



City of Kelowna Regular Council Meeting Minutes

Date: Monday, December 10, 2018
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben, Mohini Singh*, Luke Stack* and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith*; Urban Planning Manager, Terry Barton*; Planner Specialist, Adam Cseke*; Long Range Policy Planning Manager, James Moore*; Planner, Kim Brunet*; Planner, Lydia Korolchuk*; Senior Airport Finance & Corporate Services Manager, Shayne Dyrdal*; Divisional Director, Financial Services, Genelle Davidson*; Infrastructure Engineering Manager, Joel Shaw*; Divisional Director, Community Planning & Strategic Investments, Derek Edstrom*; Policy & Planning Department Manager, Danielle Noble-Brandt*; OCP Project Manager, Robert Miles*; Planner Specialist, Ross Soward*; Business License Manager, Greg Wise*; Development Engineering Manager, James Kay*; Partnership Manager, Sandra Kochan*; Sport & Event Services Manager, Doug Nicholas*; Fire Chief, Travis Whiting*; Utility Services Manager, Kevin Van Vliet* and Legislative Coordinator (Confidential), Clint McKenzie

(* 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 Hodge/Seconded By Councillor Wooldridge

R1102/18/12/10 THAT the Minutes of the Regular Meetings of December 3, 2018 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Gore Street 2643-2627 Z18-0106 Teano Holdings Ltd BC1090038

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Donn

R1103/18/12/10 THAT Rezoning Application No. Z18-0106 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7, District Lot 14, ODYD, Plan KAP7927, located at 2627 Gore Street, Kelowna, BC and Lot 8, District Lot 14, ODYD, Plan 7927, located at 2643 Gore Street, 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 Attachment "A" attached to the Report from the Community Planning Department dated September 26th, 2018;

Carried

3.2 Gore Street 2643 and 2627, Z18-0106 (BL11721) - Teano Holdings Ltd BC1090038

Moved By Councillor Stack/Seconded By Councillor DeHart

R1104/18/12/10 THAT Bylaw No. 11721 be read a first time.

Carried

3.3 Old Vernon Rd 252, Z18-0034 - 0959036 BC Ltd Inc. No. BC0959036

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R1105/18/12/10 THAT Rezoning Application No. Z18-0034 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a Lot A, District Lot 2, ODYD, Plan EPP75507, located at 252 Old Vernon Road, Kelowna, BC from the A1 – Agriculture 1 and A1c – Agriculture 1 with Carriage House zone to the I2 – General Industrial zone, be considered by Council;

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

Carried

3.4 Old Vernon Rd 252, Z18-0034 (BL11722) -0959036 BC Ltd Inc. No. BC0959036

Moved By Councillor DeHart/Seconded By Councillor Stack

R1106/18/12/10 THAT Bylaw No. 11722 be read a first time.

Carried

3.5 Rutland Rd N 1354, Z18-0097 - Parminder Singh Kindhra and Sheetu Kindhra

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Hodge

R1107/18/12/10 THAT Rezoning Application No. Z18-0097 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan 14663, located at 1354 Rutland Road North, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM3 – Low 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 December 10, 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 Rutland Rd N 1354, Z18-0097 (BL11723) - Parminder Singh Kindhra and Sheetu Kindhra

Moved By Councillor Given/Seconded By Councillor Wooldridge

R1108/18/12/10 THAT Bylaw No. 11723 be read a first time.

Carried

3.7 Coopland Cr 786, Z18-0068 - Miles and Lisa Lang

Staff:

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

Moved By Councillor Donn/Seconded By Councillor Singh

R1109/18/12/10 THAT Rezoning Application No. Z18-0068 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 29 District Lot 135 ODYD Plan 22856, located at 786 Coopland Crescent, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM1 – Four 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" attached to the Report from the Community Planning Department dated January 7, 2019;

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

3.8 Coopland Cr 786, Z18-0068 (BL11724) - Miles and Lisa Lang

Moved By Councillor Wooldridge/Seconded By Councillor Given

R1110/18/12/10 THAT Bylaw No. 11724 be read a first time.

Carried

3.9 Optic Ct 2175 and 2185, DP18-0209 - Pier Mac Petroleum / Birchwood Heights Holding Corp

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Donn

R1111/18/12/10 THAT Council authorize the issuance of Development Permit No. DP18-0209 for:

- Lot 11, District Lot 32 and Section 14, Township 23, ODYD, Plan EPP64961 located at 2175 Optic Ct, Kelowna, BC; and
- Lot 12, District Lot 32 and Section 14, Township 23, ODYD, Plan EPP64961 located at 2185 Optic Ct, 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 to be in general accordance with Schedule "C";
4. That 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;
5. That the applicant consolidates the lots prior to Development Permit issuance and update the legal description of the resulting lot in order for the Development Permit and Development Variance Permit to be registered on the consolidated lot.

AND THAT the Development Permit is issued subsequent to the outstanding conditions set out in Attachment "A" attached to the Report from the Community Planning Department dated May 7th 2018;

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 the Development Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

3.10 Hwy 97 N 3976, Z17-0112 (BL11571) - Sweetwater Management Ltd

Moved By Councillor Hodge/Seconded By Councillor Singh

R1112/18/12/10 THAT Bylaw No. 11571 be adopted.

Carried

3.11 Hwy 97 N 3976 DP17-0269 Sweetwater Management Ltd

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Singh

R1113/18/12/10 THAT Council authorizes the issuance of Development Permit No. DP17-0269 Lot 1 Section 2 TWP 23 ODYD Plan 42310 Except Plan EPP53293, located at 3976 Highway 97 N, 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 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

4. Bylaws for Adoption (Development Related)

4.1 Fitzpatrick Rd 425, BL11686 (Z18-0079) - Harpal Singh Kohri and Kirandeep Kohri

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R1114/18/12/10 THAT Bylaw No. 11686 be adopted.

Carried

4.2 McClure Rd 679, BL11691 (Z18-0078) - Paul Sexsmith

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R1115/18/12/10 THAT Bylaw No. 11691 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Provisional 2019 Financial Plan

Deferred to later in the agenda.

5.2 Kelowna International Airport Soaring Beyond 2.5 Million Passengers Airport Improvement Fee Capital Program

Staff:

- Displayed a PowerPoint Presentation summarizing the Airport Improvement Fee Capital Program and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

R1116/18/12/10 THAT Council receive for information the report of the Senior Airport Finance and Corporate Services Manager dated December 10, 2018 with respect to Kelowna International Airport's Soaring Beyond 2.5 Million Passengers Airport Improvement Fee Capital Program;

AND THAT Council support Kelowna International Airport's Soaring Beyond 2.5 Million Passengers Airport Improvement Fee Capital Program;

AND FURTHER THAT Bylaw No. 11725 being Amendment No. 33 to the City of Kelowna Airport Fees Bylaw 7982 be advanced for reading consideration.

Carried

5.3 BL11725 Amendment No. 33 to Airport Fees Bylaw No. 7982

Moved By Councillor Stack/Seconded By Councillor DeHart

R1117/18/12/10 THAT Bylaw No. 11725 be read a first, second and third time.

Carried

5.4 Callahan Construction Company Ltd. Sublease of Lands at Kelowna International Airport

Staff:

- Summarized the reasons for recommending the sublease be entered into and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Stack

R1118/18/12/10 THAT COUNCIL approves the City entering into a Sublease with Callahan Construction Company Ltd. in the form marked as Appendix A attached to the report of the Senior Airport Finance and Corporate Services Manager and Manager, Property Management dated December 10, 2018;

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

Carried

5.1 Provisional 2019 Financial Plan

Staff:

- Displayed a PowerPoint Presentation outlining the Provisional 2019 Financial Plan and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Sieben

R1119/18/12/10 THAT Council receives, for information, the presentation from the Divisional Director Financial Services and the Infrastructure Engineering Manager dated Dec.10, 2018 with respect to the Provisional 2019 Financial Plan.

Carried

5.5 2040 OCP Preferred Growth Scenario and Phase 3 Activities

Staff:

- Displayed a PowerPoint Presentation summarizing the preferred growth strategy and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Sieben

R1120/18/12/10 THAT Council receives, for information, the report from the Policy & Planning Department dated December 10, 2018, with respect to the activities undertaken as part of Phase 3 of the Official Community Plan Update;

AND THAT Council endorses the preferred growth scenario, as outlined in the report from the Policy & Planning Department dated December 10, 2018, to develop a draft 2040 Official Community Plan.

Defeated

Mayor Basran, Councillors Donn, Hodge, Singh and Wooldridge - Opposed

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R1121/18/12/10 THAT Council receives, for information, the report from the Policy & Planning Department dated December 10, 2018, with respect to the activities undertaken as part of Phase 3 of the Official Community Plan Update;

AND THAT Council endorses Growth Scenario 3 as outlined in the report from Policy & Planning Department dated December 10, 2018 to serve as the foundation in developing a draft 2040 Official Community Plan.

Carried

Councillors Dehart, Given, Sieben and Stack – Opposed

Mayor:

- Called a break for Council to visit the Santa Bus, located in front of Stuart Park at 3:50 p.m.

The meeting reconvened at 4:16 p.m.

5.6 Development Application Fee Bylaw No.10560 Amendment – Sign Fees

Staff:

- Provided an overview of the Sign Fee amendments to the Development Application Fee Bylaw and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Stack

R1122/18/12/10 THAT Council receives, for information, the Report from the Community Planning Department Manager dated December 3, 2018 with respect to amendments to the Development Application Fees Bylaw;

AND THAT Bylaw No. 11706, being Amendment No. 8 to Development Application Fees Bylaw No. 10560 be advanced for reading considerations.

Carried

5.7 BL11706 - Amendment No. 8 to the Development Application Fee Bylaw No. 10560

Moved By Councillor Donn/Seconded By Councillor Sieben

R1123/18/12/10 THAT Bylaw No. 11706 be read a first, second and third time.

Carried

Councillor Singh left the meeting at 4:43 p.m.

5.8 1730 Richter Street Revitalization Tax Exemption Amended Agreement

Councillor Stack declared a potential conflict of interest to be consistent with previous conflicts he has declared with respect to revitalization tax exemptions and left the meeting at 4:43 p.m.

Staff:

- Provided an overview of the Revitalization Tax Exemption Agreement and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Donn

R1124/18/12/10 THAT Council authorize staff to amend the Revitalization Tax Exemption Agreement RTE18-0002 with 1017476 B.C. Ltd (Al Stober Construction Ltd) for Lot 1 Plan 92715 at 1730 Richter Street, Kelowna, BC, in the form attached to the report from the Planner Specialist, dated December 10, 2018;

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

Carried

Councillor Stack rejoined the meeting at 4:46 pm.

5.9 726 Clement – Rental Housing Grant Extension

Councillor Stack declared a potential conflict of interest as his employer also applies for rental housing grants and left the meeting at 4:46 p.m.

Staff:

- Provided comment on the rental housing grant extension and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Hodge

R1125/18/12/10 THAT Council receives the report from the Planner Specialist, dated December 10, 2018 regarding a rental housing grant extension;

AND THAT Council approves the final extension on the Rental Housing Grant for PC Urban rental project at 726 Clement Ave as identified in the report from the Planner Specialist, dated December 10, 2018;

AND THAT Council approves a budget amendment to the 2019 Financial Plan for funding of \$53,063 from the Housing Opportunities Reserve for the deferred rental housing grant.

Carried

Councillor Stack rejoined the meeting at 4:47 p.m.

5.10 Proposed Cannabis Retail and Cannabis Related Business Licence Bylaw regulations

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed regulations and fees and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Donn

R1126/18/12/10 THAT Council receives, for information, the report from the Business Licencing Manager dated December 10th, 2018 with respect to proposed draft regulations for the development of a Cannabis Retail and Cannabis Related Business Licence Bylaw.

AND THAT Council directs Staff to bring forward Business Licence Bylaw amendments in line with the report from the Business Licencing Manager dated December 10th, 2018;

AND THAT Council directs Staff to bring forward Bylaw Text amendments for the Medical Marihuana Producer Business Licence and Regulation Bylaw No. 10920 as outlined in the report from the Business Licencing Manager dated December 10th, 2018.

Carried

Councillor Hodge - Opposed

5.11 Latecomer Agreement - North Clifton Sanitary Sewer

Staff:

- Provided an overview of the Latecomer Agreement for the North Clifton Sanitary Sewer

Moved By Councillor Stack/Seconded By Councillor Sieben

R1127/18/12/10 THAT Council endorse the Latecomer Agreement – North Clifton Sanitary Sewer between the City and the owner of Lot 2, Plan KAP65503, Section 17, Township 23, which was subdivided and required to provide excess and extended services;

AND THAT Council impose Latecomer charges for excess or extended services shown in Appendix C on the benefitting lands listed in Appendix B;

AND FURTHER THAT the Mayor and Clerk be authorized to execute this Latecomer Agreement.

Carried

5.12 Proposed Multi-Sport Fieldhouse – Rutland Recreation Park

Staff:

- Displayed a PowerPoint Presentation summarizing the rationale for the proposed multi-sport Fieldhouse at Rutland Recreation Park and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Hodge

R1128/18/12/10 THAT Council receives, for information, the report from the Partnership Manager dated December 10, 2018, regarding a proposal from the Central Okanagan Rugby Enthusiasts to fund, construct and operate a multi-sport fieldhouse at Rutland Recreation Park;

AND THAT Council supports, in principle, a partnered approach between the City of Kelowna and the Central Okanagan Rugby Enthusiasts for the construction and operation of a multi-sport fieldhouse at Rutland Recreation Park as outlined in the report from the Partnership Manager dated December 10, 2018;

AND THAT Council directs staff to work with the Central Okanagan Rugby Enthusiasts to consult with Rutland Recreation Park stakeholders, user groups and neighbouring residents about the proposed multi-sport fieldhouse at Rutland Recreation Park;

AND FURTHER THAT Council directs staff to develop a Memorandum of Understanding with the Central Okanagan Rugby Enthusiasts for the multi-sport fieldhouse project at Rutland Recreation Park and report back with the Memorandum of Understanding for Council approval.

Carried

5.13 Emergency Mutual Aid Agreement

Staff:

- Provided information regarding the Emergency Mutual Aid Agreement.

Moved By Councillor Given/Seconded By Councillor Hodge

R1129/18/12/10 THAT Council receive the report of the Fire Chief, dated December 10, 2018 regarding the renewal of the Emergency Mutual Aid Agreement;

AND THAT Council authorize Mayor and City Clerk execute the Emergency Mutual Aid Agreement as attached to the report of the Fire Chief, Dated December 10, 2018.

Carried

5.14 Christmas Tree Recycling at Glenmore Landfill

Staff:

- Provided background to the reason for the requested fee waiver at the Glenmore Landfill.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R1130/18/12/10 THAT Council receives, for information, the report from the Utility Services Manager dated December 10, 2018 with respect to Complimentary Christmas Tree Recycling at the Glenmore Landfill;

AND THAT Council approves no charge Christmas tree recycling at the Glenmore Landfill from December 27, 2018 through January 27, 2019 as outlined in the December 10, 2018 report from the Utility Services Manager.

Carried

6. Resolutions

6.1 City Clerk, Draft Resolution, re: Public Hearing, January 17, 2019

Moved By Councillor Stack/Seconded By Councillor Donn

R1131/18/12/10 THAT a Public Hearing and Regular Meeting for Bylaw No.11701, 2025 Agassiz Road, be scheduled for Thursday, January 17, 2019 at 6:00 p.m. in Council Chambers at City Hall.

Carried

7. Bylaws for Adoption (Non-Development Related)

7.1 Rutland Rd N (Portion of), BL11680 - Road Closure and Removal of Hwy Dedication

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward.
No one from the Gallery came forward.

Moved By Councillor Donn/Seconded By Councillor Stack

R1132/18/12/10 THAT Bylaw No. 11680 be read adopted.

Carried

7.2 Enterprise Court 1955 (Portion of), BL11704 - Road Closure and Removal of Hwy Dedication

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward.
No one from the Gallery came forward.

Moved By Councillor Stack/Seconded By Councillor Donn

R1133/18/12/10 THAT Bylaw No. 11704 be adopted.

Carried

8. Mayor and Councillor Items

Mayor Basran – provided the Council appointments to external committees and boards:

Airport Advisory Committee

- Mayor Basran
- Councillor Sieben

Audit Committee

- Mayor Basran
- Councillor Given
- Councillor Stack

Civic Awards

- Councillor Donn

Parcel Tax Review

- Councillor Singh
- Councillor Hodge
- Councillor Wooldridge

Economic Development Commission

- Councillor Donn
- Councillor Singh – alternate

Okanagan Regional Library

- Councillor Wooldridge
- Councillor Hodge – alternate

Southern Interior Municipal Employers Association

- Councillor Stack

Bio-Solids Advisory Committee

- Councillor Given
- Councillor Donn
- Councillor Wooldridge

Central Okanagan Committee for Safe Schools

- Councillor Sieben
- Councillor Donn

Downtown Kelowna Association

- Councillor Hodge
- Councillor DeHart – alternate

Kasugai Sister City Society

- Councillor Wooldridge
- Councillor Stack – alternate

Uptown Rutland Business Association

- Councillor Sieben
- Councillor Given – alternate

Kelowna Chamber of Commerce

- Councillor DeHart
- Councillor Hodge – alternate

Tourism Kelowna

- Councillor Given
- Councillor Sieben – alternate

UBCO External Community Advisory Council

- Mayor Basran

9. Termination

This meeting was declared terminated at 5:35 p.m.

Mayor Basran

/cm

Git McKenzie
City Clerk
per