



## City of Kelowna Regular Council Meeting Minutes

Date:	Monday, October 30, 2017
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given Tracy Gray, Brad Sieben*, Mohini Singh and Luke Stack
Members Absent	Councillor Charlie Hodge
Staff Present	City Manager, Ron Mattiussi; City Clerk, Stephen Fleming, Divisional Director, Corporate & Protective Services, Rob Mayne*; Community Planning Department Manager, Ryan Smith*; Suburban & Rural Planning Manager, Todd Cashin*; Planner Specialist, Melanie Steppuhn*; Planner Specialist, Ross Soward*; Purchasing Manager, Darren Tompkins*, Risk Manager, Lance Kayfish*; Divisional Director, Corporate & Strategic Services, Carla Weaden*; Sponsorship & Advertising Manager, Janine Taylor*; Community Communications Manager, Jodie Foster*; Utility Services Manager, Kevin Van Vliet*; Communications Advisor, Kelly Kay*; Integrated Transportation Department Manager, Rafael Villarreal*; Senior Airport Department Manager, Ed Stephens*; Legislative Coordinator (Confidential), Arlene McClelland

(\* denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 1:32 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 DeHart/Seconded By Councillor Donn

R874/17/10/30 THAT the Minutes of the Regular Meetings of October 23, 2017 be confirmed as circulated.

Carried

### 3. Development Application Reports & Related Bylaws

### 3.1 405 Poplar Point Dr, Z17-0068 - Frederick Hamel

#### Staff:

- Displayed a PowerPoint Presentation summarizing the application, providing rationale for non-support and responded to questions from Council.

#### Jordan Hettinga, Kent Macpherson, Jeremy Block, Interior Testing Services, Applicant Representatives

- Displayed a PowerPoint Presentation, re: 405 Poplar Point Rezoning
- Rezoning from Ru1 to Ru6 to provide a second residence.
- The owner also owns the property in front of the subject property on the water front.
- Provided a history of the subject property and advised the owner purchased the property in 2013 and has worked with city staff since that time.
- Through appropriate design the future building's foundation will be utilized to further stabilize the hillside while retaining the natural character and ecology of the hillside.
- A geotechnical report that was submitted confirms that provided the proposed home is pinned to competent bedrock by micro piles or similar and all drainage water is collected and directed off site, the subject property is suitable for the residential development.
- There are full municipal services in close proximity to both road frontages of the site
- Will create a house that will blend into the surrounding environment and will seamlessly fit into the existing rhythm of the neighbourhood and have minimal impact to any surrounding property's view.
- Met with property owners in the neighbourhood and received 8 letters of support.
- Responded to questions from Council.

#### Staff:

- Responded to questions from Council.

#### Moved By Councillor Donn/Seconded By Councillor Stack

**R875/17/10/30** THAT Rezoning Application No. Z17-0068 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 219 ODYD Plan EPP47591, located at 405 Poplar Point Drive, Kelowna, BC, from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone NOT be considered by Council.

#### **Defeated**

Councillors Given, Gray, Sieben and Singh - Opposed

#### Moved By Councillor Sieben/Seconded By Councillor Gray

**R876/17/10/30** THAT Rezoning Application No. Z17-0068 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 219 ODYD Plan EPP47591, located at 405 Poplar Point Drive, 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 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 October 16, 2017;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to a full Geotechnical Report being submitted to and accepted by the Community Planning Department, in accordance with a Terms of Reference to be established by the Community Planning Department;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to issuance of a Natural Environment and Hazardous Condition Development Permit for the subject property;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to Section 219 restrictive covenants being registered on title to delineate no build and no disturbance areas, identify a building envelope, and prohibit irrigation, as well as address other matters that may be identified through the review process.

**Defeated**

Mayor Basran, Councillors DeHart, Donn and Stack – Opposed

### **3.2 1040 Old Vernon, A16-0011 -Benson Law LLP**

Staff:

- Displayed a PowerPoint Presentation summarizing the application, providing rationale for non-support and responded to questions from Council.

Brett Sanguin, Benson Law, Applicant Representative

Displayed a PowerPoint Presentation, re:1040 Old Vernon Road – Non Farm Use Application

- Advised that the Applicant is not present.
- Provided historical information regarding the land use of the subject property and correspondence between city staff and the owner dating back to 2006.
- Provided information on remediation attempts from 2006 to 2017.
- The proposed operation is for a recycling facility for wood, concrete and trees; some metal as by-product or concrete (rebar) and construction materials.
- Metal recycling not intended to be a significant part of the operation; all metal to be collected in on-site containers and removed to scrap metal dealers.
- It has always been the owner's intention to rehabilitate the property but in order to do so the recycling operation is needed. This allows an income stream to be created at the same time of remediation.
- Attempts of remediation is probably underestimated at 1 million dollars.
- Further industrial land use would require extensive rehabilitation and improvements to the property. Such improvements can be expected to have a positive impact on the surrounding properties.
- There's an opportunity for all involved to clean up what is one of the worst sites in Kelowna:
  - o Need to be willing to work together toward a realistic solution
  - o Return of \$30,000.00 bond from ALC has been demanded based on City's refusal to work with Applicant to date
  - o Applicant willing to post a \$125,000 bond to ensure post-operation remediation
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

A motion by Councillor Singh to move the alternate staff recommendation of support was lost due to the lack of a seconder.

Moved By Councillor Donn/Seconded By Councillor Gray

**R877/17/10/30** THAT Agricultural Land Reserve Appeal No. A16-0011 for Lot 2, Section 1, TWP 23, ODYD Plan KAP546, located at 1040 Old Vernon Rd, Kelowna for a non-farm use of agricultural land in the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, NOT be supported by Council;

AND THAT Council directs Staff NOT to forward the subject application to the Agricultural Land Commission for consideration.

**Carried**

Councillor Singh - Opposed

### 3.3 982 Old Vernon Rd, A17-0003 - Jeetender Kandola and Manraj Kandola

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Singh

**R878/17/10/30** THAT Council invite the Applicant to address Council to answer questions.

**Carried**

Jeetender Kandola and Manraj Kandola, Old Vernon Road

- Confirmed that the intent was to purchase the property and operate the sawmill on-site.
- Advised that receivers seized the saw mill equipment due to bankruptcy of the previous owner.

Staff:

- Responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Gray

**R879/17/10/30** THAT Agricultural Land Reserve Appeal No. A17-0003 for Lot 3 Section 1 TWP 23 ODYD Plan 546, located at 982 Old Vernon Road, Kelowna for a non-farm use of agricultural land in the Agricultural Land Reserve pursuant to Section 20(3) 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.

**Defeated**

Mayor Basran, Councillors Donn, DeHart, Sieben and Stack

The meeting recessed at 4:14 p.m.

The meeting reconvened at 4:24 p.m.

#### 4. Bylaws for Adoption (Development Related)

Mayor advised that Items 4.1 and 4.2 will be coming to a Tuesday evening meeting.

- 4.1 TA17-0009 (BL11426) - Multiple Dwelling Housing Amendments
- 4.2 2673 Gore St, Z17-0025 (BL11427) - Stanley Tessmer

#### 5. Non-Development Reports & Related Bylaws

- 5.1 1745 Chapman Place - Amend Revitalization Tax Exemption Agreement

Staff:

- Provided an overview of the amendment to the Revitalization Tax Agreement with Ki-Low-Na Friendship Society

Moved By Councillor Sieben/Seconded By Councillor Singh

**R880/17/10/30** THAT Council authorize staff to amend the Revitalization Tax Exemption Agreement RTE16-0006 with Ki-Low-Na Friendship Society for Strata Lots 1 through 86 of Strata Plan EPS3899, District Lot 139, Osoyoos Division Yale District at 1745 Chapman Place, Kelowna, BC, in the form attached to the report from the Planner Specialist, dated October 30, 2017;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete this transaction.

**Carried**

## **5.2 New Purchasing Bylaw No. 11477**

Staff:

- Provided an overview of the proposed changes within the draft Purchasing Bylaw and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Stack

**R881/17/10/30** THAT Council receive for information, the Report from the Purchasing Manager, dated October 30, 2017 regarding approval of a new Purchasing Bylaw No. 11477

AND THAT Purchasing Bylaw No. 11477 be forwarded for reading consideration

AND FURTHER THAT Purchasing Bylaw No. 9590 be rescinded

**Carried**

## **5.3 BL11477 - Purchasing Bylaw**

Moved By Councillor DeHart/Seconded By Councillor Stack

**R882/17/10/30** THAT Bylaw No. 11477 be read a first, second and third time.

**Carried**

## **5.4 Good Neighbour Bylaw**

Staff:

- Displayed a PowerPoint Presentation summarizing the draft Good Neighbour Bylaw and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Given

**R883/17/10/30** THAT Council receive for information, the Report from the Risk Manager dated October 23, 2017 regarding the creation of the "Good Neighbour Bylaw" No. 11500, including providing for nuisance abatement fees and consolidating existing City bylaws;

AND THAT Council gives reading consideration to Bylaw No. 11500 being the Good Neighbour Bylaw;

AND FURTHER THAT Council gives reading consideration to Bylaw No. 11503 being Amendment No. 19 to Bylaw Notice Enforcement Bylaw No. 10475.

**Carried**

## **5.5 BL11500 - Good Neighbour Bylaw**

Moved By Councillor Stack/Seconded By Councillor DeHart

**R884/17/10/30** THAT Bylaw No. 11500 be read a first, second and third time.

**Carried**

**5.6 BL11503 - Amendment No. 18 to Bylaw Notice Enforcement Bylaw No. 10475**

Moved By Councillor Stack/Seconded By Councillor DeHart

**R885/17/10/30** THAT Bylaw No. 11503 be read a first, second and third time.

**Carried**

**5.7 Corporate Sponsorship & Advertising Policy, No. 376**

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed policy for the Corporate Sponsorship and Advertising pilot program and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

**R886/17/10/30** THAT Council receives for information the report from the Sponsorship & Advertising Manager dated October 30, 2017 regarding the establishment of a Corporate Sponsorship & Advertising Policy;

AND THAT Council approve the City of Kelowna Corporate Sponsorship & Advertising Policy No. 376 as attached to this report.

