



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, April 1, 2019
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben, Luke Stack and Loyal Wooldridge
Members Absent	Councillor Mohini Singh
Staff Present	City Manager, Doug Gilchrist*; Deputy City Clerk, Karen Needham; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom*; Community Planning Department Manager, Ryan Smith*; Community Planning Supervisor, Laura Bentley*; Long Range Policy Planning Manager, James Moore*; Planner Specialist, Ross Soward*; Transportation Engineering Manager, Gordon Foy*; Planner Specialist, David James*; Deputy City Manager, Joe Creron*; Utility Services Manager, Kevin Van Vliet*; Wastewater Manager, Mike Gosselin*; Senior Project Manager, Andrew Gibbs*; Legislative Coordinator (Confidential), Rebecca Van Huizen

(*denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:33 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 Hodge/Seconded By Councillor Hodge

(R0341/19/04/01) THAT the Minutes of the Regular Meeting of March 25, 2019 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Byrns Rd 2089, OCP18-0018 Z18-0094 - Mohammed Maizal Munif

Staff displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Applicant, Birte Decloux, Urban Options:

- Introduced the owner.

Owner, Mohammed Maizal Munif:

- Spoke to his sustainable way of living.
- Spoke to where he is acquiring the house that is going to be moved onto the property.
- Gave background information on this application and lot.
- Has neighbours support based on conversations.
- Has had previous conversations with numerous Councillors on the application.

Owner's Spouse, Sherrilee Franks:

- Spoke to the public open house that took place in Nov. 2018.
- Overall a positive experience.
- Concerns brought forward by neighbours regarding parking, noted the application meets minimum requirements.

Applicant, Birte Decloux, Urban Options:

- Displayed a PowerPoint presentation.
- Noted the lot does not immediately abut ALR land.
- Noted the lot has a good walk score, bike accessibility and transit options.
- Close to shopping, colleges, park amenities, hospitals.
- Noted it was one of the original lots in the Benvoulin Town Site.
- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

(R0342/19/04/01) THAT Official Community Plan Bylaw Amendment No. OCP18-0018 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC, from the REP – Resource Protection Area designation to the S2RES – Single/Two Unit Residential designation NOT be considered by Council;

AND THAT Rezoning Application No. Z18-0094 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone NOT be considered by Council.

Defeated

Councillors Sieben, Given, Wooldridge, DeHart and Hodge - Against

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

(R0343/19/04/01) THAT Official Community Plan Bylaw Amendment No. OCP18-0018 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC, from the REP – Resource Protection Area destination to the S2RES – Single/Two Unit Residential be considered by Council;

AND THAT Rezoning Application No. Z18-0094 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to RU6 – Two Dwelling Housing zone be considered by Council;

AND THAT the Official Community Plan Amendment Bylaw and Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment C attached to the Report from the Community Planning Department.

Carried

Mayor Basran, Councillors Donn and Stack - Opposed

3.2 McCurdy Rd E 1425, A18-0001 - Shari Matvieshen

Staff displayed a PowerPoint presentation summarizing the application and responded to questions From Council.

Owner, Shari Matvieshen:

- Spoke to the family history on the lot.
- Spoke to the previous application history with previous Council that was unanimously supported.
- Mentioned they are currently making changes to increase the agricultural probability on the property.
- Spoke to the old homesite severance that happened in 2006.
- There was a road access issue from this, and there was a cost to them to construct a new driveway.
- Her parents' health should be taken into consideration with this application.
- Noted other neighbours have multiple suites on their lots, some rented out year long.
- Showed on the ELMO, the minutes from the ALC meeting from the 2010 application, indicating that if some certain improvements were made, they could be open to supporting.
- Responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Donn

(R0344/19/04/01) THAT Agricultural Land Reserve Appeal No. A18-0001 for Lot 2, Section 36, Township 26, ODYD, Plan 23935 Except Plans KAP53090 and KAP84358, located at 1425 McCurdy Rd E, Kelowna for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, NOT be supported by Council;

AND THAT Council directs Staff NOT to forward application A18-0001 to the Agricultural Land Commission for consideration.

Carried

4. Non-Development Reports & Related Bylaws

4.1 Rescind Housing Agreement for 3477-3499 Lakeshore Rd

Councillor Stack declared a perceived conflict of interest on items 4.1 and 4.2 as his employer applies for housing agreements and left the meeting at 2:28 p.m.

