



## City of Kelowna Regular Council Meeting Minutes

Date:	Monday, April 16, 2018
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn*, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben*, Mohini Singh* and Luke Stack*
Staff Present	Acting City Manager, Joe Creron; Deputy City Clerk, Karen Needham, Cultural Services Manager, Christine McWillis*; Community Planning Department Manager, Ryan Smith*; Urban Planning Manager, Terry Barton*; Community Planning Supervisor, Laura Bentley*; Suburban & Rural Planning Manager, Dean Strachan*; Planner, Trisa Atwood*; Divisional Director, Infrastructure, Alan Newcombe*; Policy & Planning Department Manager, Danielle Noble-Brandt*; Budget Supervisor, Melanie Antunes*; Revenue Supervisor, Angie Schumacher*; Transit Service Coordinator, Mike Kittmer*; Transit and Programs Manager, Jerry Dombowsky*; Parks & Buildings Planning Manager, Robert Parlane*; Park & Landscape Planner, Lindsay Clement*; Utility Planning Manager, Rod MacLean*; Infrastructure Engineering Manager, Joel Shaw*; Infrastructure Operations Department Manager, Ian Wilson*; Fleet Services Manager, Alf Soros*; Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 1:35 p.m.

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

### 2. Confirmation of Minutes

Moved By Councillor Gray/Seconded By Councillor Hodge

R363/18/04/16 THAT the Minutes of the Regular Meetings of April 9, 2018 be confirmed as circulated.

Carried

### 3. Public in Attendance

### 3.1 Alternator Centre for Contemporary Arts

Staff:

- Introduced Lorna McParland, Artistic & Administrative Director

Artistic & Administrative Director, Lorna McParland

- Displayed a PowerPoint Presentation summarizing the annual activities of the Alternator Centre.
- Responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor DeHart

**R364/18/04/16** THAT Council receives, for information, the annual activities presentation from Artistic & Administrative Director of the Alternator Centre, dated April 16, 2018.

**Carried**

Councillor Stack joined the meeting at 1:59 p.m.

### 4. Development Application Reports & Related Bylaws

#### 4.1 Bennett Rd 1602, OCP17-0026 Z17-0105 - Lakeside Communities Inc., Inc. No. A57531

Councillor Singh declared a conflict of interest as she resides in the neighbourhood of the proposed application and departed the meeting at 1:59 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application and providing rationale for non-support
- Responded to questions from Council.

Andrew Bruce, Melcor Developments, Applicant

- Displayed a PowerPoint Presentation, re: North Clifton Estates
- In support of this application, engineering designs, geotechnical reports, environmental impact and restoration recommendations have been provided to the City.
- The internal circulation has not resulted in any technical reasons that the proposed design cannot move forward.
- Understand and respect that leniency is being requested regarding OCP policies with developments on steep slopes, however, believes that the request is dealing with small areas of impact and that impacts can be restored and mitigated to the point that this proposal is not significantly inconsistent with how hillside development occurs on a regular basis.
- The area in questions is limited to Phase 1; this amendment would not change the overall parameters of the Approved ASP – still allows for up to 200 units.
- Displayed a drawing of the proposed area of change from Park and Open Space to RU1H zoned land for single family residential use and noted the boundaries shown include all of the land required to accommodate the grading of the proposed lots.
- A Master Parks Plan was prepared to show the trails, open space and public park dedications and tied them to each phase of subdivision registration.
- The waterfront park is surveyed; in the process of subdividing and transferring it to the City; will be City owned within a couple of months.
- The proposed zoning changes do reduce the open space dedication associated with Phase 5 but it does not affect any of the planned trails or functionality of the open space.
- The Current Phase 1 layout shows 42 lots; most of the grading work for the lots east of Clifton Road has been completed; the lot grading west of Clifton has been on hold pending the outcome of this application.
- Spoke to various lots and required cuts to existing natural grade and maximum height of cut.

- Displayed before and after photos of visual impact modelling.
- In summary noted:
  - o The proposed changes would allow a more efficient use of infrastructure by adding eight additional lots to the development yield
  - o Impacts have been minimized by design and mitigation/restoration plans would restore the new fill slopes to a vegetated condition;
  - o No new retaining walls required for the rear fill slopes
  - o General public support;
  - o No fundamental change to approved ASP.
- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Given

**R365/18/04/16** THAT Official Community Plan Map Amendment Application No. OCP17-0026 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of a portion of Lot 2 Section 17 Township 23 ODYD Plan KAP65503, located at 1602 Bennett Road, Kelowna, BC from the PARK – Major Park / Open Space (Public) designation to the S2RESH – Single / Two Unit Residential – Hillside designation NOT be considered by Council;

AND THAT Rezoning Application No. Z17-0105 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 2 Section 17 Township 23 ODYD Plan KAP65503, located at 1602 Bennett Road, Kelowna, BC from the P3 – Parks and Open Space zone to the RU1h – Large Lot Housing (Hillside Area) zone NOT be considered by Council.

**Carried**

Councillor Singh rejoined the meeting at 2:33 p.m.

**4.2 Old Vernon Rd 144 - LUC17-0003 - Serra Holdings (No. 9) Ltd Inc. No BC0950182**

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Stack

**R366/18/04/16** THAT Application No. LUC17-0003 to discharge LUC77-1015 from Lot A (X26413) Section 2, Township 23, ODYD, Plan 7301, located at 144 Old Vernon Road, Kelowna, BC, be considered by Council;

AND THAT the Land Use Contract Discharge be forwarded to a Public Hearing for further consideration.

**Carried**

**4.3 Old Vernon Rd 144 - LUC17-0003 (BL11598) - Serra Holdings (No. 9) Ltd Inc. No BC0950182**

Moved By Councillor Gray/Seconded By Councillor Hodge

**R367/18/04/16** THAT Bylaw No. 11598 be read a first time.

**Carried**

**4.4 Old Vernon Rd 155-165 Rutland Ct 2155-2165, LUCT17-0003 Z18-0005 - Cornel Epp, Terra Landscaping & CGSB Automotive Group**

Staff:

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

Moved By Councillor Hodge/Seconded By Councillor Gray

**R368/18/04/16** THAT Application No. LUCT17-0003 to terminate LUC77-1015 from Lot 1, Section 35, Township 26, ODYD, Plan EPP60557, located at 155-165 Old Vernon Road, Kelowna, BC, be considered by Council;

AND THAT Application No. LUCT17-0003 to terminate LUC77-1082 from Lot 1, Section 35, Township 26, ODYD, Plan 9018, located at 2155-2165 Rutland Court, Kelowna, BC, be considered by Council;

AND THAT the Land Use Contract Termination LUCT17-0003 be forwarded to a Public Hearing for further consideration;

AND THAT Rezoning Application No. Z18-0005 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of, Lot 1, Section 35, Township 26, ODYD, Plan EPP60557, located at 155-165 Old Vernon Road, Kelowna, BC, from C2 – Neighbourhood Commercial to C10 – Service Commercial be considered by Council;

AND THAT Rezoning Application No. Z18-0005 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 35, Township 26, ODYD, Plan 9018, located at 2155-2165 Rutland Court, Kelowna, BC, from C2 – Neighbourhood Commercial to C10 – Service Commercial, be considered by Council;

AND FURTHER THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

**Carried**

**4.5 Old Vernon Rd 155-165 Rutland Ct 2155-2165, LUCT17-0003 (BL11599) - Cornel Epp, Terra Landscaping & CGSB Automotive Group**

Moved By Councillor Gray/Seconded By Councillor Hodge

**R369/18/04/16** THAT Bylaw No. 11599 be read a first time.

**Carried**

**4.6 Old Vernon Rd 155-165 Rutland Ct 2155-2165, Z18-0005 (BL11600) - Cornel Epp, Terra Landscaping & CGSB Automotive Group**

Moved By Councillor Hodge/Seconded By Councillor Gray

**R370/18/04/16** THAT Bylaw No. 11600 be read a first time.

**Carried**

**4.7 Capri Centre Compressive Development, Master DP17-0252 - RG Properties Ltd. Inc. No. BCo812619**

Staff:

- Displayed a PowerPoint Presentation.
- The Master Development Permit will be a framework to guide future phased development.
- Spoke to the design objectives and that they were created through the original DP that established the design guidelines that form part of the zone. This Master DP is meant to create a framework within the design guidelines in order to frame future phases of development as they occur.

- This is a broad, general, site plan that will evolve and change over time.
- Staff anticipate amendments over the 30 year intended build out.
- The site plan shows the large community amenity park and hockey rink, retention of the existing hotel and creation of mixed use residential and commercial buildings.
- The purpose is to create an Urban Interface between Capri Centre and Harvey Avenue with retail at grade with office and residential above; pedestrian linkages with wide sidewalks.
- Responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Given

**R371/18/04/16** THAT Council hear from the Applicant.

**Carried**

Leo Mariotto, ICR Projects Inc.

- This Master Plan as presented is just another evolution of the original Master Plan approved two years ago.
- Will not be changing any amenities that were promised and provided two years ago.
- The reason this plan slightly changed is to provide more pedestrian public access. The previous plan had more roads.
- Proposing a larger ice surface where public can play hockey and invite hockey teams to play as well to be used as a skating facility.
- There will also be shopping and restaurants in the area and need the public to be there.
- The main focus now is to begin our first tower on site at Capri Street and Sutherland Avenue. Then will move toward the highway with 2 more towers.
- The next phase will be residential development on Sutherland that will require the food store to relocate.
- What was decided upon in negotiations 2 years ago is still in place and will not change; willing to enter into new negotiations to address concerns of Council
- Cannot commit to a date when amenities will be constructed.
- Responded to questions from Council.

Staff:

- Provided information on City owned park sites and public private partnerships and noted that this is not considered part of the City park system
- A Master Plan was established to guide development as the project moves forward in phases and to allow check-in point of the original plan.

Moved By Councillor Stack/Seconded By Councillor Hodge

**R372/18/04/16** THAT Council defer the issuance of Development Permit No. DP17-0252, located at 1835 Gordon Drive, 1171 Harvey Avenue and 1755 Capri Street, RG Properties Ltd.

**Carried**

Mayor Basran, Councillors Given and Sieben - Opposed

Moved By Councillor Stack/Seconded By Councillor Hodge

**R373/18/04/16** THAT Council directs staff to report back with further information on the Master Development Permit No. DP17-0252 with respect to;

- Ice rink ownership model; uses being proposed and public access;
- internal road system with respect to public or private accessibility, upkeep and maintenance.
- Bicycle routes and their connectivity to and within the site;
- Provision of public park space, consideration of park dedication and implication;
- Proposed phases of construction with public amenities.

**Carried**

Councillors Given and Sieben - Opposed

The meeting recessed at 5:00 p.m.

Councillor Sieben left the meeting at 5:00 p.m.

The meeting reconvened at 5:12 p.m.

**4.8 Capri Centre Phase 1, DP17-0253 - RG Properties Ltd. Inc. No. BCo812619**

Staff:

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

Moved By Councillor Donn/Seconded By Councillor Given

**R374/18/04/16** THAT Council authorizes the issuance of Development Permit No. DP17-0253 for Lot A, District Lot 137, ODYD, Plan KAP64836 Except Plan EPP33990, located at 1835 Gordon Drive, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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, as determined by a Registered Landscape Architect;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

**Carried**  
Councillor Hodge – Opposed

Councillor Donn left the meeting at 5:49 p.m.

**5. Bylaws for Adoption (Development Related)**

**5.1 Terai Ct 265, Z17-0111 (BL11560) - Marty and Denise Hoglin**

Moved By Councillor Given/Seconded By Councillor Hodge

**R375/18/04/16** THAT Bylaw No. 11560 be adopted.

**Carried**

**5.2 Valley Road 276-292, (BL11523) Vanmar Developments Glenpark Ltd.**

Moved By Councillor Gray/Seconded By Councillor Given

**R376/18/04/16** THAT Bylaw No. 11523 be adopted.

**Carried**

Councillor Stack departed the meeting at 5:50 p.m.

## 6. Non-Development Reports & Related Bylaws

### 6.1 Minister of Agriculture's Advisory Committee Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission Discussion Paper for Stakeholder Consultation and Public Engage

Staff:

- Displayed a PowerPoint Presentation summarizing the Minister of Agriculture's discussion paper and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Gray

**R377/18/04/16** THAT Council receives, for information, the report from the Policy and Planning Department dated April 16, 2018, with respect to a response to the Minister of Agriculture's Advisory Committee Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission Discussion Paper for Stakeholder consultation and Public Engagement;

AND THAT Council directs staff to forward the response to the Ministry of Agriculture's Advisory Committee for their consideration.

**Carried**

### 6.2 Amendment No. 1 to the Five Year Financial Plan 2017-2021 Bylaw No. 11582

Staff:

- Provided an overview of the amendment to the 5-year Financial Plan and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Gray

**R378/18/04/16** THAT Council receives, for information, the Report from the Budget Supervisor dated April 16, 2018 with respect to amendments to the Five Year Financial Plan 2017-2021 Bylaw;

AND THAT Bylaw No. 11582 being Amendment No. 1 to the Five Year Financial Plan 2017-2021 Bylaw No. 11394 be advanced for reading consideration.

