

Regular Meeting – P.M.

April 18, 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, April 18th, 2011.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Kevin Craig, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid-Nagy, 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*; Director, Infrastructure Planning, Randy Cleveland*; Director, Policy & Planning, Signe Bagh*; Manager, Long Range Planning, Gary Stephen*; Director, Financial Services, Keith Grayston*; Financial Planning Manager, Angie Thiessen*; Revenue Manager, George King*; Director, Regional Services, Ron Westlake*; Manager, Building Services, Martin Johansen*; Manager, Utility Services, Don Degen*; Urban Land Use Planner, Birte Decloux*; and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:37 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 James was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Daisy Foster, CEO, British Columbia Water and Waste Association, re: Drinking Water Week

Staff:

- Provided introductory remarks and introduced the members of the Association giving the presentation.

Daisy Foster, CEO, British Columbia Water and Waste Association:

- Gave a presentation with respect to Drinking Water Week.
- This is the largest Water Conference in Western Canada with 1400 delegates in attendance and is a vital component in sharing information.
- Kelowna has proclaimed the first week in May as Water Week.

3.2 Superintendent McKinnon, re: Bi-Monthly Policing Report

Superintendent McKinnon:

- Presented the Bi-Monthly Policing Report.

Moved by Councillor Rule/Seconded by Councillor Stack

R389/11/04/18 THAT Council receives, for information, the Bi-Monthly Policing Report from Superintendent McKinnon dated April 18, 2011.

Carried

Regular Meeting – P.M.

April 18, 2011

- 3.3 Lesley Dieno, Executive Director, Okanagan Regional Library, re: Annual Report

Lesley Dieno, Executive Director, Okanagan Regional Library:

- Presented the Annual Report from the Okanagan Regional Library.

Moved by Councillor Rule/Seconded by Councillor Hodge

R390/11/04/18 THAT Council receives, for information, the Okanagan Regional Library Annual Report from the Executive Director dated April 18, 2011.

Carried

- 3.4 Sharon Peterson, CEO, YMCA-YWCA, re: Strategic Plan

Rod Stuartson, YMCA-YWCA Board Chair and Sharon Peterson, CEO, YMCA-YWCA:

- Gave a presentation with respect to the YMCA-YWCA Strategic Plan.

Moved by Councillor Hodge/Seconded by Councillor Blanleil

R391/11/04/18 THAT Council receives, for information, the YMCA-YWCA Strategic Plan from the CEO dated April 18, 2011.

Carried

Mayor Shepherd acknowledged the PRISM Award that was presented to City staff from the Okanagan Professional Coaches Association.

4. COMMITTEE REPORTS

- 4.1 Accessibility Advisory Committee, dated April 11, 2011, re: Accessibility Advisory Committee 2010

Moved by Councillor Hodge/Seconded by Councillor Hobson

R392/11/04/18 THAT Council receive for information the April 11, 2011 report regarding the committee work of the Accessibility Advisory Committee for 2010;

AND THAT Council endorse the goals of the Accessibility Advisory Committee for the 2011 year.

Carried

5. UNFINISHED BUSINESS

- 5.1 (a) Director, Land Use Management, dated April 13, 2011, re: Cedar Avenue

Mayor Shepherd declared a conflict of interest as she has an interest in property that is within the notification area for the subject application.

Councillor Hobson declared a conflict of interest as he has a direct relative that lives within the notification area for the subject application.

Mayor Shepherd and Councillor Hobson left the meeting at 2:48 p.m. and Deputy Mayor Rule took over as Chair of the meeting at 2:48 p.m.

Deputy Mayor Rule advised that the City Clerk had a statement.

Regular Meeting – P.M.

April 18, 2011

City Clerk:

- Advised that staff is recommending Council consider re-opening the Public Hearing in order for staff to present new information that has been received and seeks Council's direction.

Moved by Councillor Hodge/Seconded by Councillor Stack

R393/11/04/18 THAT staff be directed to re-open the Public Hearing for Bylaw No. 10505 (OCP 10-10-0016) and Bylaw No. 10506 (Z10-0090) in order that staff may present Council with new information and seek Council's direction regarding this new information.

