

Regular Meeting – P.M.

May 16, 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, May 16<sup>th</sup>, 2011.

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

Council members absent: Councillors Andre Blanleil and Luke Stack.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Deputy City Clerk, Karen Needham\*; Supervisor, Urban Land Use, Danielle Noble\*; Manager, Parks & Public Places, Terry Barton\*; Manager, Property Management, Ron Forbes\*; Community Planning Manager, Theresa Eichler\*; Manager, Long Range Planning, Gary Stephen\*; Director, Policy & Planning, Signe Bagh\*; Planner Specialist, Graham March\*; Urban Forest Health Technician, Blair Stewart\*; Planner, Andrew Browne\*; Property Officer, Tammy Abrahamson\*; Engineering Traffic Technician, Brian Oliveira\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:30 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 Rule was requested to check the minutes of the meeting.

2.1 Mayor Shepherd made some introductory remarks of appreciation with respect to the recent celebrations regarding the Veendam Delegation and the 100<sup>th</sup> Anniversary of the BC Dragoons.

3. PUBLIC IN ATTENDANCE

3.1 Mayor Ab Meijerman, Veendam, Holland, re: Veendam Delegation

There was an exchange of gifts between Mayor Shepherd, Mayor Meijerman and the sister city organizations.

4. COMMITTEE REPORTS

4.1 Council Remuneration Review Task Force, dated May 10, 2011, re: 2011-2014 Council Remuneration Recommendations

Staff:

- Introduced the Chair and Co-Chair of the Council Remuneration Review Task Force.

Len Pelland, Chair, and Lori Dickson, Co-Chair, Council Remuneration Review Task Force:

- Advised that the first paragraph on Page 4 of the Council Report should read in part:
  - “In researching the formula-based Councillor Indemnity introduced in 2055 and continued in 2008, the task force considered that there was no monetary imbalance due to the leverage effect and...”
- Provided an overview of the Task Force Report recommendations and methodology.

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Staff:

- Clarified the amendments required to Section 5.5 of Council Remuneration and Expense Bylaw No. 7547.

A motion by Councillor Craig to delete the reference to a five member task force as noted in the 2011-2014 Council Remuneration Recommendations was lost due to lack of a seconder.

Moved by Councillor Hobson/Seconded by Councillor James

**R494/11/05/16** THAT Council receives, for information, the Report from the Council Remuneration Review Task Force dated May 10, 2011 with respect to the 2011-2014 Council Remuneration Recommendations;

AND THAT Council defers further consideration of the 2011-2014 Council Remuneration Recommendations pending receipt of the following information from staff:

- information with respect to the comparison municipalities; and
- more detailed information with respect to the health benefits package;

AND FURTHER THAT Council releases the 2011 Council Remuneration Task Force.

Carried

Moved by Councillor Reid-Nagy/Seconded by Councillor Rule

**R495/11/05/16** THAT staff report back to Council with options for ways to conduct a committee remuneration review.

Carried

The meeting recessed at 3:38 p.m. The meeting reconvened at 3:45 p.m.

## 5. DEVELOPMENT APPLICATION REPORTS

5.1 Land Use Management Department, dated May 4, 2011, re: Text Amendment Application No. TA11-0002 and Rezoning Application No. Z11-0015 - Interior Health Authority - 2268 Pandosy Street

- (a) Land Use Management Department report dated May 4, 2011.

Moved by Councillor Hobson/Seconded by Councillor Hodge

**R496/11/05/16** THAT Text Amendment No. TA11-0002 to amend City of Kelowna Zoning Bylaw No. 8000, by creating the new HD1 - Kelowna General Hospital zone as outlined in Schedules 1 & 2 of the report of the Land Use Management Department dated May 4, 2011 be considered by Council;

AND THAT Rezoning Application No. Z11-0015 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A District Lot 14 ODYD Plan KAP91782, Except Air Space Plan KAP91784 addressed civically at 2268 Pandosy Street, Kelowna, BC from the P1 - Major Institutional zone to the HD1 - Kelowna General Hospital zone, be considered by Council;

AND THAT the amending bylaws be forwarded to a Public Hearing for further consideration;

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AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Carried

(b) BYLAWS PRESENTED FOR FIRST READING

- (i) Bylaw No. 10541 (TA11-0002) - To create a new Section 17 - Health District Zone - HD1 Kelowna General Hospital

Moved by Councillor James/Seconded by Councillor Craig

R497/11/05/16 THAT Bylaw No. 10541 be read a first time.

