



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, May 28, 2018
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart*, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Mohini Singh and Luke Stack
Members Absent	Councillor Brad Sieben
Staff Present	Acting City Manager, Joe Creron; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith*; Suburban and Rural Planning Manager, Dean Strachan*; Divisional Director Community Planning & Strategic Investments, Doug Gilchrist*; Community Planning Supervisor, Laura Bentley*; Sustainability Coordinator, Tracy Guidi*; Park and Landscape Planner, Melanie Steppuhn*; Policy & Planning Department Manager; Danielle Noble-Brandt*; Long Range Policy Planning Manager, James Moore*; Planner Specialist, Ross Soward*; Energy Program Manager, Brydan Tollefson*; Planner Specialist, David James*; Divisional Director Financial Services, Genelle Davidson*; Cultural Services Manager, Christine McWillis*; Risk Manager, Lance Kayfish*; Acting Legislative Coordinator (Confidential), Tania Tishenko

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:32 pm.

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 Donn/Seconded By Councillor Hodge

R521/18/05/28 THAT the Minutes of the Regular Meeting of May 14, 2018 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Lakeshore Road 5064 Z18-0007 and LUC18-0001 - Mark Fipke

Staff:

- Displayed a PowerPoint Presentation summarizing the reasons for staff non-support.

Jordan Henninga, Kent- Macpherson on behalf of Applicant

- Displayed a PowerPoint Presentation.
- Provided history of development and construction on subject property.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Hodge

R522/18/05/28 THAT Application No. LUC18-0001 to discharge LUC77-1012 from Lot A, Section 23, Township 28, SDYD, Plan 30063, located on 5064 Lakeshore Road, Kelowna, BC, be considered by Council;

AND FURTHER THAT the City of Kelowna Zoning Bylaw No. 8000 change the zoning classification of Lot A, Section 23, Township 28, SDYD, Plan 30063, located at 5064 Lakeshore Road, Kelowna, BC from the A1 – Agriculture zone to the RR2c – Rural Residential 2 with Carriage House zone NOT be considered by Council.

Carried
Councillor Gray - Opposed

3.2 Pier Mac Way 1915 & Kel Mac Ct. 3510, 3520 TA17-0002, Supplemental Report - Pier Mac Petroleum Installation Ltd.

Councillor DeHart declared a conflict of interest due to her employment in the hotel industry and left the meeting at 1:55pm.

Staff:

- Displayed a PowerPoint Presentation summarizing the reasons for staff non-support and responded to questions from Council.

Scott Thompson, Northland Property Corporation, Applicant

- Displayed CD-15 Principal Uses on the ELMO.
- Provided background on the history of the site.
- Read from the CD-15 Zone purpose as stated in Zoning Bylaw 8000.
- Emphasized zone anticipated and provided for supporting uses.
- Hotel is supporting use to the nearby Airport and University uses.

- Hotel will have less traffic impact than a retail use and that it conforms to existing City and Provincial plans and approvals.
- Economic development of Airport and University requires supporting uses such as a hotel and lack of hotel rooms in the immediate vicinity will negatively impact their respective development.
- Hotel is a better use for the development of the area than some of the current uses in the CD-15 zone.
- Responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Given

R523/18/05/28 THAT Council receive for information the supplemental report for application TA12-0012 dated May 28, 2018;

AND THAT Zoning Bylaw Text Amendment No. TA17-0012 to amend City of Kelowna Zoning Bylaw No. 8000 by amending principle uses, the industrial height limit, and the other regulations section within the CD15 – Airport Business Park to facilitate a Hotel development as outlined in Schedule “A” of the report from the Urban Planning Department dated November 20, 2017, be NOT considered by Council.

AND THAT the Text Amendment Bylaw NOT be forwarded to a Public Hearing for further consideration.

Carried

Councillor DeHart returned to the meeting at 2:22 pm.

3.3 Holland Rd 3010, Z18-0010 - Scott and Chandra Payer & John and Alexandra Woodfield

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Singh

R524/18/05/28 THAT Rezoning Application No. Z18-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 14, District Lot 131, Osoyoos Division Yale District, Plan 10710, located at 3010 Holland Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing, 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 Attachment “A” from the Development Engineering Department dated February 1, 2018.