Carried

City Clerk:

- Advised that the anonymous donor had contacted staff earlier that morning, and as this could alter the financing of the OCP Amendment, recommended Council direct staff to enter into a dialogue with the donor.

Moved by Councillor Hodge/Seconded by Councillor Blanleil

R394/11/04/18 THAT staff be directed to enter into a dialogue with the anonymous donor and report back as to the viability of their offer.

Carried

Mayor Shepherd and Councillor Hobson rejoined the meeting at 2:58 p.m.

Meeting adjourned for a break at 2:58 p.m.

Meeting reconvened at 3:07 p.m.

6. DEVELOPMENT APPLICATION REPORTS

6.1 Land Use Management Department, dated April 8, 2011, re: Rezoning Application No. Z11-0009 - Beverly Druitt Hazzard - 1565 Lewis Road

(a) Land Use Management Department report dated April 8, 2011.

Moved by Councillor James/Seconded by Councillor Stack

R395/11/04/18 THAT Rezoning Application No. Z11-0009 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 3, Section 13, Township 26 ODYD Plan 4283, except Plans H16654, H8383 and KAP85622, located at 1565 Lewis Road, Kelowna, BC from the A1 - Agriculture zone to the RR2 - Rural Residential 2 zone, be considered by Council;

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

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Ministry of Transportation and Infrastructure and Black Mountain Irrigation District being completed to their satisfaction.

Carried

Regular Meeting – P.M.

April 18, 2011

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

Bylaw No. 10526 (Z11-0009) - Beverly Druitt Hazzard - 1565 Lewis Road

Moved by Councillor Hodge/Seconded by Councillor Rule

R396/11/04/18 THAT Bylaw No. 10526 be read a first time.

Carried

Councillor Stack declared a conflict of interest due to living near this property and left the meeting at 3:09 pm

6.2 Land Use Management Department, dated April 7, 2011 re: Rezoning Application No. Z11-0022 - Daniel S. Lobsinger - 2142 Stillingfleet Road

(a) Land Use Management Department report dated April 7, 2011.

Moved by Councillor Craig/Seconded by Councillor James

R397/11/04/18 THAT Rezoning Application No. Z11-0022 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot B, Section 19, Township 26, ODYD Plan KAP51792, located on Stillingfleet Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing zone with Secondary Suite zone, be considered by Council.

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

AND THAT the suite be eligible for final occupancy 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. 10527 (Z11-0022) - Daniel Lobsinger - 2142 Stillingfleet Road

Moved by Councillor Rule/Seconded by Councillor Hodge

R398/11/04/18 THAT Bylaw No. 10527 be read a first time.

Carried

6.3 Land Use Management Department, dated April 4, 2011, re: Rezoning Application No. Z07-0070 - Sundowner Holdings Ltd. & Woodlawn Projects Inc. (Protech Consultants Ltd.) - 455 Cavell Place

Moved by Councillor James/Seconded by Councillor Craig

R399/11/04/18 THAT in accordance with Development Application Procedures Bylaw No. 8140, the deadline for the adoption of Zone Amending Bylaw No.

Regular Meeting – P.M.

April 18, 2011

10238 (Z07-0070 for a portion of Lot 2 Section 24 Township 28 SDYD Plan 41091 Except Plan KAP80779, located on 455 Cavell Place, Kelowna, B.C.), be extended from May 18, 2011 to November 18, 2011.

Carried

- 6.4 Land Use Management Department, dated April 4, 2011, re: Rezoning Application No. Z08-0012 - 703941 BC Ltd. (Haningston Properties) - 3665 McCulloch Road

Moved by Councillor Hobson/Seconded by Councillor Craig

R400/11/04/18 THAT in accordance with Development Application Procedures Bylaw No. 8140, the deadline for the adoption of Zone Amending Bylaw No. 9998 (Z08-0012, Lot 85, Sec. 3, Twp 26, ODYD, Plan 1247), be extended from November 27, 2010 to May 27, 2011.

Carried

Councillor Stack rejoined the meeting at 3:11 p.m.

- 6.5 Land Use Management Department, dated April 5, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP07-0037 and Rezoning Application No. Z07-0093 - 0781540 BC Ltd. - 560, 561, 580 & 583 McKay Avenue

Moved by Councillor James/Seconded by Councillor Rule

R401/11/04/18 THAT in accordance with Development Application Procedures Bylaw No. 8140, the deadline for the adoption of the OCP and Zone Amending Bylaw Nos. 10245 & 10246 (OCP07-0037 / Z07-0093, 560, 582, 583 and 561 McKay Avenue), be extended from May 3, 2011 to November 3, 2011.

Carried

- 6.6 Land Use Management Department, dated April 7, 2011, re: Rezoning Application No. Z07-0054 - Roger Bhullar - 495 Keithley Road

Moved by Councillor Nagy/Seconded by Councillor Hobson

R402/11/04/18 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 April 30, 2011 to October 30, 2011.

Carried

7. BYLAWS (ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR RESCINDMENT AT THIRD READING)

- 7.1 Bylaw No. 10185 (OCP09-0005) - Dorion Developments Ltd. - 565, 591, 615, 641, 657 & 683 Osprey Avenue, 564, 594, 616, 636 and 656 Raymer Avenue and 2764 Richter Street

Regular Meeting – P.M.

April 18, 2011

Moved by Councillor James/Seconded by Councillor Craig

R403/11/04/18 THAT Bylaw No. 10185 be rescinded at third reading and staff be directed to close the file.

Carried

7.2 Bylaw No. 10186 (Z09-0015) - Dorion Developments Ltd. - 565, 591, 615, 641, 657 & 683 Osprey Avenue, 564, 594, 616, 636 and 656 Raymer Avenue and 2764 Richter Street

Moved by Councillor Craig/Seconded by Councillor James

R404/11/04/18 THAT Bylaw No. 10186 be rescinded at third reading and staff be directed to close the file.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

7.3 Bylaw No. 10495 (HRA10-0002) - 0828609 BC Ltd. (William Clark) - 862 Bernard Avenue

Moved by Councillor Blanleil/Seconded by Councillor Nagy

R405/11/04/18 THAT Bylaw No. 10495 be adopted.

Carried

7.4 Bylaw No. 10494 - Housing Agreement Authorization Bylaw - 0828609 BC Ltd. - 862 Bernard Avenue

Moved by Councillor Nagy/Seconded by Councillor Blanleil

R406/11/04/18 THAT Bylaw No. 10494 be adopted.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

9.3 Bylaw No. 10499 - Brandt's Creek Trade Waste Treatment Plant Local Service Area No. 40 - Parcel Tax Bylaw

Moved by Councillor Hobson/Seconded by Councillor Stack

R417/11/04/18 THAT Bylaw No. 10499 be adopted.

Carried

9.4 Bylaw No. 10519 - Sterile Insect Release Program Parcel Tax Bylaw 2011

Moved by Councillor Hobson/Seconded by Councillor Stack

R418/11/04/18 THAT Bylaw No. 10519 be adopted.

Carried

Regular Meeting – P.M.April 18, 20118. NON-DEVELOPMENT APPLICATION REPORTS

Mayor Shepherd advised that Items 8.2 and 8.3 will be moved forward and heard prior to Item 8.1.

8.1 General Manager, Corporate Sustainability, General Manager, Community Sustainability and General Manager, Community Services, dated April 12, 2011, re: Quarterly Report Update

8.2 Director, Infrastructure Planning, dated April 13, 2011, re: 2030 - 20 Year Servicing Plan & Financing Strategy/Development Cost Charges Bylaw No. 10515

Moved by Councillor Hobson/Seconded by Councillor Stack

R408/11/04/18 THAT Council receives, for information, the report from the Director of Infrastructure Planning dated April 13, 2011 with respect to the 2030-20 year Servicing Plan and Financing Strategy and Development Cost Charges Bylaw #10515;

AND THAT Council endorse the new 2030-20 Year Servicing Plan and Financing Strategy for the infrastructure required to support new growth within the City of Kelowna as projected in the 2030 Official Community Plan;

AND THAT Council approve expansion of the Water Sector boundary to Lots 1 and 2, Plan 65503, as well as 1650 Glenmore Road, the SE Quarter, Section 17, Township 23, and 1630 Glenmore Road, the SW Quarter, Section 16, Township 23; per the attached map dated January 26, 2011;

AND THAT Council approve expansion of the Wastewater Sector boundary to Lots 1 and 2, Plan 65503 as well as 1650 Glenmore Road, the SE Quarter, Section 17, Township 23, and 1630 Glenmore Road, the SW Quarter, Section 16, Township 23, and to Lot 1, Plan 2237, Twp. 23, Land District 4; Free Form Legal: Section 9 & 16 & 21, Except Plan KAP45841, West of Glenmore Road AND Lot 5, KAP63448, Twp 23, Land District 41, Free Form Legal: Section 15, 16, 21 & Section 22, per the attached maps dated January 26, 2011 and November 23, 2010;

AND FURTHER THAT Council give readings consideration to the Development Cost Charge Bylaw 10515 to become effective the date of final adoption and to repeal the City of Kelowna "Development Cost Charges Bylaw No. 9095" and all amendments thereto upon adoption of Bylaw 10515.

Carried

8.3 Policy & Planning Department, dated April 13, 2011, re: Bylaw No. 10500, Kelowna 2030 Official Community Plan

Moved by Councillor Craig/Seconded by Councillor Stack

R409/11/04/18 THAT Council receives the report from the Policy and Planning Department dated April 13, 2011 with respect to Bylaw No. 10500 being Kelowna 2030 - Official Community Plan;

AND THAT Council considers Bylaw No. 10500 being Kelowna 2030 - Official Community Plan in conjunction with the 20 Year Servicing Plan and Financing Strategy as per LGA Section 882(3)(a)(i);

Regular Meeting – P.M.

April 18, 2011

AND THAT Council considers Bylaw No. 10500 being Kelowna 2030 - Official Community Plan in conjunction with the Waste Management Plan as per LGA Section 882(3)(a)(ii);

AND THAT Council directs staff to forward Bylaw No. 10500 being Kelowna 2030 - Official Community Plan to the Agricultural Land Commission for comments as per LGA Section 882(3)(c);

AND FURTHER THAT Council forwards Kelowna 2030 Official Community Plan - Bylaw 10500 to a Public Hearing scheduled for May 24, 2011, commencing at 2:00 PM.

Carried

8.1 General Manager, Corporate Sustainability, General Manager, Community Sustainability and General Manager, Community Services, dated April 12, 2011, re: Quarterly Report Update

General Manager, Community Sustainability:
- Presented the Quarterly Report Update.

Moved by Councillor Nagy/Seconded by Councillor Stack

R407/11/04/18 THAT Council receives, for information, the Quarterly Report from the General Manager, Community Sustainability, General Manager, Community Services and General Manager, Community Sustainability dated April 12, 2011.

Carried

8.4 Director, Financial Services, dated April 13, 2011, re: Transit - 2011/12 Annual Operating Agreements

Moved by Councillor Hodge/Seconded by Councillor Craig

R410/11/04/18 THAT Council approve the 2011/2012 Annual Operating Agreements for conventional and custom transit services for the City of Kelowna;

AND THAT the Mayor and City Clerk be authorized to execute the Operating Agreements between BC Transit, the City of Kelowna and FirstCanada ULC covering the period April 1, 2011 to March 31, 2012.

