



City of Kelowna Regular Council Meeting Minutes

| | |
|-----------------|---|
| Date: | Monday, April 10, 2017 |
| 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 | Deputy City Manager, Joe Creron; City Clerk, Stephen Fleming; Suburban & Rural Planning Manager, Todd Cashin*; Planner Specialist, Melanie Steppuhn*; Sustainability Coordinator, Tracy Guidi*; Community Planning Department Manager, Ryan Smith*; Urban Planning Manager, Terry Barton*; Policy & Planning Department Manager, Danielle Noble-Brandt*; Planner, Adam Cseke*; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist*; Financial Planning Manager, George King*; Controller, Jackie Dueck*; Budget Supervisor, Melanie Antunes*; Accountant, Matt Friesen*; Utility Planning Manager, Andrew Reeder*; Public Works Manager, Darryl Astofooroff*; Roadways Operations Supervisor, Stephen Bryans*; Legislative Coordinator (Confidential), Arlene McClelland |

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:34 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 Gray

R246/17/04/10 THAT the Minutes of the Regular Meetings of April 3, 2017 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Temporary Farm Worker Housing Bylaw Amendments OCP16-0022, TA16-0015, TA16-0016

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Donn

R247/17/04/10 THAT Official Community Plan Text Amendment Application No. TA16-0022 to amend Kelowna 2030 Official Community Plan Bylaw No. 10500 as outlined in Schedule 'A' attached to the Report from Community Planning and Strategic Investment dated April 10, 2017, be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA16-0015 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule 'B' attached to the Report from Community Planning and Strategic Investment dated April 10, 2017, be considered by Council;

AND THAT Council receives, for information, the amendments to City of Kelowna Development Application Procedures Bylaw No. 10540 as outlined in Schedule 'C' attached to the Report from the Community Planning and Strategic Investment dated April 10, 2017;

AND THAT Council considers the public process outlined in the Report from Community Planning and Strategic Investment dated April 10, 2017, to be appropriate consultation for the purpose of Section 475 (1) and (3) of the Local Government Act;

AND THAT the Official Community Plan text amending bylaw and Zoning Bylaw text amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Bylaw No. 11375, being Amendment No. TA16-0016 to Development Application Procedures Bylaw No. 10540 be forwarded for reading consideration.

Carried
Councillors Sieben and Singh - Opposed

3.2 BL11373 (OCP16-0022) - Temporary Farm Worker Housing OCP Amendments

Moved By Councillor Given/Seconded By Councillor Donn

R248/17/04/10 THAT Bylaw No. 11373 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
Councillors Sieben and Singh - Opposed

3.3 BL11374 (TA16-0015) - Temporary Farm Worker Housing Amendments

Moved By Councillor Gray/Seconded By Councillor Hodge

R249/17/04/10 THAT Bylaw No. 11374 be read a first time.

Carried
Councillors Sieben and Singh - Opposed

3.4 BL11375 Amendment No. 5 to Development Applications Procedures Bylaw No. 10540

Moved By Councillor Gray/Seconded By Councillor Hodge

R250/17/04/10 THAT Bylaw No. 11375 be given first, second and third reading.

Carried
Councillors Sieben and Singh - Opposed

3.5 TA16-0007 - Medical Marihuana Amendments

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Singh

R251/17/04/10 THAT Zoning Bylaw Text Amendment Application No. TA16-0007 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined Schedule "A" and in the Report from the Community Planning Department dated March 13, 2017 be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration.

Carried
Councillor Hodge - Opposed

3.6 BL11376 (TA16-0007) - Medical Marihuana Amendments

Moved By Councillor Donn/Seconded By Councillor Gray

R252/17/04/10 THAT Bylaw No. 11376 be read a first time.

Carried
Councillor Hodge - Opposed

3.7 1225 Hwy 33 W, OCP16-0024 and Z16-0071 - Seventh Day Adventist Church

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor DeHart

R253/17/04/10 THAT Official Community Plan Map Amendment Application No. OCP16-0024 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 1, Section 22, Township 26, ODYD, Plan EPP64302, located at 1225 Hwy 33 W, Kelowna, BC from the S2RES - Single / Two Unit Residential designation to the EDINST – Educational / Major Institutional designation, be considered by Council;

AND THAT Rezoning Application No. Z16-0071 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 22, Township 26, ODYD, Plan EPP64302, located at 1225 Hwy 33 W, Kelowna, BC from the RU1 – Large Lot Housing zone to the P2 – Educational & Minor Institutional zone be considered by Council;

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

AND FURTHER THAT final adoption of the Official Community Plan Map Amending Bylaw and 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, 2017.

