

Regular Meeting – P.M.

January 24, 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 24th, 2011.

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

Council members absent: Councillor Andre Blanleil.

Staff members in attendance were: Acting City Manager, Paul Macklem*; Acting City Manager, John Vos*; City Clerk, Stephen Fleming; Director, Community & Media Relations, Carla Stephens*; Manager, Urban Land Use, Danielle Noble*; Director, Corporate Services, Rob Mayne*; Community Planning Manager, Theresa Eichler*; Director, Recreation & Cultural Services, Jim Gabriel*; Manager, Property Management, Ron Forbes*; Manager, Parks & Public Places, Terry Barton*; Subdivision Approving Officer, Ryan Smith*; Director, Regional Services, Ron Westlake*; Property Officer, Tammy Abrahamson*; Sustainability Coordinator, Michelle Kam*; Parks Planner, Barb Davidson*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:39 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 Reid is requested to check the minutes of the meeting.

Mayor Shepherd has advised that there has been an addition to the Agenda with respect to the International Children's Winter Games.

3. RELEASE OF CLOSED MEETING DECISIONS

Mayor Shepherd advised that the City of Kelowna and CUPE Local 338 have reached an agreement following mediation for a new four-year collective agreement covering January 1, 2010 to December 31, 2013.

3.1 INTERNATIONAL CHILDREN'S WINTER GAMES

Heather Schneider, Chair, International Children's Winter Games Committee:

- Provided an update regarding the upcoming International Children's Winter Games, which is being held in Kelowna from January 26-31, 2011.

Mayor Shepherd:

- Thanked City staff, the Committee Members and the volunteers for supporting the Games.

4. DEVELOPMENT APPLICATION REPORTS

- 4.1 Land Use Management Department, dated January 4, 2011, re: Rezoning Application No. Z10-0074 - Arjan Poonian (Protech Consultants Ltd.) - 781 Wallace Road

Mayor Shepherd invited the Applicant, or the Applicant's Representative, to come forward.

Regular Meeting – P.M.

January 24, 2011

Grant Maddock, Applicant's Representative:

- Advised that a fact sheet was provided to the City Clerk for distribution to Council.
- Displayed a map outlining the subject property.

Bal Poonian, Applicant's Representative (Owner's Son):

- Believes that both RR1 and RR2 zones allow greenhouse and plant nurseries as principal uses and confirmed that the farm plan for the property includes planting Christmas tree seedlings, which has been approved by the Agricultural Land Commission and is within the City of Kelowna's uses of greenhouse and plant nurseries.
- There was a concern at the Advising Planning Commission meeting that the farm plan would not be approved by the Agricultural Land Commission. This approval has been granted as evidenced by the email from Martin Collins of the Agricultural Land Commission.
- Advised that the subject property is currently in the Agricultural Land Reserve and confirmed that the parcels will not be removed from the Agricultural Land Reserve as the Applicant is requesting that there be a subdivision of the property only.
- Advised that subdividing the property will provide for better access as McCurdy Road bi-sects the current parent parcel.
- Advised that the property was purchased approximately 2-3 years ago by his father.
- Advised that the farm plan that was submitted to the Agricultural Land Commission was not available during the Agricultural Advisory Committee's meeting as it was not drafted until after the Advisory Planning Commission heard the application and suggested that a farm plan be provided.
- Confirmed that the Agricultural Land Commission gave the Applicant a very specific layout on how to achieve the subdivision with the Agricultural Land Reserve.
- Confirmed that the layout the Applicant is proposing has been supported by the Agricultural Land Commission as the preferred option.

Moved by Councillor James/Seconded by Councillor Hobson

R066/11/01/24 THAT Rezoning Application No. Z10-0074 to amend City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of portions of Lot 1 Section 36 Township 26 ODYD Plan 41383 Except Plan KAP60857, located at 781 Wallace Rd, Kelowna, BC, from the A1 - Agriculture 1 zone to the RR1 - Rural Residential 1 and RR2 - Rural Residential 2 zones, as shown on Map "A" attached to the report of the Land Use Management Department, dated January 4, 2011, be considered by Council;

AND THAT Rezoning Application No. Z10-0074 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 Preliminary Layout Review Letter by the Subdivision Approving Officer;

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

Carried

4.2 Land Use Management Department, dated January 14, 2011, re: Rezoning Application No. Z10-0065 - Gregory and Debra Stromquist - 735 Clement Avenue

Regular Meeting - P.M.

