

Regular Meeting – P.M.

June 27, 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, June 27th, 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*; Manager, Urban Land Use, Danielle Noble*; Community Planning Manager, Theresa Eichler*; Director, Policy & Planning, Signe Bagh*; Manager, Park & Public Space Projects, Andrew Gibbs*; Risk Manager, Lance Kayfish*; Director, Infrastructure Planning, Randy Cleveland*; Manager Special Projects, Jackie Dueck*; Manager, Strategic Projects, Mark Watt*; Manager, Property Management, Ron Forbes*; Director, Airport, Sam Samaddar*; Manager, Service Innovation & Performance, Eric Carr*; Planner, Lauren Bytelaar*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:31 p.m.

Mayor Shepherd confirmed that, due to the recent postal strike, the legislative requirements for the June 28, 2011 Public Hearing could not be met and therefore, has been cancelled. The items that would have been heard on June 28th will be considered at the July 12th Public Hearing.

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-Nagy was requested to check the minutes of the meeting.
- 2.1 Noreen Guenther, President, Southern Interior Local Government Association (SILGA), re: Presentation to Councillor Hobson

Noreen Guenther, President, SILGA:

- Presented Councillor Hobson with a Life-Time Membership to SILGA in recognition of his long service on municipal organizations.

Councillor Blanleil joined the meeting at 1:34 p.m.

3. PUBLIC IN ATTENDANCE

- 3.01 President, David Demeyere, re: Central Okanagan Crime Stoppers

Mayor Shepherd advised that Agenda Item No. 3.01 has been deferred to a later date.

- 3.02 Superintendent McKinnon, re: Bi-Monthly Policing Report

Mayor Shepherd acknowledged Staff-Sergeant, Terry McLachlan, of the Kelowna RCMP on receiving the Order of Merit of the Police Forces for exceptional service during his 24 year career in the RCMP.

Superintendent McKinnon:

- Presented the Bi-Monthly Policing Report.

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Moved by Councillor Hobson/Seconded by Councillor Stack

R659/11/06/27 THAT Council receives, for information, the Bi-Monthly Policing Report dated June 27, 2011;

AND THAT Council directs staff to amend Kelowna Noise and Disturbances Control Bylaw No. 6647 to include the use of decibel readers for boats, motorcycles and car stereos;

AND FURTHER THAT staff report back to Council on the effectiveness of the decibel reader program being used by the City of Edmonton.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.01 Land Use Management Department report dated June 14, 2011, re: Rezoning Application No. Z11-0031 - Layton and Myrna Park - 719 Hazell Road

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

Moved by Councillor Craig/Seconded by Councillor Stack

R660/11/06/27 THAT Rezoning Application No. Z11-0031 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 2, District Lot 358, ODYD Plan 19796, located on Hazell Road, Kelowna, BC from the RU1- Large Lot Housing zone to the RU1s- Large Lot Housing with a Secondary Suite zone, be considered by Council;

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

AND FURTHER 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. 10567 (Z11-0031) - Layton and Myrna Park - 719 Hazell Road

Moved by Councillor Craig/Seconded by Councillor James

R661/11/06/27 THAT Bylaw No. 10567 be read a first time.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

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

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Moved by Councillor James/Seconded by Councillor Craig

R662/11/06/27 THAT Bylaw No. 10543 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

6.01 Project Manager, dated June 22, 2011, re: Downtown Plan Charrette

Staff:

- Gave a presentation with respect to the results of the Downtown Plan Charrette.

Lance Berelowitz, Consultant, Urban Forum Associates:

- Summarized the results of the Downtown Plan Charrette.
- Provided comment with respect to the stakeholder input regarding the height recommendations for the downtown being changed from 19 storeys to 26 storeys.

Staff:

- Provided an overview of the next steps for the Downtown Plan.
- Confirmed that a Public Hearing would be required for any Official Community Plan amendments that are required as a result of the Downtown Plan.
- Provided an overview of the process that staff will follow in order to implement the initiatives identified in the Downtown Plan Charrette.
- Provided additional information with respect to the "Alternate Recommendation" contained in the staff Report.

