

Regular Meeting – P.M.

January 10, 2011

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, January 10th, 2011.

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; Deputy City Clerk, Karen Needham*; Manager, Urban Land Use, Danielle Noble*; Community Planning Manager, Theresa Eichler*; Director, Recreation & Cultural Services, Jim Gabriel*; Assistant Fire Chief, Jason Brolund*; Fire Chief, Jeff Carlisle*; Director, Design & Construction, Bill Berry*; 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 1:35 p.m.

Mayor Shepherd advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

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

3. PUBLIC IN ATTENDANCE

3.1 Cheryl Miller, Grants Manager, Central Okanagan Foundation, re: City of Kelowna Emergency Grant - Kelowna Women's Resource Centre

Moved by Councillor Reid/Seconded by Councillor Stack

R009/11/01/10 THAT Council approves the emergency grant in the amount of \$5,000.00 to the Kelowna Women's Resource Centre as recommended by the Central Okanagan Foundation.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Land Use Management Department, dated December 16, 2010, re: Rezoning Application No. Z10-0098 - Mary J. Bell and Jennifer L. Bell (Mary J. Bell) - 900 Hickory Road

(a) Land Use Management Department report dated December 16, 2010.

Moved by Councillor James/Seconded by Councillor Rule

R010/11/01/10 THAT Rezoning Application No. Z10-0098 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 51, Section 22, Township 26, O.D.Y.D., Plan 25984, located on Hickory Road, Kelowna, BC 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;

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

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10464 (Z10-0098) - Mary Bell and Jennifer Bell (Mary Bell) - 900 Hickory Road

Moved by Councillor Craig/Seconded by Councillor James

R011/11/01/10 THAT Bylaw No. 10464 be read a first time.

Carried

4.2 Land Use Management Department, dated December 14, 2010, re: Rezoning Application No. Z10-0087 - Kenneth W. Busch - 2967 McCulloch Road

(a) Land Use Management Department report dated December 14, 2010.

Moved by Councillor Craig/Seconded by Councillor James

R012/11/01/10 THAT Rezoning Application No. Z10-0087 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 2, Section 10, Township 26, ODYD Plan 3101, located on McCulloch Road, Kelowna, BC from the RR3 - Rural Residential 3 zone to the RR3 - Rural Residential 3 with Secondary Suite zone, be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

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

AND THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10465 (Z10-0087) - Kenneth Busch - 2967 McCulloch Road

Moved by Councillor James/Seconded by Councillor Craig

R013/11/01/10 THAT Bylaw No. 10465 be read a first time.

Carried

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4.3 Land Use Management Department, dated December 7, 2010, re: Rezoning Application No. Z10-0099 - Jade D. and Erin A. Hollenbeck - 645 Fraser Road

(a) Land Use Management Department report dated December 7, 2010.

Moved by Councillor Hobson/Seconded by Councillor Reid

R014/11/01/10 THAT Rezoning Application No. Z10-0099 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 5, Section 26, Township 26, ODYD Plan 12434, located on Fraser Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone, be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption be considered subsequent to the discharge of the restrictive covenant;

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

AND THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch and Black Mountain Irrigation District being completed to their satisfaction.

Carried

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

Bylaw No. 10467 (Z10-0099) - Jade and Erin Hollenbeck - 645 Fraser Road

Moved by Councillor Rule/Seconded by Councillor Hodge

R015/11/01/10 THAT Bylaw No. 10467 be read a first time.

Carried

4.4 Land Use Management Department, dated December 2, 2010 re: Rezoning Application No. Z07-0073 - Al Stober Construction Ltd. (Meiklejohn Architects Inc.) - 477 Osprey Avenue

Moved by Councillor James/Seconded by Councillor Reid

R016/11/01/10 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Official Community Plan Amendment No. OCP07-0022 Bylaw No. 10265 - Al Stober Construction Ltd. (Meiklejohn Architecture Inc.) - 477 Osprey Avenue and Zone Amending Bylaw No. 10266 (Z07-0073) - Al Stober Construction Ltd. (Meiklejohn Architecture Inc.) - 477 Osprey Avenue be extended from December 15, 2010 to June 15, 2011.

Carried

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- 4.5 Land Use Management Department, dated December 7, 2010, re: Rezoning Application No. Z07-0046 – Terry and Joan Raisanen (Eidse Builders) – 1975 Kane Road

Moved by Councillor Stack/Seconded by Councillor Craig

R017/11/01/10 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9886, (Z07-0046, Eidse Builders - Gary Tebutt), for Lot B, Plan 22004, Sec. 33, Twp. 26, ODYD, located on 1975 Kane Road, Kelowna, BC be extended from November 27, 2010 to May 27, 2011.

Carried

- 4.6 Land Use Management Department, dated December 10, 2010, re: Rezoning Application No. Z07-0029 – Kevin Patterson – 530 Ziprick Road

Moved by Councillor Craig/Seconded by Councillor Blanleil

R018/11/01/10 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9890 (Z07-0029 – Kevin & Cynthia Patterson), Lot C, Plan 31688, Section 22, Township 26, ODYD, 530 Ziprick Road, Kelowna, BC be extended from December 11, 2010 to June 11, 2011.

Carried

- 4.7 Land Use Management Department, dated December 17, 2010, re: Rezoning Application No. Z09-0024 – Roger and Suki Bhullar (Suki Bhullar) – 1525 Collison Road

Moved by Councillor Reid/Seconded by Councillor James

R019/11/01/10 THAT in accordance with Development Application Procedures Bylaw No. 9890, rezoning Application No. Z09-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot A Section 22 Township 26 ODYD Plan 11943, located at 1525 Collison Road, Kelowna, B.C. be extended from July 28, 2010 to January 28, 2011.

Carried

- 4.8 Land Use Management Department, dated December 17, 2010, re: Rezoning Application No. Z07-0054 – Roger Bhullar – 495 Keithley Road

Moved by Councillor James/Seconded by Councillor Craig

R020/11/01/10 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9871 (Z07-0054, 495 Keithley Rd, R. Bhullar) be extended from October 30, 2010 to April 30, 2011.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 10437 (Z10-0080) – Paramjit and Mandeep Bal (Axel Hilmer Planning Consultant) – 1329 Nishi Court

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Moved by Councillor Hodge/Seconded by Councillor Rule

R021/11/01/10 THAT Bylaw No. 10437 be adopted.

Carried

5.2 Bylaw No. 10450 (Z10-0082) - Steven Lwowski (Kevin Lwowski) - 350 Moyer Road

Moved by Councillor Reid/Seconded by Councillor Blanleil

R022/11/01/10 THAT Bylaw No. 10450 be adopted.

Carried

5.3 (a) Land Use Management Department, Verbal Report, re: Rezoning Application No. Z10-0083 - Denys and Iryna Storozhuk - 1195 Rio Drive South - No Parking Signage

Staff:

- Confirmed that the no parking signage will be erected along the frontage of the subject property.

(b) Bylaw No. 10455 (Z10-0083) - Denys and Iryna Storozhuk - 1195 Rio Drive South

Moved by Councillor Blanleil/Seconded by Councillor Reid

R023/11/01/10 THAT Bylaw No. 10455 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

Mayor Shepherd advised Item 6.2 on the Agenda will be moved forward and dealt with immediately.

6.2 Director, Recreation & Cultural Services, dated January 4, 2011, re: Civic & Community Awards Nomination Period

Staff:

- Gave a brief presentation regarding the upcoming Civic & Community Awards.

Moved by Councillor Hodge/Seconded by Councillor Craig

R024/11/01/10 THAT Council receives as information the report from the Director of Recreation & Cultural Services, dated January 4, 2011, that outlines the Civic & Community Award categories and nomination period.

Carried

6.1 Acting Fire Chief, dated January 4, 2011, re: Stewart Centre Fire Response

City Manager:

- Introduced the new Fire Chief, Jeff Carlisle.

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R025/11/01/10 THAT Council receives, for information, the Report from the Acting Fire Chief dated January 4, 2011 with respect to the Stewart Centre Fire Response;

AND THAT staff report back to Council, prior to final budget, on the financial impacts of the five (5) items listed for establishing a best practice for future incidents.

Carried

6.3 Director, Design & Construction Services, dated January 4, 2011, re: Extension of Infrastructure Stimulus Fund Projects

Moved by Councillor Hobson/Seconded by Councillor Stack

R026/11/01/10 WHEREAS the federal and provincial governments will make a one-time extension of the deadline for funding of projects under the Infrastructure Stimulus Fund (ISF) from March 31, 2011 to October 31, 2011;

AND WHEREAS all funding from the Government of Canada and the Province will cease after October 31, 2011;

AND WHEREAS the City of Kelowna has asked the provincial government for an extension to October 31, 2011 for the following project(s):

<u>PROJECT NUMBER</u>	<u>PROJECT TITLE</u>	<u>TOTAL ELIGIBLE COST</u>	<u>FEDERAL CONTRIBUTION</u>	<u>PROVINCIAL CONTRIBUTION</u>
10348	Mission Creek Bridge Project	\$ 15,600,000	\$ 5,200,000	\$ 5,200,000
10351	Active Transportation Network	\$ 11,500,000	\$ 3,833,333	\$ 3,833,333
14847	Community Parks & Open Space Network	\$ 3,341,000	\$ 1,047,000	\$ 1,047,000
32336	Casorso/Barrera Multi-use pathway project	\$ 1,050,000	\$ 350,000	\$ 350,000
8301	Rutland Arena, Elks Stadium, Kings Stadium, Apple bowl Stadium.	\$ 3,450,000	\$ 1,000,000	
8295	YM-YWCA Family Y expansion	\$ 3,668,268	\$ 1,000,000	

THEREFORE BE IT RESOLVED THAT the City of Kelowna attests that it will continue to contribute its share of the required funding for the aforementioned project(s);

AND BE IT FURTHER RESOLVED THAT actual claims for all eligible costs incurred by March 31, 2011, for the aforementioned project(s) must be and will be submitted no later than April 15, 2011 to the Province;

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AND BE IT FURTHER RESOLVED THAT the City of Kelowna will ensure that the project(s) will be completed.

Carried

6.4 Manager, Property Management, dated January 4, 2011, re: Stuart Park Ice Rink – Mobile Vendor Contract (Scooter’s Ice Cream)

Staff:

- Advised that the mobile vendor will be located on the City’s road right of way, which is outside the area that was established as the community trust.
- Confirmed that the hours of operation for the ice rink have been extended to 11:00 pm.
- Advised that the mobile vendor has the ability to supply music for the site.

City Clerk:

- Described the trust condition boundary for Stuart Park.
- Advised that open flames are prohibited under the City’s current Fire Prevention Bylaw.

Moved by Councillor Stack/Seconded by Councillor Hodge

R027/11/01/10 THAT Council approve the City entering into a mobile vendor contract for concession services at the Stuart Park ice rink between the City of Kelowna and Scooter’s Ice Cream to provide concession services to the Stuart Park ice rink for one (1), three (3) month term from January 10th to April 10th, 2011 at a rate of \$200.00/month with no further right of renewal;

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

Carried

Moved by Councillor Stack/Seconded by Councillor Blanleil

R028/11/01/10 THAT Council directs staff to consider installation of an open, controlled flame (natural gas fire pit) for Stuart Park only and report back to Council with the required amendments to the Fire Prevention Bylaw, including any potential GHG impacts.

Carried

Moved by Councillor Hodge/Seconded by Councillor Blanleil

R029/11/01/10 THAT staff report back to Council with respect to the City’s current Fire Prevention Bylaw and guidelines;

AND THAT Council directs staff consider an amendment to the Fire Prevention Bylaw to allow outside open, controlled flames in commercial restaurants and report back to Council with the potential impacts.

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- 6.5 City Clerk, dated December 21, 2010, re: Legislative Tools - Approval of Electors

Moved by Councillor Blanleil/Seconded by Councillor Hodge

R030/11/01/10 THAT Council receives, for information, the Report of the City Clerk dated December 21, 2010 with respect to Legislative Tools - Approval of the Electors;

AND THAT Council direct staff to hold a public meeting regarding the legislated processes for Approval of the Electors during Local Government Week in 2011.

Carried

- 6.6 City Clerk, dated December 23, 2010, re: Restrictive Covenant, Clinical Support Building Kelowna General Hospital

City Clerk:

- Provided background information regarding the Restrictive Covenant.
- Confirmed that the two (2) conditions of the Restrictive Covenant have been met and therefore the Covenant can now be released from title.

Moved by Councillor Stack/Seconded by Councillor James

R031/11/01/10 THAT Council authorizes the Mayor and City Clerk to execute the release of Restrictive Covenant LB223014 with respect to Lot A, District Lot 14, ODYD Plan KAP87113 [Kelowna General Hospital Clinical Support Building].

Carried

City Clerk:

- Confirmed that staff will seek input from the Interior Health Authority with respect to any measures they are taking to help alleviate the parking issues in the hospital area.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 7.1 Bylaw No. 10460 - Road Closure Bylaw - Portion of Cedar Avenue (S. of 3080 Abbot Street)

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

Moved by Councillor Hobson/Seconded by Councillor Stack

R032/11/01/10 THAT Bylaw No. 10460 be adopted.

Carried

8. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Dominic Rampone and Pierre Calissi as the latest recipients of the "Spirit of Kelowna" Acknowledgment for their ongoing enthusiasm for our

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community and their involvement in such initiatives as minor hockey and the Royal Canadian Legion, as well as their outstanding support of agriculture in our area.

Mayor Shepherd:

- Confirmed that a letter has been sent to Minister Coleman with respect to the Okanagan Correctional Facility site.

8.2 Councillor Stack, re: UDI request for amendments to the City's Sign Bylaw

Councillor Stack:

- Advised that he has met with some representatives of the Urban Development Institute regarding proposed changes to the City's Sign Bylaw.

Moved by Councillor Stack/Seconded by Councillor Blanleil

R033/11/01/10 THAT staff report back to Council with respect to potential amendments to the City's Sign Bylaw so that multi-family developments already approved by Council, and approved subdivisions with show suites, can erect signage on the site in order to promote the development to the public;

AND THAT the potential amendments include a timeline for how long the signage can be displayed and whether or not the signs can be illuminated;

AND FURTHER THAT Council directs staff to engage the development community with respect to the potential amendments.

Carried

Councillor Rule:

- Provided an update to Council regarding the recent SILGA executive meeting.
- Advised that the Okanagan Regional Library is holding a workshop on future planning on Wednesday, January 12, 2011.

9. TERMINATION

The meeting was declared terminated at 3:09 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk