



City of Kelowna Regular Council Meeting Minutes

Date: Monday, August 26, 2013
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Staff Present: City Manager, Ron Mattiussi*; Acting City Manager, Paul Macklem*; City Clerk, Stephen Fleming*; Deputy City Clerk, Karen Needham; Manager, Property Management, Ron Forbes*; Manager, Environment & Land Use, Todd Cashin*; Planner, James Moore*; Sustainability Coordinator, Michelle Kam*; Manager, Airport Finance & Administration, Noreen Redman*; Manager, Community & Neighbourhood Programs, Louise Roberts*; Manager, Parks & Public Places, Terry Barton*; 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 1:32 p.m.

Mayor Gray advised that Agenda Item No. 5.4 has been withdrawn by staff.

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 DeHart

R567/13/08/26 THAT the Minutes of the Regular PM Meeting of August 12, 2013 be confirmed as circulated.

Carried

3. Public in Attendance

3.1. Peter Robinson, Community Energy Association on behalf of FortisBC, re: Okanagan Energy Diet

Peter Robinson, Community Energy Association on behalf of FortisBC:

- Provided an overview of FortisBC's Okanagan Energy Diet Program and responded to questions from Council.

The meeting recessed at 1:49 p.m. The meeting reconvened at 2:00 p.m.

3.1.1. Okanagan Energy Diet

Staff:

- Provided an overview of the Okanagan Energy Diet and the request for Municipal Financial commitment.

Moved By: Councillor Stack/Seconded By: Councillor Singh

R568/13/08/26 THAT Council receives, for information, the report from the Sustainability Coordinator, dated August 6, 2013, with respect to the Okanagan Energy Diet hosted by FortisBC;

AND THAT Council supports the City of Kelowna's involvement in FortisBC's Okanagan Energy Diet Program;

AND FURTHER THAT the 2013 Financial Plan be amended to provide for the \$25,000 City contribution from the Energy Management Reserve.

Carried

4. Development Application Reports & Related Bylaws

4.1. Agricultural Land Reserve Appeal Application No. A13-0009 - 984 & 1010 DeHart Road, Alexander Rezanoff & Sherwood Mission Developments Ltd.

Staff:

- Distributed a hard copy of staff's presentation.
- Distributed a hard copy of the Applicant's presentation.
- Summarized the application before Council and responded to questions from Council.
- Advised that the Agrologist's Report confirms that the two (2) parcels of land involved in the proposed Agricultural Land Reserve land swap have different agricultural viability.
- Provided an overview of the Agricultural Advisory Committee's comments with respect to the application.

The City Manager left the meeting at 2:29 p.m. The Acting City Manager joined the meeting at 2:29 p.m.

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

Keith Funk, New Town Planning, Applicant's Representative

- Provided the history of the application and the surrounding properties.
- Provided the history of the transportation/traffic issues in the area.
- Provided an overview of the public consultation process undertaken by the Applicant team.
- Advised that the three (3) parcel consolidation was changed to a two (2) parcel consolidation due to estate planning complications.
- Provided an overview of the Agricultural Advisory Committee meeting and discussion.
- Would like to leave the decision up to the Agricultural Land Commission to decide whether or not this is a good land swap.
- Responded to questions from Council.
- Noted that the property owner would like to create single-family, detached units where the traffic circle is being proposed. Currently the property owner is not considering developing multi-family on the site.
- Advised that the single-family area being proposed will have approximately 70 single-family units.
- Further clarified the public consultation process/meeting that was undertaken by the Applicant team.

Staff:

- Responded to questions from Council.
- Confirmed that staff favours a traffic circle to other options for traffic flow and safety.

Moved by: Councillor Stack/Seconded by: Councillor Zimmermann

R569/13/08/26 THAT Agricultural Land Reserve appeal A13-0009 for an exclusion of land from the Agricultural Land Reserve for Lot 2, Section 31, Township 29, Osoyoos Division Yale District Plan KAP62654, located at 1010 DeHart Road pursuant to Section 30(1) of the Agricultural Land Commission Act; and for the inclusion into the Agricultural Land Reserve of part of Lot 1, Section 31, Township 29, Osoyoos Division Yale District Plan KAP62654, located at 984 DeHart Road, Kelowna, B.C., pursuant to Section 17(3) of the Agricultural Land Commission Act, NOT be supported by Municipal Council;

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

Carried

Mayor Gray and Councillors Basran, Blanleil and Given - Opposed.

4.2. Rezoning Application No. Z13-0028 - 3935 Lakeshore Road & adjacent Bed of Mission Creek, Braniff Real Estate Services & Ministry of Forests, Land & Natural Resource Operations

Staff:

- Provided an overview of the application and responded to questions from Council.
- Confirmed that the dyke adjacent to Mission Creek has been upgraded.
- Advised that both staff and the Applicant are aware of the flooding issues with respect to the subject property.

Moved by: Councillor Stack/Seconded by: Councillor Hobson

R570/13/08/26 THAT Rezoning Application No. Z13-0028 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, Section 6, Township 26, ODYD, Plan 12477, Except Plan KAP92361, located on 3935 Lakeshore Road, Kelowna, BC, from the C1 - Local Commercial zone to the C3 -

Community Commercial zone, and from the C1 - Local Commercial Zone to the RU5 - Bareland Strata zone and to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of All that unsurveyed Crown foreshore being part of the bed of Mission Creek adjacent to Lot A, Section 6, Township 26, ODYD, Plan 12477, Except Plan KAP92361, containing 56.5 square metres, more or less, from the RU5 - Bareland Strata zone to the C3 - Community Commercial zone as shown on Map "B" attached to the Report of the Urban Planning Department dated August 13, 2013, 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 Permit and Development Variance Permit for the subject property;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to registration of the proposed lot line adjustment on the eastern property line of 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 registration on title of an access easement in favour of the Province and the City for the purposes of dike maintenance.

Carried

4.2.1. Bylaw No. 10885 (Z13-0028) - 3935 Lakeshore Road & adjacent Bed of Mission Creek, Braniff Real Estate Services & Ministry of Forests, Land & Natural Resource Operations

Moved by: Councillor Given/Seconded by: Councillor Zimmermann

R571/13/08/26 THAT Bylaw No. 10885 be read a first time.

Carried

4.3. Official Community Plan Bylaw Amendment Application No. OCP07-0022 and Rezoning Application No. Z07-0073, Extension Request - 2728 Pandosy Street, Al Stober Construction Ltd.

Moved by: Councillor Zimmermann/Seconded by: Councillor Singh

R572/13/08/26 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Official Community Plan Amending Bylaw No. 10265 and Zone Amending Bylaw No. 10266, for Lot 1, D.L. 14, ODYD, Plan KAP91460 located on 2728 Pandosy St., Kelowna, BC, be extended from December 15, 2012 to December 15, 2013. AND THAT this is the final extension for this project.

Carried

4.4. Rezoning Application No. Z09-0035, Extension Request - 3130 Sexsmith Road, Matthew James Ewonus

Councillor Given declared a conflict of interest as the Applicant is her financial advisor and left the meeting at 3:42 p.m.

Moved by: Councillor Zimmermann/Seconded by: Councillor Singh

R573/13/08/26 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10436 (Z09-0035, for Lot 28 Section 3 Township 23 ODYD Plan 18861, located at 3130 Sexsmith Road, Kelowna, BC, be extended from May 16, 2013 to November 16, 2013.

Carried

4.5. Rezoning Application No. Z10-0092, Extension Request - 3150 Sexsmith Road, Kimberly & John Berg

Councillor Given rejoined the meeting at 3:44 p.m.

Moved by: Councillor Zimmermann/Seconded by: Councillor Singh

R574/13/08/26 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10443 (Z10-0092, for Lot 27, Section 3, Township 23, ODYD Plan 18861, located at 3150 Sexsmith Road, Kelowna, BC, be extended from May 16, 2013 to November 16, 2013.

Carried

4.6. Rezoning Application No. Z10-0093, Extension Request - 3170 Sexsmith Road, Shanny & Marlin James Toews

Moved by: Councillor Zimmermann/Seconded by: Councillor Singh

R575/13/08/26 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10445 (Z10-0093, for Lot 26, Section 3, Township 23, ODYD Plan 18861, located at 3170 Sexsmith Road, Kelowna, BC, be extended from May 16, 2013 to November 16, 2013.

Carried

4.7. Rezoning Application No. Z12-0036, Extension Request - 354 Christleton Avenue, Dennis William Hector McGuire

Moved by: Councillor Zimmermann/Seconded by: Councillor Singh

R576/13/08/26 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10731, for Lot 8, D.L. 14, ODYD, Plan 3451 located on 354 Christleton Avenue, Kelowna, BC, be extended from August 7, 2013 to August 7, 2014.

Carried

5. Non-Development Reports & Related Bylaws

5.1. Amendment to Airport Fees and Charges Bylaw No. 7982

Staff:

- Provided an overview of the proposed amendments to the Airport Fees and Charges Bylaw No. 7982.
- Noted that Page 2 of the Bylaw has been amended due to a clerical error.

Moved by: Councillor Given/Seconded by: Councillor Hobson

R577/13/08/26 THAT Council receives for information the report of the Airport Finance & Administration Manager dated August 7, 2013 outlining recommended changes to the fees in the Airport Fees Bylaw;

AND THAT Bylaw No. 10884 being Amendment No. 27 to the City of Kelowna Airport Fees Bylaw 7982 be advanced for reading consideration.

Carried

5.1.1. Bylaw No. 10884 - Amendment No. 27 to Airport Fees Bylaw No. 7982

Moved by: Councillor Singh/Seconded by: Councillor Basran

R578/13/08/26 THAT Bylaw No. 10884 be read a first, second and third time.

Carried

5.2. Senior Societies Service Delivery Agreement

Staff:

- Provided an overview of the Senior Societies Service Delivery Agreements.

Moved by: Councillor Zimmermann/Seconded by: Councillor Basran

R579/13/08/26 THAT Council receives, for information, the Report from the Community & Neighbourhood Programs Manager dated August 21, 2013, regarding the Senior Societies Service Delivery Agreements;

AND THAT Council endorses the Service Delivery Agreements between the City of Kelowna and the Rutland Senior Centre Society and the Okanagan Mission Senior Centre Society as attached to the Report of the Community & Neighbourhood Programs Manager dated August 21, 2013;

AND FURTHER THAT the Divisional Director of Active Living and Culture be authorized to execute the Service Delivery Agreements with the Rutland Senior Centre Society and the Okanagan Mission Senior Centre Society on behalf of the City of Kelowna.

Carried

5.3. Draft City Park Concept Plan

Staff:

- Provided an overview of the planning process and summarized the public consultation process undertaken by staff.
- The open house was held on June 27, 2013.

- Staff is recommending that staff work with Tourism Kelowna to downsize the size of the structure and to mitigate any community concerns that have been raised.
- Responded to questions from Council.
- Distributed a hard copy of the proposed new layout for the City Park Concept Plan and provided an overview of the handout.

Moved by: Councillor Blanleil/Seconded by: Councillor Hobson

R580/13/08/26 THAT Council receives for information, the report from the Planner Specialist, Urban Design regarding community response to a draft concept design for City Park;

AND THAT Council directs staff to continue to work with Tourism Kelowna to address public concerns regarding the Pavilion as proposed in the attached Draft Concept Plan, by exploring ways to reduce the size of the building as well as its associated impacts;

AND THAT staff report back to Council regarding the outcome of the above exercise and to receive further direction regarding next steps.

Carried

5.4. Lease to Okanagan Symphony

This Agenda Item was withdrawn by staff.

5.5. Kelowna Youth and Family Services 2013 Lease

Staff:

- Provided an overview of the lease terms.

Moved by: Councillor Zimmermann/Seconded by: Councillor Basran

R581/13/08/26 THAT Council approves the City entering into a five (5) year Lease Modification Agreement, with Terra Landscaping and Bobcat Services 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 August 20, 2013;

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

Carried

6. Mayor and Councillor Items

6.1. Councillor Basran, re: Notice of Motion - Parking Restrictions in the Downtown Core

Councillor Basran put Council on notice that he intends to bring forward a motion to remove the parking restrictions between 3:00 am - 6:00 am in the downtown core, for a one (1) year trial period, starting January 1, 2014. Following the trial period, staff can report on their findings and recommend whether or not it should continue.

6.2. Councillor Hobson, re: Strata Complex Safety Concerns

Moved by: Councillor Hobson/Seconded by: Councillor Basran

R582/13/08/26 THAT staff report back to Council with respect to options related to balcony fire prevention.

Carried

6.3. Mayor Items

Mayor Gray thanked the Salvation Army, and in particular, the Emergency Disaster Services Team, for their support and assistance to the community during the recent condominium fires.

7. Termination

This meeting was declared terminated at 4:55 p.m.

Mayor

Deputy City Clerk

/slh