City Clerk:

- Clarified the requirements of the *Local Government Act* with respect to the expiry of Development Permits and Development Variance Permits when the work contemplated has not started.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R663/11/06/27 THAT Council receives, for information, the Report from the Project Manager, Downtown Plan Charrette, dated June 22, 2011, with respect to the Downtown Plan Charrette;

AND THAT Council directs staff to initiate an OCP amendment that would:

1. Amend Policy 5.5.1 of the Kelowna 2030 Official Community Plan Bylaw No. 10500 by: referencing building heights as determined through the Downtown Plan Charrette process; adding a new Map 5.9 (Building Height; the version shown in Appendix C2); renumbering Map 5.9 (Linear Corridors/Paths) to Map 5.10, Map 5.10 (Airport Noise Contour) to Map 5.11, and Map 5.11 (Sand and Gravel Deposits) to Map 5.12; and updating map references as necessary;
2. Amend Map 4.1. Generalized Future Land Use to change the Future Land Use Designations of properties along the western side of Richter Street between the lane north of Bernard Avenue and Clement Avenue from Multiple Unit Residential (Medium Density) to Multiple Unit Residential (Low Density); and
3. Amend the definition of the Mixed Use (Residential / Commercial) Land Use designation to remove reference to the need to decrease building height as distance from the core of the Urban Centre increases.

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AND THAT the Director, Land Use Management be instructed to waive the requirement for the above mentioned OCP amendment to be placed on an Advisory Planning Commission agenda prior to consideration by Council;

AND THAT Council directs the General Manager, Community Sustainability (as staff “Downtown Champion”) to oversee further planning and consultation and regularly report back to Council on preparation of the updated 2012 Downtown Plan and on progress implementing initiatives identified in the Downtown Plan Charrette;

AND FURTHER THAT Council directs the Policy and Planning Department to prepare policies and further recommendations to implement the Urban Design Concept prepared through the Downtown Plan Charrette and to report back to Council in early 2012 with a revised Downtown Plan.

Carried

The meeting recessed at 4:36 p.m. Councillor Craig left the meeting at 4:36 p.m. The meeting reconvened at 4:47 p.m.

6.02 Director, Airport, dated June 17, 2011, re: Economic Impact Study - Kelowna International Airport

Staff:

- Gave a presentation regarding the Economic Impact Study that was conducted for the Kelowna International Airport.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R664/11/06/27 THAT Council receives, for information, the Report and Presentation with respect to the 2010 Kelowna International Airport Economic Impact Study as set out in Appendix “A” attached to the Report of the Airport Director dated June 17, 2011.

Carried

6.03 Manager, Service Innovation and Performance, dated June 20, 2011, re: Service Request System Deployment to Internet

Staff:

- Gave a presentation with respect to the deployment of the City’s Service Request System to the Internet.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R665/11/06/27 THAT Council receives, for information, the Report from the Service Innovation and Performance Manager dated June 20, 2011 with respect to the City of Kelowna’s Internet Service Request System.

Carried

6.04 GM, Corporate Sustainability, dated June 20, 2011, re: Fiscal Management in British Columbia’s Municipalities

Staff:

- Gave a presentation with respect to Fiscal Management in British Columbia’s Municipalities.

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Moved by Councillor Hobson/Seconded by Councillor Blanleil

R666/11/06/27 THAT Council receives the following documents:

- Report by the General Manager, Corporate Sustainability on Fiscal Management in British Columbia's Municipalities dated June 20, 2011;
- UBCM news release titled, 'UBCM Releases Municipal Fiscal Management Study', dated May 16, 2011;
- Publication by Union of British Columbia Municipalities titled, 'Comment on Fiscal Management In British Columbia's Municipalities' and dated May, 2011;
- PowerPoint presentation titled, 'Comment on Fiscal Management In British Columbia's Municipalities' and dated June 27, 2011.

Carried

6.05 Manager, Financial Accounting, dated June 21, 2011, re: 2010 Annual Report

The City Clerk advised that no correspondence had been received.

Mayor Shepherd invited anyone in the public gallery who wished to make comment on the 2010 Annual Report to come forward. No one came forward.

Moved by Councillor Hodge/Seconded by Councillor Stack

R667/11/06/27 THAT Council receives, for information, the Annual Report for the year ended December 31, 2010 as attached to the Report of the Manager, Financial Accounting dated June 21, 2011;

AND THAT Council receives, for information, the Council Remuneration and Expenses report, Employee Remuneration report and schedule of Payment for the Provision of Goods and Services as attached to the Report of the Manager, Financial Accounting dated June 21, 2011.

Carried

6.06 Policy & Planning Department, dated May 19, 2011, re: Heritage Register Demolition Permits

Moved by Councillor James/Seconded by Councillor Hodge

R668/11/06/27 THAT Council receives, for information, the report from Policy and Planning dated May 19, 2011 with respect to the Heritage Register Demolition Permit Policy;

AND THAT staff be directed to prepare a Demolition Awareness Bulletin.

Carried

Mayor Shepherd advised that Agenda Item 6.10 would be moved forward and dealt with immediately after Agenda Item 6.07.

