

Regular Meeting – P.M.

July 12, 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, July 12th, 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, Corporate Sustainability, Paul Macklem*; General Manager, Community Sustainability, Jim Paterson*; Director, Land Use Management, Shelley Gambacort*; Manager, Property Management, Ron Forbes*; Planner Specialist, Pat McCormick*; Landscape Design Technician, Lorna Rowland*; Revenue Manager, George King*; Parking Coordinator, Stu Evans*; Project Manager, Integrated Systems, Mark Watt*; Director, Infrastructure Planning, Randy Cleveland*; Manager, Parks & Public Places, Terry Barton*; Project Engineer, Joel Shaw*; Manager, Building Services, Martin Johansen*; Design Technician, Ryan O’Sullivan*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:38 p.m.

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

3. PUBLIC IN ATTENDANCE

3.01 Pooja Anand, Miss Kelowna Lady of the Lake (2009/2010) and Caitlin Hansum, Princess (2009/2010), re: Farewell Presentation

Pooja Anand, Miss Kelowna Lady of the Lake, and Caitlin Hansum, Princess:

- Gave a “Farewell” presentation and provided an overview of their rein as Lady of the Lake and Princess.

4. COMMITTEE REPORTS

4.01 Public Art Committee, dated July 16, 2010, re: Knowles Park Public Art Project

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R634/10/07/12 THAT City Council approve funding of \$5,000 for a metal sculpture to be installed in Knowles Park, as recommended by the Public Art Committee.

Carried

5. DEVELOPMENT APPLICATION REPORTS

5.01 Community Sustainability Division, dated July 2, 2010, re: Rezoning Application No. Z10-0052 – Shane & Jennifer Warawa – 745 Mitchell Road

(a) Community Sustainability Division report dated July 2, 2010.

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Moved by Councillor Rule/Seconded by Councillor James

R635/10/07/12 THAT Rezoning Application No. Z10-0052 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for a portion of Lot 2, Section 22, Twp. 26 ODYD, Plan KAP79221 located at 745 Mitchell Road, Kelowna, B.C. from RU1 - Large Lot Housing to RU6 - Two Dwelling Housing as shown on Map "B" attached to the report of the Land Use Management, dated July 2nd, 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 requirements of the Development Engineering Department and Rutland Water Works being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the receipt of a plan to subdivide the property into two separate lots.

Carried

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

Bylaw No. 10376 (Z10-0052) - Shane & Jennifer Warawa - 745 Mitchell Road

Moved by Councillor Rule/Seconded by Councillor Hodge

R636/10/07/12 THAT Bylaw No. 10376 be read a first time.

Carried

5.02 Community Sustainability Division, dated June 25, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP10-0007 and Rezoning Application No. Z10-0037 - T146 Enterprises Ltd. (Dale Knowlan & Associates) - 1460 Springfield Road

(a) Community Sustainability Division report dated June 25, 2010.

Moved by Councillor Stack/Seconded by Councillor Hobson

R637/10/07/12 THAT OCP Bylaw Amendment No. OCP10-0007 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation for a portion of Lot B, Section 19, Twp. 26, ODYD, Plan 32387 located at 1460 Springfield Road from the Single / Two Unit Residential I designation to the Commercial, as shown on Map "A" attached to the report of the Land Use Management, dated June 25, 2010, be considered by Council;

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the report of the Land Use Management Department dated June 25, 2010;

AND THAT Rezoning Application No. Z10-0037 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portion of Lot B, Section 19, Twp. 26, ODYD, Plan 32387 located at 1460 Springfield Road,

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Kelowna, B.C. from RU2 – Medium Lot Housing zone to the C5 – Transition Commercial zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP10-0007 bylaw and 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 Variance Permit;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the completion of the lot line adjustment.