Carried

- (ii) Bylaw No. 10542 (Z11-0015) - Interior Health Authority - 2268 Pandosy Street

Moved by Councillor Craig/Seconded by Councillor James

R498/11/05/16 THAT Bylaw No. 10542 be read a first time.

Carried

- 5.2 Land Use Management Department, dated May 2, 2011, re: Rezoning Application No. Z11-0016 - Andrew & Sandra Monck (Sandra Monck) - 1229 Bothe Road

- (a) Land Use Management Department report dated May 2, 2011.

Moved by Councillor Hobson/Seconded by Councillor James

R499/11/05/16 THAT Rezoning Application No. Z11-0016 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot G District Lot 131 ODYD Plan 37963, located at 1229 Bothe 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;

AND FURTHER THAT a building permit application for the secondary suite be received prior to final adoption of the zone amending bylaw.

Carried

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

Bylaw No. 10543 (Z11-0016) - Andrew & Sandra Monck (Andrew Monck) - 1229 Bothe Road

Moved by Councillor James/Seconded by Councillor Craig

**R500/11/05/16** THAT Bylaw No. 10543 be read a first time.

Carried

5.3 Land Use Management Department, dated May 4, 2011, re: Rezoning Application No. Z10-0104 - Eric & Margaret Nickel (Garry Tomporowski Arch.) - 1205, 1215, 1223 & 1229 Richter Street

(a) Land Use Management Department report dated May 4, 2011.

Moved by Councillor Hobson/Seconded by Councillor Reid-Nagy

**R501/11/05/16** THAT Rezoning Application No. Z10-0104 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lots 10-13 District Lot 138 ODYD Plan 1039, located on Richter Street, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the RM5 - Medium Density Multiple 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 road closure bylaw for the affected portion of laneway and dedication by the landowner of the identified road widening on Richter Street;

AND THAT the owner be responsible for all legal, professional, advertising, Land Title Office, and other fees and charges resulting from the road closure and road dedication associated with this application;

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 FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch, Real Estate & Building Services Department, and Regional Services Department (TDM) being completed to their satisfaction.

Carried

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

Bylaw No. 10544 (Z10-0104) - Eric & Margaret Nickel (Garry Tomporowski Arch.) - 1205, 1215, 1223 & 1229 Richter Street

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5.4 Land Use Management Department, dated April 29, 2011, re: Rezoning Application No. Z10-0095 - Jason Cliffe & Cheryl Fiske (Maryann Fiske) - 3532 Kimatouche Road

(a) Land Use Management Department report dated April 29, 2011.

Moved by Councillor Craig/Seconded by Councillor James

R503/11/05/16 THAT Rezoning Application No. Z10-0095 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 18, Section 3, Township 26, ODYD Plan KAP65948 located on Kimatouche Road, Kelowna, BC from the RR3- Rural Residential 3 zone to the RR3s - 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 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 Southeast Kelowna Irrigation District being completed to their satisfaction;

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.

Carried

(b) Bylaw No. 10548 (Z10-0095) - Jason Cliffe & Cheryl Fiske (Maryann Fiske) - 3532 Kimatouche Road

Moved by Councillor Rule/Seconded by Councillor HodgeR504/11/05/16 THAT Bylaw No. 10548 be read a first time.Carried

## 6. BYLAWS (ZONING & DEVELOPMENT)

### (BYLAWS PRESENTED FOR ADOPTION)

6.1 Bylaw No. 10427 (Z10-0069) - Balbir & Baldev Kang (DE Pilling and Associates Ltd.) - 435 Gerstmar Road

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Moved by Councillor Reid-Nagy/Seconded by Councillor Hobson

R505/11/05/16 THAT Bylaw No. 10427 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

7.1 Long Range Planning Manager, dated May 11, 2011, re: Changes to Council Policy Manual

Moved by Councillor Rule/Seconded by Councillor Hodge

R506/11/05/16 THAT Council receives, for information, the Report from the Long Range Planning Manager dated May 11, 2011 with respect to proposed new, revised and rescinded policies;

AND THAT after adoption of Bylaw No. 10500, being the Kelowna 2030 Official Community Plan, Council adopts Council Policy No. 360, being Social Policies as outlined in the Report from the Long Range Planning Manager dated May 11, 2011;

AND THAT after adoption of Bylaw No. 10500, being the Kelowna 2030 Official Community Plan, Council Policy No. 247, being Hierarchy of Plans (Sector Plans/Structure Plans), be revised as outlined in the Report from the Long Range Planning Manager dated May 11, 2011;

AND THAT after adoption of Bylaw No. 10500, being the Kelowna 2030 Official Community Plan, Council Policy No. 323 being Future Urban Reserve and Council Policy No. 345 being Affordable Housing and Amenities or Cash-in-Lieu of Thereof - Interim Policy for Increased Density Resulting From Official Community Plan Amendment be rescinded as outlined in the Report from the Long Range Planning Manager dated May 11, 2011;

AND FURTHER THAT Council identifies the need to further review and update the City's social policies and that any necessary funding be considered as part of the 2012 budget process.

Carried

7.2 Policy & Planning Department, dated May 11, 2011, re: Community Wildfire Protection Plan

Moved by Councillor Hodge/Seconded by Councillor Hobson

R507/11/05/16 THAT Council receives, for information, the Report from the Policy & Planning Department dated May 11, 2011, with respect to the Community Wildfire Protection Plan (CWPP);

AND THAT Council directs staff to report back on staff and budget implications of the CWPP recommendations pertaining to initiatives not currently being undertaken.

Carried

7.3 Policy & Planning Department, dated May 6, 2011, re: Proposed Interim Changes to the Downtown and Rutland Urban Centre Revitalization Tax Exemption Areas

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**Council:**

- Requested more information on the communication plan with the DKA and URBA when the Bylaw comes back for initial consideration.
- Requested that staff report back to Council within six (6) months time with an update on how the program is working.

Moved by Councillor Hobson/Seconded by Councillor Hodge

**R508/11/05/16** THAT Council receives, for information, the Report of the Policy & Planning Department dated May 6, 2011, with respect to proposed interim changes to the Downtown and Rutland Urban Centre Revitalization Tax Exemption program as per Council Service Request #175123;

AND THAT Council directs staff to prepare, for initial consideration, a bylaw to enact interim amendments, as described in the May 6, 2011 Report of the Policy & Planning Department, to the existing Revitalization Tax Exemption Bylaw No. 9561.

Carried

7.4 Manager, Property Management, dated May 10, 2011, re: Concession Operation Bid Awards

Moved by Councillor Rule/Seconded by Councillor Hodge

**R509/11/05/16** THAT Council approves the City entering into a three (3) year License of Occupation, with Okanagan Beach Rentals, to provide activity related services at Rotary Beach, in the form attached to the Report of the Manager, Property Management dated May 10, 2011;

AND THAT Council approves the City entering into a three (3) year License of Occupation, with Big Wave Kayak & Outdoor Inc., to provide activity related services at City Park Beach, in the form attached to the Report of the Manager, Property Management dated May 10, 2011;

AND THAT Council approves the City entering into one (1), four (4) month License of Occupation, with Alpha Ventures Inc., to provide a mobile concession services at the City Park, with the option to renew for four (4) additional one (1) year terms, in the form attached to the Report of the Manager, Property Management dated May 10, 2011;

AND THAT Council defers consideration of the City entering into a three (3) year Lease Agreement with KelownaToDo.com, to provide a ticket kiosk at the Kerry Park Dock, in the form attached to the Report of the Manager, Property Management dated May 10, 2011 pending receipt of additional information with respect to the ticket selling process;

AND THAT Council approves the City entering into a three (3) year Lease Agreement with KelownaToDo.com, to provide a sales/activity kiosk at the Kerry Park Dock, in the form attached to the Report of the Manager, Property Management dated May 10, 2011;

AND THAT all revenue received from these locations with the exception of \$10,000.00 be allocated to the Commercial Passenger Dock Reserve budget, Account No. 6080.156.1178.R132.\*.\*.000.10.L2820 and the \$10,000.00 be allocated to 5210.157.1254.\*.\*.000.10.\* (Cupe - Wages, Property Management) for the cost of a summer student who will be monitoring these locations;

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AND THAT the 2011 Financial Plan be amended accordingly;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents associated with the agreements after executed by the proponents.

Carried

Councillors Hobson, James and Reid-Nagy - Opposed.

7.5 Manager, Parks & Public Places, dated May 11, 2011, re: Lakeshore Road Bridge Project

Staff:

- Gave a presentation with respect to the concept design for the Lakeshore Road Bridge.

