

Regular Meeting – P.M.

October 29, 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 29th, 2012.

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

Council members absent: Councillor Robert Hobson.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; General Manager, Community Services, John Vos*; Director, Land Use Management, Shelley Gambacort*; Manager, Parks & Public Places, Terry Barton*; Manager, Environment & Land Use, Todd Cashin*; Planner Specialist, Graham March*; Manager, Long Range Planning, Gary Stephen*; Acting General Manager, Corporate Sustainability, Rob Mayne*; Manager, Community & Neighbourhood Programs, Louise Roberts-Taylor; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:44 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

Special Meeting - October 12, 2012
Regular PM Meeting - October 15, 2012

Moved by Councillor Stack/Seconded by Councillor Basran

R953/12/10/29 THAT the Minutes of the Special Meeting of October 12, 2012 and the Regular PM Meeting of October 15, 2012 be confirmed as circulated.

Carried

3. PUBLIC IN ATTENDANCE

3.1 Jim Cade, Director Zone 5 (Okanagan-Similkameen), on behalf of the BC Seniors Games Society Board of Directors, re: BC Seniors Games Society 25th Anniversary

Jim Cade, Director 5 (Okanagan-Similkameen), BC Seniors Games Society Board of Directors:

- Presented City Council with a Banner commemorating the 25th Anniversary of the BC Seniors Games.

4. DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

4.1 Land Use Management Department, dated October 16, 2012, re: Agricultural Land Reserve Appeal Application No. A12-0008 - Black Mountain Irrigation District (Aqua Consulting Inc.) - 2458 Joe Riche Road, (N of) Joe Riche Road & (Off of) Joe Riche Road

Councillor Zimmermann declared a conflict of interest as he sits on the Board of Directors of Black Mountain Irrigation District and left the meeting at 1:51 p.m.

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Moved by Councillor Given/Seconded by Councillor Stack

R954/12/10/29 THAT Agricultural Land Reserve Appeal A12-0008 for portions of Lot 8, Sections 18 and 19, Township 27, ODYD, Plan 1991, Except Plans KAP80286 and KAP87038, located at 2458 Joe Riche Road, Kelowna, B.C.; Lot 19, Sections 17, 18, 19, Township 27, ODYD, Plan 1991, Except Plan 39110, located at (OFF OF) Joe Riche Road, Kelowna, B.C.; and Lot D, Sections 18 and 19, Township 27, ODYD, Plan KAP80286, located at (N OF) Joe Riche Road, Kelowna, B.C. for a Non-Farm Use within the Agricultural Land Reserve, pursuant to Section 20(3) of the *Agricultural Land Commission Act*, be supported by Municipal Council;

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

Carried

Councillor Zimmermann rejoined the meeting at 1:59 p.m.

4.2 Land Use Management Department, Supplemental Report dated October 18, 2012, re: Rezoning Application No. Z09-0062 - 0775362 BC Ltd. - (W of) South Perimeter Way

4.2.1 Bylaw No. 10471 (Z09-0062) - 0775362 BC Ltd. - (W of) South Perimeter Way

Moved by Councillor Given/Seconded by Councillor Stack

R955/12/10/29 THAT Bylaw No. 10471 be amended after first reading by deleting Section 1 that reads:

"1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Part of Lot A, Section 23, Township 28, SDYD, Plan KAP89051, located on (W of) South Perimeter Way, Kelowna BC from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone and the P3 - Parks and Open Space zone as per Map "A" attached to and forming part of this Bylaw."

And replacing it with:

"1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Part of Lot A, Section 23, Township 28, SDYD, Plan KAP89051, located on (W of) South Perimeter Way, Kelowna, BC from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone, RR1 - Rural Residential 1 zone and the P3 - Parks and Open Space zone as per Map "A" attached to and forming part of this Bylaw."

Carried

4.3 Land Use Management Department, dated October 12, 2012, re: Rezoning Application No. Z08-0030 - Paul Warnock - 1220-1222 & 1230 Brookside Avenue

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Moved by Councillor Zimmermann/Seconded by Councillor Singh

R956/12/10/29 THAT Council receives, for information, the report from the Land Use Management Department, dated October 12, 2012 with respect to Zone Amending Bylaw No. 10105 (Z08-0030 - Paul Warnock -1230 Brookside Avenue & 1220-1222 Brookside Avenue);

AND THAT Bylaw No. 10105 be forwarded for rescindment consideration and the file be closed.

Carried

4.3.1 Bylaw No. 10105 (Z08-0030) - Paul Warnock - 1220-1222 & 1230 Brookside Avenue

Moved by Councillor Stack/Seconded by Councillor Given

R957/12/10/29 THAT first, second and third reading of Bylaw No. 10105 be rescinded;

AND THAT the file for Rezoning Application No. Z08-0030, for the properties located at 1220-1222 & 1230 Brookside Avenue be closed.

Carried

4.4 Planner Specialist, dated October 19, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP12-0012 - Official Community Plan 2030 Bylaw 10500 - Miscellaneous Amendments

Staff:

- Provided an overview of the proposed miscellaneous amendments.

Moved by Councillor Given/Seconded by Councillor Singh

R958/12/10/29 THAT OCP Bylaw Text Amendment No. OCP12-0012 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 as outlined in the Report of the Planner Specialist dated October 19, 2012 be considered by Council;

AND THAT Council confirms that OCP Bylaw Text Amendment No. OCP12-0012 has been considered in conjunction with the existing Financial Plan;

AND THAT OCP Bylaw Text Amendment No. OCP12-0012 be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT staff be directed to pursue the consultation process outlined in the Report of the Planner Specialist dated October 19, 2012 and report back to Council prior to scheduling OCP Amending Bylaw No. 10753 to a Public Hearing.

Carried

4.4.1 Bylaw No. 10753 (OCP12-0012) - Miscellaneous Text Amendments- Requires a majority of all Members of Council (5)

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Moved by Councillor DeHart/Seconded by Councillor Zimmermann

R959/12/10/29 THAT Bylaw No. 10753 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

5. BYLAWS FOR ADOPTION (Development Related)

5.1 Bylaw No. 10735 (OCP12-0005) - No. 21 Great Projects Ltd., City of Kelowna, Bulat Khabibullin & Naila Khabibullina and Karl & Gail Tritscher (No. 21 Great Projects Ltd.) - 5000 & 4949 Gordon Drive, 1355, 1248, 1260, 1266 & 1272 Steele Road, (S of) Redstem Street and 900 South Crest Drive - **Requires a majority of all Members of Council (5)**

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R960/12/10/29 THAT Bylaw No. 10735 be adopted.

Carried

5.1.1 Bylaw No. 10736 (Z12-0037) - No. 21 Great Projects Ltd., City of Kelowna, Bulat Khabibullin & Naila Khabibullina and Karl & Gail Tritscher (No. 21 Great Projects Ltd.) - 5000 & 4949 Gordon Drive, 1355, 1248, 1260, 1266 & 1272 Steele Road, (S of) Redstem Street and 900 South Crest Drive

Moved by Councillor Blanleil/Seconded by Councillor Basran

R961/12/10/29 THAT Bylaw No. 10736 be adopted.

Carried

5.2 Bylaw No. 10758 (Z12-0043) - Lynae, Dennis & Darlene Igel - 391 Yates Road

Moved by Councillor Basran/Seconded by Councillor Singh

R962/12/10/29 THAT Bylaw No. 10758 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

6.1 Acting General Manager, Corporate Sustainability; General Manager, Community Sustainability; and General Manager, Community Services, dated October 24, 2012, re: Quarterly Report Update

Acting General Manager, Corporate Sustainability:

- Displayed a PowerPoint Presentation and provided an overview of the 3rd Quarter Report.

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Moved by Councillor Zimmermann/Seconded by Councillor Singh

R963/12/10/29 THAT Council receives, for information, the Quarterly Report from the Acting General Manager, Corporate Sustainability, General Manager, Community Sustainability and General Manager Community Services, dated October 24, 2012.

Carried

6.2 Manager, Community & Neighbourhood Programs, dated October 24, 2012, re: Water Street Senior Centre Society Service Delivery Agreement

Staff:

- Provided an overview of the Service Delivery Agreement and responded to questions from Council.

Moved by Councillor Given/Seconded by Councillor DeHart

R964/12/10/29 THAT Council receives, for information, the Report from the Community & Neighbourhood Programs Manager dated October 24, 2012 regarding the Water Street Senior Centre Society Service Delivery Agreement;

AND THAT Council endorses the Service Delivery Agreement between the City of Kelowna and the Water Street Senior Centre Society in the form attached to the Report from the Community & Neighbourhood Programs Manager dated October 24, 2012;

AND FURTHER THAT Council authorizes the Director, Recreation and Cultural Services to execute the Agreement on behalf of the City.

Carried

6.3 Parks Planner, dated October 24, 2012, re: Community Infrastructure Improvement Fund (CIIF) - Apex Trail Restoration

Moved by Councillor Stack/Seconded by Councillor Singh

R965/12/10/29 THAT Council receives for information, the report from the Parks Planner, dated October 24, 2012, with respect to the Community Infrastructure Improvement Fund (CIIF) - Apex Trail Restoration;

AND THAT Council supports the application to Western Economic Diversification for a \$100,000 CIIF grant to fund the restoration of the Apex Trail at Knox Mountain Park.

Carried

6.4 Manager, Real Estate Services, dated October 18, 2012, re: Proposed Road Closure - Belgo Road

Councillor Zimmermann declared a conflict of interest as he sits on the Board of Directors of Black Mountain Irrigation District and left the meeting at 2:41 p.m.

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Moved by Councillor Given/Seconded by Councillor DeHart

R966/12/10/29 THAT Council receives for information, the Report from the Manager, Real Estate Services dated October 18, 2012, recommending that Council adopt the proposed road closure of a portion of Belgo Road;

AND THAT Bylaw No. 10774, being proposed road closure of a portion of Belgo Road be forwarded for reading consideration.

Carried

6.4.1 Bylaw No. 10774 - Road Closure Bylaw - Portion of Belgo Road at Springfield Road

Moved by Councillor Blanleil/Seconded by Councillor Basran

R967/12/10/29 THAT Bylaw No. 10774 be read a first, second and third time.

Carried

Councillor Zimmermann rejoined the meeting at 2:42 p.m.

6.5 City Clerk, dated October 26, 2012, re: Sufficiency Report - Alternative Approval Process - Electric Utility Restructuring Opportunity

Moved by Councillor Basran/Seconded by Councillor Given

R968/12/10/29 THAT Council receives the Certificate of Sufficiency dated October 26, 2012 regarding the Alternative Approval Process (AAP) for the Electric Utility Restructuring Opportunity with FortisBC Inc.

Carried

6.5.1 General Manager, Community Services, dated October 26, 2012, re: Electrical Utility Restructuring Opportunity

General Manager, Community Services:

- Provided an overview of the public communications and feedback process undertaken by the City as part of the Alternative Approval Process for the Electric Utility Restructuring Opportunity.

Moved by Councillor Blanleil/Seconded by Councillor Zimmermann

R969/12/10/29 THAT Council receives, for information, the Report from the General Manager, Community Services dated October 26, 2012 regarding the public communications and feedback as part of the Alternative Approval Process for the Electric Utility Restructuring Opportunity;

AND THAT the 2012 Financial Plan be amended to include an additional \$500,000.00 funded from Electrical Expenditures Reserve to cover the costs for legal and consulting support necessary to complete this process;

AND THAT Council approves the Asset Purchase Agreement with FortisBC in the form attached to the Report of the General Manager, Community Services dated September 17, 2012 that initiated the Alternative Approval Process for the Electric Utility Restructuring Opportunity;

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AND FURTHER THAT Council authorizes the Mayor and City Clerk to execute all agreements associated with the Electric Utility Restructuring Opportunity.

Carried

6.6 City Clerk, dated October 26, 2012, re: Sufficiency Report - Alternative Approval Process - Extension and New Facility Loan Authorization Bylaw

Moved by Councillor Blanleil/Seconded by Councillor Stack

R970/12/10/29 THAT Council receives the Certificate of Sufficiency dated October 26, 2012 regarding the Alternative Approval Process (AAP) for the Library Parkade Extension and creation of the Memorial Parkade;

AND THAT Bylaw No. 10742 being the Extension and New Facility Loan Authorization Bylaw be forwarded for adoption.

Carried

6.6.1 Bylaw No. 10742 - Extension and New Facility Loan Authorization Bylaw

Moved by Councillor Basran/Seconded by Councillor Blanleil

R971/12/10/30 THAT Bylaw No. 10742 be adopted.

Carried

7. MAYOR & COUNCILLOR ITEMS

Mayor Gray:

- Advised that the International City Manager's Association recognized Ron Mattiussi for his significant contributions and achievements over the past 30 years in local government.

City Manager:

- Congratulated the various staff who contributed to both the Electric Utility Restructuring Opportunity project and the Library Parkade Extension and Memorial Parkade project that were the subjects of the recently closed Alternative Approval Processes.

8. TERMINATION

The meeting was declared terminated at 2:56 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld