



City of Kelowna Regular Council Meeting Minutes

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| Date: | Monday, September 24, 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 | City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Sport & Event Services Manager, Doug Nicholas*; Community Planning Department Manager, Ryan Smith*; Suburban and Rural Planning Manager, Dean Strachan*, Bylaw Services Manager, David Gazley*; Long Range Policy Planning Manager, James Moore*; Planner Specialist, Ross Soward*; Development Engineering Manager, James Kay*; Sustainability Coordinator, Michelle Kam*; Senior Project Manager, Andrew Gibbs*; Community & Neighbourhood Services Manager, Mariko Siggers*; Legislative Coordinator (Confidential), Clint McKenzie |

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:31 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 Given/Seconded By Councillor Stack

R901/18/09/24 THAT the Minutes of the Regular Meetings of September 17, 2018 be confirmed as circulated.

Carried

3. Public in Attendance

3.1 International Children's Games Committee Update

Doug Nicholas, Sport & Event Services Manager:

- Provided background information regarding the International Children's Games Committee and introduced Heather Schneider and Lance MacDonald

Heather Schneider, Society President and Lance MacDonald, Team Kelowna Lead, Jerusalem International Games

- Displayed a PowerPoint Presentation summarizing the annual activities of the International Children's Games Kelowna.

Moved By Councillor Singh/Seconded By Councillor Sieben

R902/18/09/24 THAT Council receives, for information, the annual update from the President of the International Children's Games Committee, dated September 24, 2018.

Carried

4. Development Application Reports & Related Bylaws

4.1 Wallace Hill Rd 4205, A17-0005 - Walter Baran

Staff:

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

Moved By Councillor Hodge/Seconded By Councillor Stack

R903/18/09/24 THAT Agricultural Land Reserve Appeal No. A17-0005 for Lot 1 Section 34 Township 29 ODYD Plan 6171, located at 4205 Wallace Hill Road, Kelowna for a Homesite Severance Subdivision of agricultural land in the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Council subject to the following:

1. Decommissioning of the dwelling identified as *Dwelling 2* in Schedule "A" to an agricultural accessory structure, or demolition of the structure;
2. Removal of mobile home identified as *Dwelling 3* in Schedule "A";
3. Registration of a Section 219 Restrictive Covenant to establish a Residential Footprint on the remainder parcel in general accordance with Schedule "B";
4. Registration of a Section 219 Restrictive Covenant on the newly created lot to limit location of the driveway.

AND THAT Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Amendment to Development Application Fees Bylaw No. 10560

Staff:

- Displayed a PowerPoint Presentation with an overview of the proposed amendments to the Development Application Fees Bylaw and responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Donn

R904/18/09/24 THAT Council, receives, for information, the Report from the Community Planning Department dated September 24, 2018 recommending that Council amend the City of Kelowna Development Application Fees Bylaw No. 10560;

AND THAT Bylaw No. 11684 being Amendment No. 7 to the Development Application Fees Bylaw No. 10560 be forwarded for reading consideration.

Carried
Councillor Hodge - Opposed

5.2 **BL11684 - Amendment No. 7 to Development Application Fees Bylaw No. 10560**

Moved By Councillor Stack/Seconded By Councillor DeHart

R905/18/09/24 THAT Bylaw No. 11684 be read a first, second and third time.

Carried
Councillor Hodge - Opposed

5.3 **Harvey Ave 1864 - Ponderosa Motel**

Staff:

- Displayed a PowerPoint Presentation providing reasons for the recommendation for remedial action against 1864 Harvey Avenue and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Gray

R906/18/09/24 WHEREAS the Council of the City of Kelowna has the authority under Section 72 (1) (a) and (b) of the Community Charter to impose a remedial action requirement in relation to hazardous/unsafe conditions or declared nuisances;

Council hereby considers that the buildings located at 1864 Harvey Avenue (the "Property") are in, and create, an unsafe condition, within the meaning of Section 73 (2)(a) of the Community Charter, as a result of the buildings being insecure on numerous occasions, the buildings being damaged by fire and continuing to deteriorate and/or the buildings contravening Bylaw 10760 and the BC Fire Code;

Council hereby declares the buildings on the Property are a nuisance, within the meaning of Section 74 (2) of the Community Charter, as Council considers that the buildings are so dilapidated and unclean as to be offensive to the community;

Council hereby declares the over-grown vegetation and debris on the Property to be a nuisance, as Council considers they contribute to the unclean and offensive condition of the Property that is offensive to the community;

Council hereby imposes on the owner of a requirement to take remedial action to (a) remove the buildings on the Property as the buildings are: (i) a nuisance (ii) in an unsafe condition, (iii) contravene the BC Fire Code and Bylaw 10760 and (b) to remove and/or trim the over-grown vegetation and remove the debris on the Property no later than thirty (30) days after notice of this remedial action requirement under s. 77 of the Community Charter has been sent by the City to the owner of the Property.

Carried

5.4 **Fall 2018 Rental Housing Agreement Bylaws**

Councillor Stack provided a statement that for items 5.5 to 5.8 he has no conflict, unlike previous years, as his employer is not under consideration for any of the incentives.

Staff:

- Provided an overview of the rental housing agreement program and responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor DeHart

R907/18/09/24 THAT Council, receives, for information, the Report from the Planner Specialist dated September 24, 2018 recommending that the City of Kelowna enter into three (3) Housing Agreements to secure 256 purpose-built rental housing units;

AND THAT Bylaw No. 11690 authorizing a Housing Agreement between the City of Kelowna and 1017476 B.C. Ltd. (Al Stober Construction Ltd), which requires the owners to designate 188 dwelling units in a purpose-built rental housing for Lot 1, District Lot 139 ODYD, Plan KAP92715 at 1730 and 1740 Richter Street, Kelowna, BC, be forwarded for reading consideration;

AND THAT Bylaw No. 11688 authorizing a Housing Agreement between the City of Kelowna and Ki-Low-Na Friendship Society, which requires the owners to designate 49 dwelling units in a purpose-built rental housing for Lot B, Section 18 Township 27, ODYD, Plan 29386 at 1759 Highway 33 East, Kelowna, BC, be forwarded for reading consideration.

AND FURTHER THAT Bylaw No. 11689 authorizing a Housing Agreement between the City of Kelowna and 554764 BC Ltd., which requires the owners to designate 19 dwelling units in a purpose-built rental housing for Lot 1 Section 27 Township 26 ODYD, Plan EPP73636 at 200 and 220 Nickel Road, Kelowna, BC, be forwarded for reading consideration.

Carried

5.5 Highway 33 E 1759, BL11688 - Housing Agreement Authorization Bylaw - Ki-Low-Na Friendship Society

Moved By Councillor Hodge/Seconded By Councillor Gray

R908/18/09/24 THAT Bylaw No. 11688 be read a first, second and third time.

Carried

5.6 Nickel Rd 200-220, BL11689 - Housing Agreement Authorization Bylaw - 554764 BC Ltd.

Moved By Councillor Donn/Seconded By Councillor Given

R909/18/09/24 THAT Bylaw No. 11689 be read a first, second and third time.

Carried

5.7 Richter St 1730 & 1740, BL11690 - Housing Agreement Authorization Bylaw - 1017476 BC Ltd.

Moved By Councillor Gray/Seconded By Councillor Hodge

R910/18/09/24 THAT Bylaw No. 11690 be read a first, second and third time.

Carried

5.8 Rental Housing Revitalization Tax Exemption Agreements

Staff:

- Provided an overview of the revitalization tax exemption agreements and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Hodge

R911/18/09/24 THAT Council, receives, for information, the Report from the Planner Specialist dated May 28, 2018 recommending that Council adopt the following Revitalization Tax Exemption Agreements for four purpose-built rental housing projects.

THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with 1017476 B.C. Ltd., INC. NO. BC1017476 (ASC Construction LTD), for Lot 1 District Lot 139 ODYD PLAN 92715 at 1730 Richter Street, Kelowna, BC.

THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with 1017476 B.C. Ltd., INC. NO. BC1017476 (ASC Construction LTD), for Lot 1 District Lot 139 ODYD PLAN 92715 at 1740 Richter Street, Kelowna, BC.

THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with Ki-Low-Na Friendship Society for Lot B Section 18 Township 27 ODYD, Plan 29386 at 1759 Highway 33 East, Kelowna, BC.

THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with 554764 Ltd, for Lot 1 Section 27 Township 26 ODYD, Plan EPP73636 at 200-220 Nickel Road, Kelowna, BC.

Carried

5.9 Okanagan Rail Trail – Grand Opening and Status Report

Staff:

- Displayed a PowerPoint presentation providing an update to the development of the Okanagan Rail Trail and its grand opening and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Sieben

R912/18/09/24 THAT Council receives for information the report from the Development Engineering Manager and the Sustainability Coordinator dated September 24, 2018 regarding the Okanagan Rail Trail – Grand Opening and Status Report.

Carried

5.10 2018 Budget Amendment – Laurel Packinghouse Museum Courtyard

Staff:

- Provided an overview of the requested budget amendment for the Laurel Packinghouse Museum Courtyard project.

Moved By Councillor Hodge/Seconded By Councillor Donn

R913/18/09/24 THAT Council receives for information the report from the Senior Project Manager dated September 24, 2018 regarding the 2018 Budget Amendment for the Laurel Packinghouse Museum Courtyard project;

AND THAT the 2018 Financial Plan be amended to increase the budget for the Laurel Packinghouse Museum Courtyard project by \$235,000, funded from an approved BC Gaming Grant.

Carried

5.11 Budget Amendment for the Park Improvement & Shoreline Stabilization works at Strathcona Park

Staff:

- Provided an overview of the project budget and the rationale for the proposed budget amendment and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Singh

R914/18/09/24 THAT Council receives, for information, this report from the Senior Project Manager dated September 24, 2018, with respect to the Budget Amendment for the Park Improvement & Shoreline Stabilization works at Strathcona Park;

AND THAT the 2018 Financial Plan be amended to include up to \$69,000 from the Strathcona Park funds currently being held in reserve.

Carried

5.12 Canyon Falls Neighbourhood Learning Centre

Staff:

- Displayed a PowerPoint Presentation providing an update on the Neighbourhood Learning Centre at Canyon Falls Middle School and details of the proposed agreement and responded to questions from Council.

Moved By Councillor Gray/Seconded By Councillor Sieben

R915/18/09/24 THAT Council receives, for information, the report from the Community & Neighbourhood Services Manager dated September 24, 2018 regarding the Neighbourhood Learning Centre at Canyon Falls Middle School;

AND THAT Council direct staff to proceed with developing an agreement with School District #23 to operate the Neighbourhood Learning Centre at Canyon Falls Middle School based on the principles outlined in the report dated September 24, 2018;

AND THAT Council considers the City's portion of the operating costs for the Neighbourhood Learning Centre in the 2019 provisional budget;

AND FURTHER THAT staff report back with a joint-use agreement to operate the Neighbourhood Learning Centre at Canyon Falls Middle School for Council approval in 2019.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 BL11657 - 2019 Permissive Tax Exemption Bylaw

Councillor Stack declared a conflict of interest as his employer may be a recipient of the permissive tax exemption and left the meeting at 2:55 p.m.

Moved By Councillor DeHart/Seconded By Councillor Singh

R916/18/09/24 THAT Bylaw No. 11657 be adopted.

Carried

Councillor Stack rejoined the meeting at 2:55 p.m.

6.2 BL11692 - Amendment No. 18 to Subdivision, Development and Servicing Bylaw No. 7900

Moved By Councillor DeHart/Seconded By Councillor Stack

R917/18/09/24 THAT Bylaw No. 11692 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Given:

- Reminder of the Child Youth Centre Open House, September 26th.

Councillor Donn:

- Cultural Days this weekend.

Councillor Gray:

- Okanagan Wine Festival starts this weekend.

Councillor Hodge:

- Spoke to his attendance at the Heritage Society Event and the Belmont Park grand opening.

Councillor Singh:

- Inn from the Cold Annual Fundraiser Saturday, September 29th at Kerry Park.

Councillor DeHart:

- Spoke to the Cops for Kids Event.
- Spoke to her attendance at the Belmont Park grand opening.
- Spoke to her attendance at the Chinese Moon Festival.
- Commented on the 10th Annual Commercial Builders Awards.

8. Termination

This meeting was declared terminated at 3:02 p.m.

Mayor Basran

City Clerk

/cm/acm