**Carried**

**5.8 Community Engagement Process – Agricultural Water Rate Design**

Staff:

- Displayed a PowerPoint Presentation summarizing the engagement strategy for the new water rate design for agricultural customers and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor DeHart

**R887/17/10/30** THAT Council receive for information the report from the Utility Services Manager dated October 30, 2017 with respect to the engagement process for reviewing the Agriculture Water Rate Design.

AND THAT Council directs staff to proceed with the communications and engagement process for gathering feedback and preferences on agriculture water rate design as outlined in the report from the Utility Services Manager dated October 30, 2017.

**Carried**

Councillor Sieben departed the meeting at 5:20 p.m.

**5.9 Grant Application to the National Trade Corridor Fund for the Okanagan Gateway Transportation Plan**

Staff:

- Provided an overview of the funding required in order to submit a grant application for the 2017 National Trade Corridor Fund program.

Moved By Councillor DeHart/Seconded By Councillor Donn

**R888/17/10/30** THAT Council receives, for information, the report from the Manager, Integrated Transportation, dated October 30, 2017, with respect to the National Trade Corridor Fund Grant Application for the Okanagan Gateway Transportation Plan;

AND THAT Council endorses the grant application to the National Trade Corridor Fund for the Okanagan Gateway Transportation Plan;

AND THAT Council approve the amendment to the 2017 Financial Plan including the \$512,500 project with funding as detailed in the Financial/Budgetary Considerations portion of this report.

**Carried**

## 6. Resolutions

### 6.1 Draft Resolution, re: 2018 Council Meeting Schedule

Moved By Councillor Stack/Seconded By Councillor Donn

**R889/17/10/30** THAT the 2018 Council Meeting Schedule be adopted as follows:

Monday Regular Meetings	Public Hearing/Regular Meetings
January 8, 15, 22 and 29	January 9 and 23
February 5, 19 and 26	February 6 and 20
March 5, 12, 19 and 26	March 6 and 20
April 9, 16, 23 and 30	April 10 and 17
May 7, 14 and 28	May 1, 15 and 29
June 4, 11, 18 and 25	June 12 and 26
July 16 and 30	July 17 and 31
August 13 and 27	August 14 and 28
September 6 *, 17 and 24	September 11 and 25
October 1	October 9
November 5 *, 19 and 26	November 20
December 3, 10 and 13 *	December 4

- September 6<sup>th</sup> – Pre-Budget Council Meeting
- November 5<sup>th</sup> - Inaugural Council Meeting
- December 13<sup>th</sup> – 2019 Budget Deliberations

**Carried**

### 6.2 Draft Resolution, re: Rescindment and Appointment to the Regional District of Central Okanagan's Board of Directors

Moved By Councillor Stack/Seconded By Councillor Gray

**R890/17/10/30** THAT Council rescinds the appointment of Councillor Hodge as an alternate to the Regional District of Central Okanagan's Board of Directors effective November 9, 2017;

AND THAT Council appoints Councillor Hodge as a director to the Regional District of Central Okanagan's Board of Directors effective November 9, 2017.

**Carried**

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

**7.1 BL10741 - Amendment No. 9 to Solid Waste Management Regulation Bylaw No. 10106**

Moved By Councillor Donn/Seconded By Councillor Given

R891/17/10/30 THAT Bylaw No. 10741 be adopted.

Carried

**7.2 BL11439 - Amendment No. 35 to Sewerage System User Bylaw No. 3480**

Moved By Councillor Donn/Seconded By Councillor Given

R892/17/10/30 THAT Bylaw No. 11439 be adopted.

Carried

**7.3 BL11497 - Road Closure Bylaw - Portion of Lane Adjacent to Gaston Ave**

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

No one from the gallery came forward.

Moved By Councillor Donn/Seconded By Councillor Gray

R893/17/10/30 THAT Bylaw No. 11497 be adopted.

Carried

**8. Mayor and Councillor Items**

Councillor Donn:

- Made reference to the proposed local government election contribution legislation.

Councillor Gray:

- Spoke to the upcoming Social Entrepreneurs at Okanagan Changemakers' event at the Community Theatre, Thursday, November 2<sup>nd</sup>.

Mayor Basran:

- Kelowna has been recognized as one of the Intelligent Community Forum's Smart 21 Communities for 2018. The Forum identified the 21 smartest cities in the world when it comes to its approach to investment in technology to address community goals.
- The Legion Poppy Campaign is underway and is in need of volunteers for poppy distribution and encouraged the community to help support the campaign.

**9. Termination**

This meeting was declared terminated at 5:31 p.m.

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Mayor

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City Clerk

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