January 24, 2011

- (a) Land Use Management Department report dated January 14, 2011.

Moved by Councillor Stack/Seconded by Councillor Craig

R067/11/01/24 THAT Rezoning Application No. Z10-0065 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of lots 16 & 17, DL 138 and of Section 30, Township 26, O.D.Y.D., Plan 1039, located on Clement Avenue, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the RM4 - Transitional Low Density Housing 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 in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a lot consolidation of the two legal lots;

AND FURTHER THAT final adoption of 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. 10472 (Z10-0065) - Gregory and Debra Stromquist - 735 Clement Avenue

Moved by Councillor James/Seconded by Councillor Craig

R068/11/01/24 THAT Bylaw No. 10472 be read a first time.

Carried

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

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 10456 (OCP10-0011) - Various Owners and Addresses - OCP Mapping Housekeeping Amendments - **Requires a majority of all Members of Council (5)**

Moved by Councillor Craig/Seconded by Councillor James

R069/11/01/24 THAT Bylaw No. 10456 be adopted.

Carried

- 5.2 Bylaw No. 10457 (Z10-0058) - Various Owners and Addresses - Rezoning Housekeeping Amendments

Moved by Councillor Rule/Seconded by Councillor Hodge

R070/11/01/24 THAT Bylaw No. 10457 be adopted.

Regular Meeting – P.M.

January 24, 2011

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 General Manager, Corporate Sustainability; General Manager, Community Services and General Manager, Community Sustainability, dated January 19, 2011, re: Quarterly Report Update

Acting City Manager:

- Presented the Quarterly Report to Council for the Fourth Quarter of 2010.

Moved by Councillor Stack/Seconded by Councillor Hobson

R071/11/01/24 THAT Council receives, for information, the Quarterly Report from the General Manager, Corporate Sustainability, General Manager, Community Services and General Manager, Community Sustainability dated January 19, 2011.

Carried

- 6.2 Director, Regional Services, dated January 18, 2011, re: Amendment to UBCM Funding Agreement

Moved by Councillor Hobson/Seconded by Councillor James

R072/11/01/24 THAT Council approves an amendment to Public Trust Agreement and Public Transit Infrastructure Program Funding Agreement with the Union of BC Municipalities (UBCM) in the form attached to the Report of the Director, Regional Services dated January 18, 2011;

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

Carried

- 6.3 Manager, Property Management, dated January 18, 2011, re: Lease Renewal - Rutland Health Unit (155 Gray Road)

Staff:

- Advised that the Infrastructure Planning Department is currently working on a Rutland Urban Centre plan, which is likely to include the subject property.

Moved by Councillor Hobson/Seconded by Councillor James

R073/11/01/24 THAT Council approves the City entering into one (1) five (5) year term Lease renewal with the Province of British Columbia Minister of Citizen's Services for the Rutland Health Unit, with no further right of renewal, in the form attached to the Report of the Manager, Property Management, dated January 18, 2011;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents associated with the Lease Agreement.

Carried

- 6.4 Director, Community & Media Relations, dated January 19, 2011, re: City of Kelowna Advertising

Acting City Manager:

Regular Meeting – P.M.

January 24, 2011

- Addressed the inquiry regarding budget funding for statutory and discretionary advertising.

Councillor Hodge:

- Advised that he currently writes a newspaper column for one of the local newspapers, but that he does not have a conflict of interest with respect to this item as he does not receive any remuneration for writing the column.

Moved by Councillor James/Seconded by Councillor Hobson

R074/11/01/24 THAT Council directs staff to proceed with a Request for Proposals for a primary and secondary newspaper vendor for statutory and discretionary advertising.

Carried
Mayor Shepherd and Councillor Hodge - Opposed.