Carried

(b) BYLAWS PRESENTED FOR FIRST READING

- (i) Bylaw No. 10377 (OCP10-0007) – T146 Enterprises Ltd. (Dale Knowlan & Associates) – 1460 Springfield Road – Requires a majority of all Members of Council (5)

Moved by Councillor Hodge/Seconded by Councillor Rule

R638/10/07/12 THAT Bylaw No. 10377 be read a first time;

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

Carried

- (ii) Bylaw No. 10378 (Z10-0037) – T146 Enterprises Ltd. (Dale Knowlan & Associates) – 1460 Springfield Road

Moved by Councillor Rule/Seconded by Councillor Hodge

R639/10/07/12 THAT Bylaw No. 10378 be read a first time.

Carried

5.03 Community Sustainability Division, dated June 25, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP10-0006 and Rezoning Application No. Z10-0031 – Jasvinder & Navjot Kandola and 656752 BC Ltd. (GTA Tomporowski) – 1045, 1053 & 1069 Laurier Avenue

- (a) Community Sustainability Division report dated June 25, 2010.

Moved by Councillor Blanleil/Seconded by Councillor Stack

R640/10/07/12 THAT OCP Bylaw Amendment No. OCP10-0006 to amend Map 19.1 of the *Kelowna 2020 – Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of the east ½ of Lot 10, D.L. 138, ODYD, Plan 578 located at 1069 Laurier Avenue from the Commercial designation to the Multiple Unit Residential – Low Density designation, as shown on Map “A” attached to the report of the Land Use Management Department, dated June 25, 2010, be considered by Council;

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the report of the Land Use Management Department dated June 25, 2010;

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AND THAT Rezoning Application No. Z10-0031 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the east ½ of Lot 11 shown on Plan B4050; D.L. 138, ODYD, Plan 578 located at 1045 Laurier Avenue, the west ½ of Lot 10, D.L. 138, ODYD, Plan 578 located at 1053 Laurier Avenue and the east ½ of Lot 10, D.L. 138, ODYD, Plan 578 located at 1069 Laurier Avenue, Kelowna, B.C. from RU6 - Two Dwelling Housing Zone to the RM3 - Low Density Multiple Housing Zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP10-0006 bylaw and 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 on the subject properties;

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 of a plan of subdivision to consolidate the properties into one title.

Carried

(b) BYLAWS PRESENTED FOR FIRST READING

- (i) Bylaw No. 10379 (OCP10-0006) - Jasvinder & Navjot Kandola and 656752 BC Ltd. (GTA Tomporowski) - 1069 Laurier Avenue - Requires a majority of all Members of Council (5)

Moved by Councillor Hodge/Seconded by Councillor Rule

R641/10/07/12 THAT Bylaw No. 10379 be read a first time;

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

Carried

- (ii) Bylaw No. 10380 (Z10-0031) - Jasvinder & Navjot Kandola and 656752 BC Ltd. (GTA Tomporowski) - 1045, 1053 & 1069 Laurier Avenue

Moved by Councillor James/Seconded by Councillor Craig

R642/10/07/12 THAT Bylaw No. 10380 be read a first time.

Carried

5.04 Community Sustainability Division, dated June 29, 2010, re: Rezoning Application No. Z10-0048 - Surinder & Davinder Bhullar - 1356 Montenegro Drive

- (a) Community Sustainability Division report dated June 29, 2010.

Moved by Councillor Hodge/Seconded by Councillor James

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R643/10/07/12 THAT Rezoning Application No. Z10-0048 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 2, Section 13, Township 26, ODYD Plan KAP84278, located at 1356 Montenegro Drive, Kelowna, BC, from the RU1h - Large Lot Housing (hillside area) zone to the RU1hs Large Lot Housing (hillside area) 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 FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Black Mountain Irrigation District being completed to their satisfaction.

Carried

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

Bylaw No. 10381 (Z10-0048) - Surinder & Davinder Bhullar - 1356 Montenegro Drive

Moved by Councillor Craig/Seconded by Councillor James

R644/10/07/12 THAT Bylaw No. 10381 be read a first time.

