



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, January 11, 2021
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Brad Sieben*, Mohini Singh and Loyal Wooldridge
Members participating remotely	Councillors Charlie Hodge and Luke Stack*
Staff Present	City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith*; Community Planning & Department Manager, Dean Strachan*; Planner Specialist, Wesley Miles*; Planner, Tyler Caswell*; Planner, Aaron Thibeault*; Planner Specialist, Ross Soward*; Project Portfolio Manager, Angie Thiessen*; Corporate Strategy & Performance Department Manager, Mike McGreer*; Policy & Planning Department Manager, Danielle Noble-Brandt*; OCP Project Planner, Robert Miles*; Parks & Beaches Supervisor, David Gatzke*; Infrastructure Operations Department Manager, Ian Wilson*; Divisional Director, Active Living & Culture, Jim Gabriel*; Cultural Services Manager, Christine McWillis*; Community Theatre Manager, Rod MacLean*; Divisional Director, Infrastructure, Alan Newcombe*
Staff participating remotely (*Denotes partial attendance)	Legislative Coordinator (Confidential), Arlene McClelland*

1. Call to Order

Mayor Basran called the meeting to order at 1:31 p.m.

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Council meetings in-person. As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R0006/21/01/11 THAT the Minutes of the Regular Meetings of December 7, 2020 and Budget Deliberations Meeting of December 10, 2020 be confirmed as circulated.

Carried

Councillor Stack joined the meeting at 1:33 p.m.

Councillor Sieben joined the meeting at 1:35 p.m.

3. Development Application Reports & Related Bylaws

3.1 Gallagher Rd 2980 - Z20-0021 (BL12042) - Follow Up Report for Information

Staff:

- Displayed a PowerPoint Presentation summarizing the planned road improvements and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0007/21/01/11 THAT Council receives, for information, the report from the Development Planning Department dated December 7, 2020 with respect to the June 23, 2020 Public Hearing for rezoning application Z20-0021 located at 2980 Gallagher Road.

Carried

3.2 Lakeshore Rd 5064 - LUCT18-0013 (BL11939) Z18-0092 (BL11963) - Mark Fipke

Staff:

- Provided an update on the Land Use Contract Termination strategy.
- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Stack

R0008/21/01/11 THAT Land Use Contract Termination Application No. LUCT18-0013 to terminate LUC77-1012 from Lot A Section 23 Township 28 SDYD Plan 30063, located at 5064 Lakeshore Road, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z18-0092 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 23 Township 28 SDYD Plan 30063, located at 5064 Lakeshore Road, Kelowna, B.C. from the A1 – Agriculture 1 to the RR2 – Rural Residential 2 zone be considered by Council;

AND THAT Council waive the development sign requirement under Public Notification & Consultation for Development Applications No. 367 for Rezoning Bylaw No. 11939.

AND FURTHER THAT the Land Use Contract Termination Bylaw and Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

Carried

3.3 Lakeshore Rd 5064 - BL11939 (LUCT18-0013) - Mark Fipke

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0009/21/01/11 THAT Bylaw No.11939 be read a first time.

Carried

3.4 Lakeshore Rd 5064 - BL11963 (Z18-0092) - Mark Fipke

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0010/21/01/11 THAT Bylaw No.11963 be read a first time

Carried

3.5 Hwy 97 N 2890 - LUCT20-0003 (BL12069) Z20-0062 (BL12070) - Hofa Transport Group Ltd. Inc. No. BC1096204

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0011/21/01/11 THAT Land Use Contract Termination Application No. LUCT20-0003 to terminate LUC76-1 from Lot A Section 34 Township 26 ODYD Plan 30847, located at 2890 Hwy 97 N, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z20-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 34 Township 26 ODYD Plan 30847, located at 2890 Hwy 97 N, Kelowna, B.C. from the A1 – Agriculture 1 zone to the I2 – General Industrial zone be considered by Council;

AND THAT the Land Use Contract Termination Bylaw and Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna’s boulevard;

AND FURTHER THAT final adoption of the Rezoning bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

Carried

3.6 Hwy 97 N 2890 - BL12069 (LUCT20-0003) - Hofa Transport Group Ltd. Inc. No. BC1096204

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0012/21/01/11 THAT Bylaw No. 12069 be read a first time.

Carried

3.7 Hwy 97 N 2890 - BL12070 (Z20-0062) - Hofa Transport Group Ltd. Inc. No. BC1096204

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0013/21/01/11 THAT Bylaw No. 12070 be read a first time.

Carried

3.8 Adams Rd 251 - LUCT20-0004 (BL12071) Z20-0063 (BL12072) - Heartwood Investments Ltd. Inc. No. 352195

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor DeHart/Seconded By Councillor Donn

R0014/21/01/11 THAT Land Use Contract Termination Application No. LUCT20-0004 to terminate LUC77-1047 from Lot A Section 2 Township 23 ODYD Plan 33555 Except Plan EPP52727, located at 251 Adams Road, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z20-0063 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 2 Township 23 ODYD Plan 33555 Except Plan EPP52727, located at 251 Adams Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the I2 – General Industrial zone be considered by Council;

AND THAT the Land Use Contract Termination Bylaw and Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's boulevard;

AND FURTHER THAT final adoption of the Rezoning bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

Carried

3.9 Adams Rd 251 - BL12071 (LUCT20-004) - Heartwood Investments Ltd Inc No 352195

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0015/21/01/11 THAT Bylaw No. 12071 be read a first time.

Carried

3.10 Adams Rd 251 - BL12072 (Z20-0063) - Heartwood Investments Ltd Inc No 352195

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0016/21/01/11 THAT Bylaw No. 12072 be read a first time.

Carried

3.11 Sutherland Ave 1511 - LUCT20-0005 (BL12073) Z20-0064 (BL12074) - Sapphire Construction Ltd., Inc. No. 84820

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0017/21/01/11 THAT Land Use Contract Termination Application No. LUCT20-0005 to terminate LUC77-1061 from Lot A District Lot 141 ODYD Plan 31346, located at 1511 Sutherland Ave, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z20-0064 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 141 ODYD Plan 31346, located at 1511 Sutherland Ave, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C3 – Community Commercial zone be considered by Council;

AND THAT the Land Use Contract Termination Bylaw and Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's Boulevard;

AND FURTHER THAT final adoption of the Rezoning bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

Carried

- 3.12 Sutherland Ave 1511 - BL12073 (LUCT20-0005) - Sapphire Construction Ltd., Inc. No. 84820**

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0018/21/01/11 THAT Bylaw No. 12073 be read a first time.

Carried

- 3.13 Sutherland Ave 1511 - BL12074 (Z20-0064) - Sapphire Construction Ltd., Inc. No. 84820**

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0019/21/01/11 THAT Bylaw No. 12074 be read a first time.

Carried

- 3.14 Sutherland Ave 1521 - LUCT20-0006 (BL12075) Z20-0065 (BL12076) - Price's Alarm Systems Ltd. Inc. No. BC0929068**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Singh

R0020/21/01/11 THAT Land Use Contract Termination Application No. LUCT20-0006 to terminate LUC78-1004 from Lot A District Lot 141 ODYD Plan 29253, located at 1521 Sutherland Ave, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z20-0065 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 141 ODYD Plan 29253, located at 1521 Sutherland Ave, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C3 – Community Commercial zone be considered by Council;

AND THAT the Land Use Contract Termination Bylaw and Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's boulevard;

AND FURTHER THAT final adoption of the Rezoning bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

Carried

- 3.15 Sutherland Ave 1521 - BL12075 (LUCT20-0006) - Price's Alarm Systems Ltd. Inc. No. BC0929068**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0021/21/01/11 THAT Bylaw No. 12075 be read a first time.

Carried

- 3.16 Sutherland Ave 1521 - BL12076 (Z20-0065) - Price's Alarm Systems Ltd. Inc. No. BC0929068**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0022/21/01/11 THAT Bylaw No. 12076 be read a first time.

Carried

3.17 Lakeshore Rd 3969 - LUCT20-0007 (BL12094) Z20-0068 (BL12095) - Steven Carl Wilson and Piblet Enterprises Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Sieben/Seconded By Councillor Stack

R0023/21/01/11 THAT Land Use Contract Termination Application No. LUCT20-0007 to terminate LUC77-1005 from Lot A Section 6 Township 26 ODYD Plan 28767, located at 3969 Lakeshore Road, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z20-0068 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 6 Township 26 ODYD Plan 28767, located at 3969 Lakeshore Road, Kelowna, B.C. from the C1 – Local Commercial zone to the C2 – Neighbourhood Commercial zone be considered by Council;

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's Boulevard;

AND FURTHER THAT the Land Use Contract Termination Bylaw and Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

Carried

3.18 Lakeshore Rd 3969 - BL12094 (LUCT20-0007) Z20-0068 - Steven Carl Wilson and Piblet Enterprises Ltd

Moved By Councillor DeHart/Seconded By Councillor Donn

R0024/21/01/11 THAT Bylaw No. 12094 be read a first time.

Carried

3.19 Lakeshore Rd 3969 - BL12095 (Z20-0068) - Steven Carl Wilson and Piblet Enterprises Ltd

Moved By Councillor Donn/Seconded By Councillor DeHart

R0025/21/01/11 THAT Bylaw No. 12095 be read a first time.

Carried

4. Bylaws for Adoption (Development Related)

4.1 BL12115 (TA20-0020) - City of Kelowna

Moved By Councillor Donn/Seconded By Councillor DeHart

R0026/21/01/11 THAT Bylaw No. 12115 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Lawson Ave 1094 - Repeal Housing Agreement - 1094 Lawson Avenue Ltd., Inc. No. BC1176688

Councillor Stack declared a perceived conflict of interest for items 5.1 to 5.5 due to his employer applying for rental housing agreements and exemptions from time to time and departed the meeting at 1:59 p.m.

Staff:

- Provided a summary of the proposed rescindment of the Housing Agreement.

Moved By Councillor Donn/Seconded By Councillor DeHart

R0027/21/01/11 THAT Council receives, for information, the report from the Development Planning Department dated January 11, 2021, with respect to the Housing Agreement for 1094 Lawson Avenue;

AND THAT Council consider a Bylaw that would authorize the City of Kelowna to repeal Housing Agreement Authorization Bylaw No. 9713 being Housing Agreement Authorization Bylaw – 0701849 BC Ltd. – (Herman Planning Group Inc.) 1094 Lawson Avenue, and all amendments there to, for Lot A District Lot 138 ODYD Plan EPP95336, located at 1094 Lawson Avenue, Kelowna, BC;

AND FURTHER THAT Bylaw No. 12131 being Repeal Housing Agreement Authorization Bylaw No. 9713 be forwarded for reading consideration.

Carried

5.2 Lawson Ave 1094 - BL12131 - Repeal Housing Agreement Bylaw No. 9713

Moved By Councillor Donn/Seconded By Councillor DeHart

R0028/21/01/11 THAT Bylaw No. 12131 be read a first, second and third time.

Carried

5.3 Underhill St 1960 - Rental Housing Agreement (BL12118)

Staff:

- Provided an overview of the rental housing agreement.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R0029/21/01/11 THAT Council, receives, for information, the Report from the Policy and Planning Department dated January 11, 2020 with respect to a rental housing agreement bylaw;

AND THAT Bylaw No. 12118 authorizing a Housing Agreement between the City of Kelowna and 1940 Underhill Developments Corp., INC.NO. BC1159386 which requires the owners to designate 295 dwelling units in a purpose-built rental housing for Lot A, District Lots 4646 and 127 ODYD Plan EPP104418 at 1960 Underhill Street, Kelowna, BC, be forwarded for reading consideration.

Carried

5.4 Underhill St 1960 - Housing Agreement Authorization BL12118 - 1940 Underhill Developments Corp., Inc. No. BC1159386

Moved By Councillor DeHart/Seconded By Councillor Donn

R0030/21/01/11 THAT Bylaw No. 12118 be read a first, second and third time.

Carried

5.5 Revitalization Tax Exemption Agreement - January 2021

Staff:

- Provided an overview of the Tax Exemption Agreement.

Moved By Councillor DeHart/Seconded By Councillor Given

R0031/21/01/11 THAT Council approves the City entering into a Revitalization Tax Exemption Agreement with 1940 Underhill Developments Corp., Inc. No. BC1159386 for Lot A, District Lots 4646 and 127 ODYD Plan EPP104418 located at 1960 Underhill Street, Kelowna, BC in the form attached to the Report from the Planner Specialist, Policy and Planning department dated January 11, 2021;

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

Carried

Councillor Stack rejoined the meeting at 2:05 p.m.

5.6 Action Plan 2021

Staff:

- Displayed a PowerPoint Presentation summarizing the 2021 Action Plan for delivering Council priorities.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

R0032/21/01/11 THAT Council receive for information, *Action Plan 2021* as attached to the report from the Corporate Strategy & Performance Department dated January 11, 2021.

Carried

5.7 Draft 2040 Official Community Plan and Engagement Launch

Staff:

- Displayed a PowerPoint Presentation summarizing the Draft 2040 Official Community Plan content and engagement strategy.
- Displayed the draft web-based content.
- Responded to questions from Council

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0033/21/01/11 THAT Council receives, for information, the report from the Policy and Planning Department dated January 11, 2021 with respect to the draft 2040 Official Community Plan and engagement launch;

AND THAT Council direct staff to initiate the Phase 4 public and stakeholder engagement process, as outlined in the report from the Policy and Planning Department dated January 11, 2021.

Carried

5.8 Kelowna Memorial Park Cemetery Bylaw No. 11664

Staff:

- Displayed a PowerPoint Presentation outlining the proposed bylaw amendments.

Moved By Councillor Hodge/Seconded By Councillor Singh

R0034/21/01/11 THAT Council receives the report from the Cemetery Manager, dated January 11, 2021 recommending changes to the Kelowna Memorial Park Cemetery Bylaw 11664;

AND THAT Council gives reading consideration to Bylaw No. 12124 being amendment No. 8 to Kelowna Memorial Park Cemetery Bylaw No. 11664.

Carried

5.9 BL12124 - Amendment No. 1 to the Kelowna Memorial Cemetery Bylaw No. 11664

Moved By Councillor DeHart/Seconded By Councillor Donn

R0035/21/01/11 THAT Bylaw No. 12124 be read a first, second and third time.

Carried

5.10 Kelowna Community Theatre Fee Adjustment for Reopening Under Restrictions

Staff:

- Displayed a PowerPoint Presentation outlining the proposed temporary fee structure and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

R0036/21/01/11 THAT Council receives the report from the Cultural Services Department, dated January 11, 2021, regarding the proposed temporary fee structure for reopening Kelowna Community Theatre (KCT) under restrictions;

AND THAT Council approves the temporary fee structure for use at KCT as an amendment to the Active Living & Culture Fees and Charges Bylaw No. 9609.

Carried

5.11 BL12119 - Amendment No. 6 to Active Living and Culture Fees and Charges Bylaw No. 9609

Moved By Councillor Donn/Seconded By Councillor DeHart

R0037/21/01/11 THAT Bylaw No. 12119 be read a first, second and third time.

Carried

5.12 GEID Boundary Inclusion for (W OF) Hwy 97 N (1207431 BC LTD)

Staff:

- Provided a summary of the proposed boundary inclusion.

Moved By Councillor Hodge/Seconded By Councillor Singh

R0038/21/01/11 THAT Council receives for information, the report from the Infrastructure Engineering Department dated January 11th, 2021 with regard to the Glenmore-Ellison Improvement District (GEID) Boundary Inclusion for (W OF) Hwy 97 N (1207431 BC LTD);

AND THAT Council approve the request by the GEID to amend its water service area boundary to include (W OF) Hwy 97 N as outlined in this report from the Utility Planning Manager.

Carried

5.13 ICIP-CVRIS - Adaptation, Resilience and Disaster Mitigation Program Grant Application - Brandt's Creek Crossing at Ellis

Staff:

- Provided an overview of the grant application for Brandt's Creek crossing at Ellis Street.

Moved By Councillor Stack/Seconded By Councillor Donn

R0039/21/01/11 THAT Council receives for information, the report from the Infrastructure Engineering Department dated January 11, 2021, with respect to the Investing in Canada Infrastructure Program (ICIP) – COVID 19 Resilience Infrastructure Stream (CVRIS) - Adaptation, Resilience & Disaster Mitigation (ARDM) Program – Brandt's Creek Crossing at Ellis;

AND THAT Council authorizes staff to apply for an ICIP-CVRIS-ARDM grant as outlined in this report;

AND THAT Council authorizes the Mayor and City Clerk to execute the ICIP-CVRIS-ARDM grant, if the application is successful;

AND FURTHER THAT the 2021 Financial Plan be amended to include the grant for Brandt's Creek Crossing at Ellis project, if the application is successful.

Carried

5.14 COVID-19 Pandemic Committee Meetings and Public Hearings

Staff:

- Displayed a PowerPoint Presentation outlining proposed amendments to meetings and duties of advisory committees and waiving public hearings and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Stack

R0040/21/01/11 THAT staff provide an update to Council regarding the COVID-19 Public Health Order on gatherings and events on February 8 2021.

Carried

Moved By Councillor Sieben/Seconded By Councillor Stack

R0041/21/01/11 THAT Council receive, for information, the report from the Office of the City Clerk dated January 11, 2021, with respect to advisory committee meetings and public hearings during the COVID-19 pandemic;

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

AND THAT Council direct the Airport Advisory Committee and Civic and Community Awards Steering Committee to conduct open meetings without the public present in accordance with the requirements of the Order of the Provincial Health Officer regarding gatherings and events;

AND THAT the Airport Advisory Committee and Civic and Community Awards Steering Committee ensure openness, transparency, accessibility, and accountability by communicating to the public changes in how meetings are held and posting draft agendas and minutes online;

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 FURTHER THAT the above-noted resolutions be in effect until the Order of the Provincial Health Officer regarding gatherings and events is rescinded or replaced to allow for in-person attendance at committee meetings and public hearings.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 BL12098 – Road Closure and Removal of Highway Dedication Bylaw

Moved By Councillor DeHart/Seconded By Councillor Donn

R0042/21/01/11 THAT Bylaw No. 12098 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Stack:

- Acknowledged and supported Mayor Basran's messaging regarding local protests not meeting the COVID-19 Public Health Order guidelines.

Councillor Wooldridge:

- Echoed Councillor Stack's comments and agreed with Mayor Basran's messaging.

Councillor Sieben:

- Echoed Councillor Stack's comments and spoke to concerns with local protests that were not peaceful.

Mayor Basran:

- Reminder that the January 12th Public Hearing begins at 4:00 p.m.

8. Termination

This meeting was declared terminated at 3:49 p.m.

Mayor Basran

Deputy City Clerk

lb/acm