Carried

8.5 Financial Planning Manager, dated April 18, 2011, re: Amendment #1 to Five Year Financial Plan, 2010-2014

Moved by Councillor Stack/Seconded by Councillor Hobson

R411/11/04/18 THAT Council direct staff to amend the Five Year Financial Plan 2010-2014 Bylaw No. 10334 as required by the Community Charter, to reflect changes in the Operating Budget and Capital Expenditure Program for 2010;

AND THAT Bylaw No. 10525 being Amendment No. 1 to the Five Year Financial Plan 2010-2014 Bylaw No. 10334 be advanced for reading consideration.

Carried

Regular Meeting – P.M.April 18, 20118.6 Revenue Manager, dated April 18, 2011, re: 2011 Tax Distribution PolicyMoved by Councillor Hobson/Seconded by Councillor Hodge

R412/11/04/18 THAT Council approve a Municipal Tax Distribution Policy as outlined in the Report of the Revenue Manager dated April 18, 2011, for the year 2011 that will result in a modification of the 2010 Tax Class Ratios to reflect the uneven market value changes which have been experienced between property classes, as follows:

<u>Property Class</u>	<u>Description</u>	<u>2011 Tax Class Ratios</u>	<u>2010 Tax Class Ratios</u>
01/08/03	Residential/Rec/NP/SH	1.0000:1	1.0000:1
02	Utilities	5.6660:1	5.2100:1
04	Major Industrial	3.3237:1	3.5435:1
05/06	Light Industrial/Business/Other	2.3714:1	2.3750:1
09	Farm Land	0.1493:1	0.1578:1
91	Farm Improvements	0.5174:1	0.5103:1

AND THAT Council approve development of 2011 tax rates to reflect the 2011 assessment changes in property market values.

Carried8.7 Director, Regional Services, dated April 12, 2011, re: Rutland Centre Transit InvestmentsMoved by Councillor Craig/Seconded by Councillor Hobson

R413/11/04/18 THAT Council supports the following transit capital investments in the Rutland Centre as per the report of the Director, Regional Services dated April 12, 2011:

- a) Three proposed transit pull-outs west of Dougall Road, along Highway 33;
- b) The extension of Shepherd Road between Dougall Road and Asher Road;
- c) Streetscaping along the west side of Dougall Road between Hwy 33 and Froelich Road;
- d) Streetscaping along the above noted section of Shepherd Road (north and south sides of the street) and along the north side of the existing section of Shepherd Road between Asher Road and Roxby Road; &
- e) Temporary bus stop improvements (large transit shelters, new pedestrian benches, waste receptacles) on Highway 33 east of Dougall Road and on Rutland Road.

Carried8.8 Manager, Building Services, dated April 13, 2011, re: Staff Relocation Resulting from Fire at the City Park Pavilion BuildingMoved by Councillor Stack/Seconded by Councillor Hobson

R414/11/04/18 THAT Council receives the report from the Building Services Manager dated April 13, 2011 regarding the staff relocation resulting from the fire at the City Park Pavilion Building.

AND FURTHER THAT the 2011 Financial Plan be amended to fund the relocation costs of \$140,000 for staff from the Insurance Deductible Reserve.

Regular Meeting – P.M.April 18, 2011Carried9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 9.1 Bylaw No. 10515 - Development Cost Charge Bylaw
To impose development cost charges pursuant to Section 933 of the Local Government Act.

Moved by Councillor Nagy/Seconded by Councillor StackR415/11/04/18 THAT Bylaw No. 10515 be read a first, second and third time.Carried

- 9.2 Bylaw No. 10525 - Amendment No. 1 to the Five Year Financial Plan 2010-2014 Bylaw No. 10334

Moved by Councillor Stack/Seconded by Councillor NagyR416/11/04/18 THAT Bylaw No. 10525 be read a first, second and third time.Carried10. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Paramjit (Philip) Patara, member of The Okanagan Sikh Temple and Cultural Society as the latest recipient of the "Spirit of Kelowna" Acknowledgement for the tremendous Vaisakhi Parade that he organized and held on Saturday April 9th.

11. TERMINATION

The meeting was declared terminated at 5:17 p.m.

Certified Correct:_____
Mayor_____
City Clerk

ACM/dld