Carried

3.8 1225 Hwy 33 W, BL11380 (OCP16-0024) - Seventh Day Adventist Church

Moved By Councillor Given/Seconded By Councillor Hodge

R254/17/04/10 THAT Bylaw No. 11380 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

3.9 1225 Hwy 33 W, BL11381 (Z16-0071) - Seventh Day Adventist Church

Moved By Councillor Donn/Seconded By Councillor Gray

R255/17/04/10 THAT Bylaw No. 11381 be read a first time.

Carried

3.10 Arab Ct, Appaloosa Rd and Sexsmith Rd, OCP17-0008 - Various Owners

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Donn

R256/17/04/10 THAT Council waive the requirement of the Development Application Procedures Bylaw 10540 that a defeated bylaw not be reconsidered for 6 months from the date of its defeat;

AND THAT Official Community Plan Map Amendment Application No. OCP16-0020 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use Designation of the properties identified in Appendix 'A' attached to the Community Planning report dated April 10, 2017, from the Industrial – Limited (IND-L) designation to the Resource Protection Area (REP) 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 processes detailed in the Report from the Community Planning Department dated February 27, 2017, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*.

AND FURTHER THAT Council directs staff to pursue an escalating Bylaw Enforcement process on non-compliant properties in the subject area.

Carried

Councillors Given, Gray and Hodge - Opposed

3.11 Arab Ct, Appaloosa Rd and Sexsmith Rd, BL11382 (OCP17-0008) - Various Owners

Moved By Councillor Sieben/Seconded By Councillor Singh

R257/17/04/10 THAT Bylaw No. 11382 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
Councillors Given and Gray - Opposed

3.12 TA16-0014 - CD5 Parking Amendments - ICR Project Inc.

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Given

R258/17/04/10 THAT Council receives, for information, the report from Community Planning dated January 23, 2017, with regards to a proposed text amendment to change the residential parking rate within the CD5 zone;

AND THAT Text Amendment No. TA16-0014 to amend City of Kelowna Zoning Bylaw No. 8000, as outlined in "Schedule A" attached to the Report from Community Planning dated January 23, 2017, be considered by Council;

AND THAT the Text Amending Bylaw be forwarded to a Public Hearing for further consideration.

Defeated
Mayor Basran, Councillors Donn, Given, Hodge, DeHart, Gray, Stack and Singh - Opposed

3.13 CD5 - Parking Amendments BL11383 (TA16-0014) - ICR Projects

Bylaw No. 11383 was not read as the motion was defeated.

Councillor Singh departed the meeting at 4:04 p.m.

The meeting recessed at 4:04 p.m.

The meeting reconvened at 4:14 pm

3.14 550 Truswell Road, 3814, 3820, 3828, 3832, 3838 Capozzi Road, 3786 Lakeshore Road, Rezoning Application Z16-0069 - Mission Group

Staff:

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

Moved By Councillor Hodge/Seconded By Councillor Donn

R259/17/04/10 THAT Rezoning Application No. Z16-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

Lot 1, Sec. 1 & 12, Twp. 25, Plan 2714 located at 3814 Capozzi Road, Kelowna, BC;

Lot 2, Sec. 1, Twp. 25, Plan 2714 located at 3820 Capozzi Road, Kelowna, BC;
 Lot 3, Sec. 1, Twp 25, Plan 2714 located at 3828 Capozzi, Road, Kelowna, BC;
 Lot 4, Sec 1, Twp 25, Plan 2714, located at 3832 Capozzi Road, Kelowna, BC;
 Lot 5, Sec 1, Twp 25, Plan 2714 located at 3838 Capozzi Road, Kelowna, BC; and
 that portion of Capozzi Road between the southeast property lines of 3814, 3820, 3828, 3832
 and 3838 Capozzi Road and the centerline of Capozzi Road, Kelowna, BC; from the RU1 – Large
 Lot Residential zone to the C9 – Tourist Commercial zone be considered by Council;

AND THAT Rezoning Application No. Z16-0069 to amend the City of Kelowna Zoning Bylaw
 No. 8000 by changing the zoning classification of a portion of Lot 5, Sec 12, Twp 25, Plan 2912
 located at 3786 Lakeshore, Kelowna, BC from the P1 –Major Institutional zone to the C9 –
 Tourism Commercial zone as shown on Map “A” attached to the Report from the Community
 Planning Department April 3, 2017 be considered by Council;

AND THAT Rezoning Application No. Z16-0069 to amend the City of Kelowna Zoning Bylaw
 No. 8000 by changing the zoning classification of a portion of Lot 17, Sec 1, Twp 25, Plan 2714
 located at 550 Truswell Road, Kelowna, BC from the C9 – Tourist Commercial zone to P1 –
 Major Institutional zone as shown on Map “A” attached to the Report from the Community
 Planning Department April 3, 2017 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 outstanding
 conditions of approval as set out in Schedule “A” attached to the Report from the Community
 Planning Department dated April 3, 2017;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the closure of
 Capozzi Road along 3814 through 3838 Capozzi Road;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the completion
 of the land exchange between the applicant and the City of Kelowna;

AND FURTHER 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.

Carried

**3.15 550 Truswell Road, 3814, 3820, 3828, 3832, 3838 Capozzi Road, 3786 Lakeshore Rd
 BL11384 (Z16-0069) - Aqua Resort Ltd**

Moved By Councillor Hodge/Seconded By Councillor Sieben

R260/17/04/10 THAT Bylaw No. 11384 be read a first time.

Carried

The City Clerk confirmed items scheduled for the April 25, 2017 and May 2, 2017 Public Hearings.

4. Non-Development Reports & Related Bylaws

4.1 Amendment to the Five Year Financial Plan, 2016-2020

Staff:

- Provided an overview of the amendment to the Five Year Financial Plan, 2016-2020 and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor DeHart

R261/17/04/10 THAT Council receives, for information, the Report from the Manager, Financial Planning dated April 10, 2017 with respect to amendments to the Five Year Financial Plan 2016-2020 Bylaw

AND THAT Bylaw No. 11377 being Amendment No. 1 to the Five Year Financial Plan 2016-2020 Bylaw No. 11227 be advanced for reading consideration.

Carried

4.2 BL11377 - Amendment No. 1 to the Five Year Financial Plan 2016-2020 Bylaw No. 11227

Moved By Councillor DeHart/Seconded By Councillor Stack

R262/17/04/10 THAT Bylaw No. 11377 be read a first, second and third time.

Carried

4.3 Amendment No. 1 to Development Cost Charge Reserve Fund Expenditure Bylaw, 2016 No. 11230

Staff:

- Provided an overview of the expenditures in the 2016 Development Cost Charge Reserve Fund Expenditures Bylaw.

Moved By Councillor Stack/Seconded By Councillor Donn

R263/17/04/10 THAT Council receives, for information, the Report from the Manager, Financial Planning date April 10, 2017 with respect to amendments to the Development Cost Charge Reserve Fund Expenditure Bylaw;

AND THAT Bylaw No. 11378 being Amendment No. 1 to the Development Cost Charge Reserve Fund Expenditure Bylaw, 2016 No. 11230 be advance for reading consideration.

Carried

4.4 BL11378 - Amendment No. 1 to Development Cost Charge Reserve Fund Expenditure Bylaw, 2016 No. 11230

Moved By Councillor Stack/Seconded By Councillor DeHart

R264/17/04/10 THAT Bylaw No. 11378 be read a first, second and third time.

Carried

4.5 Investment of City of Kelowna Funds for 2016

Staff:

- Displayed a PowerPoint Presentation summarizing the City of Kelowna's 2016 investment of surplus funds.

Moved By Councillor Stack/Seconded By Councillor Sieben

R265/17/04/10 THAT Council receives, for information, the Report from the Acting Budget Supervisor dated April 10, 2017 with respect to the investment of City of Kelowna funds for 2016.

Carried

4.6 2017 Tax Distribution Policy

Staff:

- Displayed a PowerPoint Presentation summarizing the tax class ratios used in preparation of the 2017 tax rates.

Moved By Councillor Given/Seconded By Councillor Gray

R266/17/04/10 THAT Council approve a Municipal Tax Distribution Policy as outlined in the Report dated April 10, 2017, for the year 2017 that will result in a modification of the 2016 Tax Class Ratios to reflect the uneven market value changes which have been experienced between property classes, as follows:

| Property Class | 2016 Tax Class Ratios | 2017 Tax Class Ratios |
|---------------------------------|-----------------------|-----------------------|
| Residential/Rec/NP/SH | 1.0000:1 | 1.0000:1 |
| Utilities | 5.0458:1 | 5.3182:1 |
| Major Industrial | 3.7328:1 | 5.8019:1 |
| Light Industrial/Business/Other | 2.1934:1 | 2.2967:1 |
| Farm Land | 0.1275:1 | 0.1357:1 |
| Farm Improvements | 0.4801:1 | 0.4810:1 |

AND THAT Council approve development of 2017 tax rates to reflect the 2017 assessment changes in property market values.

Carried

4.7 2016/2017 Sidewalk Snow Clearing Pilot Program

Staff:

- Provided an update on the 2016/2017 Sidewalk Snow Clearing Pilot Program.

Moved By Councillor Hodge/Seconded By Councillor DeHart

R267/17/04/10 THAT Council receives, for information, the Report from the Public Works Manager dated April 10, 2017 with respect to sidewalk snow clearing 2016/2017 pilot program;

AND THAT Council consider an ongoing budget increase for in-kind sidewalk plowing as part of the 2018 Budget.

Carried

4.8 Review of Council Policies Related to Public Works

Staff:

- Provided an overview and update of Council Policies administered by the Public Works Branch.

Moved By Councillor DeHart/Seconded By Councillor Hodge

R268/17/04/10 THAT Council receive for information the April 10, 2017 report of the Public Works Manager, reviewing Council policies related to Public Works;

AND THAT Council Policy No. 07, Road Closure Gate – Field Road, be rescinded as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND THAT Council Policy No. 162, Traffic Control – School Zones be rescinded as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND THAT Council Policy No. 216, Traffic Control – Special Events be rescinded as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND THAT Council Policy No. 245, No Exemption – Garbage Collection Tax Levy be rescinded as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND THAT Council Policy No. 252, Culvert Supply and Installation – Ongoing Maintenance be rescinded as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND THAT Council Policy No. 321, Ditch Maintenance and Inspection be amended as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND THAT Council Policy No. 331, Sidewalk and Walkway Maintenance and Inspection be amended as outlined in the Report from the Public Works Manager dated April 10, 2017;
AND THAT Council Policy No. 332, Snow and Ice Control be amended as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND THAT Council Policy No. 358, Roadside Memorials be amended as outlined in the Report from the Public Works Manager dated April 10, 2017;

AND FURTHER THAT Council Policy No. 373, Tourist Oriented Destination Signs be amended as outlined in the Report from the Public Works Manager dated April 10, 2017.

Carried

4.9 Strategic Biosolids Review Status and Communications Plan

Staff:

- Introduced Consultants Tim Phelan and Diana Bulley.
- Provided an overview of the Study.

Tim Phelan, Opus International Consultants and Diana Bulley, James Lawrence Group

- Displayed a PowerPoint Presentation summarizing the Strategic Biosolids Study and Communications Plan.
- Responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Given

R269/17/04/10 THAT Council receives, for information, the report from the Utilities Planning Manager dated April 10, 2017, with respect to the Strategic Biosolids Review Status and Communications Plan.

Carried

5. Bylaws for Adoption (Non-Development Related)

5.1 Portion of Lakeshore Rd, BL11330 - Road Closure Bylaw

Mayor invited anyone in the public gallery who deems themselves affected by the road closure bylaw to come forward.

No one from the gallery came forward.

Moved By Councillor Hodge/Seconded By Councillor DeHart

R270/17/04/10 THAT Bylaw No. 11330 be adopted.

Carried

6. Mayor and Councillor Items

There were no Mayor and Councillor items.

7. Termination

This meeting was declared terminated at 5:49 p.m.

Mayor

/acm

City Clerk