Moved by Councillor Hodge/Seconded by Councillor Craig

**R510/11/05/16** THAT Council receives, for information, the Report from the Manager, Parks & Public Places dated May 11, 2011 with respect to the Lakeshore Road Bridge Project;

AND THAT Council instructs staff to proceed with preliminary discussions with the authorities having jurisdictions to determine preliminary requirements and costs;

AND FURTHER THAT Council approves staff hosting a public open house regarding the concept design for the Lakeshore Road Bridge Project.

Carried

7.6 City Clerk, dated May 10, 2011, re: 2011 Local Government General Election

Moved by Councillor Hodge/Seconded by Councillor Rule

**R511/11/05/16** THAT in accordance with Section 41 of the *Local Government Act*, Council appoints Karen Needham, Deputy City Clerk as Chief Election Officer for the purpose of conducting the 2011 Local Government General Election;

AND THAT Council appoints Stephen Fleming, City Clerk, and Rob Mayne, Director, Corporate Services, as Deputy Chief Election Officers for the 2011 Local Government General Election;

AND FURTHER THAT Council authorizes the Chief Election Officer to enter into agreements with relevant third parties for the purpose of conducting the 2011 Local Government General Election.

Carried

7.7 Deputy City Clerk, dated May 10, 2011, re: 2011 General Local Government Election Bylaw

Moved by Councillor Craig/Seconded by Councillor Hodge

**R512/11/05/16** THAT Council receives, for information, the Report from the Deputy City Clerk dated May 10, 2011 with respect to establishing procedures, by bylaw, for the conduct of the upcoming 2011 Elections;



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AND THAT Council gives reading consideration to Bylaw No. 10545 being the 2011 General Local Government Election Bylaw;

AND THAT Council gives reading consideration to Bylaw No. 10546 being the Automated Voting Machines Authorization Bylaw;

AND THAT after final adoption of Bylaw No. 10546 being the Automated Voting Machines Authorization Bylaw, Council rescinds Bylaw No. 8220 being the City of Kelowna Automated Voting Machines Authorization Bylaw and all amendments thereto;

AND THAT Council gives reading consideration to Bylaw No. 10547 being the Elector Registration Bylaw;

AND FURTHER THAT after final adoption of Bylaw No. 10547 being the Elector Registration Bylaw, Council rescinds Bylaw No. 8086 being the Elector Registration Bylaw and all amendments thereto.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.1 Bylaw No. 10545 - 2011 General Local Government Election Bylaw

8.2 Bylaw No. 10546 - Automated Voting Machines Authorization Bylaw

8.3 Bylaw No. 10547 - Elector Registration Bylaw

Moved by Councillor Hobson/Seconded by Councillor Reid-Nagy

R513/11/05/16 THAT Bylaw Nos. 10545, 10546 and 10547 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

8.4 Bylaw No. 10504 - Amendment No. 31 to Sewerage System User Bylaw No. 3480

Moved by Councillor Reid-Nagy/Seconded by Councillor Craig

R514/11/05/16 THAT Bylaw No. 10504 be adopted.

Carried

8.5 Bylaw No. 10537 - Road Closure Bylaw - Portion of Monte Vista Avenue - Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.

Mayor Shepherd advised that consideration of Bylaw No. 10537 was withdrawn by staff as the legislative requirements with respect to advertising were not met.

8.6 Bylaw No. 10538 - A Bylaw to Change the Name of Sections of Arab Road to Arab Court

Moved by Councillor Hobson/Seconded by Councillor Reid-Nagy

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Mayor Shepherd:

- Acknowledged Kaden Swallow, Aberdeen Hall Preparatory School, as the latest recipient of the "Spirit of Kelowna" Acknowledgment for his clever Earth Day initiative to recycle crayons.

9.2 Councillor Items

Mayor Shepherd:

- Reminded the public that this week is Local Government Awareness Week.
- Advised that there is a forum being conducted on May 29, 2011 for women who are considering running for public office.
- Advised that BC Solicitor General, Shirley Bond, announced the creation of Independent RCMP Investigative Offices to deal with civilian complaints against the RCMP. The announcement was made in Kelowna on Monday morning during the International Conference for Police and Law Enforcement Executives.

10. TERMINATION

The meeting was declared terminated at 6:15 p.m.

Certified Correct:\_\_\_\_\_  
Mayor\_\_\_\_\_  
City Clerk

SLH/dld