

Regular Meeting – P.M.

November 19, 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, November 19, 2012.

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

Council members absent: Councillor Luke Stack.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Acting General Manager, Community Sustainability, Doug Gilchrist*; Director, Land Use Management, Shelley Gambacort*; Director, Infrastructure Planning, Randy Cleveland*; Manager, Utilities Planning, Andrew Reeder*; Manager, Parks & Public Places, Terry Barton*; Director, Financial Services, Keith Grayston*; Engineering Traffic Technician, Brian Oliveria*; Fire Chief, Jeff Carisle*; Manager, Development Engineering, Steve Muenz*; Deputy Fire Chief, Thomas Doherty*; Planner Specialist, Pat McCormick*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:33 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 Singh

R1008/12/11/19 THAT the Minutes of the Regular PM Meeting of November 5, 2012 be confirmed as circulated.

Carried

3. PUBLIC IN ATTENDANCE

3.1 Tyler Marchen, re: Governor General's Certificate of Commendation

Mayor Gray:

- Presented Tyler Marchen with the Governor General's Certificate of Commendation for helping save a life during an automobile accident in the Vernon area.

3.2 Director, Infrastructure Planning, dated November 14, 2012, re: 2012 Awards: Laurel Packinghouse & Active Transportation Network

Staff:

- Displayed a PowerPoint presentation and provided an overview of the 2012 Awards for the Laurel Packinghouse and the Active Transportation Network:
 - o The "Achievement Award" presented by the Heritage Canada Foundation to the City of Kelowna for the Laurel Packinghouse Restoration Project (National), nominated by the Kelowna Museum Society;
 - o The "2012 Award for Excellence in Urban Development 'Best of the Okanagan'" presented by the Urban Development Institute-Pacific Region to

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- o the City of Kelowna for the Laurel Packinghouse Restoration Project (Provincial), nominated by Meiklejohn Architects; and
- o The “2012 Sustainability Urban Transportation Award” presented by the Transportation Association of Canada to the City of Kelowna for the City of Kelowna 20-year Servicing Plan - 2030 Active Transportation Program (National), nominated by the Department of Infrastructure Planning.
- Wayne Wilson of the Kelowna Museum Society presented Mayor Gray with the Achievement Award on behalf of the City of Kelowna.
- Kevin Edgecombe of Edgecombe Builders presented Mayor Gray with the 2012 Award for Excellence in Urban Development ‘Best of the Okanagan’” on behalf of the City of Kelowna.
- The City’s Director, Infrastructure Planning presented Mayor Gray with the 2012 Sustainability Urban Transportation Award on behalf of the City of Kelowna.

4. DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

4.1 Land Use Management Department, dated November 5, 2012, re: Rezoning Application No. Z11-0083 - Arnold & Melitta Frank (Protech Consultants Ltd.) - 1429 KLO Road

Staff:

- Responded to questions from Council regarding potential pedestrian access through the site.
- Responded to questions from Council regarding the potential upgrades/extension to Bothe Road and advised that for this project, Bothe Road will be used as an emergency access road.

Council:

- Inquired about the timing of future Bothe Road access.
- Inquired about the lack of east-west pedestrian access across the subject property.
- Inquired as to how the property ownership/pad rental/strata interaction would work.
- Suggested that the Applicant have a good communication plan with the neighbours to avoid any misconceptions as to what will be constructed should the rezoning be approved.

Moved by Councillor Hobson/Seconded by Councillor Zimmermann

R1009/12/11/19 THAT Rezoning Application No. Z11-0083 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 52, DL131, ODYD, Plan 186, Except Plan KAP78326, located on 1429 KLO Road, Kelowna, BC from the A1 - Agriculture 1 zone to the RM7 - Mobile Home Park 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 in conjunction with Council’s consideration of a Development Variance Permit and a Development Permits for the subject property;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the registration of a Section 219 Restrictive Covenant on title restricting the form of dwelling to “modular” units meeting the CSA A-277 standard;

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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. 10782 (Z11-0083) – Arnold & Melitta Frank (Protech Consultants Ltd.) – 1429 KLO Road

Moved by Councillor Given/Seconded by Councillor Zimmermann

R1010/12/11/19 THAT Bylaw No. 10782 be read a first time.

Carried

4.2 Land Use Management Department, dated November 6, 2012, re: Rezoning Application No. Z12-0059 – Marianne Joy Hill (Ed Guy) – 250 & 260 Lake Avenue

Staff:

- Responded to questions from Council regarding the preservation of the existing home at 260 Lake Avenue.

Council:

- Inquired whether there would be a Heritage Revitalization Agreement for the existing home as part of the development.
- Inquired whether or not the rezoning applied to both Lots 5 & 6.

Moved by Councillor Hobson/Seconded by Councillor Given

R1011/12/11/19 THAT Rezoning Application No. Z12-0059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, Block D, District Lot 14, ODYD Plan 2220, and Lot 5, Block D, District Lot 14, ODYD Plan 2220 located on Lake Avenue, Kelowna, BC from the RU1- Large Lot Housing zone to the RU3- Small Lot 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 be subject to a tree protection plan for the Heritage London Plane tree on the South west corner of the site and the registration of a building envelope covenant;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering Branch being completed to their satisfaction.

Carried

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- 4.2.1 Bylaw No. 10783 (Z12-0059) - Marianne Hill (Ed Guy) - 250 & 260 Lake Avenue

Moved by Councillor Given/Seconded by Councillor Hobson

R1012/12/11/19 THAT Council defers first reading consideration for Bylaw No. 10783 (Z12-0059) to the November 26, 2012 PM Council Meeting in order for staff to confirm the properties being rezoned.

Carried

- 4.3 Land Use Management Department, dated November 8, 2012, re: Text Amendment Application No. TA12-0011 - City of Kelowna

Moved by Councillor Hobson/Seconded by Councillor Given

R1013/12/11/19 AND THAT Zoning Bylaw Text Amendment No. TA12-0011 to amend City of Kelowna Zoning Bylaw No. 8000, as outlined in Schedule 'A' of the Report of the Land Use Management Department dated November 8, 2012 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA12-0011 be forwarded to a Public Hearing for further consideration.

Carried

- 4.3.1 Bylaw No. 10784 (TA12-0011) - City of Kelowna - Amendments to the RM6 - High Rise Apartment Housing zone

Moved by Councillor DeHart/Seconded by Councillor Zimmermann

R1014/12/11/19 THAT Bylaw No. 10784 be read a first time.

Carried

5. BYLAWS FOR ADOPTION (Development Related)

- 5.1 Bylaw No. 10291 (Z08-0071) - Tysen Properties Ltd. (Bill Bonn) - 543 South Crest Drive

Moved by Councillor Blanleil/Seconded by Councillor Basran

R1015/12/11/19 THAT Bylaw No. 10291 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

- 6.1 Fire Chief, dated November 9, 2012, re: Country Rhodes Fire Service Agreement

Fire Chief:

- Advised that the Agreement is scheduled to go to the Regional Board for consideration on November 26, 2012.

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Moved by Councillor Basran/Seconded by Councillor DeHart

R1016/12/11/19 THAT Council receives, for information, the Report from the Fire Chief dated November 9, 2012 regarding the Country Rhodes Fire Service Agreement;

AND THAT Council authorizes the City to enter into a Fire Service Agreement for Country Rhodes with the Regional District of Central Okanagan, for a five (5) year term, in the form attached to the Report of the Fire Chief dated November 9, 2012;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Fire Service Agreement.

Carried

6.2 Director, Financial Services, dated November 13, 2012, re: School Site Acquisition Charge

Staff:

- Provided an overview of the School site Acquisition Charge process.

Council:

- Inquired as to whether the charge could no longer be required in future.
- Inquired how the City collects the charge on behalf of School District No. 23.

Guest, Judy Shoemaker, School District No. 23:

- Responded to questions from Council regarding how the School Site Acquisition Charge is determined and what happens to the charge in the future. There are specific parameters to trigger the charge and the charge may be amended depending upon student population growth and school site requirements.

Moved by Councillor Hobson/Seconded by Councillor Singh

R1017/12/11/19 THAT Council receives, for information, the Report from the Director, Financial Services dated November 13, 2012 regarding the collection of the School Site Acquisition Charge.

Carried

6.3 Engineer Traffic Technician, Transportation & Mobility, dated November 14, 2012, re: Ellis Street Truck Route

Staff:

- Displayed a PowerPoint presentation and responded to questions from Council.

Moved by Councillor Basran/Seconded by Councillor Zimmermann

R1018/12/11/19 THAT Council receives, for information, the report from the Engineering Traffic Technician, Transportation & Mobility dated November 14, 2012 regarding the Ellis Street Truck Route;

AND THAT Council directs staff to continue discussions with BC Ministry of Transportation and Infrastructure (MoTI) staff regarding potential upgrades to the intersection of Harvey Avenue (Highway 97) and Gordon Drive to accommodate a potential truck route closure of Ellis Street to heavy truck traffic effective Fall 2013;

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AND FURTHER THAT Council directs staff to seek input from all affected businesses, residents, and stakeholders of the potential Ellis Street truck route closure and report back to Council on input received with a final recommendation.

Carried

6.4 Public Art Coordinator, dated November 14, 2012, re: Public Art Program Review

Staff:

- Displayed a PowerPoint presentation, provided an overview of the "Action Items" and responded to questions from Council.

Moved by Councillor Hobson/Seconded by Councillor Singh

R1019/12/11/19 THAT Council receives for information, the report dated November 14, 2012 from the Public Art Coordinator with regard to Public Art Program Review;

AND THAT Council approves the Public Art Framework and supports the Action Items set out in the report dated November 14, 2012 from the Public Art Coordinator;

AND FURTHER THAT Council approves the transfer of \$220,000 from the Public Art Reserve Fund for public art projects related to the Bernard Avenue Revitalization and the Library Parkade Expansion, as set out in the report dated November 14, 2012 from the Public Art Coordinator.

Carried

6.5 Manager, Utilities Planning, dated November 8, 2012, re: Kelowna Integrated Water Supply Plan & Memorandum of Understanding

Moved by Councillor Hobson/Seconded by Councillor Basran

R1020/12/11/19 THAT Council receives, for information, the Report from the Manager, Utilities Planning, dated November 8, 2012 with respect to the Kelowna Integrated Water Supply Plan and Memorandum of Understanding;

AND THAT Council endorses the Kelowna Integrated Water Supply Plan;

AND THAT Council approves the Memorandum of Understanding, "Kelowna Integrated Water Supply - Implementation Plan" in the form attached to the Report of the Manager, Utilities Planning dated November 8, 2012;

AND FURTHER THAT Council authorizes the Mayor and City Clerk to execute the Memorandum of Understanding.

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- 6.6 Manager, Real Estate Services, dated November 13, 2012, re: Proposed Road Closure - Adjacent to 4465 Nottingham Road

Moved by Councillor Basran/Seconded by Councillor Blanleil

R1021/12/11/19 THAT Council receives for information, the Report from the Manager, Real Estate Services dated November 13, 2012, recommending that Council adopt the proposed road closure of a portion of Rattenbury Court;

AND THAT Bylaw No. 10763, being proposed road closure of a portion of Rattenbury Court, be forwarded for reading consideration.

Carried

- 6.6.1 Bylaw No. 10763 - Road Closure Bylaw - Portion of 4465 Nottingham Road

Moved by Councillor Basran/Seconded by Councillor Blanleil

R1022/12/11/19 THAT Bylaw No. 10763 be read a first, second and third time.

Carried

7. RESOLUTIONS

- 7.1 City Clerk, Draft Resolution, re: 2013 Council Meeting Schedule

City Clerk:

- Provided an overview of the proposed 2013 Council Meeting Schedule

Council:

- Requested that the 2014 Budget Deliberation Meeting be moved from Thursday, December 19, 2013 to Thursday, December 12, 2013.

Moved by Councillor DeHart/Seconded by Councillor Given

R1023/12/11/19 THAT the 2013 Council Meeting Schedule be adopted as follows:

Monday Regular Meetings

January 14, 21 and 28
 February 4, 18 and 25
 March 4, 11, 18, and 25
 April 8, 15, 22 and 29
 May 6, 13 and 27
 June 10, 17 and 24
 July 15 and 29
 August 12 and 26
 September 9, 23 and 30
 October 7, 21 and 28
 November 4, 18 and 25
 December 2, 9, 12* and 16

Public Hearing/Regular Meetings

January 15 and 29
 February 12 and 26
 March 12 and 26
 April 9 and 23
 May 7 and 21
 June 4 and 18
 July 2, 16 and 30
 August 13 and 27
 September 10 and 24
 October 8 and 22
 November 5 and 19
 December 3 and 17

- * December 12 - 2014 Budget Deliberations

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- 7.2 City Clerk, Draft Resolution, re: Helicopter Landing – Santa Claus – Northern Air Support Ltd.

Moved by Councillor Hobson/Seconded by Councillor Singh

R1024/12/11/19 THAT Council grants approval to Northern Air Support Ltd. to fly Santa Claus from the Kelowna International Airport to the Kelowna Golf & Country Club, and back, on December 9th and 16th, 2012, subject to the approval of Transport Canada and compliance with all related flight requirements.

Carried

8. BYLAWS FOR ADOPTION (Non-Development Related)

- 8.1 Bylaw No. 10774 – Road Closure Bylaw – Portion of Belgo Road at Springfield Road – Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. No one came forward.

Moved by Councillor Hobson/Seconded by Councillor Basran

R1025/12/11/19 THAT Bylaw No. 10774 be adopted.

Carried

- 8.2 Bylaw No. 10777 – A Bylaw to Repeal Housing Agreement Authorization Bylaw Nos. 8802 & 8891

Moved by Councillor Hobson/Seconded by Councillor Basran

R1026/12/11/19 THAT Bylaw No. 10777 be adopted.

Carried

9. MAYOR & COUNCILLOR ITEMS

- 9.1 Mayor Gray, re: City Boundary Review/Relocation Process

Mayor Gray:

- Read a Press Release with respect to the postponement of the Boundary Relocation discussions.

10. TERMINATION

The meeting was declared terminated at 4:10 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld