

Regular Meeting – P.M.

February 22, 2010

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, February 22, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Kevin Craig, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; General Manager, Community Services, John Vos\*; Director, Real Estate & Building Services, Doug Gilchrist\*; Director, Land Use Management, Shelley Gambacort\*; Planner Specialist, Maria Stanborough\*; Manager, Property Management, Ron Forbes\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:34 p.m.

2. Councillor Stack was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Inspector C.E. Forgues, re: Bi-Monthly Policing Report

Inspector C.E. Forgues :Crime Analyst, Dale Sutherland:

- Presented the Bi-Monthly Policing Report and introduced the RCMP's new Crime Analyst, Dale Sutherland.

Crime Analyst, Dale Sutherland:

- Presented the RCMP's statistics for the months of December and January.

Moved by Councillor Hodge/Seconded by Councillor Stack

R148/10/02/22 THAT Council receive, for information, the Bi-Monthly Policing Report dated February 22, 2010.

Carried

3.2 Janice Henry, Executive Director, Central Okanagan Heritage Society, re: 2009 City of Kelowna Heritage Grants Program

Janice Henry, Executive Director, Central Okanagan Heritage Society:

- Gave a presentation to Council regarding the City of Kelowna's Heritage Grant Program.

Moved by Councillor Rule/Seconded by Councillor Craig

R149/10/02/22 THAT Council receive, for information, the report from the Central Okanagan Heritage Society dated February 22, 2010 with respect to the 2009 City of Kelowna Heritage Grants Program.

Carried

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4. COMMITTEE REPORTS

- 4.1 Planner Specialist, Policy and Planning, dated February 17, 2010, re: Community Heritage Commission 2009/10 Report

Moved by Councillor Rule/Seconded by Councillor Hodge

**R150/10/02/22** THAT Council receive, for information, the Report of the Planner Specialist dated February 17, 2010 regarding the committee work of the Community Heritage Commission for 2009;

AND THAT Council endorse the direction of the Community Heritage Commission for the 2010 year to include a heritage plaque and interpretation program, the training regarding the BC Building Code, Heritage Alteration Permits and Heritage Revitalization Agreements.

Carried

5. UNFINISHED BUSINESS

- 5.1 (a) City Clerk, dated February 11, 2010, re: Adoption Consideration of CD21 Bylaws

City Clerk:

- Clarified the process and procedures with respect to considering the CD21 OCP and Rezoning Bylaws.
- Advised that the letter from the Ministry of Transportation is not considered new information.

Councillor James:

- Advised that although he spoke in favour of the CD21 Zone, as a member of the public, at the Public Hearing on October 20, 2008, he has received and read the staff reports, Public Hearing Minutes and correspondence and he does not have a closed mind on this application and looks forward to hearing from all points of view.

Moved by Councillor Rule/Seconded by Councillor Hodge

**R151/10/02/22** THAT second and third reading of Bylaw Nos. 10019 and 10020 be rescinded;

AND THAT Council directs staff to convene a workshop, as soon as possible, to present Council with information on the current CD21 zone proposal;

AND FURTHER THAT the Public Hearing with respect to the CD21 zone proposal be scheduled for the Fall of 2010.

Carried

Councillors Blanleil, James and Stack - Opposed.

Moved by Councillor Rule/Seconded by Councillor Craig

**R152/10/02/22** THAT Council directs staff to include information on the impact of the removal of the Kerry Park and Royal Trust sites from the CD21 bylaws as part of the CD21 zone workshop.

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(b) **BYLAWS PRESENTED FOR ADOPTION**

- (i) Bylaw No. 10019 (OCP08-0016) - Various Owners (City of Kelowna) - The area bounded by Harvey Avenue, Abbott Street, Water Street and Queensway Avenue - **Requires a majority of all Members of Council (5)**

See Item 5.1(a) above.

- (ii) Bylaw No. 10020 (Z08-0044) - Various Owners (City of Kelowna) - The area bounded by Harvey Avenue, Abbott Street, Water Street and Queensway Avenue

See Item 5.1(a) above.

- (iii) Bylaw No. 10101 - CD21 Downtown Area Amenity Provision Reserve Fund Bylaw 2008

See Item 5.1(a) above.

The meeting recessed at 3:28 p.m. The meeting reconvened at 3:40 p.m.

6. **DEVELOPMENT APPLICATION REPORTS**

- 6.1 Community Sustainability Division, dated February 11, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP09-0002 and Rezoning Application No. Z09-0010 - Marshall Business Centre Inc. (Stantec Consulting Ltd.) - 2755 McCurdy Road Mayor to invite the applicant or the applicant's representative to come forward.

Staff:

- Advised that the land south of the McCurdy Road extension has been excluded from the ALR and the land north of the McCurdy Road extension is in the ALR.
- Based on the future land use designation, the OCP does not contemplate residential units in this area.
- Advised that during the development of the Marshall Business Park, it was understood that the McCurdy extension, COMC, and Mill Creek park & pathway would be in conjunction with future development on the hill west of the business park.

Mayor Shepherd invited the applicant or the applicant's representative to come forward.

Marnie Skolbolski, Planner, Stantec Consulting Ltd., Applicant's Representative:

- Gave a presentation regarding the proposed OCP amendment and rezoning.
- Believes that the property was excluded from the ALR with no conditions or expectations.

Council:

- Expressed a concern with developing this environmentally sensitive area.

Moved by Councillor Stack/Seconded by Councillor Hodge

**R153/10/02/22** THAT OCP Bylaw Amendment No. OCP09-0002 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of a part of Lot 1, DL 124 & 415, O.D.Y.D. Plan KAP84653, located at 2755 McCurdy Road, Kelowna, B.C., from the current Rural Agriculture & Major Park - Open Space designations to the

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proposed Rural Agriculture, Multiple Unit Residential – High Density & Major Park – Open Space designation, as shown on Map “A” attached to the report of Land Use Management Department, dated February 11, 2010, NOT be considered by Council;

AND THAT Rezoning Application No. Z09-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a part of Lot 1, DL 124 & 415, O.D.Y.D. Plan KAP84653, located at 2755 McCurdy Road, Kelowna, B.C. from A1 - Agriculture 1 to the A1 - Agriculture 1, RM6 - High Rise Apartment Housing zone and P3 - Parks and Open Space Zone as shown on Map “B” attached to the report of Land Use Management Department, dated February 11, 2010, NOT be considered by Council.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

7.1 General Manager, Community Services, dated February 15, 2010, re: 2010 Sewer Rates

Moved by Councillor Hobson/Seconded by Councillor James

R154/10/02/22 THAT Council receive, for information, the Report dated February 15, 2010 from the General Manager, Community Services with respect to the 2010 Sewer Rates;

AND THAT Bylaw No.10275 being Amendment No. 29 to the Sewerage System User Bylaw No. 3480 be forwarded to Council for reading consideration;

AND FURTHER THAT Bylaw No. 10293 being Amendment No. 7 to Sewer Service Parcel Tax Bylaw No. 8924 be forwarded to Council for reading consideration.

Carried

Moved by Councillor Reid/Seconded by Councillor Hodge

R155/10/02/22 THAT Council direct staff to explore consumption-based billing options for the sewer utility and report back to Council with the pros and cons of consumption-based sewer billing.

Carried

Councillors Blanleil, James and Stack – Opposed.

7.2 General Manager, Community Services, dated February 15, 2010, re: 2010 Water Rates

City Manager:

- Agreed to have staff conduct a Council information session with respect to the various utility billing models.

Moved by Councillor Stack/Seconded by Councillor James

R156/10/02/22 THAT Council receive, for information, the Report dated February 15, 2010 from the General Manager, Community Services with respect to the 2010 Water Rates;

AND THAT Council approve an increase in Water Utility revenue of 8.8% effective April 16, 2010;

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AND FURTHER THAT Bylaw No.10292 being Amendment No. 34 to the Water System User Bylaw No. 2173 be forwarded to Council for reading consideration.

Carried

7.3 Director, Real Estate & Building Services, dated February 17, 2010, re: Alzheimer Society of BC Lease of the Knowles House

Moved by Councillor Hobson/Seconded by Councillor Rule

R157/10/02/22 THAT City Council approves a five (5) year lease of a portion of 865 Bernard Avenue, commonly known as the Knowles House with the Alzheimer Society of BC;

AND THAT the 2010 Financial Plan be amended to provide for additional revenue and expenditures;

AND FURTHER THAT the Mayor and City Clerk be authorized to sign the lease based on the terms attached to the Report of the Director, Real Estate & Building Services dated February 17, 2010.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.1 Bylaw No. 10292 - Amendment No. 34 to the Water Regulation Bylaw No. 2173

Moved by Councillor Rule/Seconded by Councillor Hodge

R158/10/02/22 THAT Bylaw No. 10292 be read a first, second and third time.

Carried

8.2 Bylaw No. 10275 - Amendment No. 29 to Sewer System User Bylaw No. 3480

Moved by Councillor Rule/Seconded by Councillor Hodge

R159/10/02/22 THAT Bylaw No. 10275 be read a first, second and third time.

Carried

8.3 Bylaw No. 10293 - Amendment No. 7 to Sewer Parcel Tax Bylaw No. 8924

Moved by Councillor Rule/Seconded by Councillor Hodge

R160/10/02/22 THAT Bylaw No. 10293 be read a first, second and third time.

Carried

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9. MAYOR & COUNCILLOR ITEMS

9.1 Mayor Shepherd, re: “Spirit of Kelowna” Acknowledgment

Mayor Shepherd:

- Acknowledged Dr. Barry Urness as the latest recipient of the “Spirit of Kelowna” Acknowledgment for his contribution to the community. Dr. Urness has sat as a member of the Civic Awards Committee for the past 25 years and has been involved with the Duke of Edinburgh Awards, the Okanagan Sun Football Club and the local Heritage Society.

10. TERMINATION

The meeting was declared terminated at 4:58 p.m.

Certified Correct:

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Mayor

City Clerk

SLH/dld