provide, for information, a list of the 2013 recipients in each grant program, as well as a summary of achievements, benefits and impact arising from grants awarded in these programs in 2012.

Carried

- 7.7 Manager, Parks and Public Places, Infrastructure Planning Department, dated September 26, 2012, re: City Park - Concept Development Plan
To seek Council support to proceed with a public process for a concept development plan for City Park to address the Downtown Plan objectives and the opportunities created as a result of other planned nearby public projects along the Downtown waterfront.

Staff:

- Provided an overview of the history of City Park, current downtown plan objectives and relocation of the Tourism Kelowna building that will inform the concept development plan for City Park.

Moved by Councillor DeHart/Seconded by Councillor Basran

R895/12/10/01 THAT Council receives for information the report from the Manager, Parks & Public Places, dated September 26, 2012 regarding the City Park - Concept Development Plan;

AND THAT staff revise the City Park master plan to address opportunities from the Downtown Plan and nearby public projects including the Bernard Avenue

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Revitalization project, Stuart Park 1 and the redesign of Kerry Park, and to integrate a new multi-purpose public facility into City Park that includes a tourist information centre and appropriate public amenities;

AND THAT staff develops and implements a public consultation and communication plan;

AND FURTHER THAT Council approves a request for a budget transfer of \$40,000 from the Building Replacement Planning Project 301.2736 to initiate the project.

Carried

- 7.8 Manager, Real Estate Services, Real Estate & Building Department, dated September 18, 2012, re: Proposed Road Closure - Lane Adjacent to 384 Glenwood Avenue
To consider the road closure of a portion of land adjacent to 384 Glenwood Avenue.

Staff:

- Outlined the conditions prior to final adoption on October 15, including newspaper advertising, notice and an opportunity for the public to provide input.

7.8.1 Bylaw No.10762 - Road Closure Bylaw - Portion of Road adjacent to 384 Glenwood Avenue
To give first, second and third readings to Bylaw No.10762 in order to authorize the City to permanently close and remove the highway dedication of a portion of Glenwood Avenue.

Moved by Councillor Stack/Seconded by Councillor Given

R896/12/10/01 THAT Bylaw No. 10762 be read a first, second and third time.

Carried

8. MAYOR & COUNCILLOR ITEMS

Councillor Given:

- Salvation Army "Garage Opening - Emergency Response Vehicle" - kudos to the volunteers and community donations.

Councillor Stack

- "UN International Day of Older Persons" - acknowledged the contributions of older persons in our community.

Councillor DeHart

- 15th Annual United Way-Ramada Hotel Drive-Thru Breakfast - Thursday, October 04

Councillor Basran

- Acknowledged the Okanagan Chapter of Retired Persons and their ongoing activity in the community.

Mayor Gray

- 1949 Freedom of the City recipient - Barbara Ann Scott passed away on September 30, 2012

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- Queens Diamond Jubilee Medal – September 29, 2012, special honour presented to 33 residents of Kelowna for their contribution to community.

9. TERMINATION

The meeting was declared terminated at 4:08 p.m.

Certified Correct:

Mayor

Deputy City Clerk

ACM/dld