Carried

5.05 Community Sustainability Division, dated June 25, 2010, re: Rezoning Application No. Z10-0034 - Richard & Debra Horner - 1820 Ivans Avenue

(a) Community Sustainability Division report dated June 25, 2010.

Moved by Councillor Craig/Seconded by Councillor James

R645/10/07/12 THAT Rezoning Application No. Z10-0034 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 17, Section 32, Township 26, ODYD Plan 42927, located at 1820 Ivans Avenue, 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;

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AND FURTHER THAT a Building Permit be issued for the suite prior to final adoption of the zone.

Carried(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10382 (Z10-0034) - Richard & Debra Horner - 1820 Ivans Avenue

Moved by Councillor James/Seconded by Councillor Craig

R646/10/07/12 THAT Bylaw No. 10382 be read a first time.

Carried

5.06 Community Sustainability Division, dated July 2, 2010, re: Heritage Revitalization Agreement Application No. HRA10-0001 - Kelowna Train Station Inc. (Trotter & Morton) - 1177 Ellis Street

(a) Community Sustainability Division report dated July 2, 2010.

Moved by Councillor Hobson/Seconded by Councillor Reid

R647/10/07/12 THAT Bylaw No. 8512 for HRA99-009 be repealed;

AND THAT Council consider a bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property Lot A, District Lot 139, ODYD, Plan KAP68238, located at 1177 Ellis Street, Kelowna, B.C., in the form of such agreement attached to the report from the Land Use Management Department dated July 2nd, 2010 as "Schedule A";

AND THAT the Heritage Revitalization Agreement Authorization Bylaw be prepared and forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Heritage Revitalization Agreement Authorization Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Carried

Councillor James - Opposed.

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10383 (HRA10-0001) - Heritage Revitalization Agreement Authorization Bylaw - Kelowna Train Station Inc. - 1177 Ellis Street

Moved by Councillor Craig/Seconded by Councillor James

R648//10/07/12 THAT Bylaw No. 10383 be read a first time.

Carried

Councillor James - Opposed.

5.07 Community Sustainability Division, dated June 30, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP06-0010 and

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(Rutland Seventh Day Adventist Church) – 1215 Highway 33 WestMoved by Councillor Hobson/Seconded by Councillor Stack

R649/10/07/12 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of OCP Amending Bylaw No. 9928 (OCP06-0010) – Highway 33 – Lot B, Sec. 22, Twp. 26, O.D.Y.D., Plan 12600, Exc. Plan 39705 and Zone Amending Bylaw No. 9929 (Z06-0033) – Seventh Day Adventist Church (British Columbia Conference) / Rutland Seventh-Day Adventist Church – Lot B, Sec. 22, Twp. 26, O.D.Y.D., Plan 12600, Exc. Plan 39705 be extended from March 4, 2010 to September 4, 2010;

AND THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of OCP Amending Bylaw No. 9928 (OCP06-0010) – Highway 33 – Lot B, Sec. 22, Twp. 26, O.D.Y.D., Plan 12600, Exc. Plan 39705 and Zone Amending Bylaw No. 9929 (Z06-0033) – Seventh Day Adventist Church (British Columbia Conference) / Rutland Seventh-Day Adventist Church – Lot B, Sec. 22, Twp. 26, O.D.Y.D., Plan 12600, Exc. Plan 39705 be extended from September 4, 2010 to March 4, 2011.

Carried6. BYLAWS (ZONING & DEVELOPMENT)(BYLAWS PRESENTED FOR ADOPTION)

6.01 Bylaw No. 10322 – Discharge of Land Use Contract LUC74-57 – Dilworth Mountain Estates

Moved by Councillor James/Seconded by Councillor Craig**R650/10/07/12** THAT Bylaw No. 10322 be adopted.Carried

6.02 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 Reid/Seconded by Councillor Blanleil**R651/10/07/12** THAT Bylaw No. 10323 be adopted.Carried

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

Moved by Councillor Blanleil/Seconded by Councillor Reid**R652/10/07/12** THAT Bylaw No. 10324 be adopted.Carried

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

Moved by Councillor Reid/Seconded by Councillor Blanleil

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R653/10/07/12 THAT Bylaw No. 10327 be adopted.

Carried

6.05 Bylaw No. 10333 (Z10-0016) - Beat & Therese Steuri - 453 Trumpeter Road

Moved by Councillor Blanleil/Seconded by Councillor Reid

R654/10/07/12 THAT Bylaw No. 10333 be adopted.

Carried

6.06 Bylaw No. 10346 (Z10-0020) - John & Joan Dreher - 175 Bornais Street

Moved by Councillor Reid/Seconded by Councillor Blanleil

R655/10/07/12 THAT Bylaw No. 10346 be adopted.

Carried

6.07 Bylaw No. 10349 (Z10-0007) - Skoglund Enterprises Ltd. (Worman Resources Inc.) - 1830-1836 Underhill Street

Moved by Councillor Stack/Seconded by Councillor Hobson

R656/10/07/12 THAT Bylaw No. 10349 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

7.01 General Manager, Community Sustainability, General Manager, Community Services and General Manager, Corporate Sustainability, dated July 7, 2010, re: Quarterly Report Update

Staff:

- Presented the 2nd Quarter Report for 2010.

Moved by Councillor Hobson/Seconded by Councillor Reid

R657/10/07/12 THAT Council receives, for information, the Quarterly Report from the General Manager, Community Sustainability, General Manager, Community Services and General Manager, Community Sustainability dated July 7, 2010.

Carried

Mayor Shepherd advised that Agenda Item No. 7.09 will be moved forward and dealt with after Agenda Item No. 7.03.

7.02 Revenue Manager, dated July 7, 2010, re: Heritage Tax Incentive Agreement between City of Kelowna and Kelowna Train Station Inc.

Staff:

- Advised that a revision was made to the Council Report and Agreement since they were submitted to the Office of the City Clerk. The lower of the two cost estimates associated with the heritage conservation work now totals approximately

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- \$1,730,040.00. Of this total, \$1,600,040.00 worth of work would qualify for tax exemption under the policy.
- Confirmed that once the Occupancy Permit is issued, the owner can apply to the City for the tax exemption.

Moved by Councillor Hobson/Seconded by Councillor Stack

R658/10/07/12 THAT Council authorizes the City to enter into an Agreement, in the form attached to the Report of the Revenue Manager dated July 7, 2010, allowing Kelowna Train Station Inc. (formerly 0847922 BC Ltd.), owners of the former CN Train Station located at 1177 Ellis Street to obtain a permissive tax exemption for the subject property based on the terms and considered prescribed in Heritage Building Tax Incentive Program Policy No. 318;

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

Carried

- 7.03 Acting Fire Chief, dated July 2, 2010, re: Amendment to Fire Prevention Bylaw No. 6110-88

Moved by Councillor Hodge/Seconded by Councillor Hobson

R659/10/07/12 THAT Bylaw No. 10375, being Amendment No. 14 to the Fire Prevention Regulation bylaw No. 6610-88 be forwarded for reading consideration.

Carried

- 7.09 Manager, Property Management, dated July 6, 2010, re: Downtown Parking Management Plan

Staff:

- The objective of the Downtown Parking Management Plan will be to recommend actions to manage downtown parking in a manner that supports the downtown's long-term competitiveness as a place to live, work, shop and conduct business.
- Clarified the next steps in the Downtown Parking Management Plan process.

Dan Casey, Boulevard Transportation Group:

- Presented an overview of the Kelowna Downtown Parking Management Plan report.

