



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Monday, September 18, 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*

City Manager, Ron Mattiussi*; Deputy City Manager, Joe Creron*; Deputy City Clerk, Karen Needham, Sport & Event Services Manager, Doug Nicholas*; Planner Specialist, Ross Sauer*; Long Range Policy Planning Manager, James Moore*; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist; Community Planning Department Manager, Ryan Smith*, Urban Planning Manager Terry Barton*; Suburban & Rural Planning Manager, Todd Cashin*; Planner Specialist, Melanie Steppuhn*; Planner, Emily Williamson*; Divisional Director, Corporate & Protective Services, Rob Mayne*; Real Estate Services Manager, John Saufferer*; Property Officer, Ben Walker*; Legislative Systems Coordinator, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:31 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

Councillor Gray advised that under Councillor Items her comment was that at a recent Okanagan Basin Water Board meeting it was noted that the province had agreed to review flood responses in the Okanagan

Moved By Councillor Hodge/Seconded By Councillor Gray

R743/17/09/18 THAT the Minutes of the Regular Meetings of September 11, 2017 be confirmed as amended.

Carried

3. Public in Attendance

3.1 Memorandum of Understanding - City of Kelowna / UBC Okanagan

Staff:

- Provided an overview of the ongoing relationship with UBCO and the purpose of a Memorandum of Understanding.

Deputy Vice-Chancellor Deborah Buszard, UBCO

- Provided an overview of the Memorandum of Understanding between UBC Okanagan and the City of Kelowna.

Moved By Councillor Stack/Seconded By Councillor Singh

R744/17/09/18 THAT Council approves the City entering into a Memorandum of Understanding with UBC Okanagan in the form attached to the Report of the Divisional Director, Community Planning and Strategic Investments dated September 18, 2017;

AND THAT the Mayor and City Clerk be authorized to executed all documents necessary, in order to complete this transaction.

Carried

3.2 International Children's Games Committee Update

Doug Nicholas, Sport & Event Services Manager

- Provided background information regarding the International Children's Games Committee and Introduced Heather Schneider, Society President and Lance MacDonald, Kelowna's Head of Delegation in Lithuania

Heather Schneider, Society President & Lance MacDonald, Kelowna's Head of Delegation in Lithuania

- Displayed a PowerPoint Presentation summarizing the annual activities of the International Children's Games Kelowna.
- Volleyball Fair Play Award winners Max and Maxim spoke to their experience being part of the Kelowna team and in competition.

4. Development Application Reports & Related Bylaws

4.1 TA17-0005 - RU7 – Infill Housing Zone Amendments

Councillor Gray declared a perceived conflict of interest due to living directly across the street from properties affected and departed the meeting 1:58 p.m.

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Donn

R745/17/09/18 THAT Official Community Plan Text Amendment Application No. OCP17-0019 to amend Kelowna 2030 – Official Community Plan Bylaw No. 10500 as outlined in Schedule "A" attached to the Report from the Community Planning Department dated August 28, 2017, be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA17-0005 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "B" attached to the Report from the Community Planning Department dated August 28, 2017 be considered by Council;

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

Carried

4.2 OCP17-0019 (BL11490) - Amendment to Chapter 14 - Urban Design DP Guidelines

Moved By Councillor Hodge/Seconded By Councillor Sieben

R746/17/09/18 THAT Bylaw No. 11490 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Meeting Plan.

Carried

4.3 TA17-0005 (BL11491) - RU7 - Infill Housing Zone Amendments

Moved By Councillor Hodge/Seconded By Councillor Donn

R747/17/09/18 THAT Bylaw No. 11491 be read a first time.

Carried

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

4.4 1915 Enterprise Way, Z17-0001 - Kelowna East Investments Ltd

Councillor DeHart declared a conflict of interest as her employer is a major hotel in Kelowna and in close proximity to this development and departed the meeting at 2:06 p.m.

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Hodge

R748/17/09/18 THAT Rezoning Application No. Z17-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 140 ODYD Plan KAP58184, located at 1915 Enterprise Way, Kelowna, BC from the C4 – Urban Centre Commercial zone to the CD17 – Mixed Use Commercial High Density 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 outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated September 18, 2017;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration of a height restriction covenant to a maximum of six storeys on the subject property;

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**4.5 1915 Enterprise Way, BL11487 (Z17-0001) - Kelowna East Investments Ltd**Moved By Councillor Gray/Seconded By Councillor Hodge**R749/17/09/18** THAT Bylaw No. 11487 be read a first time.Carried

Councillor DeHart rejoined the meeting at 2:29 p.m.

Deputy City Manager resumed the Chair at 2:30 p.m.

4.6 135 Mugford Rd, Z15-0059 - Okanagan Buddhist Cultural Centre - Extension Request

Staff:

- Provided rationale for the one-year extension of the application and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Hodge**R750/17/09/18** THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for adoption of Rezoning Bylaw No. 11243, be extended from May 17, 2017 to May 17, 2018.Carried**4.7 2175 Pandosy St, Amended Housing Agreement and Development Permit Application**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- Commented that since the application was previously approved there have been no changes to the proposal plans and the amendment to the housing agreement is for clarity on the rental housing units.

Moved By Councillor Given/Seconded By Councillor Gray**R751/17/09/18** THAT Council receives, for information, the Report from the Community Planning Department dated September 18, 2017 with respect to amendments to Housing Agreement Bylaw No. 10624 for the property located at 2175 Pandosy Street, formerly known as 2149, 2159, 2169, 2179 and 2189 Pandosy Street;

AND THAT Council gives reading consideration to Bylaw No. 11474, being Amendment No. 1 to Housing Agreement Bylaw No. 10624 authorizing an amendment to the Housing Agreement between the City of Kelowna and Pandosy Street Developments Ltd., which requires the owners to designate three dwelling units in an Extended Medical Treatment Facility as affordable rental housing for Lot A, District Lot 14, ODYD, Plan EPP27000, located at 2175 Pandosy Street, Kelowna, BC.;

AND THAT Council authorize the issuance of Development Permit No. DP17-0166 for the property legally known as Lot A, District Lot 14, ODYD, Plan EPP27000, located at 2175 Pandosy Street, Kelowna, BC., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;
5. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND FURTHER THAT this Development Permit is valid for one (1) year from the date of Council approval, with no opportunity to extend.

Carried

4.8 BL11474 - Amendment No. 1 to Housing Agreement Bylaw No. 10624, 2149, 2159, 2169, 2179 and 2189 Pandosy St

Moved By Councillor Hodge/Seconded By Councillor Gray

R752/17/09/18 THAT Bylaw No. 11474 be read a first, second and third time.

Carried

4.9 1160 McKenzie Rd, DP17-0130 - Karmjit and Avineet Gill

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- Clarified that the entrance and exit is at McKenzie Road.
- Confirmed that removal of trees and all work has already taken place without permits and now seeking approval from Council with the Development Permit.
- Confirmed that the landscape plan has been identified and bonding must be completed before bonding is released.
- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

R753/17/09/18 THAT Council hear from the Applicant.

Carried

Avineet Gill, McKenzie Road, Owner

- Clarified that the house is his primary residence and that parents are also on title.
- Primary farming operations run by his father.
- The farmhouse is currently being used by someone that is taking care of irrigation and farm equipment maintenance on the property and monitoring wildlife that may try to enter the property.
- Confirmed that the wetland is on their property and has not been touched and takes ownership of its care.
- Will be directly managing the RV site and the intention is to be involved with the farming aspect and particularly interested in agri-tourism and education.
- Confirmed the RV site is seasonal only.
- Responded to questions from Council.

Staff:

- Confirmed that all conditions must be met before issuance of agri-tourism business license.
- This property is rezoned under the A1T and must adhere to all requirements.

Moved By Councillor Sieben/Seconded By Councillor Singh

R754/17/09/18 THAT Council authorizes the issuance of Development Permit No. DP17-0130 for Lot 4, Section 25, Township 26, ODYD Plan 1760 Except Plan KAP60715, located at 1160 McKenzie Rd, Kelowna, BC subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) Landscaping to be provided on the land be in accordance with Schedule "B"; and
- c) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, 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 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
Councillors Stack and Donn - Opposed

5. **Bylaws for Adoption (Development Related)**5.1 **BL11373 (OCP16-0022) - Temporary Farm Worker Housing OCP Amendments**Moved By Councillor Gray/Seconded By Councillor Donn

R755/17/09/18 THAT Bylaw No. 11373 be adopted.

Carried

5.2 **BL11374 (TA16-0015) Temporary Farm Worker Housing Amendments**Moved By Councillor Donn/Seconded By Councillor Given

R756/17/09/18 THAT Bylaw No. 11374 be adopted.

Carried

5.3 **BL11375 Amendment No. 5 to Development Applications Procedures Bylaw No. 10540**Moved By Councillor Stack/Seconded By Councillor DeHart

R757/17/09/18 THAT Bylaw No. 11375 be adopted.

Carried

5.4 **1700 & 1638 Tower Ranch Blvd, OCP16-0005 (BL11418) - Emil Anderson Construction Inc. 0935343 BC Ltd**Moved By Councillor DeHart/Seconded By Councillor Stack

R758/17/09/18 THAT Bylaw No. 11418 be adopted.

Carried

5.5 1700 & 1638 Tower Ranch Blvd, Z16-0078 (BL11419) - Emil Anderson Construction Inc. 0935343 BC Ltd

Moved By Councillor DeHart/Seconded By Councillor Stack

R759/17/09/18 THAT Bylaw No. 11419 be adopted.

Carried

6. Non-Development Reports & Related Bylaws

6.1 Retroactive Pay - Regular Members of the RCMP

Staff:

- Provided an overview of the proposed amendment to 2017 Financial Plan to include the retroactive payment for the new pay package for the regular Members of the RCMP and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Singh

R760/17/09/18 THAT Council receives, for information, the report from the Police Services Manager dated September 18, 2017 with respect to the retroactive payment to regular members of the City of Kelowna's RCMP detachment;

AND THAT Council authorize the additional expenditure of \$1,111,297.92 for the new pay package that covers the period January 1, 2015 to December 31, 2016; AND FURTHER THAT the 2017 Financial Plan be amended to include \$1,111,297.92 funded from the RCMP Contract reserve.

Carried

6.2 Long Term Lease: Portion of 4629 Lakeshore Road (the "Surtees Property")

Staff:

- Displayed a PowerPoint Presentation summarizing the long term lease agreement with Worman Commercial.

Moved By Councillor Hodge/Seconded By Councillor Gray

R761/17/09/18 THAT Council approves a long term land lease of a portion of 4629 lakeshore Road, as per the terms and conditions outlined in the Agreement to Lease between the City of Kelowna and JEM HTB Properties Inc. dated September 13, 2017, and attached to the report of the Manager, Real Estate Services dated September 18, 2017;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete the Agreement to Lease;

AND THAT all funds received from the lease, estimated at \$200,000, be credited towards Project 286602R;

AND FURTHER THAT the 2017 Financial Plan be amended accordingly.

Carried

6.3 Revitalization Tax Exemption Program Update 2017

Councillor Stack declared a conflict of interest as within the report are implications that could affect his employer and departed the meeting at 3:30 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the Revitalization Tax Exemption program and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Singh

R762/17/09/18 THAT Council receives, for information, the report from the Planner Specialist, dated September 18, 2017, regarding the status of the Revitalization Tax Exemption Bylaw and purpose-built rental housing tax incentive programs;

AND THAT Bylaw No. 11458 being Amendment No. 5 to Revitalization Tax Exemption Program Bylaw No. 9561 be forwarded for reading consideration.

Carried

6.4 **BL11457 - Amendment No. 5 to Revitalization Tax Exemption Program Bylaw No. 9561**

Moved By Councillor DeHart/Seconded By Councillor Hodge

R763/17/09/18 THAT Bylaw No. 11457 be read a first, second and third time.

Carried

Councillor Stack rejoined the meeting at 3:47 pm

7. **Bylaws for Adoption (Non-Development Related)**

7.1 **BL11483 - Amendment No. 29 to Traffic Bylaw No. 8120**

Moved By Councillor DeHart/Seconded By Councillor Stack

R764/17/09/18 THAT Bylaw No. 11483 be read adopted.

Carried

7.2 **BL11485 - Amendment No. 8 to Solid Waste Management Bylaw No. 10106**

Moved By Councillor Stack/Seconded By Councillor DeHart

R765/17/09/18 THAT Bylaw No. 11485 be adopted.

Carried

8. **Mayor and Councillor Items**

Councillor DeHart:

- Spoke to her attendance at the Central Okanagan Foundation's Canada 150 Mosaic Project.
- Cops for Kids returned on Sunday and raised \$300,000.

Councillor Sieben:

- Spoke to his attendance, along with Councillors DeHart and Stack, at the Me to We Event.

Councillor Gray:

- Made comment that next week is the UBCM Conference and will be in attendance.

Councillor Donn:

- Commented that the Breakout West Music Festival wrapped up in Edmonton and announced that Kelowna will be the host city in 2018.

Councillor Given:

- Reminder of the Regional Parks Acquisition Announcement and Dinner on Thursday September 21st, 2017.

Mayor Basran:

- Thanked KPMG for bringing speaker Craig Keilberger of the Me to We Event to Kelowna.
- Congratulated CHBC, now Global Okanagan TV, on their 60th Anniversary and commented that Global will present Live News at Stuart Park on September 21st.

9. Termination

This meeting was declared terminated at 3:56 p.m.

Mayor

Deputy City Clerk

/acm