



## City of Kelowna Regular Council Meeting Minutes

Date: Monday, March 25, 2013  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Maxine DeHart, Gail Given, Luke Stack and Gerry Zimmermann\*

Council Members Absent: Councillors Andre Blanleil, Robert Hobson and Mohini Singh

Staff Present: City Manager, Ron Mattiussi\*; Acting City Manager, Doug Gilchrist\*; City Clerk, Stephen Fleming; Acting Director, Real Estate & Building Services, Derek Edstrom\*; Manager, Urban Land Use, Danielle Noble\*; Manager, Utilities Planning, Andrew Reeder\*; Manager, Cultural Services, Sandra Kochan\*; Manager, Sport & Event Development, Don Backmeyer\*; Manager, Property Management, Ron Forbes\*; Property Officer, Tammy Abrahamson\*; 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.

Mayor Gray noted the upcoming retirement of Superintendent McKinnon and presented the Superintendent with a "farewell" gift on behalf of the City Council and the City of Kelowna.

Superintendent McKinnon thanked the Mayor and Council, and previous Councils, for their support during his tenure as Superintendent.

## 2. Public in Attendance

### 2.1. Kelowna International Children's Winter Games Committee - Ufa, Russia Presentation

Staff:

- Introduced the presentation.

Heather Schneider, Chair, Kelowna International Children's Winter Games Committee:

- Displayed a presentation regarding the Kelowna contingent at the International Children's Winter Games in Ufa, Russia.

Tom Waters, Hockey Coach:

- Provided comment regarding his experience at the Games.

### 2.2. Festivals Kelowna - Annual Report

Staff:

- Introduced the presentation.

Renata Mills, Executive Director, Festivals Kelowna:

- Displayed a video highlighting the 2012 Festivals Kelowna events.

Willy Kovasic, President, Board of Directors, Festivals Kelowna:

- Provided further comment regarding Festivals Kelowna.

## 3. Development Application Reports & Related Bylaws

### 3.1. Official Community Plan Bylaw Amendment Application No. OCP13-0001 and Rezoning Application No. Z13-0002 - 1242-1244 Pheasant Street

The City Manager left the meeting at 2:10 pm. The Acting City Manager joined the meeting at 2:10 pm.

Staff:

- Provided an overview of the development application and responded to questions from Council;

Mayor Gray invited the Applicant, or Applicant's Representative, to come forward.

Graeme James, Applicant's Representative

- Addressed some of the items noted in the staff report.
- Confirmed the applicant always intended the property to be a four-plex.
- Advised the building was constructed in 1993 with an unfinished basement.
- Confirmed no permits were obtained, or rezoning application submitted, when the basement units were constructed.
- Confirmed the property owner has obtained letters of support from several immediate neighbours, including the adjacent Northland retirement facility.
- Confirmed the property owner has the financial resources to complete the interior in accordance with the B.C. Building Code and to complete the fire code upgrades.

Moved By: Councillor Zimmermann/Seconded By: Councillor Stack

R193/13/03/25 THAT Official Community Plan Bylaw Amendment No. OCP13-0001 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by

changing the Future Land Use designation of Strata Lot 1 & 2, District Lot 137, ODYD Strata plan KAS1353 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, located on 1242 - 1244 Pheasant Street, Kelowna, BC from the Multiple Unit Residential (Medium Density) designation to the Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the Report of Land Use Management Department dated February 27, 2013, be considered by Council;

AND THAT Rezoning Application No. Z13-0002 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 1 & 2, District Lot 137, ODYD Strata plan KAS1353 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, located on 1242 - 1244 Pheasant Street, Kelowna, BC, from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone, be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment Bylaw and 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 Permit and Development Variance Permit on the subject property;

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

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the Building and Permitting Branch be provided necessary professional reports to satisfy the feasibility of BC Building Code upgrades.

Carried

**3.2. Official Community Plan Bylaw Amendment Application No. OCP13-0004 and Rezoning Application No. Z13-0005 - 641 & 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street**

Staff:

- Provided an overview of the rezoning application and responded to questions from Council.

Moved By: Councillor DeHart/Seconded By: Councillor Given

**R194/13/03/25** THAT Official Community Plan Bylaw Amendment No. OCP13-0004 to amend Map 19.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot C, D.L. 14, ODYD, Plan EPP15783, located at 641 Osprey Avenue and Lot D, D.L. 14, ODYD, Plan EPP15783, located at 600 Raymer Avenue from Commercial to Mixed Use (Residential / Commercial) and by changing the Future Land Use designation of Lot 2, D.L. 14, ODYD, Plan EPP16791, located at 2764 Richter Street and Lot 1, D.L. 14, ODYD, Plan EPP16791 located at 683 Osprey Avenue from Multiple Unit Residential - Medium Density to Mixed Use (Residential / Commercial), as shown on Map "A" attached to the Report of the Land Use Management Department dated March 8th, 2013, be considered by Council;

AND THAT Council considers the applicant's March 5th, 2013 Public Open House to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Land Use Management Department dated March 8th, 2013;

AND THAT Rezoning Application No. Z13-0005 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, D.L. 14, ODYD, Plan EPP16791, located at 2764 Richter Street and Lot 1, D.L. 14, ODYD, Plan EPP16791 located at 683 Osprey Avenue from RU6 - Two Dwelling Housing to C4 - Urban Centre Commercial be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment and 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 Permit and Development Variance Permit on the subject properties;

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

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the submission of a plan of subdivision to consolidate the properties.

Carried

**3.2.1. Bylaw No. 10822 (OCP13-0004) - 641 & 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street**

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R195/13/03/25 THAT Bylaw No. 10822 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

**3.2.2. Bylaw No. 10823 (Z13-0005) - 641 & 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street**

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R196/13/03/25 THAT Bylaw No. 10823 be read a first time.

Carried

**3.3. Rezoning Application No. Z12-0068, Supplemental Report - 1121, 1131, 1141 & 1151 Brookside Avenue**

Staff:

- Provided an update and responded to questions from Council.

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R197/13/03/25 THAT Council receives for information the supplemental report from the Land Use Management Department dated March 15th, 2013 with respect to Rezoning Application No. Z12-0068;

AND THAT Rezoning Application No. Z12-0068 be forwarded to the April 9, 2013 Public Hearing.

Carried

3.4. Rezoning Application No. Z13-0001, Supplemental Report - 674 Old Meadows Road

Moved By: Councillor Given/Seconded By: Councillor Basran

R198/13/03/25 THAT Council receives for information the supplemental report from the Land Use Management Department dated March 18, 2013.

Carried

3.5. Rezoning Application No. Z09-0077, Extension Request - 4064 Lakeshore Road

Moved By: Councillor Zimmermann/Seconded By: Councillor Basran

R199/13/03/25 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10306 (Z09-0077), Lot 1, Section 1, Township 25 and Section 6, Township 26, ODYD, Plan KAP89719 located on 1500 Friesen Road, Kelowna, BC be extended from December 15, 2012 to December 15, 2013.

Carried

3.6. Rezoning Application No. Z11-0035, Extension Request - 1599 KLO Road

Moved By: Councillor Stack/Seconded By: Councillor Given

R200/13/03/25 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10569 (Z11-0035), Lot 4, District Lot 131, ODYD Plan 17156 except Plan KAP78069, located on 1599 KLO Road, Kelowna, BC be extended from February 9, 2013 to February 9, 2014.

Carried

#### 4. Non-Development Reports & Related Bylaws

##### 4.1. Kelowna Joint Water Supply Plan, 2013 Implementation Plan

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

Staff:

- Provided an overview of the 2013 Kelowna Joint Water Supply Plan, 2013 Implementation Plan.

Moved By: Councillor Basran/Seconded By: Councillor DeHart

R201/13/03/25 THAT Council receives, for information, the report from the Manager, Utilities Planning dated March 20, 2013, with respect to the 2013 Implementation Plan, Kelowna Integrated Water Supply Plan;

AND THAT Council approves the 2013 Implementation Plan, Kelowna Integrated Water Supply Plan, as attached to the Report of the Manager, Utilities Planning dated March 20, 2013;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents related to the 2013 Implementation Plan, Kelowna Integrated Water Supply Plan.

Carried

#### 4.2. Bernard Avenue Sidewalk Program Fees

Councillor Zimmermann rejoined the meeting at 2:47 p.m.

Moved By: Councillor Stack/Seconded By: Councillor Zimmermann

R202/13/03/25 THAT Council receive the Report from the Manager, Property Management, dated March 20, 2013, regarding the Bernard Avenue Sidewalk Program Fees Policy;

AND THAT Council approves the Bernard Avenue Sidewalk Program Fees as attached to the Report of the Manager, Property Management dated March 20, 2013;

AND FURTHER THAT Bylaw No. 10815 being Amendment No. 22 to Traffic Bylaw No. 8120 be given reading consideration.

Carried

##### 4.2.1. Bylaw No. 10814 - Amendment No. 22 to Traffic Bylaw No. 8120

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R203/13/03/25 THAT Bylaw No. 10814 be read a first, second and third time.

Carried

#### 5. Bylaws for Adoption (Non-Development Related)

##### 5.1. Bylaw No. 10819 -Amendment No. 26 to Airport Fee Bylaw No. 7982

Moved By: Councillor Given/Seconded By: Councillor Stack

R204/13/03/25 THAT Bylaw No. 10819 being Amendment No. 26 to Airport Fee Bylaw No. 7982 be adopted.

Carried

##### 5.2. Bylaw No. 10821 - Amendment No. 4 to Utility Billing Customer Care Services Bylaw No. 8754

Moved By: Councillor Stack/Seconded By: Councillor Given

R205/13/03/25 THAT Bylaw No. 10821 being Amendment No. 4 to Utility Billing Customer Care Services Bylaw No. 8754 be adopted.

Carried

5.3. **Bylaw No. 10830 - Intermunicipal Transportation Service and Regulation Bylaw**

Moved By: Councillor Given/Seconded By: Councillor Stack

R206/13/03/25 THAT Bylaw No. 10830 being Intermunicipal Transportation Service and Regulation Bylaw be adopted.

Carried

5.4. **Bylaw No. 10811 - Road Closure Bylaw - Portion of Road adjacent to and bisecting 760 & 840 Curtis Road**

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 Stack/Seconded By: Councillor Given

R207/13/03/25 THAT Bylaw No. 10811, being a Road Closure Bylaw for a Portion of Road adjacent to and bisecting 760 & 840 Curtis Road, be adopted.

Carried

6. **Mayor and Councillor Items**

6.1. **Draft Resolution, Electrical Utility Restructuring Opportunity**

City Clerk:

- Provided background information.

Moved By: Councillor Stack/Seconded By: Councillor Given

R208/13/03/25 THAT Council directs staff to proceed with the closing of the Purchase Agreement between the City of Kelowna and Fortis BC Inc, following notification of closure from Fortis BC Inc;

AND THAT the associated lands and interests in lands be transferred to FortisBC Inc. on or after the closing of this Agreement.

Carried

6.2. **Councillor Items**

Councillor DeHart:

- Advised the Kelowna City Band is having a Brass Extravaganza at the Mary Irwin Theatre on March 27, 2013.

7. **Termination**

This meeting was declared terminated at 2:58 p.m.

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Mayor

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City Clerk

/slh