Staff displayed a PowerPoint presentation summarizing the reasons for the rescindment and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

(R0345/19/04/01) THAT Council receives, for information, the report from the Community Planning Department dated April 1, 2019, with respect to the Housing Agreement for 3477-3499 Lakeshore Road;

AND THAT Council approves the City rescinding Revitalization Tax Exemption Agreement RTE18-0001 with 0984342 BC Ltd for Lot A District Lot 134 ODYD Plan EPP65105, located at

3477-3499 Lakeshore Road, Kelowna, BC, as per the report from the Community Planning Department dated April 1, 2019;

AND THAT the Mayor and City Clerk be authorized to execute the rescindment of the Revitalization Tax Exemption Agreement on behalf of the City of Kelowna;

AND THAT Council consider a Bylaw that would authorize the City of Kelowna to repeal Bylaw No. 11610 being Housing Agreement Authorization Bylaw 0984342 BC Ltd Inc. No. BC0984342 – 3477-3499 Lakeshore Road, and all amendments there to, for Lot A District Lot 134 ODYD Plan EPP65105, located at 3477-3499 Lakeshore Road, Kelowna, BC;

AND FURTHER THAT Bylaw No. 11800 being Repeal Housing Agreement Authorization Bylaw No. 11610 be forwarded for reading consideration.

Carried
Councillors Donn and Hodge - Opposed

4.2 **BL11800, Rescind Housing Agreement for 3477-3499 Lakeshore Rd**

Moved By Councillor Sieben/Seconded By Councillor DeHart

(R0346/19/04/01) THAT Bylaw No. 11800 be read a first, second and third time.

Carried
Councillors Donn and Hodge - Opposed

Councillor Stack returned to the meeting at 2:32 p.m.

4.3 **Capri-Landmark Urban Centre Plan**

Staff displayed a PowerPoint presentation summarizing the final Capri-Landmark Plan and responded to questions from Council.

Staff:

- Compared the original 2017 parks concept plan and associated costs to the 2019 plan.
- Noted there had been a slight reduction for park costs from the February presentation to the current amount, based on land acquisition.
- Discussed the illustrative concept site plan that showed the potential build out of the Sutherland Ave road extension.
- Clarified a survey described in a letter to Council from property owners in area was not a City initiative, and did not include staff.
- Responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Donn

(R0347/19/04/01) THAT Council receives, for information the report, from the Planner Specialist dated April 1, 2019, with respect to the Capri-Landmark Plan;

AND THAT Council endorses the Capri-Landmark Urban Centre Plan as described in the report, from the Planner Specialist dated April 1, 2019.

Tabled

The Mayor called to postpone consideration of the motion in order to receive additional information from staff.

Moved By Councillor Sieben/Seconded By Councillor Donn

(R0348/19/04/01) That council table the motion and defer item 4.3 until the end of the agenda to allow staff to come back with additional information.

Carried

4.4 RCMP and Police Services Resourcing Review and 5 Year Resourcing Plan

Staff spoke to the review and resourcing plan and responded to questions from Council.

City Manager returned at 3:29 p.m.

Moved By Councillor Stack/Seconded By Councillor Hodge

(R0349/19/04/01) That Council receive for information the report from the Deputy City Manager dated April 1st, 2019 regarding RCMP and Police Services Resourcing Review and 5 Year Resourcing Plan;

AND THAT the 2019 Financial Plan be amended to include up to \$73,000 funded from the RCMP reserve.

Carried

4.5 Water Utility 2019 update

Staff displayed a PowerPoint presentation summarizing the recent and upcoming activities that affect the Kelowna water utility and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Stack

(R0350/19/04/01) THAT Council receives for information, the report from the Utility Services Manager dated April 1, 2019, pertaining to an update on the City water utility.

Carried

4.6 Water Utility Rates 2019 and 2020

Moved By Councillor DeHart/Seconded By Councillor Donn

(R0351/19/04/01) THAT Council receives for information the report from the Utility Services Manager dated April 1, 2019, regarding Water utility rates for 2019 and 2020;

AND THAT Bylaw No. 11774 being amendment No. 9 to Water Regulation Bylaw 10480 be forwarded to Council for reading consideration;

AND FURTHER THAT the 2019 Financial Plan be amended to reflect the increase in Water revenue of up to \$278,900 for the 4 per cent rate increase and an increase in the Water Quality Enhancement Fee Revenue of up to \$43,400 for the 3 per cent rate increase that are effective May 6, 2019.

Carried

4.7 BL11774 - Amendment No. 9 to Water Regulation Bylaw No. 10480

Moved By Councillor Donn/Seconded By Councillor Sieben

(R0352/19/04/01) THAT Bylaw No. 11774 be read a first, second and third time.

Carried

4.8 Wastewater Utility 2019 Update

Staff displayed a PowerPoint presentation summarizing the wastewater utility operations and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor DeHart

(R0353/19/04/01) THAT Council receives, for information, the report from the Utility Services Manager dated April 1, 2019, pertaining to an update on the City wastewater utility.

Carried

4.9 Wastewater Utility Rates 2019

Moved By Councillor Given/Seconded By Councillor Woolridge

(R0354/19/04/01) THAT Council receives for information the report from the Utility Services Manager dated April 1, 2019, regarding wastewater utility rates for 2019;

AND THAT Bylaw No. 11788 being amendment 36 to Sewerage System User Bylaw 3480 be forwarded to Council for reading consideration;

AND FURTHER THAT the 2019 Financial Plan be amended to reflect the increase in wastewater revenues of up to \$327,000 for the 3 percent rate increase that is effective May 6, 2019.

Carried

4.10 BL11788 - Amendment No. 36 to Sewerage System User Bylaw No. 3480

Moved By Councillor Donn/Seconded By Councillor DeHart

(R0355/19/04/01) THAT Bylaw No. 11788 be read a first, second and third time.

Carried

4.11 Kerry Park – Budget for Wall Repair and Protection

Staff spoke to the reasons for the repair of the waterfront retaining walls.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

(R0356/19/04/01) THAT Council receives, for information, the report from the Senior Project Manager, dated April 1, 2019 with respect to funding for repair and protection of waterfront retaining walls at Kerry Park;

AND THAT the 2019 Financial Plan be amended to include up to \$86,000, funded from general capital funds currently held in reserve, to facilitate repair and stabilization works required at Kerry Park.

Carried

5. Bylaws for Adoption (Non-Development Related)

5.1 Pacific Ave 1145, BL11776 - Housing Agreement Authorization Bylaw - Okanagan Opportunity (Pacific) GP Inc.

Councillor Stack declared a perceived conflict of interest on items 5.1 to 5.4 as his employer applies

for housing agreements and left the meeting at 4:09 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor Given

(R0357/19/04/01) THAT Bylaw No. 11776 be adopted.

Carried

5.2 Clement Ave 573-599, BL11777 - Housing Agreement Authorization Bylaw - Okanagan Opportunity (Pacific) GP Inc.

Moved By Councillor Given/Seconded By Councillor Wooldridge

(R0358/19/04/01) THAT Bylaw No. 11777 be adopted.

Carried

5.3 Drysdale Blvd 333, BL11784 - Housing Agreement Authorization Bylaw - Drysdale Blvd. Kelowna Apartments 2019 Ltd.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

(R0359/19/04/01) THAT Bylaw No. 11784 be adopted.

Carried

5.4 Glenmore Rd 773, BL11786 - Housing Agreement Authorization Bylaw - 0904419 B.C. Ltd.

Moved By Councillor DeHart/Seconded By Councillor Donn

(R0360/19/04/01) THAT Bylaw No. 11786 be adopted.

Carried

Councillor Stack returned to the meeting at 4:11 p.m.

4.3 Capri-Landmark Urban Centre Plan

Staff:

- Displayed a PowerPoint with additional information regarding the Capri park plan changes from the original plan in 2017 to the one today for endorsement.
- Confirmed Ritchie Park is in the OCP.
- Responded to questions from Council.

City Manager:

- Noted the plan is a high level long range plan to determine if financial strategies would work.
- Numbers not to be put in the budget immediately.
- Spoke to previous town centres and the infrastructure planning associated.
- Noted the numbers may change over the next 20, 30 years of implementation.

Moved By Councillor Sieben/Seconded By Councillor Given

(R0361/19/04/01) THAT Council receives for information, the additional information related to the report from the Planner Specialist dated April 1, 2019, with respect to the Capri-Landmark Plan;

AND THAT Council takes from the table resolution #(R0347/19/04/01).

Carried

Moved By Councillor Given/Seconded By Councillor Donn

(R0362/19/04/01) THAT Council receives, for information the report, from the Planner Specialist dated April 1, 2019, with respect to the Capri-Landmark Plan;

AND THAT Council endorses the Capri-Landmark Urban Centre Plan as described in the report, from the Planner Specialist dated April 1, 2019.

Carried

Councillors DeHart, Hodge and Stack - Opposed

6. **Mayor and Councillor Items - none**

7. **Termination**

This meeting was declared terminated at 4:32 p.m.

Mayor Basran

Deputy City Clerk

kn/rvh