**Carried**

### 6.3 BL11582 - Amendment No. 1 to Five Year Financial Plan 2017-2021 BL11394

Moved By Councillor Singh/Seconded By Councillor DeHart

**R379/18/04/16** THAT Bylaw No. 11582 be read a first, second and third time.

**Carried**

### 6.4 Amendment No. 1 to the 2017 Sale of City-Owned Land Reserve Fund Expenditure Bylaw No. 11398

Staff:

- Provided an overview of the amendment in the Land Reserve Fund Expenditure Bylaw.

Moved By Councillor DeHart/Seconded By Councillor Hodge

**R380/18/04/16** THAT Council receives, for information, the Report from the Budget Supervisor dated April 16, 2018 with respect to amendments to the Sale of City-Owned Land Reserve Fund Expenditure Bylaw;

AND THAT Bylaw No. 11589 being Amendment No. 1 to the Sale of City-Owned Land Reserve Fund Expenditure Bylaw, 2017 No. 11398 be advanced for reading consideration.

**Carried**

**6.5 BL11589 - Amendment No. 1 to Sale of City-Owned Land Reserve Fund Expenditure Bylaw, 2017 No. 11398**

Moved By Councillor DeHart/Seconded By Councillor Singh

**R381/18/04/16** THAT Bylaw No. 11398 be read a first, second and third time.

**Carried**

**6.6 2018 Tax Distribution Policy**

Staff:

- Displayed a PowerPoint Presentation summarizing the 2018 Tax Distribution Policy.

Moved By Councillor Given/Seconded By Councillor DeHart

**R382/18/04/16** THAT Council approve a Municipal Tax Distribution Policy as outlined in the Report dated April 16, 2018, for the year 2018 that will result in a modification of the 2017 Tax Class Ratios to reflect the uneven market value changes which have been experienced between property classes, as follows:

**2017 Tax 2018 Tax  
Property Class Class Ratios Class Ratios**

Residential/Rec/NP/SH	1.0000:1	1.0000:1
Utilities	5.3182:1	5.5475:1
Major Industrial	5.8019:1	6.6176:1
Light Industrial/Business/Other	2.2967:1	2.3777:1
Farm Land	0.1357:1	0.1524:1
Farm Improvements	0.4810:1	0.4987:1

AND THAT Council approve development of 2018 tax rates to reflect the 2018 assessment changes in property market values.

**Carried**

**6.7 2018 Sterile Insect Release (SIR) parcel tax**

Staff:

- Displayed a PowerPoint Presentation summarizing the 2018 Sterile Insect Release Parcel Tax levy.

Moved By Councillor Given/Seconded By Councillor Hodge

**R383/18/04/16** THAT Council approve the Sterile Insect Release Program as outlined in the report dated April 16, 2018, charging the 2018 Sterile Insect Release (SIR) Parcel Tax to individual property tax rolls in accordance with the 2018 SIR Parcel Tax Assessment Roll provided to the City of Kelowna by SIR administration.

AND THAT Bylaw No. 11593 being the Sterile Insect Release Program Parcel Tax Bylaw 2018 be forwarded for reading consideration.

**Carried**



### 6.8 BL11593 - Sterile Insect Release Program Parcel Tax Bylaw No. 2018

Moved By Councillor Singh/Seconded By Councillor DeHart

**R384/18/04/16** THAT Bylaw No. 11593 be read a first, second and third time.

**Carried**

### 6.9 2018 Transit Capital Program

Staff:

- Displayed a PowerPoint Presentation summarizing the 2018 Transit Capital Program and responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Given

**R385/18/04/16** THAT Council receives, for information, the report from the Transit and Programs Manager dated April 16, 2018, with respect to the 2018 Transit Capital Program; AND THAT the 2018 Financial Plan be amended to reflect the reprioritization of transit capital projects;

AND FURTHER THAT Council authorizes the Integrated Transportation Department to initiate the design and construction of a new bus bay and passenger waiting area on Enterprise Way east of Spall Road.

**Carried**

### 6.10 Community for All - Parks and Building Assessment

Staff:

- Displayed a PowerPoint Presentation outlining the Parks and Buildings Assessments program and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Hodge

**R386/18/04/16** THAT Council receives, for information, the report from the Park and Landscape Planner dated April 16, 2018, with respect to the Community for All – Parks and Buildings Assessment.

**Carried**

### 6.11 UBCM Community Emergency Preparedness Fund (CEPF) - Structural Flood Mitigation Program Application

Staff:

- Provided an overview and summarized background information for the UBCM Structural Grant Application.

Moved By Councillor Hodge/Seconded By Councillor Gray

**R387/18/04/16** THAT Council receives, for information, the report from the Utilities Planning Manager dated April 16, 2018, with respect to the UBCM Community Emergency Preparedness Fund (CEPF) - Structural Flood Mitigation Program Application;

AND THAT Council authorizes staff to apply for a UBCM CEPF Structural Flood Mitigation grant as outlined in this report,

AND THAT Council authorizes the Mayor and City Clerk to execute the UBCM CEPF Structural Flood Mitigation grant, if the application is successful,

AND FURTHER THAT the 2018 Financial Plan be amended to include the grant funding for the Spencer Road Mill Creek Drainage Improvement Project if the application is successful.

**Carried**

#### **6.12 New Sewer Connection Charge Bylaw 11540**

Staff:

- Displayed a PowerPoint Presentation summarizing the revisions to both the number of sewer connection areas and the connections fees and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Hodge

**R388/18/04/16** THAT Council receives for information, the report from the Utility Planning Manager dated April 16, 2018, recommending that Council adopt a new Sewer Connection Charge Bylaw No. 11540;

AND THAT Bylaw No. 11540, being Sewer Connection Charges be forwarded for reading consideration;

AND THAT after adoption of Bylaw No. 11540 Sewer Connection Charge, Bylaw No. 846g being Sewer Connection Charges, and all amendments, be repealed.

**Carried**

#### **6.13 BL11540 - Sewer Connection Charge Bylaw**

Moved By Councillor Hodge/Seconded By Councillor Singh

**R389/18/04/16** THAT Bylaw No. 11540 be read a first, second and third time.

**Carried**

#### **6.14 2017 Organization Development Grant Summary and 2018 Organization Development Grant Guidelines**

Staff:

- Displayed a PowerPoint Presentation summarizing the 2017 Organization Development Grant funds and revised guidelines for 2018.
- Responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Singh

**R390/18/04/16** THAT Council receives for information the report of the Cultural Services Manager dated April 16, 2018 regarding the administration and distribution of the 2017 Organization Development Grants.

AND THAT Council approves the 2018 Organization Development Grant Guidelines as proposed in the report of the Cultural Services Manager dated April 16, 2018.

**Carried**

#### **6.15 Modo Car Share Agreement April 16 2018**

Staff:

- Displayed a PowerPoint Presentation summarizing the 2018 Modo Car Share Agreement with the City and responded to questions from Council

Moved By Councillor Hodge/Seconded By Councillor Singh

**R391/18/04/16** THAT Council receive for information, the report from the Infrastructure Operations Manager, dated April 16, 2018 regarding a Car Sharing Agreement between Modo Co-operative and the City of Kelowna;

AND THAT Council authorizes the Mayor and City Clerk to sign the aforementioned Agreement (Appendix 1).

**Carried**

**6.16 Road Closure & Sale Adjacent to 1155 & 1165 St. Paul Street**

Moved By Councillor Given/Seconded By Councillor Gray

**R392/18/04/16** THAT Council receives for information, the Report from the Manager, Real Estate Services, dated April 16, 2018, recommending that Council adopt the proposed closure of a portion of laneway adjacent to 1155 and 1165 St. Paul Street;

AND THAT Bylaw 11592, being the proposed closure of a portion of laneway adjacent to 1155 and 1165 St. Paul Street, be given reading consideration;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all document necessary to complete this transaction.

**Carried**

**6.17 Portion of Laneway Adjacent to St. Paul St, BL11592 - Road Closure Bylaw**

Moved By Councillor DeHart/Seconded By Councillor Singh

**R393/18/04/16** THAT Bylaw No. 11592 be read a first, second and third time.

**Carried**

**7. Bylaws for Adoption (Non-Development Related)**

**7.1 BL11572 - Parcel Tax Bylaw for Aspen Road Local Area Service**

Moved By Councillor Hodge/Seconded By Councillor DeHart

**R394/18/04/16** THAT Bylaw No. 11572 be adopted.

**Carried**

**8. Mayor and Councillor Items - Nil**

**9. Termination**

This meeting was declared terminated at 6:52 p.m.

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Mayor Basran

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Deputy City Clerk

/acm