

Regular Meeting – P.M.

June 7, 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, June 7th, 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; Director, Real Estate & Building Services, Doug Gilchrist*; Director, Land Use Management, Shelley Gambacort*; Manager, Urban Land Use, Danielle Noble*; Director, Infrastructure Planning, Randy Cleveland*; Manager, Strategic Land Development, Derek Edstrom*; Manager, Financial Accounting, Jackie Dueck*; Planner Specialist, Pat McCormick*; Director, Financial Services, Keith Grayston*; Manager, Parks & Public Spaces, Terry Barton*; Manager, Property Management, Ron Forbes*; Design Technician, Fred Schaad*; Community Planning Manager, Theresa Eichler*; Sustainability Coordinator, Tracy Guidi*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:33 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Eline Bruins, Veendam Exchange Student, re: Overview of Exchange Student Experience

Councillor Blanleil joined the meeting at 1:33 pm

Councillor Rule:

- Introduced the members in attendance from the Kelowna-Veendam Sister City Association.

Ron le Roy, Vice President, Kelowna-Veendam Sister City Association

- Introduced the future exchange students in the gallery.

Dylan Schumacher and Justin Rule

- Commented on being chosen as part of the exchange student program.

Ron le Roy, Vice President, Kelowna-Veendam Sister City Association

- Introduced Eline Bruins.

Eline Bruins, Veendam Exchange Student

- Gave a presentation to regarding her exchange student experience.

4. COMMITTEE REPORTS

4.1 Youth Advisory Committee, re: Mayor's Youth Forum – Spring 2010, Active Transportation

Hugh Culver, Facilitator:

- Provided an introduction with respect to the Mayor's Youth Forum on Active Transportation.
- Advised that a formal report will be provided to Council shortly.

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Courtney Tyabji-Highfield, Student:

- Provided an overview of the Mayor's Youth Forum on Active Transportation.

Michael MacDonald, Student:

- Provided an overview of the Mayor's Youth Forum on Active Transportation.

Lucy Boyle, Student:

- Provided an overview of the Mayor's Youth Forum on Active Transportation.

Hugh Culver, Facilitator:

- Summarized the outcome of the Mayor's Youth Forum on Active Transportation.

Moved by Councillor Rule/Seconded by Councillor Hodge

R505/10/06/07 THAT Council receive, for information, the report from the Youth Advisory Committee with respect to the Mayor's Youth Forum on Active Transportation;

AND THAT Council directs staff to forward the report from the Youth Advisory Committee with respect to the Mayor's Youth Forum on Active Transportation to School District No. 23 for their consideration.

Carried

4.2 Public Art Committee, dated May 26, 2010, re: Funding for 2010 Community Public Art Project

Staff:

- Confirmed that this is a new project that has not been previously presented to Council.

Sheila Turner, Executive Director, Canadian Mental Health Association

- Will be providing \$1,000 in cash with various other "in kind" donations (staff hours etc.)
- The vast majority of the expenses relate to the artist's time.

Moved by Councillor Stack/Seconded by Councillor Craig

R506/10/06/07 THAT City Council approves funding for a Community Public Art project proposed by the Canadian Mental Health Association (CMHA), as recommended by the Public Art Committee.

Carried

4.3 Audit Committee, dated June 1, 2010, re: Financial Statements for the Year Ending December 31, 2009

Staff:

- Provided an overview of the Audit Committee's report and detailed the major reporting changes with respect to the Financial Statements.

Moved by Councillor Hobson/Seconded by Councillor Reid

R507/10/06/07 THAT Council receive, for information, the Consolidated Financial Statements and Auditor's Report, for the City of Kelowna for the year ending December 31, 2009;

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AND THAT Council approves the appropriation of \$900,000.00 of surplus generated from all general fund operations in 2009 to general reserves as detailed in the report from the Audit Committee dated June 1, 2009;

AND FURTHER THAT Council directs staff to reprint the Consolidated Financial Statements and Auditor's Report so that they form part of the City of Kelowna's annual report.

Carried

5. UNFINISHED BUSINESS

5.1 Community Sustainability Division supplemental report dated June 1, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP10-0002 and Temporary Use Permit Application No. TUP10-0001 - City of Kelowna - 3326 Lakeshore Road

(a) Community Sustainability Division supplemental report dated June 1, 2010.

Staff:

- A design has been agreed to and will restrict the entrance to "right-in/right-out only".
- It is critical that the construction of the temporary parking lot be commenced by no later than June 15, 2010.
- If Council authorizes an allocation of the \$57,000 for the parking lot, then staff will ensure that the parking on the site is maximized.
- Confirmed that the Temporary Use Permit a two (2) year period with an option to extend for another two (2) years.

City Manager:

- Confirmed that the Financial Service Department has advised that the \$57,000 final budget consideration was not advanced by Council and is therefore not a funded budget amount

Moved by Councillor James/Seconded by Councillor Hodge

R508/10/06/07 THAT Council receive the report of the Land Use Management Services Department dated June 1st, 2010 regarding OCP Amendment Application No. OCP10-0002 and Temporary Use Permit Application No. TUP10-0001 for information;

AND THAT Council directs staff to maximize the number of parking stalls on the site and authorizes the allocation of \$57,000.00 for the purposes of maximizing the parking stalls.

Carried

(b) BYLAW PRESENTED FOR ADOPTION

Bylaw No. 10310 (OCP10-0002/TUP10-0001) - City of Kelowna - 3326 Lakeshore Road - Requires a majority of all Members of Council (5)

Moved by Councillor James/Seconded by Councillor Craig

R509/10/06/07 THAT Bylaw No. 10310 be adopted.

Carried

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- 5.2 Community Sustainability Division, supplemental report dated May 28, 2010, re: Official Community Plan Bylaw Amendment No. OCP09-00013 and Rezoning Application No. Z09-0044 – Various Owners (City of Kelowna) – Dilworth Mountain Estates

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

Moved by Councillor Hodge/Seconded by Councillor Craig

R510/10/06/07 THAT Bylaw No. 10323 (OCP09-0013) be amended at first reading as outlined in revised Map “A” attached to the Report of the Land Use Management Department dated May 28, 2010;
AND THAT Bylaw No. 10324 (Z09-0044) be amended at first reading as outlined in revised Map “B” attached to the Report of the Land Use Management Department dated May 28, 2010;

AND FURTHER THAT Bylaw No. 10323 (OCP09-0013) and Bylaw No. 10324 (Z09-0044) be forwarded to a Public Hearing for further consideration.

Carried

- (b) **BYLAWS PRESENTED FOR AMENDMENT AT FIRST READING**

- (i) 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 Craig/Seconded by Councillor James

R511/10/06/07 THAT Bylaw No. 10323 be amended at first reading by deleting Map “A” in its entirety and replacing it with a new Map “A”.

Carried

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

Moved by Councillor Craig/Seconded by Councillor James

R512/10/06/07 THAT Bylaw No. 10324 be amended at first reading by deleting Map “B” in its entirety and replacing it with a new Map “B”.

Carried

6. DEVELOPMENT APPLICATION REPORTS

- 6.1 Community Sustainability Division, dated May 20, 2010, re: Text Amendment Application No. TA10-0006 – No. 21 Great Projects Ltd.

- (a) Community Sustainability Division report dated May 20, 2010.

Moved by Councillor Craig/Seconded by Councillor James

R513/10/06/07 THAT Text Amendment No. TA10-0006 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule “A” of the report of the Land Use Management Department dated May 20, 2010 be considered by Council;

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AND THAT Text Amendment No. TA10-0006 be forwarded to a Public Hearing for further consideration.

Carried(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10352 (TA10-0006) - RU3 - Small Lot Housing - City of Kelowna

Moved by Councillor Hodge/Seconded by Councillor RuleR514/10/06/07 THAT Bylaw No. 10352 be read a first time.Carried

6.2 Community Sustainability Division, dated May 28, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP10-0005 and Rezoning Application No. Z10-0023 - No. 21 Great Projects Ltd. - 5000 Gordon Drive and 1290 Ivens Road

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

Staff:

- The land use for the school site is being secured through the Official Community Plan; however the actual school site will need to be rezoned once it is determined what type of school will be on the site (primary, elementary, middle or senior). The current zoning for the school site is RU1h.

City Manager:

- Provided some clarity with respect to Environmentally Sensitive Areas within the OCP.

Moved by Councillor Craig/Seconded by Councillor Hobson

R515/10/06/07 THAT Official Community Plan Bylaw Amendment No. OCP10-0005 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan (Bylaw No. 7600) by changing the Future Land Use designation of portions of the South ½ District Lot 579 Similkameen Division Yale District Except Plans KAP77336, KAP86178, KAP86917, KAP87090 AND KAP87918, located at 5000 Gordon Drive, and the North ½ of District Lot 579 Similkameen Division Yale District Except Plans 5648, 9458, 9459, KAP74689, KAP75766, KAP77604, AND KAP88577, located at 1290 Ivens Road, Kelowna, B.C., to reconfigure the boundaries (line work) of future land uses as shown on Map "A" attached to the report of Land Use Management Department, dated May 28, 2010, be considered by Council;

AND THAT Council considers the Advisory Planning Commission public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the report of Land Use Management Department, dated May 28, 2010;

AND THAT Rezoning Application No. Z10-0023 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of the South ½ District Lot 579 Similkameen Division Yale District Except Plans KAP77336, KAP86178, KAP86917, KAP87090 AND KAP87918, located at 5000 Gordon Drive, and the North ½ of District Lot 579 Similkameen Division Yale District Except Plans 5648, 9458, 9459, KAP74689, KAP75766, KAP77604, AND KAP88577, located at 1290 Ivens Road, Kelowna, B.C., from the RU1h - Large Lot Housing (Hillside Area) zone to the P3 - Parks & Open Space zone; the RU1h

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- Large Lot Housing (Hillside Area) zone to the RU3 - Small Lot Housing zone; the RU1h - Large Lot Housing (Hillside Area) zone to the RU2 - Medium Lot Housing zone; the A1 - Agricultural 1 zone to the RU3 - Small Lot Housing zone; and the A1 - Agricultural 1 zone to the RU2 - Medium Lot Housing zone as shown on Map "B" attached to the report of Land Use Management Department, dated May 28, 2010, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP10-0005 and 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 Branch and Infrastructure Planning Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to issuance of a Natural Environment Development Permit by the Land Use Management Department;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld pending receipt of the Plan of Subdivision in a registerable form by the Subdivision Approving Officer.

Carried

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

- (i) Bylaw No. 10350 (OCP10-0005) - No. 21 Great Projects Ltd. - 5000 Gordon Drive and 1290 Ivens Road - **Requires a majority of all Members of Council (5)**

Moved by Councillor Rule/Seconded by Councillor Hodge

R516/10/06/07 THAT Bylaw No. 10350 be read a first time;

AND THAT the Bylaw be considered in conjunction with the City's Waste Management Plan and Financial Plan.

Carried

- (ii) Bylaw No. 10351 (Z10-0023) - No. 21 Great Projects Ltd. - 5000 Gordon Drive and 1290 Ivens Road

Moved by Councillor Hodge/Seconded by Councillor Rule

R517/10/06/07 THAT Bylaw No. 10351 be read a first time.

Carried

Moved by Councillor Craig/Seconded by Councillor Hodge

R518/10/06/07 THAT Council directs staff to schedule Text Amendment Application No. TA10-0006, Official Community Plan Bylaw Amendment Application No. OCP10-0005 and Rezoning Application No. Z10-0023 to the July 13, 2010 Public Hearing.

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- 6.3 Community Sustainability Division, dated May 27, 2010, re: Rezoning Application No. Z10-0017 - Dorothy M. Marshall (Jim Andrews) - 1361 Mountain Avenue

- (a) Community Sustainability Division report dated May 27, 2010.

Moved by Councillor Blanleil/Seconded by Councillor James

R519/10/06/07 THAT Rezoning Application No. Z10-0017 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1, Section 30, Township 26, ODYD, Plan KAP63287, located at Mountain Avenue, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU1s Large 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 final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering Department being completed to their satisfaction.

Carried

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

Bylaw No. 10353 (Z10-0017) - Dorothy Marshall (Jim Andrews) - 1361 Mountain Avenue

Moved by Councillor Blanleil/Seconded by Councillor Reid

R520/10/06/07 THAT Bylaw No. 10353 be read a first time.

Carried

- 6.4 Community Sustainability Division, dated May 21, 2010, re: Rezoning Application No. Z10-0036 - Jeffrey David Kohn (RC Alliance Ltd.) - 4224 Hobson Road

Councillor Hobson declared a conflict of interest as he lives very close to the notification area for Rezoning Application No. Z10-0036 and left the meeting at 3:34 p.m.

- (a) Community Sustainability Division report dated May 21, 2010.

Moved by Councillor Blanleil/Seconded by Councillor Rule

R521/10/06/07 THAT Rezoning Application No. Z10-0036 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 167 ODYD Plan 30147, located at 4224 Hobson 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;

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 Branch and Environment & Land Use Branch being completed to their satisfaction;

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AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to receipt of a Building Permit application for the secondary suite.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10354 (Z10-0036) - Jeffrey Kohn (RC Alliance Ltd.) - 4224 Hobson Road

Moved by Councillor Reid/Seconded by Councillor Blanleil

R522/10/06/07 THAT Bylaw No. 10354 be read a first time.

Carried

6.5 Community Sustainability Division, dated May 21, 2010, re: Rezoning Application No. Z10-0032 - Wallace David Westnedge - 450 Donhauser Road

(a) Community Sustainability Division report dated May 21, 2010.

Councillor Hobson rejoined the meeting at 3:40 pm

Moved by Councillor Hodge/Seconded by Councillor James

R523/10/06/07 THAT Rezoning Application No. Z10-0032 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Block A, Section 26, Township 26, ODYD, Plan 8606, located at 450 Donhauser Road, Kelowna BC, from the from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone be considered by Council;

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

AND THAT final adoption be considered subject to a Building Permit application being made for the suite.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10356 (Z10-0032) - Wallace Westnedge - 450 Donhauser Road

Moved by Councillor Stack/Seconded by Councillor Hobson

R524/10/06/07 THAT Bylaw No. 10356 be read a first time.

Carried

The meeting recessed at 3:41 p.m. The meeting reconvened at 3:52 p.m.

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7. NON-DEVELOPMENT APPLICATION REPORTS

7.1 Manager, Property Management, dated June 1, 2010, re: Kelowna Yacht Club Moorage Overview

Staff:

- Gave a presentation regarding the moorage at the Kelowna Yacht Club
- At this point in time, there are no plans to allow for public moorage at the Yacht Club facility.
- Clarified that the portion outlined in yellow that encompasses the parking lot is not part of the lands contemplated in the lease.
- Advised that the only way that the A & B dock slips will be removed, will be at the City's request. The City has full discretion on whether or not the A & B docks need to be removed.

Moved by Councillor Hodge/Seconded by Councillor Hobson

R525/10/06/07 THAT Council reconfirm their support of the on the water occupation of the Kelowna Yacht Club ("KYC") in the downtown location identified in this report by the Manager, Property Management, dated June 1, 2010, for a period of up to thirty (30) years;

AND THAT Council direct staff to proceed with all documents, approval applications and processes necessary to formalize the appropriate on water tenure for occupancy of the KYC in a location as generally described in this report of the Manager, Property Management dated June 1, 2010. The form of tenure documents to include:

- 1) Lease and Sub-lease from the City to KYC;
- 2) Licence of Occupation from the Province to the City;
- 3) Sub-licence from the City to the KYC;
- 4) Renewal Agreement;
- 5) Lease from the Province to the City;

AND FURTHER THAT Council authorize the Mayor and City Clerk to execute the above-noted documents and all other associated documents that may be necessary to conclude this transaction.

Carried

Moved by Councillor Hodge/Seconded by Councillor Reid

R526/10/06/07 THAT Council directs staff to identify, prior to 2015, whether the A & B docks located within the Kelowna Yacht Club's downtown location need to be removed and report back to Council.

Carried

7.2 Property Manager, dated June 2, 2010, re: Mission Creek Mountain Bike Skills Park – Purchase of Service Agreement

Staff:

- Confirmed that the City's Risk Management staff have been consulted with respect to any City liability.

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Moved by Councillor Stack/Seconded by Councillor Hodge

R527/10/06/07 THAT City Council approve a one (1) year Purchase of Service Agreement with the option to renew for four (4) additional one (1) year terms based on the attached criteria with Mountain Bikers of the Central Okanagan Club for the operation and maintenance of the Mission Creek Mountain Bike Skills Park located on Lot B, Plan KAP82009;

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

Carried

7.3 Utilities Technologist, dated June 2, 2010, re: Private Waste-water Treatment Systems

Moved by Councillor Hodge/Seconded by Councillor Craig

R528/10/06/07 THAT Council receive, for information, the Report from the Utilities Technologist dated June 2, 2010 with respect to private wastewater treatment systems.

Carried

7.4 Sustainability Coordinator, dated May 31, 2010, re: Sustainability Roundtable Key Actions

Moved by Councillor Reid/Seconded by Councillor Hodge

R529/10/06/07 THAT Council receive for information the May 31, 2010 report from the Sustainability Coordinator with respect to the Key Actions recommended by the Sustainability Roundtable;

AND THAT the May 31, 2010 report from the Sustainability Coordinator with respect to the Key Actions recommended by the Sustainability Roundtable be forwarded to members of the Sustainability Roundtable for information;

AND FURTHER THAT Council supports establishing a second sustainability roundtable event prior to the Fall of 2010 and requests that David Jenkins be asked to facilitate the event.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.1 Bylaw No. 10342 - Road Closure Bylaw - Portion of Loseth Drive

Moved by Councillor Stack/Seconded by Councillor Hobson

R530/10/06/07 THAT Bylaw No. 10342 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 Linda McIntosh, Track & Field Meet Director for the Special Olympics, as the latest recipient of the “Spirit of Kelowna” Acknowledgment.

Mayor Shepherd:

- Advised that some members of the public have raised some concerns regarding the water information notice that was sent out to the City’s water utility customers advising them of the odd/even water restrictions. Some members of the public would like to water every third day instead of every second day.

10. TERMINATION

The meeting was declared terminated at 5:03 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk