



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, March 23, 2020
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Mohini Singh and Luke Stack
Members Participating Remotely	Councillors Ryan Donn, Charlie Hodge, Brad Sieben* and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Deputy City Clerk, Laura Bentley; Director, Planning & Development Services, Ryan Smith*; Utility Services Manager, Kevin Van Vliet*; Sport & Event Services Manager, Doug Nicholas*; Divisional Director, Financial Services, Genelle Davidson*; Budget Supervisor, Melanie Antunes*; Real Estate Department Manager, Johannes Saufferer*; Divisional Director, Partnership & Investments, Derek Edstrom*; Parking Services Manager, Dave Duncan*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:40 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.

Mayor Basran read from a statement acknowledging the passing of former Mayor James Stuart and highlighted some of his many accomplishments and provided condolences to his family.

2. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Stack

R0241/20/03/23 THAT the Minutes of the Regular Meetings of March 16, 2020 be confirmed as circulated.

Carried

2.1 Deputy City Clerk, re: Bylaw Amendment Changes to Delegate Council Decisions

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed bylaw changes.

Moved By Councillor Given/Seconded By Councillor Stack

R0242/20/03/23 THAT Council receives, for information, the verbal report from the Deputy City Clerk dated March 23, 2020 regarding temporary delegations of authority and process changes;

THAT Bylaw No. 12018, being Amendment No. 6 to Development Applications Procedures Bylaw No. 10540, be forwarded for reading consideration;

AND THAT Council direct staff to recommend that Council waive the public hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not expected to generate significant public input based on correspondence received at the time of the report to Council;

AND THAT Council direct staff to opt out of providing local government input on liquor licence applications;

AND THAT Council suspend the duties and meetings of the Agricultural Advisory Committee, Airport Advisory Committee, and Heritage Advisory Committee and direct staff to proceed with processing applications without consideration by the relevant committee;

AND THAT Council, with regard to Council Policy No. 367, waives the direction for applicants to have face-to-face interactions with neighbours and waives the requirement for applicants to hold in-person public information sessions;

AND THAT Bylaw No. 12019, being Amendment No. 1 to Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250, be forwarded for reading consideration;

AND THAT the City Manager and Divisional Director of Partnership and Investments be authorized to access reserve funds and make necessary budget amendments for the transactions referred to in Bylaw No. 12019;

AND FURTHER THAT the above-noted resolutions be in effect until May 31, 2020 or until the Government of British Columbia lifts orders restricting the gathering of people, whichever is later.

Carried

2.2 BL12018 – Amendment No. 6 to Development Application Procedures Bylaw No. 10540

Moved By Councillor Given/Seconded By Councillor Singh

R0243/20/03/23 To give Bylaw No. 12018 first, second and third readings.

Carried

2.3 BL12019 – Amendment No. 1 Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250

Moved By Councillor DeHart/Seconded By Councillor Stack

R0244/20/03/23 To give Bylaw No. 12019 first, second and third readings.

Carried

3. Development Application Reports & Related Bylaws

3.1 Dunster Road 3183, A19-0013 - Gian and Kuldip Jaswall

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Stack

R0245/20/03/23 THAT Agricultural Land Reserve Appeal No. A19-0013 for North ½ of South ½ of Lot 5 shown on Plan B1156, Section 15, Township 26 ODYD Plan 187, located at 3183 Dunster Road, Kelowna for a non-adhering residential use in the Agricultural Land Reserve pursuant to Section 20.1 of the Agricultural Land Commission Act, be supported by Council;

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

Carried
Councillor Hodge - Opposed

3.2 DeHart Road 644 - Z17-0097 (BL11533) - Ricardo Trumper and Patricia Tomic

Staff:

- Advised that the Applicant asked for a rescindment.

Moved By Councillor Singh/Seconded By Councillor Given

R0246/20/03/23 THAT Council receives, for information, the Report from the Development Planning Department dated March 23, 2020 with respect to Rezoning Application No. Z17-0097 for Lot 1 District Lot 358 ODYD Plan 39262 located on DeHart Road, Kelowna, B.C;

AND THAT Bylaw No. 11533 be forwarded for rescindment consideration and the file be closed.

Carried

3.3 DeHart Road 644, BL11533 (Z17-0097) - Ricardo Trumper and Patricia Tomic

Moved By Councillor Singh/Seconded By Councillor Given

R0247/20/03/23 THAT first, second and third readings given to Bylaw No. 11533 be rescinded;

AND THAT the file for Rezoning Application Z17-0097, for the property location at 644 DeHart Road be closed.

Carried

3.4 Gordon Dr 1171-1199 - TA19-0021 (BL12005) - Manhattan Properties Ltd., Inc No. 21606

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Stack

R0248/20/03/23 THAT Zoning Bylaw Text Amendment Application No. TA19-0021 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the report from the Development Planning Department dated March 23, 2020 for Lot A Section 30 Township 26 Osoyoos Division Yale District Plan KAP75328 Except Plan KAP87231 located at 1171-1199 Gordon Drive, Kelowna, BC be considered by Council;

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

AND FURTHER THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "B" attached to the Report from the Development Planning Department dated March 23, 2020.

Carried

3.5 Gordon Dr 1171-1199, BL12005 (TA19-0021) - Manhattan Properties Ltd., Inc No. 21606

Moved By Councillor Given/Seconded By Councillor Singh

R0249/20/03/23 THAT Bylaw No. 12005 be read a first time.

Carried

3.6 Fordham Rd 4628, Z20-0005 (BL12006) - Jason Witt

Staff:

- Displayed a PowerPoint Presentation summarizing the application

Moved By Councillor DeHart/Seconded By Councillor Singh

R0250/20/03/23 THAT Rezoning Application No. Z20-0005 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 357 SDYD Plan 19646, located at 4628 Fordham Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the Ru6 – Two Dwelling Housing zone be considered by Council;

AND THAT the Rezoning Bylaw waive a Public Hearing;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated March 23, 2020.

Carried

3.7 Fordham Rd 4628, BL12006 (Z20-0005) - Jason Witt

Moved By Councillor Given/Seconded By Councillor Singh

R0251/20/03/23 THAT Bylaw No. 12006 be read a first time.

Carried

3.8 Leon Ave 815-831, OCP20-0001 (BL12007) and Z20-0001 (BL12008) - 1409493 Alberta Inc., Inc. No. 2014094938

Staff:

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

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R0252/20/03/23 THAT Official Community Plan Map Amendment Application No. OCP20-0002 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing

the Future Land Use designation of Lot A District Lot 138 ODYD Plan EPP78759, located at 815-831 Leon Ave., Kelowna, BC from the MRM – Multiple Unit Residential (Medium Density) designation to the MRH – Multiple Unit Residential (High Density) designation, be considered by Council;

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

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 879 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated March 23, 2020;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated March 23, 2020.

AND THAT Rezoning Application No. Z20-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 138 ODYD Plan EPP78759, located at 815-831 Leon Ave., Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM6 – High Rise Apartment Housing zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated March 23, 2020;

AND THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property;

AND FURTHER THAT a covenant be placed on Title limiting development to 6 ½ storeys and 24m in height.

Carried

3.9 Leon Ave 815-831, BL12007 (OCP20-0001) - 1409493 Alberta Inc., Inc.No. 2014094938

Moved By Councillor Singh/Seconded By Councillor Given

R0253/20/03/23 THAT Bylaw No. 12007 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

3.10 Leon Ave 815-831, BL12008 (Z20-0001) - 1409493 Alberta Inc., Inc. No. 2014094938

Moved By Councillor Singh/Seconded By Councillor Given

R0254/20/03/23 THAT Bylaw No. 12008 be read a first time.

Carried

3.11 Rutland Rd N 1354 BL11723 (Z18-0097) Extension Request

Staff:

- Provided rationale for the extension request.

Moved By Councillor DeHart/Seconded By Councillor Donn

R0255/20/03/23 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Bylaw No. 11723, for Lot 1 Section 35 Township 26 ODYD Plan 14663, located at 1354 Rutland Road North be extended from January 15, 2020 to January 15, 2021.

AND THAT Council directs Staff to not accept any further extension requests.

Carried

4. Bylaws for Adoption (Development Related)

4.1 Holland Rd 3010, Z18-0010 (BL11620) - Scott and Chandra Payer & John and Alexandra Woodfield

Moved By Councillor Given/Seconded By Councillor Singh

R0256/20/03/23 THAT Bylaw No. 11620 be adopted.

Carried

4.2 Fisher Road 1929, BL11931 (Z19-0101) - B.H.K.T. Holdings Ltd., Inc. No. BC0751350 and Sukhdev Gill

Moved By Councillor Stack/Seconded By Councillor DeHart

R0257/20/03/23 THAT Bylaw No. 11931 be adopted.

Carried

Councillor Sieben declared a conflict of interest for Item 4.3 as in the past he has provided insurance services for the Agent representing this group and departed the meeting at 2:14 p.m.

4.3 Yates Rd 538, BL11991 (Z19-0140) - Carolco Developments Ltd. Inc. No. B0291464

Moved By Councillor DeHart/Seconded By Councillor Stack

R0258/20/03/23 THAT Bylaw No. 11991 be adopted.

Carried

Councillor Sieben rejoined the meeting at 2:15 p.m.

4.4 Clement Ave 816, BL11993 (TA19-0022) - PC Urban Clement Holdings Ltd. Inc. No. BC110007

Moved By Councillor DeHart/Seconded By Councillor Stack

R0259/20/03/23 THAT Bylaw No. 11993 be adopted.

Carried

4.5 Spiers Rd, 3652 BL12003 (HD20-0001) - Request for Heritage Designation - Sue Haley

Moved By Councillor Stack/Seconded By Councillor DeHart

R0260/20/03/23 THAT Bylaw No. 12003 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Water Regulation Bylaw Update

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed amendments to the Water Regulation Bylaw and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Sieben

R0261/20/03/23 THAT Council receives for information the report from the Utility Services Department dated March 23, 2020, regarding water rate adjustments;

AND THAT Bylaw No. 12004 being amendment No. 10 to Water Regulation Bylaw 10480 be forwarded to Council for reading consideration.

Carried

5.2 BL12004 - Water Bylaw No. 10480 Amendment No. 11

Moved By Councillor DeHart/Seconded By Councillor Stack

R0262/20/03/23 THAT Bylaw No. 12004 be read a first, second and third time.

Carried

5.3 2019 Kelowna 55+ BC Games – Legacy Program

Staff:

- Provided an overview of the proposed usage of the 2019 Kelowna 55+ BC Games legacy funds.

Moved By Councillor Donn/Seconded By Councillor Hodge

R0263/20/03/23 THAT Council approves the 2019 Kelowna 55+ BC Games – Legacy Program, as outlined in the Report from the Sport & Event Services Department dated March 23, 2020;

AND THAT the 2020 Financial Plan be amended to include the receipt of \$30,000, from the Kelowna 55+ BC Games Society, as part of the City's Event Hosting Grant Program budget.

Carried

5.4 2020 Financial Plan - Carryover Budget

Staff:

- Displayed a PowerPoint Presentation summarizing the Carryover Budget in the 2020 Financial Plan and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

Ro264/20/03/23 THAT the 2020 Financial Plan be increased by \$7,271,130 to provide for operating carryover projects and \$119,054,170 for capital carryover projects as summarized in Financial Plan Volume 2.

Carried

5.5 Temporary Parking Changes

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed temporary parking changes due to COVID-19 and responded to questions from Council.

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

Ro265/20/03/23 THAT Council receives, for information, the report from Parking Services, dated March 23, 2020, with respect to temporary changes to parking operations;

AND THAT Council directs staff, until May 31, 2020, to permit any vehicle parking in an on-street pay parking stall within the Downtown or South Pandosy Urban Centres to do so without being required to make the payment as indicated in Traffic Bylaw No. 8120;

AND THAT Council directs staff to offer a one-month deferral of monthly permit fees, for April 2020 or May 2020, at the request of any existing monthly permit holder not using their permit due to self-isolation, quarantine or working remotely and to waive the 30-day notice requirement for cancellation;

AND FURTHER THAT Council authorizes the Department Manager, Real Estate or Manager, Parking Services to make time sensitive or emergent parking modifications, until May 31, 2020, as/if required to support the pandemic response.

Carried

6. Mayor and Councillor Items

Councillor Donn:

- Acknowledged appreciation to the community for paying attention to and practicing social distancing.

Mayor Basran:

- Confirmed that the April 7, 2020 Public Hearing was cancelled and that Council will meet next Monday.

7. Termination

This meeting was declared terminated at 2:50 p.m.

Mayor Basran

City Clerk

/acm