- 6.5 Sustainability Coordinator, dated January 11, 2011, re: Climate Smart Memorandum of Understanding

Moved by Councillor Rule/Seconded by Councillor Craig

R075/11/01/24 THAT Council authorizes the City to enter into the Climate Smart Memorandum of Understanding in the form attached to the Report of the Sustainability Coordinator dated January 11, 2011;

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

Carried

- 6.6 Parks Planner, dated January 17, 2011, re: Parkland Acquisition Guidelines

Staff:

- Gave a presentation regarding the Parkland Acquisition Guidelines.
- Confirmed that Infrastructure Planning staff have been working with Policy & Planning staff to ensure that the guidelines are incorporated into the draft 2030 Official Community Plan.

Moved by Councillor Stack/Seconded by Councillor Craig

R076/11/01/24 THAT Council directs staff to include the City of Kelowna's Buy, Sever, Sell Policy under Section 1.3, Parkland Funding Acquisition Tools, in the Parkland Acquisition Guidelines;

AND THAT Council endorses the Parkland Acquisition Guidelines, as amended by Council, and attached to the Report from the Parks Planner dated January 17, 2011;

AND THAT Council directs staff to use the Parkland Acquisition Guidelines as the basis for reviewing future development applications, planning future parks, and recommending future parkland acquisitions;

AND THAT Council directs staff to identify those specific guidelines that Council Policy No. 303 - Development Guidelines applies to and include them, along with the date of adoption, in the revisions to Council Policy No. 303;

Regular Meeting – P.M.

January 24, 2011

AND FURTHER THAT Council Policy No. 303 - Development Guidelines be revised as directed by Council, and outlined in the Report from the Parks Planner dated January 17, 2011.

Carried

The Acting City Manager, Paul Macklem, left the meeting at 4:01 p.m. The Acting City Manager, John Vos, joined the meeting at 4:01 p.m.

6.7 Director, Corporate Services, dated January 18, 2011, re: Bylaw Notice Enforcement Process

Staff:

- Provided details regarding the proposed "Complaint Format" process.
- Provided details regarding the proposed "Court Process".
- Provided details regarding the proposed "Escalating Enforcement Options".

The Acting City Manager, John Vos, left the meeting at 4:09 p.m. The Acting City Manager, Paul Macklem, rejoined the meeting at 4:09 p.m.

Moved by Councillor Stack/Seconded by Councillor Hodge

R077/11/01/24 THAT Council receives, for information, the Report from the Director, Corporate Services dated January 18, 2011;

AND THAT Bylaw No. 10475, being "Bylaw Notice Enforcement Bylaw 10475" be forwarded for reading consideration;

AND FURTHER THAT staff report back to Council by December 2011 with respect to the successes and challenges as a result of implementing the new Bylaw Notice Enforcement Process.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

7.1 Bylaw No. 10475 - Bylaw Notice Enforcement

Regular Meeting – P.M.January 24, 2011Moved by Councillor Rule/Seconded by Councillor HodgeR078/11/01/24 THAT Bylaw No. 10475 be read a first, second and third time.Carried**(BYLAWS PRESENTED FOR ADOPTION)**7.2 Bylaw No. 10466 - Amendment No. 26 to Electricity Regulation Bylaw No. 7639Moved by Councillor Hobson/Seconded by Councillor StackR079/11/01/24 THAT Bylaw No. 10466 be adopted.Carried8. MAYOR & COUNCILLOR ITEMS8.1 Mayor Shepherd, re: "Spirit of Kelowna" Acknowledgment

Mayor Shepherd:

- Acknowledged Tom Budd as the latest recipient of the "Spirit of Kelowna" Acknowledgment for all the charities and local organizations that he generously supports each year.

Councillor Rule:

- Reminded the public that Wednesday, January 26, 2011 is Wendy's Dream Lift Day.

Mayor Shepherd:

- Advised that UBC-O has identified four (4) projects that will each be receiving a \$10,000 grant for sustainability objectives.
- Advised that there will be an open house on Thursday, January 27, 2011 regarding the Regional District's Regional Growth Strategy. The open house will be held at the Regional District's Offices on KLO Road.

9. TERMINATION

The meeting was declared terminated at 4:30 p.m.

Certified Correct:_____
Mayor_____
City Clerk

SLH/dld