

Regular Meeting – P.M.

April 19, 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, April 19th, 2010.

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

Council members absent: Councillors Robert Hobson and Michele Rule.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort*; Planner Specialist, Pat McCormick*; Community Planning Manager, Theresa Eichler*; Manager, Park Services, Ian Wilson*; Manager, Property Management, Ron Forbes*; Cultural Services Manager, Sandra Kochan*; Manager, Systems & Reporting, Genelle Davidson*; Urban Forest Health Technician, Blair Stewart*; Manager, Revenue, George King*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:36 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Karma Lacoff, Co-Chair, Host Committee, re: Western Canadian Music Awards

Staff:

- Advised that Arts & Culture Week is April 19 - 24, 2010.
- Introduced the people in the gallery who are part of the Host Committee.

Karma Lacoff, Co-Chair, Host Committee:

- Displayed the website, www.breakoutwest.ca, for the event and provided an overview.
- Distributed the Music BC 2010 Compilation promotional material to Council.

Quinn Best, Co-Chair, Host Committee:

- Displayed the different awards that are presented and provided details regarding how the award criteria are considered.

Moved by Councillor Hodge/Seconded by Councillor Stack

R312/10/04/19 THAT Council receive, for information, the verbal report from the Host Committee dated April 19, 2010 with respect to the Western Canadian Music Awards.

Carried

3.2 Cheryl Miller, Grants Manager, Central Okanagan Foundation, re: 2010 City of Kelowna, Community Social Development Grants, Grants to Address the Sexual Exploitation of Youth and Emergency Grants

Councillor Craig declared a conflict of interest as he sits on the Board of Directors of one of the grant recipients and left the meeting at 1:55 p.m.

Cheryl Miller, Grants Manager, Central Okanagan Foundation:

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- Provided details regarding the grant criteria and the funding recommendations.

Staff:

- Confirmed that any grant funding that is not used in previous years is rolled into a reserve fund and emergency grant requests are funded from that reserve.

Moved by Councillor Reid/Seconded by Councillor Stack

R313/10/04/19 THAT Council approves the following funding applications as recommended by the Central Okanagan Foundation

<i>(a) Community Social Development Grants:</i>	
Seniors Outreach Services Society	\$ 4,000.00
Resurrection Recovery Resource Society Operating as Freedom's Door	\$ 6,750.00
Reach Out Youth Counseling & Family Services Society	\$10,000.00
Project Literacy Kelowna Society	\$ 7,000.00
Church Serve Canada	\$10,000.00
Kelowna Community Food Bank	\$ 5,000.00
Central Okanagan Elizabeth Fry Society	\$10,000.00
Society of St. Vincent de Paul	\$ 1,000.00
Arion Therapeutic Riding Association	\$ 5,000.00
Living Positive Resource Centre	\$ 2,500.00
Kelowna Family Services Centre Society	\$ 5,250.00
PLAN Okanagan	\$ 5,000.00
Kari's Support Society	\$ 2,500.00
Mennonite Central Committee	\$ 6,000.00
<i>(b) Grants to Address the Sexual Exploitation of Youth:</i>	
Community Against Sexual Exploitation of Youth	\$ 7,000.00
New Opportunities for Women	\$ 4,800.00
YMCA-YWCA of the Central Okanagan	\$ 2,700.00
Central Okanagan Elizabeth Fry Society	\$ 7,500.00
<i>(c) Emergency Grants:</i>	
Resurrection Recovery Resource Society (Freedom's Door)	\$ 5,000.00
The Friends of the Kelowna Fire Museum	\$ 5,000.00

Carried

Councillor Craig returned to the meeting at 2:15 p.m.

4. COMMITTEE REPORTS

- 4.1 Public Art Committee, dated April 14, 2010, re: Proposed Appointment to the Public Art Committee

City Clerk:

- Confirmed that Council Committee applications are available online and once completed are sent directly to the Office of the City Clerk for future consideration.

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Moved by Councillor Craig/Seconded by Councillor Hodge

R314/10/04/19 THAT Council approve the appointment of Jennifer St. Paul Butler to the Public Art Committee for the balance of the term expiring in December, 2011.

Carried

5. UNFINISHED BUSINESS

5.1 Community Sustainability Division, dated April 8, 2010, re: Supplemental Report - Rezoning Application No. Z07-0070 - Sundowner Holdings Ltd. & Woodlawn Projects Inc. (Protech Consultants Ltd.) - 455 Cavell Place

(a) Community Sustainability Division supplemental report dated April 8, 2010.

Staff:

- Advised that the “no disturb” lands in the area will be protected through the subdivision process.

Moved by Councillor Craig/Seconded by Councillor Blanleil

R315/10/04/19 THAT Council receives for information the Supplemental Report of the Community Sustainability Division dated April 8, 2010 with respect to the information requested from Staff for Z07-0070;

AND THAT Rezoning Application No. Z07-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 2 Section 24 Township 28 SDYD Plan 41091 Except Plan KAP80779, located on 455 Cavell Place, Kelowna, B.C. from the A1 - Agriculture 1 zone to the RU1h - Large Lot Housing (Hillside Area), as shown on Map "A" attached to the report of Community Sustainability Division, dated April 8, 2010, 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 subsequent to the issuance of a Hazardous Condition Development Permit, acceptable to the Director of Land Use Management;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the receipt of a subdivision plan, in registerable form, acceptable to the Approving Officer;

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

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(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10238 (Z07-0070) - Sundowner Holdings Ltd. & Woodlawn Projects Inc. (Protech Consultants Ltd.) - 455 Cavell Place

Moved by Councillor Blanleil/Seconded by Councillor Reid

R316/10/04/19 THAT Bylaw No. 10238 be read a first time.

Carried

6. **DEVELOPMENT APPLICATION REPORTS**

6.1 Community Sustainability Division, dated April 9, 2010, re: Land Use Contract Application No. LUC09-0003, Official Community Plan Bylaw Amendment Application No. OCP09-0013 and Rezoning Application No. Z09-0044 - Various Owners (City of Kelowna) - Dilworth Mountain Estates

(a) Community Sustainability Division report dated April 9, 2010.

Staff:

- Advised that the Land Use Contract expired on December 31, 2008.
- Advised that there will be an Open House on April 21, 2010 from 5-8 pm at the Enterprise Way Fire Hall in order to allow the affected property owners to comment on the discharge of the Land Use Contract.
- Advised that the Denali Road area was never part of the Dilworth Land Use Contract.

Moved by Councillor Stack/Seconded by Councillor James

R317/10/04/19 THAT Application No. LUC09-0003 to discharge Land Use Contract 74-57 in the area commonly know as "Dilworth Mountain Estates" and as shown on the attached map, in Kelowna, BC, be considered by Council;

THAT OCP Bylaw Amendment No. OCP09-0013 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600, by changing the Future Land Use designation of the area commonly known as "Dilworth Mountain Estates" from the Single/Two Unit Residential, Multiple Unit Residential - Low Density, Commercial, Major Park/Open Space and Educational/Major Institutional designations, to the Single/Two Unit Residential, Multiple Unit Residential - Low Density, Multiple Unit Residential - Medium Density, Commercial, Major Park / Open Space and Public Service/Utilities designations, as shown on Map "A" attached to the report of Land Use Management Department dated April 1, 2010, be considered by Council;

THAT Rezoning Application No. Z09-0044 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications for the area commonly known as "Dilworth Mountain Estates", bounded by Dilworth Drive to the south, Silver Place to the north, Monashee Place to the east and Summit Drive to the west, from the A1 - Agriculture 1, RU1 - Large Lot Housing, and P3 - Parks & Open Space zones to the RU1h - Large Lot Housing (Hillside Area), RM3 - Low Density Multiple Housing, RM4 - Transitional Low Density Housing, C5 - Transitional Commercial, P3 - Parks & Open Space and P4 - Utilities zones as shown on Map "B" attached to the report of the Land Use Management Department dated April 1, 2010, be considered by Council;

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AND THAT Council considers a Public Open House held on Wednesday, April 21, 2010 be appropriate public consultation as required under Section 879 of the Local Government Act as outlined in the report of the Land Use Management Department dated April 9, 2010;

AND THAT the OCP Bylaw Amendment No. OCP09-0001 and the zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

(b) **BYLAWS PRESENTED FOR FIRST READING**

- (i) Bylaw No. 10322 (LUC09-0003) - Discharge of Land Use Contract LUC74-57 - Dilworth Mountain Estates

Moved by Councillor Reid/Seconded by Councillor Blanleil

R318/10/04/19 THAT Bylaw No. 10322 be read a first time.

