

Regular Meeting – P.M.

October 31, 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, October 31st, 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, Real Estate & Building Services, Doug Gilchrist*; Manager, Urban Land Use, Danielle Noble*; Manager, Property Management, Ron Forbes*; Manager, Long Range Planning, Gary Stephen*; Director, Airport, Sam Samaddar*; Manager, Cultural Services, Sandra Kochan*; Director, Infrastructure Planning, Randy Cleveland*; Manager, Park Services, Ian Wilson*; Director, Recreation & Cultural Services, Jim Gabriel*; Planner Specialist, Graham March*; Property Officer, Graham Hood*; Manager, Park & Public Space Projects, Andrew Gibbs*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:34 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.

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

3. PUBLIC IN ATTENDANCE

3.01 Superintendent McKinnon, re: Bi-Monthly Policing Report

Councillor Hobson joined the meeting at 1:35 p.m.

Superintendent McKinnon:

- Presented the Bi-Monthly Policing Report.

Moved by Councillor Hodge/Seconded by Councillor Rule

R1053/11/10/31 THAT Council receives, for information, the Bi-Monthly Policing Report dated October 31, 2011.

Carried

3.02 Mark Warren, Director, Customer Service, FortisBC Inc., re: Advanced Metering Infrastructure (AMI)

Bob Gibney, Manager, Corporate Services & Aboriginal Affairs, FortisBC Inc.:

- Introduced the presentation.

Mark Warren, Director, Customer Services, FortisBC Inc.:

- Gave a presentation with respect to FortisBC's Advanced Metering Infrastructure.
- Circulated examples of the Advanced Meters to Council.

Moved by Councillor Stack/Seconded by Councillor Hobson

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R1054/11/10/31 THAT Council receives, for information, the presentation from FortisBC dated October 31, 2011 with respect to Advanced Metering Infrastructure (AMI).

Carried

3.03 City of Kelowna 2011 Parade Float

Staff:

- Introduced the Float Coordinator, Clarence Johnson.
- Gave a presentation with respect to the City of Kelowna 2011 Parade Float.
- Displayed the awards and ribbons that were bestowed upon the Float during the 2011 season.

Clarence Johnson, Float Coordinator:

- Advised that the Float has been driven 7,829 km so far in 2011.
- Thanked Council for the opportunity to be the Float Coordinator.

3.04 2011 Okanagan Mainline Real Estate Board's (OMREB) Renovation Award - Laurel Packing House

Staff:

- Presented Mayor Shepherd with the 2011 OMREB's Renovation Award for the renovation of the Laurel Packing House.

4. DEVELOPMENT APPLICATION REPORTS

4.01 Land Use Management Department, dated October 21, 2011, re: Rezoning Application No. Z11-0072 - Pinloco Holdings Inc. - 2311 Pandosy Street

- (a) Land Use Management Department report dated October 21, 2011.

Moved by Councillor Stack/Seconded by Councillor Hobson

R1055/11/10/31 THAT Rezoning Application No. Z11-0072 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot B, DL 14, ODYD, Plan 4463 Except Plan KAP88012, located at 2311 Pandosy Street, Kelowna, BC, from the RU6 -Two Dwelling Housing zone to the HD2 - Hospital and Health Support Services zone be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to the November 29, 2011 Public Hearing for further consideration;

AND THAT Text Amendment Application No. TA10-0007 considered by Council on October 24, 2011 be forwarded to the November 29, 2011 Public Hearing for further consideration;

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

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AND FURTHER 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. 10630 (Z11-0072) - Pinloco Holdings Inc. - 2311 Pandosy Street

Moved by Councillor Rule/Seconded by Councillor HodgeR1056/11/10/31 THAT Bylaw No. 10630 be read a first time.Carried4.02 (a) BYLAWS PRESENTED FOR ADOPTION

- (i) Bylaw No. 10492 (OCP09-0018) - Watermark Developments Ltd. and Academy Apartments Ltd. (Watermark Developments Ltd.) - 899 Academy Way & 285 and (N of) Arab Road - **Requires a majority of all Members of Council (5)**

Moved by Councillor Hodge/Seconded by Councillor RuleR1057/11/10/31 THAT Bylaw No. 10492 be adopted.Carried

- (ii) Bylaw No. 10493 (Z09-0069) - Watermark Developments Ltd. and Academy Apartments Ltd. (Watermark Developments Ltd.) - 899 Academy Way & 285 and (N of) Arab Road

Moved by Councillor Craig/Seconded by Councillor JamesR1058/11/10/31 THAT Bylaw No. 10493 be adopted.Carried

- (b) Land Use Management Department, dated October 21, 2011, re: Development Permit Application No. DP10-0107 - Watermark Developments Ltd. - 899 Academy Way, 285 Arab Road & (N of) Arab Road

Moved by Councillor Hobson/Seconded by Councillor StackR1059/11/10/31 THAT Final Adoption of the OCP Amending Bylaw No. 10492 and Zone Amending Bylaw No. 10493 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP10-0131 for Lot 2, Section 10, Twp. 23, ODYD, Plan KAP86356, located at 899 Academy Way, the North East ¼ of Section 3, Twp. 23, ODYD, located N of Arab Road and the North ½ of the South East ¼ of Section 3, Twp. 23, ODYD, Except Plan KAP88257, located at 285 Arab Road, Kelowna B.C., subject to the following:

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- 1) The design of the University South development shall be phased over time and designed in accordance with pages 1-61 of the University Village Master Plan Design Guidelines attached as Schedule "A".

Carried

Moved by Councillor Hobson/Seconded by Councillor Hodge

R1060/11/10/31 THAT staff report back to Council regarding the options, and timing, available with respect to requiring the development of the public open space at an earlier than anticipated date with respect to Development Permit Application No. DP10-0131.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.01 General Manager, Corporate Sustainability; General Manager, Community Sustainability and General Manager, Community Services, dated October 25, 2011, re: Quarterly Report Update

General Manager, Corporate Sustainability:

- Presented the Third Quarter Report.

Moved by Councillor Craig/Seconded by Councillor Hodge

R1061/11/10/31 THAT Council receives, for information, the Quarterly Report from the General Manager, Community Sustainability, General Manager, Community Services and General Manager, Community Sustainability dated October 25, 2011.

Carried

- 5.02 Planner Specialist, dated October 26, 2011, re: City of Kelowna Sustainable Urban Forest Strategy - Phase 2 Final Report

Staff:

- Introduced the Consultant and provided an overview of Phase 1 of the Sustainable Urban Forest Strategy.

Mark Brown, Consultant, B.A. Blackwell & Associates Ltd.

- Gave a presentation with respect to Phase 2 of the City's Sustainable Urban Forest Strategy.

Moved by Councillor Hobson/Seconded by Councillor Rule

R1062/11/10/31 THAT Council receives, for information, the Report from the Planner Specialist dated October 26, 2011, with respect to the Sustainable Urban Forest Strategy (see Appendix 1);

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AND THAT Urban Forestry staff be directed to form an “Implementation Team” to prioritize and report back to Council with respect to the Strategy recommendations, including priorities, timelines, funding and staffing implications.

Carried

The meeting recessed at 3:59 p.m. The meeting reconvened at 4:08 p.m.

5.03 Manager, Cultural Services, dated October 24, 2011, re: Cultural Plan 2012-2017

Staff:

- Gave a presentation with respect to the 2012-2017 Cultural Plan.

Moved by Councillor Craig/Seconded by Councillor Hobson

R1063/11/10/31 THAT Council accepts the 2012-2017 Cultural Plan as attached to the Report of the Cultural Services Manager dated October 24, 2011;

AND THAT Council directs staff to move forward with the non monetary items within the Cultural Plan;

AND FURTHER THAT Council directs staff to bring forward recommendations to Council as part of future annual City budgets as needs and opportunities arise.

Carried

5.04 Airport Director, dated October 18, 2011, re: G4S Secure Solutions (Canada) Ltd. – New Sub-Lease of Space in the Air Terminal Building and Combined Operations Building – YLW

Moved by Councillor James/Seconded by Councillor Stack

R1064/11/10/31 THAT Council approves the City entering into a 5 year and 5 month Sub-Lease Agreement, with G4S Secure Solutions (Canada) Ltd. (“G4S”), for office space located at Kelowna International Airport, in the form attached to the Report of the Airport Director dated October 18, 2011;

AND THAT the Mayor and City Clerk be authorized to execute the Sub-Lease Agreement.

Carried

5.05 Airport Director, dated October 26, 2011, re: Air Carrier Airport Use Agreement with North Cariboo Flying Service Ltd. dba North Cariboo Air – YLW

Moved by Councillor James/Seconded by Councillor Blanleil

R1065/11/10/31 THAT Council approves the City entering into an Air Carrier Airport Use Agreement, in the form attached to the report of the Airport Director dated October 26, 2011, with North Cariboo Flying Service Ltd. doing business as North Cariboo Air and allowing North Cariboo Air to operate at Kelowna International Airport;

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AND THAT the Mayor and City Clerk be authorized to execute the Air Carrier Airport Use Agreement.

Carried

5.06 Manager, Property Management, dated October 26, 2011, re: Rutland Arena Lease to Kelowna Chiefs Hockey Team

Moved by Councillor Hodge/Seconded by Councillor Reid-Nagy

R1066/11/10/31 THAT Council approves the City entering into a five (5) year Lease Agreement with The Kelowna Chiefs Hockey Club, for the use of City-owned property (Rutland Arena), in the form attached to the Report of the Manager, Property Management, dated October 26, 2011;

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

AND FURTHER THAT the 2011 Financial Plan be amended accordingly.

Carried

5.07 Manager, Property Management, dated October 26, 2011, re: Aqua Resort Ltd. – License to Use

Moved by Councillor James/Seconded by Councillor Stack

R1067/11/10/31 THAT Council approves the City entering into a three (3) year License to Use, with Aqua Resort Ltd., for use of a section of the Cook Street Boat Launch, in the form attached to the Report of the Manager, Property Management, dated October 26, 2011;

AND THAT the Mayor and City Clerk be authorized to execute the License to Use Agreement;

AND FURTHER THAT the 2011 Financial Plan be amended accordingly.

Carried

Moved by Councillor Stack/Seconded by Councillor Blanleil

R1068/11/10/31 THAT Council directs staff to erect better signage on the City-owned portion of the Cook Street Boat Launch;

AND THAT Council directs staff to ensure that there is sufficient lighting for the parking ticket kiosk on the City-owned portion of the Cook Street Boat Launch.

Carried

5.08 Manager, Property Management, dated October 26, 2011, re: Proposed Licence of Occupation over Dedicated Road Adjacent to 3810 Casorso Road

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Moved by Councillor James/Seconded by Councillor Reid-Nagy

R1069/11/10/31 THAT City Council approves the City entering into a five (5) year Licence of Occupation with SL140 Ventures Ltd., for a driveway and parking stalls on dedicated road adjacent to 3810 Casorso Road, in the form attached to the Report of the Manager, Property Management dated October 26, 2011;

AND THAT the Mayor and City Clerk be authorized to execute the Licence of Occupation;

AND FURTHER THAT the 2011 Financial Plan be amended accordingly.

Carried

Mayor Shepherd advised that staff would like to present Agenda Items 5.09 and 5.10 concurrently.

5.09 Manager, Property Management, dated October 26, 2011, re: Fintry Queen

5.10 Manager, Property Management, dated October 26, 2011, re: Downtown Marina

Staff:

- Provided a synopsis with respect to the ownership of the Fintry Queen.
- Provided a synopsis of the discussions with the operator of the Fintry Queen.
- Gave a presentation regarding the Marina Redevelopment at Kerry Park.

City Manager:

- Provided comment with respect to the possibility of including the Fintry Queen in the RFP process for the Marina Redevelopment project.

Moved by Councillor James/Seconded by Councillor Blanleil

R1070/11/10/31 THAT Council directs staff to proceed with the steps necessary to relocate the Fintry Queen to Sutherland Bay, by the end of March 2012, as outlined in the Report from the Manager, Property Management, October 26, 2011;

AND THAT funds from the Major Facilities Reserve be used to cover the expense;

AND THAT Council directs staff to seek priority for the recovery of expenses of moving the vessel and ongoing moorage costs;

AND FURTHER THAT Council directs that any funds received from the eventual disposition of the Fintry Queen be used to replace the funds borrowed from the major facilities reserve.

Carried
Councillor Hodge - Opposed.

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R1071/11/10/31 THAT Council receives, for information, the Report from the Manager, Property Management, dated October 21, 2011, with respect to the outcome of the Request for Expressions of Interest for redevelopment of a marina facility at the foot of Queensway Avenue;

AND THAT Council directs staff to issue a basic requirement Request for Proposal (“RFP”) for the design, construction, operation and maintenance of a new marina facility at the foot of Queensway Avenue with an option to address the Fintry Queen at the proponent’s discretion;

AND FURTHER THAT, pending a successful RFP for the marina facility, Council directs staff to work with the proponent for the installation of the fuel storage tank.

Carried

5.11 City Clerk, dated October 25, 2011, re: Sufficiency Report for the UV Disinfection Facility and Transmission Main

Moved by Councillor Blanleil/Seconded by Councillor Stack

R1072/11/10/31 THAT Council receive for information the Report from the City Clerk dated October 25, 2011 pertaining to the Certificate of Sufficiency regarding the City of Kelowna borrowing from the Municipal Finance Authority for the sum of Three Million Dollars (\$3, 000, 000.00);

AND THAT Bylaw No. 10583 being the Loan Authorization Bylaw for the UV Disinfection Facility and Transmission Main be forwarded for adoption.

Carried

5.12 City Clerk, dated October 25, 2011, re: Sufficiency Report for the Electrical System Upgrades

Moved by Councillor James/Seconded by Councillor Rule

R1073/11/10/31 THAT Council receive for information the Report from the City Clerk dated October 25, 2011 pertaining to the Certificate of Sufficiency regarding the City of Kelowna borrowing from the Municipal Finance Authority for the sum of Four Million Dollars (\$4, 000, 000.00);

AND THAT Bylaw No. 10582 being the Loan Authorization Bylaw for the Electrical System Upgrades be forwarded for adoption.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

6.01 Bylaw No. 10628 - Road Closure Bylaw - A Portion of Lane South of Osprey Avenue

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Moved by Councillor James/Seconded by Councillor Craig

R1074/11/10/31 THAT Bylaw No. 10628 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

6.02 Bylaw No. 10582 - Loan Authorization Bylaw for Electrical System Upgrades

Moved by Councillor Stack/Seconded by Councillor Hobson

R1075/11/10/31 THAT Bylaw No. 10582 be adopted.

Carried

6.03 Bylaw No. 10583 - Loan Authorization Bylaw for UV Facility and Transmission Main at Adams Reservoir

Moved by Councillor Hobson/Seconded by Councillor Stack

R1076/11/10/31 THAT Bylaw No. 10583 be adopted.

Carried

6.04 Bylaw No. 10609 - Road Closure Bylaw - Portion of Rose Avenue - **Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.**

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 Reid-Nagy/Seconded by Councillor Blanleil

R1077/11/10/31 THAT Bylaw No. 10609 be adopted.

Carried

7. MAYOR & COUNCILLOR ITEMS

7.1 Mayor Shepherd, re: “Spirit of Kelowna” Acknowledgment

Mayor Shepherd:

- Acknowledged Corey & Tania Whalen as the latest recipients of the “Spirit of Kelowna” Acknowledgment for their vision of community building and aboriginal awareness with the creation and soon to be erected Story Pole at École L’Anse-au-sable.

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8. TERMINATION

The meeting was declared terminated at 6:00 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk