



## City of Kelowna Regular Council Meeting Minutes

Date: Monday, February 25, 2013  
Time: 1:30 pm  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray, Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann

Staff Present: Acting City Manager, John Vos; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble\*; Manager, Property Management, Ron Forbes\*; Manager, Cultural Services, Sandra Kochan\*; Community Planning Manager, Theresa Eichler\*; Director, Design & Construction, Bill Berry\*; Sustainability Coordinator, Tracy Guidi\*; Manager, Capital Assets & Investments, Joel Shaw\*; Property Officer, Tammy Abrahamson\*; and Council Recording Secretary, Sandi Horning

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the meeting to order at 1:37 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.

Mayor Gray noted that a RCMP Press Conference is being held on the Lower Mainland regarding the recent arrests in the Jonathan Bacon murder.

2. Committee Reports

2.1. Member Appointments - Grants Committee (Central Okanagan Foundation)

Moved By: Councillor Hobson/Seconded By: Councillor Singh

R105/13/02/25 THAT Council appoints Charisse Daley and Rob Mabey as members of the Grant Committee.

Carried

3. Development Application Reports & Related Bylaws

3.1. Rezoning Application No. Z12-0068 and Text Amendment Application No. TA13-0002 - 1121, 1131, 1141 & 1151 Brookside Avenue

Staff:

- Provided an overview of the Text Amendment and Rezoning Applications and responded to questions from Council.

Moved By: Councillor Hobson/Seconded By: Councillor Stack

R106/13/02/25 THAT Rezoning Application No. Z12-0068 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 9 Section 19 Township 26 ODYD Plan 2704, located at 1121 Brookside Avenue, Lot 10 Section 19 Township 26 ODYD Plan 2704, located at 1131 Brookside Avenue, Lot 11 Section 19 Township 26 ODYD Plan 2704, located at 1141 Brookside Avenue, Lot 12 Section 19 Township 26 ODYD Plan 2704, located at 1151 Brookside Avenue, Kelowna, BC, from the RU6 - Two Dwelling Housing zone to the RM3 - Low Density Multiple Housing zone be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA13-0002 to amend the RM3 zone in City of Kelowna Zoning Bylaw No. 8000 to increase the base density to an FAR of 0.75, reduce the under building / covered parking bonus to 0.05 FAR and adding a 0.1 FAR bonus for projects located within Urban Centres as defined by Map 5.3 in the 2030 OCP as outlined in Schedule "A" of the report of the Land Use Management Department dated February 8th, 2013 be considered by Council;

AND THAT the Text Amendment bylaw and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Bylaw No. 10800 authorizing a Housing Agreement between the City of Kelowna and Evergreen Lands Limited, Inc. No. 382754, which requires the owner to provide 68 purpose built rental units for a period of ten years on Lot 9 Section 19 Township 26 ODYD Plan 2704, located at 1121 Brookside Avenue, Lot 10 Section 19 Township 26 ODYD Plan 2704, located at 1131 Brookside Avenue, Lot 11 Section 19 Township 26 ODYD Plan 2704, located at 1141 Brookside Avenue, Lot 12 Section 19 Township 26 ODYD Plan 2704, located at 1151 Brookside Avenue, Kelowna, BC, be forwarded for reading consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the execution of the Housing Agreement;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the submission of a plan of subdivision to consolidate the properties into one title;

AND FURTHER 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.

Carried

**3.1.1. Bylaw No. 10808 (TA13-0002) - Amendment to the City of Kelowna Zoning Bylaw No. 8000 - RM3 - Low Density Multiple Housing Zone**

City Clerk:

- Confirmed that Section 1(a) of Bylaw No. 10808 should read that the FAR "...may be increased by 0.05" rather than "...may be increased to 0.05"
- Confirmed that the Bylaw will be corrected for first reading with this change.

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R107/13/02/25 THAT Bylaw No. 10804 be read a first time.

Carried

**3.1.2. Bylaw No. 10809 (Z12-0068) - 1121, 1131, 1141 and 1151 Brookside Avenue**

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R108/13/02/25 THAT Bylaw No. 10808 be read a first time.

Carried

**3.1.3. Bylaw No. 10800 - Housing Agreement - 1121, 1131, 1141 and 1151 Brookside Avenue**

Moved By: Councillor Given/Seconded By: Councillor Singh

R109/13/02/25 THAT Bylaw No. 10800 be read a first, second and third time.

Carried

**3.2. Text Amendment Application No. TA12-0012 - Text Amendment to Zoning Bylaw for Care Centre and Housing Agreement Updates**

Staff:

- Provided an overview of the Text Amendments and responded to questions from Council.

Moved By: Councillor Basran/Seconded By: Councillor Hobson

R110/13/02/25 THAT Zoning Bylaw Text Amendment No. TA12-0012 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule 'A' attached to the Report of the Land Use Management Department dated January 31, 2013, be considered by Council;

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

Carried

**3.2.1. Bylaw No. 10804 (TA12-0012) - Amendment to the City of Kelowna Zoning Bylaw No. 8000 - Care Centre Text Amendments**

Moved By: Councillor Stack/Seconded By: Councillor Given

R111/13/02/25 THAT Bylaw No. 10804 be read a first time.

Carried

**3.3. Official Community Plan Text Amendment Application No. OCP12-0014 - 3762-3766 and 3756 Lakeshore Road**

Staff:

- Provided an overview of the Official Community Plan Amendment Application and responded to questions from Council;

Council:

- Inquired whether or not the public walkway will be continuous.
- Requested the rationale for providing more parking stalls than is required by the City's bylaws.

Moved By: Councillor Stack/Seconded By: Councillor Zimmermann

R112/13/02/25 THAT Official Community Plan Bylaw Amendment No. OCP12-0014 for a Text Amendment to OCP Objective 5.5, Policy .1, Building Height to exclude the development proposed at Lot A, District Lot 134 and Section 6, Township 26, ODYD, Plan KAP56428 Except Strata Plan KAS1776 (PH1), located at 3762-3766 Lakeshore Road from the 'Elsewhere Building Height' policy in order to permit one 10 storey and one 12 storey apartment hotel where the height maximum is 6 storeys;

AND THAT Council considers the Advisory Planning Commission public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Land Use Management Department dated February 8, 2013;

AND FURTHER THAT the Official Community Plan Bylaw Amendment be forwarded to a Public Hearing for further consideration.

Carried

**3.3.1. Bylaw No. 10810 (OCP12-0014) - 3762-3766 and 3756 Lakeshore Road**

Moved By: Councillor Blanleil/Seconded By: Councillor Basran

R113/13/02/25 THAT Bylaw No. 10810 be read a first time;

AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

**4. Non-Development Reports & Related Bylaws**

#### 4.1. 2013 Professional Arts Operating Grants

Mayor Gray advised that Agenda Item No. 4.1 will be deferred until later on the Agenda.

#### 4.2. Climate Action Revenue Incentive Reporting Requirements

Staff:

- Provided an overview of the Climate Action Revenue Incentive Program.

**Moved By:** Councillor Hobson/**Seconded By:** Councillor DeHart

R114/13/02/25 THAT Council receives, for information, the report from the Sustainability Coordinator and Capital Assets and Investment Manager, dated February 12, 2013, with respect to the Climate Action Revenue Incentive Program reporting requirements.

Carried

#### 4.3. Award of the 2013 Asphalt Mill & Fill Contract

Staff:

- Provided the rationale for awarding the Contract to Emil Anderson Construction.

**Moved By:** Councillor Zimmermann/**Seconded By:** Councillor Stack

R115/13/02/25 THAT Council awards the 2013 Asphalt Mill & Fill Contract (T13-009) to Emil Anderson Construction Ltd. for the amount of \$712,661 plus applicable taxes.

Carried

#### 4.1. 2013 Professional Arts Operating Grants

Staff:

- Provided an overview of the 2013 Professional Arts Operating Grants and responded to questions from Council.

**Moved By:** Councillor Singh/**Seconded By:** Councillor Basran

R116/13/02/25 THAT Council receives, for information, the report dated February 15, 2013 from the Cultural Services Manager;

AND THAT Council approves 2013 Professional Arts Operating Grants as recommended in the report dated February 15, 2013 from the Cultural Services Manager, for the following organizations:

- \$25,000 to the Okanagan Artists Alternative Association (operating as Alternator Centre for Contemporary Art); and
- \$55,000 to the Okanagan Symphony Society;

AND THAT Council authorizes payment of the amount of \$15,000 to the Okanagan Artists Alternative Association in recognition of the \$10,000 advance already provided to the Association;

AND FURTHER THAT Council directs staff to report back with information and recommendations regarding 2013 funding for the Kelowna Ballet Society and any balance of funding remaining in the Professional Arts Operating Grant program for 2013.

Carried

#### 4.4. Bernard Avenue Sidewalk Program

Staff:

- Displayed a PowerPoint Presentation and responded to questions from Council.

Council:

- Provided comments with respect to additional financial incentives to encourage high quality sidewalk applications based on investment.

City Clerk:

- Clarified Council's intent regarding the proposed amendments to the fee schedule.

**Moved By: Councillor Hobson/Seconded By: Councillor Blanleil**

**R117/13/02/25** THAT Council receives, for information, the Report from the Manager, Property Management, dated February 20, 2013, regarding the Bernard Avenue Sidewalk Program Policy;

AND THAT Council endorses, in principle, the Bernard Avenue Sidewalk Program Policy as attached to the Report of the Manager, Property Management dated February 20, 2013;

AND THAT Council endorses, in principle, the revised proposed fee schedule that provides a second year of free rent for all participants;

AND FURTHER THAT Council directs staff to refer the revised proposed fee schedule to the Downtown Kelowna Association for comment and report back to Council.

**Carried**

#### 4.4.1. Bylaw No. 10814 - Amendment No. 22 to Traffic Bylaw No. 8120

As Council requested amendments to the fee schedule, Council did not give any reading consideration to Bylaw No. 10814.

#### 5. Bylaws for Adoption (Non-Development Related)

##### 5.1. Bylaw No. 10799 - A Bylaw to Rename Horn Crescent to Tungsten Court - Adoption Report

**Moved By: Councillor Hobson/Seconded By: Councillor Singh**

**R118/13/02/25** THAT Bylaw No. 10799, being A Bylaw to Rename Horn Crescent to Tungsten Court be adopted.

**Carried**

##### 5.2. Bylaw No. 10803 - A Bylaw to Rename a Portion of Upper Canyon Drive to Upper Canyon Drive North - Adoption Report

**Moved By: Councillor Singh/Seconded By: Councillor Hobson**

**R119/13/02/25** THAT Bylaw No. 10803, being A Bylaw to Rename a Portion of Upper Canyon Drive to Upper Canyon Drive North be adopted.

**6. Mayor and Councillor Items**

Councillor Given:

- Advised that Wednesday, February 27, 2013 is Anti-Bullying Day.

Councillor DeHart:

- Advised that she has been approached by a member of the public regarding whether the City is acknowledging the 10<sup>th</sup> Anniversary of the Okanagan Mountain Park Fire event.
- Advised that another member of the public directly impacted by the Fire would prefer not to commemorate the event.

Councillor Hobson:

- Advised that he will be speaking to the Clifton Residents Association at their upcoming Annual General Meeting and requested a list of potential topics from the City Manager.
- Referred to recent correspondence that was received regarding Vacation Rentals.

Mayor Gray:

- Commented on the successful tour of the Bernard Avenue Heritage Homes held during Heritage Week.
- Raised comments regarding today's RCMP Press Conference held on the Lower Mainland regarding the recent arrest in the Jonathan Bacon murder.

Acting City Manager:

- Advised that the Stuart Park ice rink will be closing for the season on Thursday, February 28, 2013.
- Advised that street sweeping is underway, weather permitting.

**7. Termination**

This meeting was declared terminated at 3:12 p.m.

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Mayor

\_\_\_\_\_  
City Clerk

/slh