Carried

- (ii) Bylaw No. 10323 (OCP09-0013) - Various Owners (City of Kelowna) - Dilworth Mountain Estates - **Requires a majority of all Members of Council (5)**

Moved by Councillor Stack/Seconded by Councillor Reid

R319/10/04/19 THAT Bylaw No. 10323 be read a first time;

AND THAT that the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

- (iii) Bylaw No. 10324 (Z09-0044) - Various Owners (City of Kelowna) - Dilworth Mountain Estates

Moved by Councillor Stack/Seconded by Councillor Reid

R320/10/04/19 THAT Bylaw No. 10324 be read a first time.

Carried

- 6.2 Community Sustainability Division, dated April 7, 2010, re: Rezoning Application No. Z10-0013 - Terry Oxley & Maria Borsato (Terry Oxley) - 546 McWilliams Road

- (a) Community Sustainability Division report dated April 7, 2010.

Moved by Councillor James/Seconded by Councillor Craig

R321/10/04/19 THAT Rezoning Application No. Z10-0013 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7, Section 26, Township 26, ODYD, Plan 29389, located at 546 McWilliams Rd, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone be considered by Council;

THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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THAT a building permit for the suite be applied for prior to final adoption of the zone;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering and Black Mountain Irrigation District being completed to their satisfaction.

Carried

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10325 (Z10-0013) - Terry Oxley & Maria Borsato (Terry Oxley) - 546 McWilliams Road

Moved by Councillor Stack/Seconded by Councillor Reid

R322/10/04/19 THAT Bylaw No. 10325 be read a first time.

Carried

6.3 Community Sustainability Division, dated April 8, 2010, re: Rezoning Application No. Z10-0009 - Jang Bhatti & Raj Bhatti (Ray Bhatti) - 287 Kneller Road

(a) Community Sustainability Division report dated April 8, 2010.

Moved by Councillor Hodge/Seconded by Councillor James

R323/10/04/19 THAT Rezoning Application No. Z10-0009 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1, Section 26 and 27, Township 26, ODYD, Plan KAP61888, located at Kneller Road, Kelowna, BC, from the RU2 - Medium Lot Housing zone to the RU2s Medium Lot Housing with a Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT a building permit for the suite be applied for prior to final adoption of the zone;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Black Mountain Irrigation District being completed to their satisfaction.

Carried

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10327 (Z10-0009) - Jang & Raj Bhatti (Ray Bhatti) - 287 Kneller Road

Moved by Councillor Craig/Seconded by Councillor James

R324/10/04/19 THAT Bylaw No. 10327 be read a first time.

Carried

7. **BYLAWS (ZONING & DEVELOPMENT)**

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(BYLAWS PRESENTED FOR ADOPTION)

- 7.1 Bylaw No. 10210 (LUC09-0002) - WGP-241 Holdings Ltd. - 2009-2015 Enterprise Way

Moved by Councillor James/Seconded by Councillor Craig

R325/10/04/19 THAT Bylaw No. 10210 be adopted.

Carried

- 7.2 Bylaw No. 10300 (TA10-0002) - City of Kelowna - Urban Agriculture Amendments to the Zoning Bylaw No. 8000

Moved by Councillor James/Seconded by Councillor Hodge

R326/10/04/19 THAT Bylaw No. 10300 be adopted.

Carried

8. NON-DEVELOPMENT APPLICATION REPORTS

Mayor Shepherd advised that Agenda Item No. 8.4 will be moved up and dealt with immediately in order to accommodate the consultant.

- 8.4 Urban Forest Health Technician, dated April 14, 2010, re: Douglas-fir Tussock Moth Update

Staff:

- Introduced the consultant Dr. Lorraine McLaughlin.

Dr. Lorraine McLaughlin, Consultant:

- Gave a presentation regarding tussock moth.
- Advised that the spraying should not negatively impact any water areas in the vicinity.
- Advised that the spraying needs to occur prior to hatch season, which is sometime in May.

Staff:

- Displayed a map of the recommended Nuclear Polyhedrosis Virus aerial spray area.
- Advised that the budget request is new and has not been considered by Council prior to this date.
- Once the spraying permit is applied for, then the public consultation component will be triggered.

Moved by Councillor Blancheil/Seconded by Councillor James

R327/10/04/19 THAT Council receive, for information, the report of the Urban Forest Health Technician dated April 14, 2010;

AND THAT Council approve aerial spraying of Nuclear Polyhedrosis Virus ("NPV") and Bacillus Thuringiensis Variety Kurstaki ("BTK"), on private and public property pending approval of a spraying permit from the Province;

AND FURTHER THAT Council directs staff to submit a final budget request of up to \$50,000.00 to cover the cost of aerial spraying and public communications.

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- 8.1 Financial Systems & Reporting Manager, dated April 13, 2010, re: Investment in City of Kelowna Funds for 2009

Moved by Councillor Craig/Seconded by Councillor Hodge

R328/10/04/19 THAT Council receive the report from the Financial Systems & Reporting Manager dated April 13, 2010 for information.

Carried

- 8.2 Manager, Property Management, dated April 12, 2010, re: Dog Pound Lease Agreement

Moved by Councillor Hodge/Seconded by Councillor Stack

R329/10/04/19 THAT Council approve the City entering into a five (5) year Lease Agreement with the option to renew for three (3) additional five (5) year terms based on the attached criteria with the Regional District of Central Okanagan for the lease of the dog pound located at 890 Weddell Place;

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

Carried

Moved by Councillor Stack/Seconded by Councillor Hodge

R330/10/04/19 THAT Council directs staff to report back to Council with a list of the City's current nominal (below market value) leases together with a copy of Council Policy No. 347, Non-Market Leasing of Civic Land and/or Buildings.

Carried

- 8.3 Cultural Services Manager, dated April 14, 2010, re: Kelowna Museums Society

Moved by Councillor Craig/Seconded by Councillor Reid

R331/10/04/19 THAT Council receives for information the report dated April 14, 2010 from the Cultural Services Manager regarding the financial position and business plan of the Kelowna Museums Society;

AND THAT Council directs staff to refer the supplemental budget request of \$25,000.00 to final budget for consideration.

Carried

- 8.4 Urban Forest Health Technician, dated April 14, 2010, re: Douglas-fir Tussock Moth Update

Agenda Item No. 8.4 was moved forward and dealt with as the first item under Non-Development Reports.

- 8.5 Revenue Manager, dated April 14, 2010, re: Bylaw to charge the 2010 Sterile Insect Release (SIR) Parcel Tax to specified Property Tax Rolls

Moved by Councillor Hodge/Seconded by Councillor Reid

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R332/10/04/19 THAT Council considers the Sterile Insect Release Program Parcel Tax Bylaw No. 10319 charging the 2010 Sterile Insect Release (SIR) Parcel Tax to individual property tax rolls in accordance with the 2010 SIR Parcel Tax Assessment Roll provided to the City of Kelowna by the Regional District of North Okanagan.

Carried

9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

9.1 Bylaw No. 10319 - 2010 Sterile Insect Release (SIR)

Moved by Councillor Hodge/Seconded by Councillor James

R333/10/04/19 THAT Bylaw No. 10319 be read a first, second and third time.

Carried

10. MAYOR & COUNCILLOR ITEMS

10.1 Mayor Shepherd, re: "Spirit of Kelowna" Acknowledgment

Mayor Shepherd:

- Acknowledged Rhonda Draper as the latest recipient of the "Spirit of Kelowna" Acknowledgment. Ms. Draper is a teacher from Glenmore Elementary School who recently received the Governor-General Award.

Councillor Hodge:

- Thanked City staff, Jim Gabriel and Amber Gilbert, for their assistance with the Civic Awards Ceremony.

11. TERMINATION

The meeting was declared terminated at 3:50 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld