



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, July 22, 2024
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart*, Charlie Hodge, Gord Lovegrove*, Mohini Singh, Luke Stack*, Rick Webber and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Laura Bentley; Divisional Director, Planning, Climate & Development Services, Ryan Smith*; Development Planning Department Manager, Nola Kilmartin*; Planner Specialist, Adam Cseke*; Planner II, Tyler Caswell*; Planner Specialist, Mark Tanner *; Community Planning & Development Manager, Dean Strachan*; Development Engineering Manager, Nelson Chapman*; General Manager, Corporate Services, Joe Sass*; Partnerships Office Director, Michelle Kam*; Infrastructure Delivery Department Manager, Brian Beach*; General Manager, Infrastructure, Mac Logan*; Utility Planning Manager, Rod MacLean*; Climate Action and Environment Manager, Chris Ray*; Revenue Manager, Patrick Gramiak*; Transit & Programs Manager, Mike Kittmer*; Deputy City Clerk, Michael Jud*; Planner I, Alissa Cook*; Legal & Administrative Coordinator, Lisa Schell*
Staff Participating Remotely	Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 1:30 p.m.

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

This Meeting is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

THAT the Minutes of the Regular Meetings of July 8, 2024 be confirmed as circulated.

Carried**3. Public In Attendance - Business Licence Appeal****3.1 Bernard Ave 911 - Business Licence Application Reconsideration**

The item was deferred following the City Clerk confirming the applicant or applicant's agent was not in attendance.

4. Development Application Reports & Related Bylaws**4.1 Cerise Dr 1236 - Z24-0023 (BL12680) - Anira Properties Ltd**

Staff

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

THAT Rezoning Application No. Z24-0023 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 7 Section 30 Township 26 ODYD PLAN KAP53262, located at 1236 Cerise Dr, Kelowna, BC from the MF1 – Infill Housing zone to the MF1cc – Infill Housing zone with Child Care Centre, Major zone, be considered by Council.

Carried**4.2 Solly Ct 865 - Z24-0004 (BL12681) - 865 Solly Court Ltd., Inc.No. BC1389060**

Councillor DeHart declared a conflict of interest due to her employer being the applicant and left the meeting at 1:36 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Lovegrove/Seconded By Councillor Wooldridge

THAT Rezoning Application No. Z24-0004 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 2 Section 26 Township 26 ODYD PLAN 20566, located at 865 Solly Ct, Kelowna, BC from the MF1 – Infill Housing zone to the MF2 – Townhouse Housing zone, be considered by Council.

Carried

Councillor DeHart returned to the meeting at 1:39 p.m.

4.3 Lakeshore Rd 3805 - Z23-0035 (BL12683) TA24-0008 (BL12684) - Jim Pattison Industries Ltd., Inc.No. BC0928747

Staff:

- Displayed a PowerPoint presentation summarizing the application.
- Responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Lovegrove

THAT Rezoning Application No. Z23-0035 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of portions of Lot 1 District Lot 134 Osoyoos Division Yale District Plan 39987, located at 3805 Lakeshore Rd, Kelowna, BC from the P3 – Parks and Open Space zone and from the P4 – Utilities zone to the VC1 – Village Centre zone as shown on Map "A" attached to the Report from the Development Planning Department dated July 22,2024, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated July 22, 2024;

AND FURTHER THAT Zoning Bylaw Text Amendment Application No. TA24-0008 to amend City of Kelowna Zoning Bylaw No. 12375 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated July 22, 2024, be considered by Council.

Carried

Councillors Cannan and Hodge - Opposed

4.4 Updates to Various Sections - TA24-0009 (BL12682) - City of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the text amendments.
- Responded to questions from Council.

Moved By Councillor Lovegrove/Seconded By Councillor Cannan

THAT Zoning Bylaw Text Amendment Application No. TA24-0009 to amend City of Kelowna Zoning Bylaw No. 12375 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated July 22nd 2024, be considered by Council;

AND THAT the Zoning Bylaw Text Amending 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 approval of the Ministry of Transportation and Infrastructure.

Carried

4.5 Updates to Various Sections - BL12682 (TA24-0009) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Cannan

THAT Bylaw No. 12682 be read a first time.

Carried

4.6 Rezoning Bylaws Supplemental Report to Council

City Clerk:

- Commented on notice of first reading and correspondence received.

4.7 Rezoning Applications

Councillor Lovegrove declared a conflict of interest due to owning property adjacent to the subject property and left the meeting at 2:10 p.m.

4.7.1 Cross Rd 1951 - BL12676 (Z23-0071) - City of Kelowna

Moved By Councillor DeHart/Seconded By Councillor Stack

THAT Bylaw No. 12676 be read a first, second and third time.

Carried

Councillor Lovegrove returned to the meeting at 2:11 p.m.

4.8 Rezoning Applications

City Clerk:

- Commented on the correspondence received following the notice of first reading.

City Manager:

- Commented on the applicant's request to defer and do additional neighbourhood consultation.

4.8.1 Highland Dr 1508 - BL12677 (Z24-0022) - 1344628 B.C. Ltd., Inc.No. BC1344628

Moved By Councillor Wooldridge/Seconded By Councillor Singh

THAT reading consideration of Bylaw No. 12677 be deferred.

Carried
Councillor Cannan – Opposed

Staff:

- Responded to questions from Council.

4.9 Graham Rd 875 - BL12534 (Z23-0009) - 1356934 B.C. Ltd., Inc.No. BC1356934

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12534 be amended at 3rd reading by deleting the underlying zone that reads: "RU2 – Medium Lot Housing zone and the RU2c – Medium Lot Housing with Carriage House"

And replacing it with:

"MF1 – Infill Housing".

Carried

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12534 as amended, be adopted.

Carried

4.10 Graham Rd 875 - DP23-0024 - 1356934 BC Ltd., Inc.No. BC1356934

Staff:

- Displayed a PowerPoint presentation summarizing the application.
- Responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Webber

THAT final adoption of Rezoning Bylaw No. 12534 be considered by Council;
AND THAT Council authorizes issuance of Development Permit No. DP23-0024 for Lot 1 Section 22 Township 26 ODYD Plan 19161, located at 875 Graham Road, 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 amount of 125% of the estimated value of the Landscape Plan, 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 permit 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

4.11 Clement Ave 815-865 - BL12629 (Z23-0002) - ASI Vivo GP Inc., Inc.No. A0119520

Moved By Councillor DeHart/Seconded By Councillor Stack

THAT Bylaw No. 12629 be amended at 3rd reading by deleting the Legal Description that reads:

1. Lot 14 Section 30 Township 26 ODYD Plan 1277, located on Clement Ave, Kelowna BC;
2. Lot 15 Section 30 Township 26 ODYD Plan 1277, located on Clement Ave, Kelowna, BC;
3. Lot 16 Section 30 Township 26 ODYD Plan 1277, located on Clement Ave, Kelowna, BC;
4. Lot 17 Section 30 Township 26 ODYD Plan 1277, located on Clement Ave, Kelowna, BC;
5. Lot 18 District Lot 138 ODYD Plan 1277, located on Clement Ave, Kelowna, BC;
6. Lot 19 Section 30 Township 26 ODYD Plan 1277, located on Clement Ave, Kelowna, BC;
7. Lot 20 Section 30 Township 26 ODYD Plan 1277, located on Clement Ave, Kelowna, BC;
8. Lot 21 District Lot 138 ODYD Plan 1277, located on Clement Ave, Kelowna, BC;
9. Lot 22 District Lot 138 ODYD Plan 1277, located on Clement Ave, Kelowna, BC; and
10. Lot 23 District Lot 138 ODYD Plan 1277, located on Clement Ave, Kelowna, BC;”

And replacing it with:

“Lot A Section 30 Township 26 ODYD Plan EPP124219 located on Clement Ave, Kelowna, BC”

AND THAT Bylaw No. 12629 be amended at 3rd reading by deleting the underlying zone that reads:

“RU4 – Duplex Housing”

And replacing it with:

“MF1 – Infill Housing”.

Carried

Moved By Councillor DeHart/Seconded By Councillor Stack

THAT Bylaw No. 12629 as amended, be adopted.

Carried

4.12 Clement Ave 815 - 865 - DP23-0008 - ASI Vivo GP Inc., Inc.No. A0119520

Staff:

- Displayed a PowerPoint presentation summarizing the application.
- Responded to questions from Council.

Moved By Councillor Lovegrove/Seconded By Councillor Wooldridge

THAT Rezoning Bylaw No. 12629 be amended at third reading to revise the legal description of the subject properties from:

- a. Lot 14 Section 30 Township 26 ODYD Plan 1277;
- b. Lot 15 Section 30 Township 26 ODYD Plan 1277;
- c. Lot 16 Section 30 Township 26 ODYD Plan 1277;
- d. Lot 17 Section 30 Township 26 ODYD Plan 1277;
- e. Lot 18 District Lot 138 ODYD Plan 1277;
- f. Lot 19 Section 30 Township 26 ODYD Plan 1277;
- g. Lot 20 Section 30 Township 26 ODYD Plan 1277;
- h. Lot 21 District Lot 138 ODYD Plan 1277;
- i. Lot 22 District Lot 138 ODYD Plan 1277; and

j. Lot 23 District Lot 138 ODYD Plan 1277;
to Lot A Section 30 Township 26 ODYD Plan EPP124219;

AND THAT final adoption of Rezoning Bylaw No. 12629 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP23-0008 for Lot A Section 30 Township 26 ODYD Plan EPP124219, located at 815 – 865 Clement Ave, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;
5. The applicant be required to make a payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a in Zoning Bylaw No. 12375;

AND THAT the applicant be required to enter into a Car-Share Agreement for a minimum of two years from the date of Building Occupancy as set out in Attachment "D" attached to the Report from the Development Planning Department dated July 22;

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

5. Bylaws for Adoption (Development Related)

5.1 Rutland Rd N 375, 395 - BL12670 (Z24-0011) - Siddarth Malhotra and Sunaina Malhotra

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12670 be adopted.

Carried

The meeting recessed at 2:48 p.m.

The meeting reconvened at 2:57 p.m.

3.1 Bernard Avenue 911 – Business Licence Application Reconsideration

Staff:

- Provided introductory remarks on the business licence reconsideration request.
- Displayed a PowerPoint presentation.
- Spoke to the reasons for denial of the business licence application.

Dennis Axle Hildebrand, Bernard Ave, Applicant

- Submitted a handout to Council.
- Displayed a PowerPoint presentation.
- Commented on staff's authority regarding business licences and the City's power regarding short-term rentals.

- Spoke to the cancellation of their business licence and concerns with notifications.
- Requested the business licence be issued.

Staff:

- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Council uphold the decision of the Licence Inspector to refuse the issuance of a Business Licence for a "Rooming House, Private" business on the subject property located at 911 Bernard Avenue Kelowna, BC, on April 24, 2023.

Carried

6. Non-Development Reports & Related Bylaws

6.1 Update to Council priorities 2023 - 2026

Staff:

- Displayed a PowerPoint presentation.
- Provided background context to Council priorities.
- Commented on each Council priority and associated actions and results.

Moved By Councillor Lovegrove/Seconded By Councillor DeHart

THAT Council endorse the updated 2023 – 2026 Council priorities as attached to the report from the City Manager dated July 16, 2024;

AND THAT Council direct staff to report back on the progress of the 2023 – 2026 Council priorities.

Carried

6.2 Subdivision, Development and Servicing Bylaw 7900 – Works and Services Program Amendment

Staff:

- Displayed a PowerPoint presentation.
- Outlined the alternative model for delivery of works and services related to development.
- Commented on the associated bylaw amendments and funding model.
- Responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

THAT Council receives, for information, the report from Development Engineering, dated July 22, 2024, with respect to amending Subdivision, Development and Servicing Bylaw No. 7900 and Development Application Fees Bylaw No. 12552;

AND THAT Bylaw No. 12685, being Amendment No. 27 to Subdivision, Development and Servicing Bylaw No. 7900, be forwarded for reading consideration;

AND THAT Bylaw No. 12686, being Amendment No. 2 to Development Application Fees Bylaw No. 12552, be forwarded for reading consideration;

AND FURTHER THAT Council authorize the supplemental incentive funding as described in this report to a maximum of \$1.5M with funding from development reserves.

Carried

6.3 BL12685 - Amendment No. 27 to Bylaw No. 7900

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT Bylaw No. 12685 be read a first, second and third time.

Carried

6.4 BL12686 - Amendment No. 2 to Development Application Fees Bylaw No. 12552

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT Bylaw No. 12686 be read a first, second and third time.

Carried

6.5 Revitalization Tax Exemption Program Bylaw No. 12561 - Amendment No. 2

Councillor Stack declared a perceived conflict of interest due to working with an organization that sometimes applies for revitalization tax exemptions and left the meeting at 4:21 p.m.

Staff:

- Commented on the transition provision to account for previous projects.

Moved By Councillor Wooldridge/Seconded By Councillor Webber

THAT Council receives, for information, the report from the Development Planning Department, dated July 22, 2024, with respect to amending the Revitalization Tax Exemption Program Bylaw No. 12561 to include a transitional provision;

AND FURTHER THAT Bylaw No. 12688 being Amendment No. 2 to the Revitalization Tax Exemption Program Bylaw No. 12561 be advanced for reading consideration.

Carried

6.6 BL12688 - Amendment No. 2 to Revitalization Tax Exemption Program Bylaw No. 12561

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT Bylaw No. 12688 be read a first, second and third time.

Carried

Councillor Stack returned to the meeting at 4:22 p.m.

6.7 Growing Canada's Community Canopies Grant

Staff:

- Spoke to the grant application and the project benefits.

Moved By Councillor Hodge/Seconded By Councillor Singh

THAT Council receives, for information, the report from the Partnerships Office dated July 22, 2024 with respect to the Growing Canada's Community Canopies Grant;

AND THAT Council directs staff to apply for grant funding to the Growing Canada's Community Canopies Grant program, administered through the Federation of Canadian Municipalities;

AND THAT Council authorizes staff to execute all documents necessary to complete and manage the grant;

AND FURTHER THAT if that grant application is successful, the Financial Plan be amended to include the receipt of funds.

Carried

6.8 Infrastructure Capital Program Update

Staff:

- Displayed a PowerPoint presentation.
- Provided an overview of capital projects for 2024.
- Responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Lovegrove

THAT Council receive this report from the Infrastructure Delivery department providing a midyear update on major capital projects.

Carried

6.9 Water Supply July 2024 Update

Staff:

- Displayed a PowerPoint presentation
- Provided an update on water supply in Okanagan Lake and Hydraulic Lake.
- Commented on the recommendation to rescind the earlier declaration regarding agricultural water allotments.
- Responded to questions from Council.

Moved By Councillor DeHart/Seconded By Councillor Stack

THAT Council receives, for information, the report from Utility Services dated July 22, 2024, with respect to the status of anticipated water supplies for the remainder of 2024;

AND THAT Council rescind the declaration that Agricultural Customers of the Kelowna Water Utility cannot exceed their annual Allotment in 2024; and that the City may shut off water services in the event that Customers exceed their Allotment.

Carried

6.10 Local Government Climate Action Program Year 3

Staff:

- Displayed a PowerPoint presentation.
- Provided an update on the Local Governments Climate Action Program.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

THAT Council receives, for information, the report from the Climate Action & Environmental Stewardship and Energy Management Departments, dated July 22, 2024, with respect to the Local Government Climate Action Program Annual Update.

Carried

6.11 2024-2025 Kelowna Transit Annual Operating Agreement

Staff

- Displayed a PowerPoint presentation
- Provided an overview of the 2024-2025 transit operating agreement.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

THAT Council approve the 2024/2025 Annual Operating Agreement between BC Transit and City of Kelowna for Conventional, Community, and Custom transit;

AND THAT the Mayor and City Clerk be authorized to execute the Annual Operating Agreement between BC Transit and the City of Kelowna covering the period April 1, 2024 to March 31, 2025.

Carried

6.12 Community Transit Fare Programs

Staff:

- Displayed a PowerPoint presentation.
- Provided an overview of fare products and community programs.
- Spoke to provincial programs and fare-free transit for youth.
- Commented on a review of fares.
- Responded to questions from Council.

Moved By Councillor Lovegrove/Seconded By Councillor Hodge

THAT Council receives, for information, the report from the Integrated Transportation Department dated July 22, 2024, with information related to Transit Community Fare Programs;

AND THAT Council direct staff to undertake a fare review in conjunction with BC Transit and our Central Okanagan Regional Transit partners;

AND THAT Council direct staff to report the results of the fare review back to Council in 2025 to inform the 2026 operating budget.

AND FURTHER THAT Council authorize the Mayor to write a letter to BC Transit in support of reimbursements for costs associated with a free transit fare adjustment for youth 18 and under.

Carried

6.13 Good Neighbour Bylaw No. 11500 - Amendment No. 3

Staff:

- Commented on the proposed bylaw amendments addressing construction noise.

Moved By Councillor Webber/Seconded By Councillor Singh

THAT Council receives, for information, the report from the Office of the City Clerk dated July 22, 2024 regarding amendments to the Good Neighbour Bylaw;

AND THAT Bylaw No. 12674, being Amendment No. 3 to Good Neighbour Bylaw No. 11500, be forwarded for reading consideration.

Carried

6.14 BL12674 - Amendment No. 3 to Good Neighbour Bylaw 11500

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT Bylaw 12674 be read a first, second and third time.

Carried

7. Resolutions

7.1 Draft Resolution - Special Closed Committee of the Whole Meeting with Westbank First Nation

Moved By Councillor Stack/Seconded By Councillor Cannan

THAT Council schedule a Special Closed Committee of the Whole Meeting with Westbank First Nation Council for Tuesday, August 15th, 2024 beginning at 8am;

AND THAT Council authorize the August 15, 2024 Special Closed Committee of the Whole Meeting to be held outside of City Hall at Quails' Gate Winery, Stewart Family Conference Room, being located at 3303 Boucherie Rd in the City of West Kelowna, BC.

Carried

8. Mayor and Councillor Items

Councillor DeHart:

- Attended the 15th anniversary of The Chopped Leaf restaurant.
- Attended the Lady of the Lake event and the gifts provided were well received.
- Attended the Chamber event at Sandhill Winery.
- Attended the Okanagan Historical Society event.
- Thanked Parks Services for working hard on maintaining the medians and boulevards.

Councillor Lovegrove:

- Reminder to the community that volunteers are needed and thanked volunteers for all their efforts in various community events.
- Participated in the Across the Lake swim.

Councillor Cannan

- Complimented the City on the new sound system at the Apple Bowl.
- Wished Councillor Webber a happy birthday.

Councillor Webber:

- Attended the Sterile Insect Release Program meeting.

Councillor Hodge:

- Attended the Kelowna Garden Club BBQ.
- Shared greetings from Sharon Shepherd.

Mayor Dyas:

- Attended the Child Advocacy Centre fundraiser. Congratulated the centre on raising over \$2.4 million.

9. Termination

This meeting was declared terminated at 5:53 p.m.

Mayor Dyas

City Clerk

lb/cm