6.07 Manager, Strategic Projects, dated June 21, 2011, re: Budget Amendment Request for John Hindle Drive and Landfill Entrance Facilities Project

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Moved by Councillor Blanleil/Seconded by Councillor James

R669/11/06/27 THAT Council receives, for information, the Report from the Manager, Strategic Projects dated June 21, 2011 regarding the budget amendment required for John Hindle Drive and Landfill Entrance Facilities Project;

AND THAT Council approves a budget amendment of \$2.4 Million for the John Hindle Drive and Landfill Entrance Facilities Project to be funded from the Landfill Reserves;

AND FURTHER THAT the 2011 Financial Plan be amended accordingly.

Carried

6.10 Manager, Property Management, dated June 20, 2011, re: Farm Lease to Diamond T Ranch Ltd./Len Tonn (Tutt Ranch)

Moved by Councillor Hobson/Seconded by Councillor James

R670/11/06/27 THAT Council approves the City entering into a five (5) year Farm Lease Agreement commencing March 15, 2011, with Diamond T Ranch Ltd., for the use of City-owned property on the plan attached, being portions of Lots 5 - 7 and A, Block 10, Plan 1068, O.D.Y.D., and portions of Lots 29 - 31, 10 and A, Block 14, Plan 1068, O.D.Y.D., in the form attached to the Report of the Manager, Property Management, dated June 20, 2011;

AND THAT the Mayor and City Clerk be authorized to execute all documents associated with this transaction.

Carried

6.08 Risk Manager, Corporate Services, dated June 22, 2011, re: City Park Pavilion Building - Next Steps and Insurance Claim

Moved by Councillor Stack/Seconded by Councillor Hodge

R671/11/06/27 THAT Council directs staff to demolish the City Park Pavilion building and reclaim the site;

AND THAT Council directs staff to report back with a plan and budget to construct new buildings in City Park to provide washroom and concession space and to renovate City Hall to provide additional capacity for offices and workspace within the existing building.

Carried

6.09 Manager, Property Management, dated June 21, 2011, re: Bare Land Lease to M & H Auto Sales (Clement Avenue)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R672/11/06/27 THAT Council approves the City entering into a one (1) year Bare Land Lease Agreement with M & H Auto Sales Ltd., for the use of City-owned property on the plan attached, being Parts of Lots 2 & 3, Plan 1021, DL 139, O.D.Y.D., in the form attached to the Report of the Manager, Property Management dated June 21, 2011;

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AND THAT all revenue received from this lease be allocated to Property Management general revenue, Account No. 4540.157.1254.*.*.000.10.L6820, with a portion of the revenue covering purchased services for grading of the leased premises and the balance to be used to offset property taxes on the remaining vacant land;

AND THAT the 2011 Financial Plan be amended accordingly;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Bare Land Lease Agreement.

Carried

6.10 Manager, Property Management, dated June 20, 2011, re: Farm Lease to Diamond T Ranch Ltd./Len Tonn (Tutt Ranch)

This Agenda Item was moved forward and dealt with immediately after Agenda Item No. 6.07.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

7.01 Bylaw No. 10518 - Amendment No. 28 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Rule/Seconded by Councillor Hodge

R673/11/06/27 THAT Bylaw No. 10518 be adopted.

Carried

7.02 Bylaw No. 10540 - Development Applications Procedures Bylaw

Moved by Councillor Hodge/Seconded by Councillor Rule

R674/11/06/27 THAT Bylaw No. 10540 be adopted.

Carried

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

Moved by Councillor Blanleil/Seconded by Councillor Reid-Nagy

R675/11/06/27 THAT Bylaw No. 10545 be adopted.

Carried

7.04 Bylaw No. 10546 - Automated Voting Machines Authorization Bylaw

Moved by Councillor Blanleil/Seconded by Councillor Reid-Nagy

R676/11/06/27 THAT Bylaw No. 10546 be adopted.

Carried

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7.05 Bylaw No. 10547 - Elector Registration Bylaw

Moved by Councillor Stack/Seconded by Councillor Hobson

R677/11/06/27 THAT Bylaw No. 10547 be adopted.

Carried

7.06 Bylaw No. 10459 - Road Closure Bylaw - Portion of Lane South of Bernard

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 Stack/Seconded by Councillor Hobson

R678/11/06/27 THAT Bylaw No. 10549 be adopted.

Carried

8. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Dave Lafontaine, a teacher at Dr.Knox Middle School, as the latest recipient of the "Spirit of Kelowna" Acknowledgment for spearheading the annual Dr. Knox Middle School fundraiser for the BC Children's Hospital over the past six (6) years.

8.2 Councillor Items

Mayor Shepherd:

- Provided an overview of what City staff has accomplished over the past few months and thanked staff for their efforts.
- Advised that since there is no Public Hearing on June 28, 2011, the next regularly scheduled Council Meeting is July 11, 2011.

9. TERMINATION

The meeting was declared terminated at 6:10 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld