

Regular Meeting – P.M.

May 10, 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, May 10th, 2010.

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

Council members absent: Councillor Michele Rule.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble*; Manager, Utility Services, Don Degen*; Project Manager, Integrated Systems, Mark Watt*; Planner, Birte Decloux*; Community Planning Manager, Theresa Eichler*; Cultural Services Manager, Sandra Kochan*; Manager, Property Management, Ron Forbes*; Property Officer, Tammy Abrahamson*; Supervisor, Parks, Beaches & Sports Fields, Ted Sophonow*; 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 Craig was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Diane Mathers, Ann McClymont Elementary School Presentation, re: "Me to We"

"Me to We" Team, Ann McClymont Elementary School:

- Gave a presentation to Council regarding "Free the Children" - Children Helping Children Through Education.

3.2 Nicola Parker, Grade 12 Student, Okanagan Mission Secondary, re: NOAC Canadian Navy Centennial Essay Contest Recipient

The Venerable Ronald Harrison, Executive Archdeacon, Anglican Church of Canada:

- Provided background details with respect essay contest.
- Presented Nicola Parker with the NOAC Canadian Navy Centennial Essay Contest award.

Nicola Parker:

- Accepted the award and advised that she would forward a copy of her artwork to the City Clerk for distribution to Council.

4. COMMITTEE REPORTS

4.1 Urban Land Use Planner, Staff Liaison to the Accessibility Advisory Committee, dated April 29, 2010, re: Accessibility Advisory Committee 2009

Moved by Councillor Hodge/Seconded by Councillor Craig

R423/10/05/10 THAT Council receive for information the April 29, 2010 report regarding the committee work of the Accessibility Advisory Committee for 2009;

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AND THAT Council endorse the goals of the Accessibility Advisory Committee for the 2010 year.

Carried

4.2 Community Planning Manager, dated May 4, 2010, re: Proposed Focus Areas for Kelowna Housing Strategy

John Hertay, Chair, Housing Committee:

- Provided details regarding the Housing Committee's work on the Kelowna Housing Strategy.

Staff:

- Provided an overview of the work plan and consultation plan for the Housing Strategy.

Moved by Councillor Craig/Seconded by Councillor James

R424/10/05/10 THAT Council endorse the Housing Strategy work plan and consultation plan as summarized in the report of the Community Planning Manager dated May 4, 2010.

Carried

5. DEVELOPMENT APPLICATION REPORTS

5.1 Community Sustainability Division report dated April 28, 2010, re: Rezoning Application No. Z09-0077 - Jardine Investments (Rex Jardine) - 4064 Lakeshore Road

- (a) Community Sustainability Division report dated April 28, 2010.

Moved by Councillor Hobson/Seconded by Councillor Stack

R425/10/05/10 THAT Rezoning Application No. Z09-0077 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 1, Township 25 and Section 6, Township 26, ODYD Plan KAP89719, located at 4064 Lakeshore Road, from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone to facilitate a two lot subdivision 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 requirements of the Development Engineering Department being completed to their satisfaction.

Carried

- (b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10306 (Z09-0077) - Jardine Investments (Rex Jardine) - 4064 Lakeshore Road

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Moved by Councillor Craig/Seconded by Councillor James

R426/10/05/10 THAT Bylaw No. 10306 be read a first time.

Carried

- 5.2 Community Sustainability Division, dated May 4, 2010 re: Development Permit Application No. DP10-0003 - 0814112 BC Ltd. (Architecturally Distinct Solutions Inc. - 590 Clifton Road

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R427/10/05/10 THAT Council authorize the issuance of Development Permit No. DP10-0003 for Lot 3 Section 31 Township 26 ODYD Plan KAP86216, located on 590 Clifton Road, Kelowna, BC subject to the following:

- a) THAT the dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) THAT the exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C";
- d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
- e) The applicant be required to satisfy the Development Engineering Branch & Infrastructure Planning (Parks) requirements prior to issuance of the Development Permit.

Carried

Councillor Hodge - Opposed.

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Cultural Services Manager, dated May 5, 2010, re: Application to Host 2014 Creative City Network of Canada Summit

Staff:

- Advised that Tourism Kelowna will be actively involved in planning for the event.

Moved by Councillor Hobson/Seconded by Councillor Stack

R428/10/05/10 THAT Council supports the application by the City of Kelowna to host the 2014 Creative City Network of Canada Summit, as attached in Appendix A.

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- 6.2 Property Manager, dated May 4, 2010, re: Kelowna Museums Society Lease and Operating Agreement

Staff:

- Advised that the Alternative Approval Process is not required in order for the City to enter into the Lease and Operating Agreement.
- Once the Okanagan Sports Hall of Fame is fully functional, that aspect will be incorporated into an amendment of the Lease and Operating Agreement.

Moved by Councillor Hobson/Seconded by Councillor Stack

R429/10/05/10 THAT Council approve the Kelowna Museums Society Lease and Operating Agreement as attached to the report from the Property Manager dated May 5, 2010;

AND THAT the Mayor and City Clerk be authorized to execute the legal agreements on behalf of the City of Kelowna.

Carried

- 6.3 Utility Services Manager, dated May 8, 2010, re: Drought Response Plan

Staff:

- Gave a presentation to Council regarding the Drought Response Plan.
- Advised that the City of Kelowna uses “low stream inflows” as the trigger for drought indications and will be using the Mission Creek flow to determine the drought plan stage during the months of June to September.
- Advised that the City’s water utility is the only utility in the City that has not implemented odd/even water restrictions.
- Advised that the peak time for water usage is between 11:00 pm and 4:00 am.
- Confirmed that there are only nine (9) agricultural properties that use the City’s water utility.

Moved by Councillor Craig/Seconded by Councillor James

R430/10/05/10 THAT Council receives the report from the Utility Services Manager outlining a Drought Response Plan for the City of Kelowna Water Utility;

AND THAT Council authorizes staff to implement the Drought Management Plan for the City Water Utility for the months of June through September, 2010, based on the common criteria and conditions established by the Kelowna Joint Water Committee (KJWC).

Carried

Councillor Blanleil – Opposed.

- 6.4 Manager, Property Management, dated May 5, 2010, re: Assignment of Lease - JJ’S Café (Chapman Parkade)

Moved by Councillor Hodge/Seconded by Councillor James

R431/10/05/10 THAT Council approve the City entering into an Assignment of Lease, in the form attached, between the City of Kelowna and Duncan’s Bistro and Bar Ltd. for the use of City-owned property as shown on the plan attached, for the remainder of the current five (5) year term expiring on January 31, 2013. All terms and conditions of the current Lease to remain in force and effect;

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AND FURTHER THAT the Mayor and City Clerk be authorized to execute the attached Assignment of Lease agreement.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 7.1 Bylaw No. 10328 - Road Closure Bylaw - Parts of Chute Lake Road
 Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.

This item was withdrawn from the Agenda as the statutory conditions with respect to advertising have not yet been met and therefore the Bylaw could not be adopted.

- 7.2 Bylaw No. 10334 - Five Year Financial Plan 2010-2014

Moved by Councillor Hodge/Seconded by Councillor James

R432/10/05/10 THAT Bylaw No. 10334 be adopted.

Carried

- 7.3 Bylaw No. 10335 - Tax Structure Bylaw, 2010

Moved by Councillor James/Seconded by Councillor Hodge

R433/10/05/10 THAT Bylaw No. 10335 be adopted.

Carried

- 7.4 Bylaw No. 10336 - Annual Tax Rates Bylaw, 2010

Moved by Councillor Reid/Seconded by Councillor Blanleil

R434/10/05/10 THAT Bylaw No. 10336 be adopted.

Carried

- 7.5 Bylaw No. 10337 - Development Cost Charge Reserve Fund Expenditure Bylaw, 2010

Moved by Councillor Hobson/Seconded by Councillor Stack

R435/10/05/10 THAT Bylaw No. 10337 be adopted.

Carried

- 7.6 Bylaw No. 10338 - Sale of City-Owned Land Reserve Fund Expenditure Bylaw, 2010

Moved by Councillor Hobson/Seconded by Councillor Stack

R436/10/05/10 THAT Bylaw No. 10338 be adopted.

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8. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Linda & Glen Wood as the latest recipients of the Spirit of Kelowna Acknowledgment.

9. TERMINATION

The meeting was declared terminated at 4:06 p.m.

Certified Correct:

Mayor

AM/dld/slh

City Clerk