Carried

3.4 Holland Rd 3010, Z18-0010 (BL11620) - Scott and Chandra Payer & John and Alexandra Woodfield

Moved By Councillor Gray/Seconded By Councillor Hodge

R525/18/05/28 THAT Bylaw No. 11620 be read a 1st time.

Carried

3.5 Pacific Ave 1145, Z17-0118 - Anagram Properties

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Gray

R526/18/05/28 THAT Rezoning Application No. Z17-0118 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 137 ODYD Plan 7833, located at 1145 Pacific Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple 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 May 28, 2018;

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

3.6 Pacific Ave 1145, Z17-0118 (BL11621) - Anagram Properties

Moved By Councillor Hodge/Seconded By Councillor Gray

R527/18/05/28 THAT Bylaw No. 11621 be read a 1st time.

Carried

3.7 Taylor Cr 2424, Z18-0024 - Kerry and Nicole Begrand Fast

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Stack

R528/18/05/28 THAT Rezoning Application No. Z18-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 17, District Lot 14, ODYD, Plan 7336 located at 2424 Taylor Crescent, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone be considered by Council;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit for the subject property.

Carried**3.8 Taylor Cr 2424, Z18-0024 (BL11622) - Kerry and Nicole Begrand Fast**Moved By Councillor Gray/Seconded By Councillor Hodge

R529/18/05/28 THAT Bylaw No. 11622 be read a 1st time.

Carried**3.9 Shanks Rd 4085 & 4133, TA18-0001 (BL11551) - Geen Family Holdings Ltd**Moved By Councillor Hodge/Seconded By Councillor Gray

R530/18/05/28 THAT Bylaw No. 11551 be adopted.

Carried**3.10 Shanks Rd 4085 4133, FH18-0001 - Geen Family Holdings Ltd**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Given

R531/18/05/28 THAT final adoption of Zoning Bylaw Text Amending Bylaw No. 11551 be considered by Council;

AND THAT Council authorizes the issuance of Temporary Farm Worker Housing Permit No. FH18-0001 for Lot 20 Section 34 Township 23 ODYD Plan 500 Except Plan KAP45154, located at 4085 Shanks Road, Kelowna, BC, and for Lot 19 Section 34 Township 23 ODYD Plan 500 Except Plan KAP45154, located at 4133 Shanks Road, Kelowna, BC, subject to the following:

1. The dimensions and siting of the buildings and structures to be constructed on the land be in accordance with Schedule "A";
2. Landscaping to be provided on the land in accordance with Schedule "B";
3. The applicant be required to post with the City a Landscape Performance Security deposit in the form of an Irrevocable Letter of Credit in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
4. Registration of a Section 219 Restrictive Covenant restricting the use of the temporary farm worker housing to accommodation for temporary farm workers only, to a maximum of one hundred and forty (140) temporary farm workers, and to a maximum occupation of ten (10) months of the year;
5. Registration of a Section 219 Restrictive Covenant on all parcels owned or leased by the farmer in the McKinley City Sector restricting the total number of temporary farm worker housing to one hundred and forty (140) on those parcels; and
6. Registration of a Section 219 Restrictive Covenant on the farm unit parcels prohibiting the parcels from being sold or otherwise transferred separately; and
7. Registration of an easement on the farm unit parcels allowing reciprocal access for utilities (water, sanitary and drainage) and access.

Carried

3.11 Implementing Agriculture Plan Policy Recommendations: PACKAGE 1 Bylaw Amendments OCP18-0003 and TA18-0002

Staff:

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

Moved By Councillor Given/Seconded By Councillor Stack

R532/18/05/28 THAT Official Community Plan Text Amendment Application No. OCP18-0003 to amend Kelowna 2030 – Official Community Plan Bylaw No. 1500 as outlined in Schedule B attached to the report from Policy and Planning dated May 28, 2018 be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA18-0002 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule C in the Report from Policy and Planning dated May 28, 2018 be considered by Council;

AND THAT Council considers the public process outlined in the report from Policy and Planning dated May 28, 2018, 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 the Zoning Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zoning Text Amending Bylaw be considered subsequent to the approval of the Ministry of Agriculture and Ministry of Transportation and Infrastructure.

