

Regular Meeting – P.M.

June 25, 2012

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 25<sup>th</sup>, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran\*, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh\*, Luke Stack and Gerry Zimmermann.

Staff members in attendance were: Acting City Manager, John Vos; Deputy City Karen Needham; General Manager, Community Sustainability, Jim Paterson\*; Manager, Urban Land Use, Danielle Noble\*; Manager, Long Range Planning, Gary Stephen\*; Manager, Environment & Land Use, Todd Cashin\*; Planner, Greg Sauer\*; Manager, Property Management, Ron Forbes\*; Director, Civic Operations, Joe Creron\*; Director, Financial Services, Keith Grayston\*; Manager, Park Services, Ian Wilson\*; Director, Regional Services, Ron Westlake\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

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

Mayor Gray 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. PUBLIC IN ATTENDANCE

- 2.1 Anna Warwick Sears, Executive Director, Okanagan Basin Water Board, re: Update on the Okanagan Basin Water Board 2012

Anna Warwick Sears, Executive Director, Okanagan Basin Water Board:

- Gave a presentation to Council with respect to the 2012 activities of the Okanagan Basin Water Board.

3. DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

- 3.1 Land Use Management Department, dated June 15, 2012, re: Rezoning Application No. Z12-0050 - City of Kelowna - 645 Dodd Road

Moved by Councillor Basran/Seconded by Councillor Zimmermann

R587/12/06/25 THAT Rezoning Application No. Z12-0050 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1 Section 26 Township 26 ODYD Plan KAP91112, located at 645 Dodd Road, Kelowna, BC, from the P5 - Municipal District Park to the P5 - Municipal District Park (Liquor Primary)zone be considered by Council;

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

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3.1.1 Bylaw No. 10727 (Z12-0050) – City of Kelowna – 645 Dodd Road

Moved by Councillor Given/Seconded by Councillor Stack

R588/12/06/25 THAT Bylaw No. 10727 be read a first time.

Carried

3.2 Land Use Management Department, dated June 19, 2012, re: Rezoning Application No. Z11-0006 – Domenic & Susanne Panucci (Domenic Panucci) – 3380 Neid Road

Staff:

- Reviewed the points noted in the Supplemental Report that required clarification prior to Council forwarding the application to a Public Hearing.

Moved by Councillor Hobson/Seconded by Councillor Basran

R589/12/06/25 THAT Council receives, for information, the Supplemental Report of the Land Use Management Department dated June 19, 2012 with respect to Rezoning Application No. Z11-0006;

AND THAT Bylaw No. 10675 be forwarded to the July 24, 2012 Public Hearing.

Carried

3.3 Bylaw No. 10650 (Z11-0058) – Citizen Management Ltd. (CTQ Consultants Ltd.) – 3327 Lakeshore Road

Moved by Councillor Stack/Seconded by Councillor Given

R590/12/06/25 THAT Bylaw No. 10650 be adopted.

Carried

3.3.1 Land Use Management Department, dated June 20, 2012, re: Development Permit Application No. DP11-0118 – Citizen Management Ltd. (CTQ Consultants Ltd.) – 3327 Lakeshore Road

Moved by Councillor Basran/Seconded by Councillor Stack

R591/12/06/25 THAT Final Adoption of Zone Amending Bylaw No. 10650 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP11-0118 for Strata Lot 1-60, DL 14, ODYD, Strata Plan K533 together with an interest in the common property in proportion to the unit entitlement of Strata Lot as shown on Form 1, located at 3327 Lakeshore Road, Kelowna B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";

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4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND FURTHER THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

- 3.4 Land Use Management, dated June 20, 2012, re: Additional Dwelling for Farm Employee Permit No. FH12-0001 and Farm Protection Development Permit Application No. DP12-0090 - Chanchal & Barbara Bal (Chanchal Bal) - 550 Highway 33 East

Councillor Basran declared a conflict of interest as the applicant is a relative and left the meeting at 2:08 p.m.

Councillor Singh declared a conflict of interest as she has a very close relationship with the applicant and his family and left the meeting at 2:08 p.m.

Staff:

- Provided amended wording for the first paragraph of staff's recommendation in the Report to Council limiting the number of housing units to forty (40).
- Confirmed that the proposal will only allow for occupancy of the temporary housing from April 1<sup>st</sup> to October 31<sup>st</sup> and that this condition be dealt with via a Restrictive Covenant on title.
- Advised that the proposed location of the temporary housing is considered the best from a home plating policy perspective.
- Confirmed that staff had a discussion with the applicant with respect to restricting the maximum number of farm worker housing units to forty (40) and advised that the applicant is in agreement with the condition.
- Confirmed that approval of this application by the Agricultural Land Commission is not required as the Agricultural Land Commission has given the City the authority to deal with temporary farm housing applications.
- Confirmed that staff has consulted with the Ministry of Agriculture with respect to this application.

Council:

- Expressed a concern with enforcement of the City's regulations as it relates to this application.

Moved by Councillor Hobson/Seconded by Councillor Given

**R592/12/06/25** THAT Council authorizes the issuance of Additional Dwelling for Farm Employee Permit No. FH12-0001 for temporary farm worker housing for Lot A, Section 24, Township 26, ODYD Plan KAP81726, Except Plan EPP6537, located at 550 Hwy 33 E, Kelowna, BC, with the number of housing units limited by City of Kelowna Zoning Bylaw definitions including dwelling and household and as determined by staff, to a maximum of forty (40) farm worker housing units;

AND THAT Council authorizes the issuance of Development Permit No. DP12-0090 for the above-mentioned property subject to the following:

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1. The dimensions and siting of the buildings to be placed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
3. Additional landscaping and restoration to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping;
5. Registration of a Section 219 Covenant which restricts use of the housing to agricultural workers employed on a full-time, seasonal basis between April 1 and October 31 each year; and
6. Issuance of a Natural Environment Development Permit by the Director, Land Use Management.

Carried

Councillors Basran and Singh rejoined the meeting at 2:35 p.m.

4. BYLAWS FOR ADOPTION (Development Related)

- 4.1 Deputy City Clerk, dated June 19, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP10-0002 – City of Kelowna – 3326 Lakeshore Road – Requires a majority of all Members of Council (5)

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R593/12/06/25 THAT Bylaw No. 10717 be read a second and third time and be adopted.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

- 5.1 Special Projects Manager, Financial Services, dated June 25, 2012, re: 2011 Annual Report – Mayor to invite anyone in the public gallery who wished to make comment on the Annual Report.

Staff:

- Responded to questions from Council with respect to the Annual Report, Council Remuneration and Expense Report and the Employee Remuneration Report.

Mayor Gray invited anyone in the public gallery who wished to make comment on the 2011 Annual Report to come forward. No one came forward.

Moved by Councillor Zimmermann/Seconded by Councillor Blanleil

R594/12/06/25 THAT Council receives, for information, the Annual Report for the year ended December 31, 2011 attached to the Report of the Special Projects Manager dated June 25, 2012;

AND THAT Council receives, for information, the Council Remuneration and Expense report, Employee Remuneration report and schedule of Payment for

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the Provision of Goods and Services attached to the Report of the Special Projects Manager dated June 25, 2012.

Carried

5.2 Director, Financial Services, dated June 19, 2012, re: Transit 2012/2013 Annual Operating Agreements

Staff:

- Advised that the budget for 2012 includes the transit expansion to UBC-O and the Quail Ridge Area.
- The current Annual Operation Agreement does not cover all of the costs associated with transit for 2012 and staff is currently working on a Report to Council that will address this issue and as well as include a review of the current routes and a cost recovery analysis.

Moved by Councillor Hobson/Seconded by Councillor Basran

R595/12/06/25 THAT Council approve the 2012/2013 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, 2012 to March 31, 2013.

Carried

5.3 Manager, Long Range Planning, dated June 20, 2012, re: Revitalization Tax Exemption Bylaw 9561 - Proposed Amendment

Staff:

- Confirmed that staff will ensure that the development community is aware of the existence of the City's Revitalization Tax Exemption Bylaw.

General Manager, Community Sustainability:

- Responded to concerns raised regarding the proposed amendments as they relate to rental housing.
- Advised that a Housing Agreement would be required and would be considered prior to construction of any proposed development that may take advantage of the Revitalization Tax Exemption Bylaw.

Moved by Councillor Hobson/Seconded by Councillor Stack

R596/12/06/25 THAT Council receives, for information, the report from the Long Range Planning Manager dated June 20, 2012 with respect to the proposed amendment of Bylaw 9561, being City of Kelowna Revitalization Tax Exemption;

AND THAT Council gives initial consideration to Bylaw No. 10674 to enact amendments to Revitalization Tax Exemption Bylaw No. 9561, to expand the City Centre and Rutland Tax Incentive Areas, to provide tax exemptions for rental housing and for renovations of commercial and residential buildings as described in the June 20, 2012 report of the Long Range Planning Manager;

AND THAT Tax Incentive Area 3 be removed once a level of 18,580 m<sup>2</sup> (200,000 sq. ft.) in new construction has received a building permit;

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AND FURTHER THAT Council directs staff to report back, on an annual basis, with a review of the need for the continuation of the tax exemption for rental housing.

Carried

5.3.1 Bylaw No. 10674 - Amendment No. 2 to City of Kelowna Revitalization Tax Exemption Bylaw No. 9561

Moved by Councillor Hobson/Seconded by Councillor Singh

R597/12/06/25 THAT Bylaw No. 10674 be read a first, second and third time.

Carried

5.4 Manager, Property Management, dated June 5, 2012, re: Bellevue Creek Elementary School Playground Lease

Moved by Councillor Hobson/Seconded by Councillor Singh

R598/12/06/25 THAT Council authorizes the City to enter into a Lease with the Board of Education of School District No. 23 (Central Okanagan) for that portion of Bellevue Creek Elementary School Lot 4, DL 357, Plan 27149, ODYD in the form attached to the Report of the Property Manager dated June 5, 2012;

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

Carried

5.5 Manager, Park Services, dated June 14, 2012, re: Parks and Public Spaces Bylaw Update

Staff:

- Provided an overview of the significant changes in the new Parks and Public Spaces Bylaw.

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R599/12/06/25 THAT Council receives for information the report from the Park Services Manager, dated June 14, 2012 recommending changes to the Parks and Public Spaces Bylaw;

AND THAT Council gives reading consideration to Bylaw No. 10680 being the new "Parks and Public Spaces Bylaw";

AND THAT Bylaw No. 10681 being "Amendment No. 5 to Bylaw Notice Enforcement Bylaw No. 10475" be given reading consideration;

AND FURTHER THAT after adoption of Parks and Public Spaces Bylaw No. 10680 Council rescinds Dog Walking and Dog Off-Leash Areas Policy No. 258.

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5.5.1 Bylaw No. 10680 – Parks and Public Spaces Bylaw

Moved by Councillor Hobson/Seconded by Councillor Singh

R600/12/06/25 THAT Bylaw No. 10680 be read a first, second and third time.

Carried

5.5.2 Bylaw No. 10681 - Amendment No. 5 to Bylaw Notice Enforcement Bylaw No. 10475

Moved by Councillor Blanleil/Seconded by Councillor Basran

R601/12/06/25 THAT Bylaw No. 10681 be read a first, second and third time.

Carried

5.6 Manager, Park Services, dated June 14, 2012, re: Fencing Adjacent to City-Owned Land

Staff:

- Provided an overview of the proposed Policy and responded to questions from Council.
- Advised that the Policy does not specifically deal with hedges along fence lines.

Council:

- Expressed a concern with the provision in the Council Policy that deals with only a 50% cost recovery for a property owner.

Moved by Councillor Hobson/Seconded by Councillor DeHart

R602/12/06/25 THAT Council receives for information the report from the Parks Services Manager, dated June 14, 2012, pertaining to a new Fencing Adjacent to City Owned Land Council Policy.

AND THAT Council approves a new Fencing Adjacent to City Owned Land Council Policy No. 364;

Carried

Moved by Councillor Hobson/Seconded by Councillor DeHart

R603/12/06/25 THAT staff report back to Council with the history of the City Policy that set out that “If a fence directly adjacent to a City walkway is damaged or vandalized by the public, the City will pay the private owner 50% of the cost of repair to the minimum fencing standard, as determined through three quotes”;

AND THAT staff report back to Council with other cost sharing options for Council consideration with respect to damaged or vandalized fencing directly adjacent to City walkways, including maintenance, material and labour options.

Carried

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6. MAYOR & COUNCILLOR ITEMS

Councillor Stack:

- Advised that the Downtown Kelowna Association had a presentation with respect to the downtown public pier and marina proposal during their meeting last week and advised that the proposal was well received and has been endorsed by the Downtown Kelowna Association.

Acting City Manager:

- Advised that the Province has provided funding to assist with the removal of debris from Okanagan Lake.
- The removal of the debris will be undertaken by staff once the heavy rains being forecasted have moved through the valley.
- Confirmed that there is an understanding between property owners along the lake and the City, that if debris is collected and left along the beach ends, City staff will take care of the removal of that debris.

7. TERMINATION

The meeting was declared terminated at 3:56 p.m.

Certified Correct:

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Mayor

SLH/dld

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Deputy City Clerk