Moved by Councillor Craig/Seconded by Councillor Stack

R660/10/07/12 THAT Council receive, for information, the Downtown Parking Management Plan dated March, 2009 from Boulevard Transportation Group (BTG) as attached to the Report of the Manager, Property Management, dated July 6, 2010;

AND THAT Council direct staff to complete a comprehensive management plan as set out in the project charter attached to the Report of the Manager, Property Management dated July 6, 2010 and based on considerations from the Downtown Parking Management Plan and other recommendations raised by Council.

Carried

- 7.04 Director, Infrastructure Planning, dated July 5, 2010, re: Tip Fee Amendments for Solid Waste Management Regulation Bylaw No. 10106, Schedule "E" Sanitary Landfill/Recycling Fees

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Moved by Councillor Stack/Seconded by Councillor James

R661/10/07/12 THAT Council directs staff to conduct a Council workshop on the landfill financial model;

AND THAT Council defers consideration of Bylaw No. 10363, being Amendment No. 3 to the Solid Waste Management Regulation Bylaw No. 10106, pending the outcome of the Council workshop.

Carried

7.05 Director, Infrastructure Planning, dated July 7, 2010, re: City-Wide Water Supply and Treatment Options

Staff:

- Introduced the Consultant and provided an update to Council.

Bill Harvey, Consultant, Associated Engineering:

- Provided an overview of the information that was presented to the water purveyors.

Mayor Shepherd left the meeting, and Deputy Mayor Reid took over as chair, at 5:18 p.m.

Staff:

- Confirmed that a meeting has been tentatively scheduled between City staff and the water purveyors for Wednesday, July 14, 2010, in order to discuss the details of the proposed MOU.

Mayor Shepherd returned to the meeting, and resumed the chair from Deputy Mayor Reid, at 5:24 p.m.

Moved by Councillor James/Seconded by Councillor Hodge

R662/10/07/12 THAT Council receive, for information, the Report prepared by Associated Engineering ("AE") dated June 2010 as attached to the Report of the Director, Infrastructure Planning dated July 7, 2010;

AND THAT Council directs staff to forward copies of the Associated Engineering Report dated June 2010, as attached to the July 7, 2010 Council Report from the Director, Infrastructure Planning and all associated Council Resolutions to the Minister of Community and Rural Development to show progress;

AND THAT Council directs staff to formalize a Memorandum of Understanding ("MOU") with all water purveyors operating in the City limits to collaborate fully in the development of a long-term technical water treatment and supply solutions that achieves:

- safe and reliable domestic water to all Kelowna residents in a way that meets or exceeds Canadian health and water quality standards,
- reliable and affordable agricultural water, and
- the least total life-cycle cost;

AND FURTHER THAT Council direct staff to report back to Council with the finalized MOU.

Carried

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- 7.06 Manager, Parks & Public Places, dated July 7, 2010, re: Kelowna Passenger Ship Marina Expansion

Staff:

- Advised that the Environmental Permit is being processed by the Ministry of Environment.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R663/10/07/12 THAT Council approve an expenditure of \$60,000 from account R132 (Civic Facilities Reserve) to accommodate the marina expansion and to be repaid through lease payments over five (5) years;

AND THAT the 2010 Financial Plan be amended accordingly.

Carried

- 7.07 Manager, Utility and Building Projects, dated July 6, 2010, re: Family Y Expansion T10-062

Staff:

- The tender for this project is scheduled to close on Thursday, July 15, 2010.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R664/10/07/12 THAT Council approves the award of the construction contract for the Family Y expansion to the lowest compliant tender once the tender closes;

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

Carried

- 7.08 Manager, Roads, Drainage & Solid Waste Projects, dated July 7, 2010, re: Award of Construction Contract TE10-09 - Lakeshore Road Multi-path Corridor/Casorso/Barrera Multi-Use Corridor

Moved by Councillor Craig/Seconded by Councillor Hobson

R665/10/07/12 THAT the contract for the construction of the Lakeshore Road Multi-path Corridor/Casorso/Barrera Multi-Use Corridor be awarded to Hayter Construction Ltd. for the amount of \$4,147,973.09 (HST and a \$200,000 contingency included).

AND THAT the 2010 Financial Plan be amended to include a budget transfer of \$250,000 from the Power Line Burial-Lakeshore Project (Project Code 2918) to the Lakeshore Road and Casorso/Barrera Multi-Use Corridor project, to cover contingent items should they arise.

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the contract on behalf of the City.

Carried

- 7.09 Manager, Property Management, dated July 6, 2010, re: Downtown Parking Management Plan

This Agenda Item was moved forward and dealt with immediately after Agenda Item No. 7.03.

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- 7.10 Manager, Property Management, dated July 6, 2010, re: Parking Restriction in the South Pandosy Area

Moved by Councillor Blanleil/Seconded by Councillor Reid

R666/10/07/12 THAT Council receive, for information, the Report of the Manager, Property Management, dated July 6, 2010 with respect to parking restrictions in the South Pandosy Area.

Carried

- 7.11 Manager, Property Management, dated July 6, 2010, re: License of Occupation – Manhattan Point

Moved by Councillor Hodge/Seconded by Councillor Blanleil

R667/10/07/12 THAT Council approve the City entering into a License of Occupation with the Province of British Columbia, for all that unsurveyed foreshore being part of the bed of Okanagan Lake and fronting on Lot 1, District Lot 9, ODYD, Plan 16501 and containing 0.0838 hectares, more or less for a breakwater and dock, in the form attached to the Report of the Manager, Property Management, dated July 6, 2010;

AND THAT the Mayor and City Clerk be authorized to execute the Licence of Occupation.

Carried

- 7.12 Manager, Property Management, dated July 6, 2010, re: Rutland Recreation Park – BMX Facility

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R668/10/07/12 THAT Council provide a one-time grant of \$7,000 as a funding partnership to the BMX Club in order to construct new washroom facilities in 2010.

Carried

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- 7.13 Manager, Property Management, dated July 6, 2010, re: Mobile Concession Agreement – D. Thompson

Moved by Councillor Blanleil/Seconded by Councillor Reid

R669/10/07/12 THAT Council approve the City entering into a Concession Agreement, in the form attached to the Report of the Manager, Property Management dated July 6, 2010, between the City of Kelowna and Daniel Thompson to provide exclusive mobile concession services to City-owned property for a term of three (3) years from May 15, 2010 to September 15, 2012 at a rate of \$4,500 per term and renewal of two (2) further one (1) year terms at the sole discretion of the City;

AND THAT the Director, Real Estate & Building Services be authorized to execute the Concession Agreement.

Carried

- 7.14 Manager, Property Management, dated July 6, 2010, re: Gyro Beach Paddleboat Concession Agreement – Gyro Beach Watersports

Moved by Councillor Hodge/Seconded by Councillor Craig

R670/10/07/12 THAT Council approve the City entering into a Concession Agreement, in the form attached to the Report of the Manager, Property Management dated July 6, 2010, between the City of Kelowna and Gyro Beach Watersports to provide exclusive concession and paddleboat services to City-owned property for a term of three (3) years from May 15, 2010 to September 15, 2012 at a rate of \$5,100 per term and renewal of two (2) further one (1) year terms at the sole discretion of the City;

AND THAT the Director, Real Estate & Building Services be authorized to execute the Concession Agreement.

Carried

- 7.15 Manager, Building Services, dated July 7, 2010, re: Elks Stadium Canopy/Grandstand Upgrade

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R671/10/07/12 THAT Council approve a budget of \$234,300 to complete the Elks Stadium Canopy recreation infrastructure project on the condition additional Western Economic Diversification (WD) funding is approved;

AND THAT Council approve \$234,300 from the Major Facilities Reserve to the Elk Stadium Canopy project recreation infrastructure project;

AND FURTHER THAT the 2010 Financial Plan be amended.

Carried

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7.16 City Clerk, dated July 6, 2010, re: Amendments to City of Kelowna Municipal Ticket Information Bylaw

City Clerk:

- Provided clarification with respect to the policy of reducing the face value of the Bylaw Violation Notice penalty.
- Will ensure that the public is aware of the changes prior to their implementation.
- Addressed how the proposed Bylaw Adjudication System will assist Bylaw Enforcement in enforcing City of Kelowna bylaws.
- Clarified the terms of the Noise Bylaw and advised that it is possible that both the tenant and owner of the property can be fined.
- Advised that the District of West Kelowna already charges a fine of \$1,000 for a noise violation.

City Manager:

- Provided further information on how bylaw complaints are dealt with.

Moved by Councillor Rule/Seconded by Councillor Hodge

R672/10/07/12 THAT Council give reading consideration to Bylaw No. 10384, being Amendment No. 76 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89.

Carried
Councillor Blanleil - Opposed.

Moved by Councillor Hobson/Seconded by Councillor Rule

R673/10/07/12 THAT the policy of reducing the face value of the Bylaw Violation Notice penalty to "\$5.00 if paid by midnight of next day and to \$10.00 if paid within 7 days of date of issue" be restricted to expired parking meter or expired parking meter - dispenser and off-street parking - failure to display valid permit only.

Carried
Mayor Shepherd and Councillors James and Stack - Opposed.

Moved by Councillor Rule/Seconded by Councillor Hodge

R674/10/07/12 THAT the effective date with respect to the policy of reducing the face value of the Bylaw Violation Notice penalty be set at September 1, 2010.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.01 Bylaw No. 10363 - Amendment No. 3 to Solid Waste Management Regulation Bylaw No. 10106

Council deferred consideration of Bylaw No. 10363. (Refer to Agenda Item No. 7.04.)

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- 8.02 Bylaw No. 10375 - Amendment No. 14 to Fire Prevention Regulation
Bylaw No. 6110-88

Moved by Councillor Hodge/Seconded by Councillor Hobson

R675/10/07/12 THAT Bylaw No. 10375 be read a first, second and third time.

Carried

- 8.03 Bylaw No. 10384 - Amendment No. 76 to City of Kelowna Ticket
Information Utilization Bylaw No. 6550-89

Moved by Councillor Hodge/Seconded by Councillor Hobson

R676/10/07/12 THAT Bylaw No. 10384 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 8.04 Bylaw No. 10355 - Road Closure Bylaw - A Portion of Lane South of
Osprey Avenue - Mayor to invite anyone in the public gallery who
deems themselves affected by the proposed road closure to come
forward.

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. No one came forward.

Moved by Councillor Stack/Seconded by Councillor Hobson

R677/10/07/12 THAT Bylaw No. 10355 be adopted.

Carried

- 8.05 Bylaw No. 10366 - Amendment No. 24 to the Airport Fees Bylaw No.
7982

Moved by Councillor Hobson/Seconded by Councillor Hodge

R678/10/07/12 THAT Bylaw No. 10366 be adopted.

Carried

- 8.06 Bylaw No. 10368 - Amendment No. 3 to Miscellaneous Fees and Charges
Bylaw No. 9381

Moved by Councillor Hobson/Seconded by Councillor Reid

R679/10/07/12 THAT Bylaw No. 10368 be adopted.

Carried

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9. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Susie Kaul, President of the Kelowna Liedertafel Society, as the latest recipient of the “Spirit of Kelowna” Acknowledgment.

9.02 Councillor Hodge, re: Notice of Motion

Councillor Hodge put Council on notice that he intends to bring forward a motion directing staff to investigate the costs associated with a pilot project for a dog water park within the City of Kelowna.

10. TERMINATION

The meeting was declared terminated at 6:49 p.m.

Certified Correct:

Mayor

City Clerk

Deputy Mayor Reid

SLH/dld