



## City of Kelowna Regular Council Meeting Minutes

Date: Monday, May 27, 2013  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillor Colin Basran

Staff Present: Acting City Manager, Paul Macklem; City Clerk, Stephen Fleming; Acting General Manager, Community Sustainability, Doug Gilchrist\*; Acting Director, Real Estate & Building Services, Derek Edstrom\*; Manager, Environment & Land Use, Todd Cashin\*; Director, Financial Services, Keith Grayston\*; Acting Director, Infrastructure Planning, Signe Bagh\*; Manager, Capital Assets & Investment, Joel Shaw\*; Subdivision Approving Officer, Ryan Smith\*; Engineering Traffic Technician, Brian Oliveira\*; and Council Recording Secretary, Sandi Horning

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the meeting to order at 2:00 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

Moved By: Councillor Singh/Seconded By: Councillor Given

R374/13/05/27 THAT the Minutes of the Regular PM Meeting of May 13, 2013 be confirmed as circulated.

Carried

3. Public in Attendance

3.1. Luby Pow, CEO, Southern Interior Development Initiatives Trust, re: Presentation to Kelowna City Council

Luby Pow, CEO, Southern Interior Development Initiatives Trust:

- Displayed a PowerPoint presentation and provided an overview of the Southern Interior Development Initiatives Trust's mandate.
- Responded to questions from Council.

Council:

- Raised questions and concerns regarding the governance of Southern Interior Development Initiatives Trust.

4. Unfinished Business

4.1. Agricultural Land Reserve Appeal Application No. A13-0004 - Supplemental Report, 982 Old Vernon Road, Manraj and Jeetender Kandola

Staff:

- Displayed a Land Use Map of the subject property and the surrounding area.
- Provided an overview of the discussions with Agricultural Land Commission staff and the Applicants.
- Responded to questions from Council.

Mayor Gray invited the Applicants to come forward.

Manraj & Jeetender Kandola, Applicants:

- Responded to questions from Council.
- Advised that they are open to any economically feasible options.

Moved By: Councillor Hobson/Seconded By: Councillor Zimmermann

R375/13/05/27 THAT Agricultural Land Reserve Appeal A13-0004 for Lot 3, Section 1, Township 23 Osoyoos Division Yale District, Plan 546, located at 982 Old Vernon Road for exclusion of land in the ALR under Section 30(1) of the Agricultural Land Commission Act, NOT be supported by Municipal Council;

AND THAT Council directs staff to forward the subject application to the Agricultural Land Commission with a proviso that Council would support a non-farm use within the Agricultural Land Reserve.

Carried

5. Development Application Reports & Related Bylaws

5.1. Rezoning Application No. Z12-0062 - 2190 Cooper Road, Brian and Linda Pahl

This Agenda Item was withdrawn at the Applicants' request.

5.2. Rezoning Application No. Z13-0011 - 370 Fleming Road, Wendy Cullen & Michael Anderson

Moved By: Councillor Zimmermann/Seconded By: Councillor Singh

R376/13/05/27 THAT Rezoning Application No. Z13-0011 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 27, Township 26, ODYD Plan 11730, located on 370 Fleming Road, Kelowna, BC from the RU1- Large Lot Housing zone to the RU1c- Large Lot Housing with carriage house 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 for the subject property;

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

5.2.1. Bylaw No. 10849 (Z13-0011) - 370 Fleming Road, Wendy Cullen & Michael Anderson

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R377/13/05/27 THAT Bylaw No. 10849 be read a first time.

Carried

Staff:

- Advised that this rezoning application is scheduled for the June 18, 2013 Public Hearing.

5.3. Agricultural Land Reserve Appeal Application No. A13-0008 - 3690 Berard Road and 1640 Ward Road, Ronald, James and Wilma McMillan

Staff:

- Summarized the application before Council and responded to questions from Council.

Moved By: Councillor Hobson/Seconded By: Councillor Zimmermann

R378/13/05/27 THAT Agricultural Land Reserve Appeal A13-0008 for Lot 2, Section 8, Township 26 Osoyoos Division Yale District Plan 1554, located at 3690 Berard Road and for Lot 3, Section 8, Township 26 Osoyoos Division Yale District Plan 1554 except Plan B4459, located at 1640 Ward Road, Kelowna, B.C. for a non-farm use of agricultural

land in 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

5.4. Rezoning Application No. Z10-0013, Extension Request - 546 McWilliams Road, Terry Oxley

Moved By: Councillor Given/Seconded By: Councillor DeHart

R379/13/05/27 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10325, Z10-0013, Lot 7, Section 26, Township 26, ODYD, Plan 29389, 546 McWilliams Road, be extended from May 18, 2012 to May 18, 2013;

AND THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10325, Z10-0013, Lot 7, Section 26, Township 26, ODYD, Plan 29389, 546 McWilliams Road, be extended from May 18, 2013 to May 18, 2014.

Carried

6. Bylaws for Adoption (Development Related)

6.1. Bylaw No. 10783 (Z12-0059) - 250 and 260 Lake Avenue, Marianne Hill

Moved By: Councillor Stack/Seconded By: Councillor Given

R380/13/05/27 THAT Bylaw No. 10783, being Z12-0059 Marianne Hill (Ed Guy) - 250 and 260 Lake Avenue, be adopted.

Carried

6.2. Bylaw No. 10804 (TA12-0012) - Amendment to City of Kelowna Zoning Bylaw No. 8000, Care Centre Text Amendments, City of Kelowna

Moved By: Councillor Hobson/Seconded By: Councillor Singh

R381/13/05/27 THAT Bylaw No. 10804, being TA12-0012, be adopted.

Carried

7. Non-Development Reports & Related Bylaws

7.1. Development Application Process Review - Final Report and Recommendations

Staff:

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

Moved By: Councillor Hobson/Seconded By: Councillor Blanleil

R382/13/05/27 THAT Council receives, for information, the Report from Acting General Manager, Community Sustainability dated May 6, 2013 with respect to the Development Application Process Review;

AND THAT Council endorses the implementation of the recommendations contained in the Development Application Process Review Report dated April 29, 2013 as attached to the Report from the Acting General Manager, Community Sustainability dated May 6, 2013, as budgets and resourcing permit.

Carried

## 7.2. Ellis Street Truck Route

Moved By: Councillor Blanche/Seconded By: Councillor Zimmermann

R383/13/05/27 THAT Council directs staff to, once associated road network improvements have been undertaken as detailed in the May 14, 2013 report from the Engineering Traffic Technician, to complete a new traffic order to remove Ellis Street as a truck route;

AND THAT Council directs staff to submit 2014 budget requests to fund the road network improvements necessary to close Ellis Street to heavy truck traffic, as detailed in the May 14, 2013 report from the Engineering Traffic Technician;

AND FURTHER THAT Council directs staff to inform the public prior to implementing removal of the Ellis Street truck route.

Carried

## 7.3. Transit 2013/2014 Annual Operating Agreements

Staff:

- Provided an overview of the 2013/2014 Annual Operating Agreements.

Moved By: Councillor Hobson/Seconded By: Councillor Given

R384/13/05/27 THAT Council approves the 2013/2014 Annual Operating Agreements for conventional and custom transit services for the City of Kelowna;

AND THAT the Mayor and City Clerk be authorized to execute the Operating Agreements between BC Transit, the City of Kelowna and FirstCanada ULC covering the period April 1, 2013 to March 31, 2014;

AND THAT Council approves the amendment to the 2012/2013 Annual Operating Agreement for conventional transit;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the amended Operating Agreement between BC Transit, the City of Kelowna and FirstCanada ULC covering the period April 1, 2012 to March 31, 2013.

Carried

## 7.4. License of Occupation - City of Kelowna to Callahan Construction Company Ltd. and 3720 Investments Ltd. (Mission Park Shopping Centre)

Staff:

- Provided an overview of the Licences of Occupation.

Moved By: Councillor Zimmermann/Seconded By: Councillor Stack

R385/13/05/27 THAT Council approves the City entering into a ten (10) year License of Occupation, with Callahan Construction Company Ltd. and 3720 Investments Ltd. (collectively referred to as "Callahan"), for Callahan's use of City-owned property for signage with the option to renew for an additional ten (10) year term, in the form attached to the Report of the Manager, Property Management, dated May 17, 2013;

AND THAT Council approves the City entering into a ten (10) year License of Occupation with Callahan Construction Company Ltd. and 3720 Investments Ltd. (collectively referred to as "Callahan"), for the City's use of Callahan property for a bus shelter with the option to renew for an additional ten (10) year term, in the form attached to the Report of the Manager, Property Management, dated May 17, 2013;

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

Carried

#### 7.5. Concession and Vendor Bid Awards

Staff:

- Provided an overview of the concession and vendor bids and responded to questions from Council.

Moved By: Councillor Given/Seconded By: Councillor Stack

R386/13/05/27 THAT Council approves the City entering into a three (3) year contract, with two (2) one (1) year options to renew with Vietnam Village, to provide mobile concession services at City Park Cold Sands Beach (Site A) on Abbott Street, in the form attached to the Report of the Manager, Property Management, dated May 17, 2013;

AND THAT Council approves the City entering into a three (3) year Contract, with two (2) one (1) year renewal options with Una Mak, to provide concession services at the Ben Lee Park concession on Houghton Road (Site B), in the form attached to the Report of the Manager, Property Management, dated May 17, 2013;

AND THAT Council approves the City entering into a three (3) year Contract, with two (2) one (1) year renewal options with SUP, SAND and SUN, to provide activity concession services at Waterfront Park (Tugboat Bay) on Water Street (Site C), in the form attached to the Report of the Manager, Property Management, dated May 17, 2013;

AND THAT Council approves the City entering into a one year (1) year Contract, with four (4) one (1) year renewal options with Fresh Air Experience, to provide activity concession services at the foot of Queensway Street (Site D), in the form attached to the Report of the Manager, Property Management, dated May 17, 2013;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents associated with the contracts.

Carried

#### 7.6. Commercial Lease - Duncan's Bistro & Bar Ltd., 375 Lawrence Avenue (Chapman Parkade)

Staff:

- Provided an overview of the Lease.

**Moved By: Councillor Hobson/Seconded By: Councillor Zimmermann**

**R387/13/05/27** THAT Council approves the City entering into a five (5) year Commercial Lease, with Duncan's Bistro & Bar Ltd., with the option to renew for an additional five (5) year term, in the form attached to the Report of the Manager, Property Management, dated May 13, 2013;

AND THAT the Mayor and City Clerk be authorized to execute the agreement.

**Carried**

#### **7.7. Corporate GHG Emissions Update**

Staff:

- Displayed a PowerPoint presentation.

**Moved By: Councillor Hobson/Seconded By: Councillor Blanleil**

**R388/13/05/27** THAT Council receives, for information, the report from the Capital Assets and Investment Manager dated May 22, 2013 with respect to corporate GHG emissions data and emission reduction projects.

**Carried**

#### **8. Bylaws for Adoption (Non-Development Related)**

##### **8.1. Bylaw No. 10848 - Road Closure Bylaw, A Portion of Road that bisects 2018 Cross Road**

Councillor Stack declared a conflict of interest as the Society he is a Director of has an interest in land that is near the subject property and left the meeting at 5:03 p.m.

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 Blanleil/Seconded By: Councillor Singh**

**R389/13/05/27** THAT Bylaw No. 10848 , being Road Closure and Removal of Highway Dedication - A Portion of Road that bisects 2018 Cross Road, be adopted.

**Carried**

#### **9. Mayor and Councillor Items**

Councillor Stack rejoined the meeting at 5:04 p.m.

Councillor Given:

- Thanked Parks Staff for their support during the Rutland May Days Parade.
- Noted that there is a 'North End Business Walk' event Tuesday morning which is sponsored by the Economic Development Commission.

Councillor Stack:

- Reminded the public that this week is 'Bike to Work Week'.

Councillor Zimmermann:

- Commented on his attendance on behalf of the Mayor at the 'Review of the Army Cadets' this past Sunday.

Councillor Blanleil:

- Congratulated the organizers of the 'Play On! Street Hockey' event and thanked the Kelowna Rockets for their support.

Mayor Gray:

- Commented on his attendance at today's Bike to Work Week event and the City's previous, and future, efforts on expanding the cycle network.

## 10. Termination

This meeting was declared terminated at 5:13 p.m.

---

Mayor

---

City Clerk

/slh