Carried

3.12 OCP18-0003 (BL11616) - Amendments to Address the Agriculture Plan

Moved By Councillor Singh/Seconded By Councillor Stack

R533/18/05/28 THAT Bylaw No. 11616 be read a 1st time.

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

Carried

3.13 TA18-0002 (BL11617) - Agricultural Amendments based on the Agricultural Plan

Moved By Councillor Singh/Seconded By Councillor DeHart

R534/18/05/28 THAT Bylaw No. 11617 be read a 1st time.

Carried

3.14 Implementing Agriculture Plan Policy Recommendations - PACKAGE 2 Bylaw Amendments OCP18-0004 and TA18-0003

Staff:

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

Moved By Councillor Hodge/Seconded By Councillor Singh

R535/18/05/28 THAT Official Community Plan Text Amendment Application No. OCP18-0004 to amend Kelowna 2030 – Official Community Plan Bylaw No. 15000 as outlined in Schedule A attached to the report from Policy and Planning dated May 28, 2018 be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA18-0003 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule B in the Report from Policy and Planning dated May 28, 2018 be considered by Council;

AND THAT Council considers the public process outlined in the report from Policy and Planning dated May 28, 2018, 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 the Zoning Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zoning Text Amending Bylaw be considered subsequent to the approval of the Ministry of Agriculture and Ministry of Transportation and Infrastructure.

Carried

3.15 OCP18-0004 (BL11618) - Amendments to Address the Agriculture Plan

Moved By Councillor Singh/Seconded By Councillor DeHart

R536/18/05/28 THAT Bylaw No. 11618 be read a 1st time.

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

Carried

3.16 TA18-0003 (BL11619) - Agricultural Amendments based on the Agricultural Plan

Moved By Councillor Singh/Seconded By Councillor Stack

R537/18/05/28 THAT Bylaw No. 11619 be read a 1st time.

Carried

4. Non-Development Reports & Related Bylaws

4.1 2040 OCP Update – Growth Scenarios Public Consultation

Staff:

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

Moved By Councillor Gray/Seconded By Councillor Hodge

R538/18/05/28 THAT Council receives, for information, the four growth scenarios as they relate to the first phase of public engagement for the 2040 OCP update.

Carried

4.2 2018 Rental Housing Agreement Bylaws

Moved By Councillor Singh/Seconded By Councillor Hodge

R539/18/05/28 THAT Council, receives, for information, the Report from the Planner Specialist dated May 28, 2018 recommending that Council adopt the following Housing Agreement bylaws to secure 436 purpose-built rental housing units;

AND THAT Bylaw No. 11507 authorizing a Housing Agreement between Valley Land Subdivision Ltd, which requires the owners to designate 166 dwelling units in a purpose-built rental housing for Lot A, Sections 29 and 32 Township 26, ODYD, Plan EPP75038 at 724 Valley Road, Kelowna, BC, be forwarded for reading consideration;

AND THAT Bylaw No. 11568 authorizing a Housing Agreement between the City of Kelowna and Necessary Homes Ltd, INC NO. BC 0850280 which requires the owners to designate 14 dwelling units in a purpose-built rental housing for Lot 1, Block 1 District Lot 137, ODYD, Plan 5042 at 1155 Pacific Avenue, Kelowna, BC, be forwarded for reading consideration;

AND THAT Bylaw No. 11567 authorizing a Housing Agreement between the City of Kelowna and Summerwood Retirement Resort Holding Corporation, which requires the owners to designate 154 dwelling units in a purpose-built rental housing for Lot A, District Lot 131, ODYD, Plan EPP76548 at 160 KLO Road, Kelowna, BC, be forwarded for reading consideration;

AND FURTHER THAT Bylaw No.11610 authorizing a Housing Agreement between the City of Kelowna and 0984342 BC Ltd., which requires the owners to designate 102 dwelling units in a purpose-built rental housing for Lot A District Lot 134 ODYD, Plan EPP65105 at 3477-3499 Lakeshore Road, Kelowna, BC, be forwarded for reading consideration.

Carried

4.3 Valley Rd 720, (BL11507) - Housing Agreement Authorization Bylaw - Valley Land Subdivision Ltd

Moved By Councillor Singh/Seconded By Councillor Hodge

R540/18/05/28 THAT Bylaw No. 11507 be read a 1st, 2nd and 3rd time.

Carried

4.4 KLO Rd 1360, (BL11567) Housing Agreement Authorization Bylaw - Necessary Homes Inc.

Moved By Councillor Singh/Seconded By Councillor Hodge

R541/18/05/28 THAT Bylaw No. 11567 be read a 1st, 2nd, and 3rd time.

Carried

4.5 Pacific Ave 1155, (BL11568) - Housing Agreement Authorization Bylaw - Summerwood Retirement Resort Holding Corporation

Moved By Councillor Singh/Seconded By Councillor Stack

R542/18/05/28 THAT Bylaw No. 11568 be read a 1st, 2nd and 3rd time.

Carried

4.6 Lakeshore Rd 3477-3499, (BL11610) - Housing Agreement Authorization Bylaw - 0984342 BC Ltd Inc.

Moved By Councillor Singh/Seconded By Councillor Stack

R543/18/05/28 THAT Bylaw No. 11610 be read a 1st, 2nd and 3rd time.

Carried

4.7 Rental Housing Revitalization Tax Exemption Agreements

Staff:

- Staff provided summary of the three agreements and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Singh

R544/18/05/28 THAT Council, receives, for information, the Report from the Planner Specialist dated May 28, 2018 recommending that Council adopt the following Revitalization Tax Exemption Agreements for three purpose-built rental housing projects;

AND THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with Valley Land Subdivision Ltd, for Lot A, Sections 29 and 32 Township 26, ODYD, Plan EPP75038 at 724 Valley Road, Kelowna, BC;

AND THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with Necessary Homes Ltd, INC NO. BC 0850280, for Lot 1, Block 1 District Lot 137, ODYD, Plan 5042 at 1155 Pacific Avenue, Kelowna, BC;

AND FURTHER THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with 0984342 B.C. LTD for Lot A District Lot 134 ODYD, Plan EPP65105 at 3477-3499 Lakeshore Road, Kelowna, BC;

Carried

4.8 2017 Climate Action Revenue Incentive Program

Staff:

- Displayed a PowerPoint Presentation summarizing the 2017 progress and 2018 plans.

Moved By Councillor Stack/Seconded By Councillor Singh

R545/18/05/28 THAT Council receives, for information, the report from the Sustainability Coordinator and Energy Program Manager, dated May 28, 2018, with respect to the 2017 Climate Action Revenue Incentive Program public report;

AND THAT the 2018 Financial Plan be amended to increase both the revenue and the associated contribution to the Energy Management Rebate reserve budget as a result of the Climate Action Revenue Incentive Program grant.

Carried

4.9 Kelowna Community Health Services Centre Public Art – Financial Contribution Agreement

Staff:

- Displayed a PowerPoint Presentation summarizing the agreement.

Moved By Councillor Hodge/Seconded By Councillor Given

R546/18/05/28 THAT Council receives, for information, the report from the Planner Specialist, Parks & Buildings Planning dated May 28, 2018, with respect to the Kelowna Community Health Services Centre Public Art – Financial Contribution Agreement;

AND THAT Council authorize the Mayor and Clerk to execute the Financial Contribution Agreement between Bentall Kennedy (Canada) Limited Partnership, BK Prime Kelowna Holdings LP and the City of Kelowna;

AND FURTHER THAT the 2018 Financial plan be amended to include the expenditure up to \$60,000 from the Public Art Reserve for the City's contribution portion towards the commissioning of new publicly accessible artwork at the Kelowna Community Health Services Centre, 505 Doyle Avenue.

Carried

4.10 Community Art Program Guidelines

Staff:

- Displayed a PowerPoint Presentation summarizing the revised guidelines.

Moved By Councillor Hodge/Seconded By Councillor Singh

R547/18/05/28 THAT Council receives for information the report from the Cultural Services Manager dated May 28, 2018, regarding revised Guidelines for the Community Art Program.

AND THAT Council approves the revised guidelines for the Community Art Program as set out in the report of the Cultural Services Manager dated May 28, 2018.

Carried

4.11 Municipal Insurance Association of BC Associate Membership Insurance Coverage

Moved By Councillor Given/Seconded By Councillor Hodge

R548/18/05/28 THAT Council approves delegating to the Director of Human Resources the authority to authorize and execute the attached agreement, as amended from time to time, on behalf of Mayor and Council for the purpose of providing select service providers liability insurance protection through the Municipal Insurance Association of British Columbia (MIABC) as an Associate Member under the City of Kelowna's liability insurance membership account.

Carried

4.12 Elected Officials RTC 2018 05 22 Council Remuneration

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Stack

R549/18/05/28 THAT Council receives the report from the Divisional Director, Financial Services dated May 28, 2018 with respect to amendments for removal of the one third allowance for incidental expenses and an increase in remuneration to the Council Remuneration and Expense Bylaw effective January 1, 2019;

AND THAT Bylaw No. 11624 being the Amendment No. 10 to the Council Remuneration and Expense Bylaw No. 7547 be in advanced for reading consideration;

Carried

- 4.13 **BL11624 - Amendment No. 10 to Council Remuneration and Expense Bylaw No. 7547**

Moved By Councillor Donn/Seconded By Councillor Given

R550/18/05/28 THAT Bylaw No. 11624 be read a 1st, 2nd and 3rd time.

Carried

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

- 5.1 **BL11565 - 2018 General Local Government Election Bylaw**

Moved By Councillor Donn/Seconded By Councillor Given

R551/18/05/28 THAT Bylaw No.11565 be adopted.

Carried

- 5.2 **BL11569 - Amendment No. 1 to City of Kelowna Automated Voting Machines Authorization Bylaw No. 10970**

Moved By Councillor Donn/Seconded By Councillor Given

R552/18/05/28 THAT Bylaw No. 11569 be adopted.

Carried

- 5.3 **BL11601 - Amendment No. 30 to Traffic Bylaw No. 8120**

Moved By Councillor Donn/Seconded By Councillor Given

R553/18/05/28 THAT Bylaw No. 11601 be adopted.

Carried

6. **Mayor and Councillor Items**

Councillor Stack:

- Will be attending FCM in Halifax and is looking forward to hear what the main topics of discussion will be.

Councillor DeHart:

- Brain Trust Symposium BRAINx 2018 will be held on June 7th at the Ramada Kelowna Hotel & Conference Centre with a Journey Home Presentation.

- On behalf of Mayor Basran will be attending the Canadian Catholics School Trustees Association Conference on June 7th.
- ALS Walk on Sunday June 10th starting at the Dolphins Fountain at 10:30 am.

Councillor Hodge:

- Shout out to the IHA staff who work at the Wound Clinic.
- Shout out to Gwen Holland on her 99th birthday. Gwen was the first female elected to serve on Council in 1969.

Councillor Gray:

- Bike to work week started today. Go online at biketowork.ca and register.

Councillor Donn:

- Shared concerns with cyclist safety during Bike to Work Week.
- Reminded the public to use the online service request system to identify areas where work needs to be done.
- For crime prevention please register bikes with 529 Garage.
- Excited to learn that \$1.45M was donated from the estate of Harry Weatherill towards the Okanagan Rail Trail Campaign.

Councillor Given:

- Spoke to her attendance at the Municipal Fleet Managers Association Conference.
- Spoke to her attendance at the Kelowna Newcomers Club and the Kiwanis Music Festival Gala.
- Spoke to her attendance at the groundbreaking ceremony for "The Shore" and wanted to send out a shout out to the Stand Up Paddle Board Rental ladies at Gyro Beach for their great instruction to paddle boating.


Mayor Basran:

- Reflected on today's agenda and made comment on some of the transformative items on the Agenda that will impact the future of the City.

7. Termination

This meeting was declared terminated at 4:32 pm.

Mayor Basran



City Clerk

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