



City of Kelowna Regular Council Meeting Minutes

Date: Monday, February 25, 2019

Location: Council Chamber
City Hall, 1435 Water Street

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

Members Absent Councillor Mohini Singh

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom*; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton*; Suburban and Rural Planning Manager, Dean Strachan*; Community Planning Supervisor, Laura Bentley*; Acting Manager, Lance Kayfish*; Development Engineering Manager, James Kay*; Senior Airport Finance & Corporate Services Manager, Shayne Dyrdal*; Cultural Services Manager, Christine McWillis*; Divisional Director, Infrastructure, Alan Newcombe*; Utility Services Manager, Kevin Van Vliet*; Senior Engineer – Infrastructure, Ron Westlake*; Infrastructure Engineering Manager, Joel Shaw*; Utility Planning Manager, Rod MacLean*; Solid Waste Supervisor, Scott Hoekstra*; Legislative Coordinator (Confidential), Rebecca Van Huizen*; Legislative Coordinator (Confidential) Clint McKenzie

(*denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:35 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 Given

(R0169/19/02/25) THAT the Minutes of the Regular Meetings of February 11, 2019 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 McClain Rd 4159, Z18-0123 - Daniel Rae Dorssers and Christyane Ramonde Dorssers

Staff presented a PowerPoint presentation summarizing the reasons for the non-support and responded to questions from Council.

Dan Dorssers, Applicant/Owner:

-Read a revised letter of rationale and displayed it on the ELMO.

-Responded to questions from Council.

Councillor Sieben joined the meeting at 1:41 p.m.

Moved By Councillor Donn/Seconded By Councillor Hodge

(R0170/19/02/25) THAT Rezoning Application No. Z18-0123 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Sections 2 and 3 Township 26 Osoyoos Division Yale District Plan KAP91355, located at 4159 McClain Road, Kelowna, BC from the RR1 – Rural Residential 1 zone to the RR1C – Rural Residential 1 with Carriage House zone NOT be considered by Council.

Carried

Councillors Dehart and Stack - Opposed

3.2 Altura Rd 30, Z18-0102 - David & Camille Harkins

Staff presented a PowerPoint presentation summarizing the application and responded to questions from council.

Moved By Councillor Dehart/Seconded By Councillor Wooldridge

(R0171/19/02/25) THAT Rezoning Application No. Z18-0102 to amend the City of Kelowna Zoning Bylaw No.8000 by changing the zoning classification of Lot 1 Section 32 Township 26 ODYD Plan 35716, located at 30 Altura Rd, Kelowna, BC from the RU2- Medium Lot Housing Zone to the RU2c – Medium Lot Housing with Carriage House zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public hearing for further consideration;

Carried

Councillor Given - Opposed

3.3 Altura Rd 30, BL11759 (Z18-0102) - David & Camille Harkins

Moved By Councillor Dehart/Seconded By Councillor Stack

(R0172/19/02/25) THAT Bylaw No. 11759 be read a first time.

Carried

Councillor Given - Opposed

3.4 Short-Term Rental Accommodation Regulations

Councillor Dehart declared a conflict of interest on items 3.4, 3.5 and 3.6 as it is in direct competition with her hotel employer and she also owns property on Sunset Dr and left the meeting at 1:48 p.m.

Staff presented a PowerPoint presentation summarizing the proposed short-term rental accommodation use and regulations and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Stack

(R0173/19/02/25) THAT Zoning Bylaw Text Amendment Application No. TA19-0007 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated February 25, 2018 be considered by Council;

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

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

Carried

3.5 Short-Term Rental Accommodation Non-Conforming Use Provisions

Staff displayed a PowerPoint presentation summarizing the non-conforming status of various properties under construction and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Hodge

(R0174/19/02/25) THAT Council receives, for information, the report from the Community Planning Department dated February 25, 2019, with respect to non-conforming use provisions for short-term rental accommodations.

Carried

3.6 Short Term Rental Accommodation, BL11766 (TA19-0007) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Given

(R0175/19/02/25) THAT Bylaw No. 11766 be read a first time.

Carried

Councillor Dehart rejoined the meeting at 3:08 pm.

3.7 Pandosy St 2565 - 2579, Z17-0113 Extension - 1018545 BC Ltd, Inc No BC1018545

Moved By Councillor Stack/Seconded By Councillor Hodge

(R0176/19/02/25) THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Bylaw No. 11562, be extended from March 20, 2019 to March 20, 2020.

AND THAT Council directs Staff to not accept any further extension requests.

Carried

4. Bylaws for Adoption (Development Related)

4.1 4610 Darin Place, Z17-0054 (BL11463) - Randall Schmidt and Josephine Pirolli

Moved By Councillor Wooldridge/Seconded By Councillor Given

(R0177/19/02/25) THAT Bylaw No. 11463 be adopted.

Carried

4.2 Cross Rd 1967, 1969 & 1973 Z17-0083 (BL11603) - Maxwell House Developments Ltd, Glen Park Village Inc & City of Kelowna

Moved By Councillor Given/Seconded By Councillor Wooldridge

(R0178/19/02/25) THAT Bylaw No. 11603 be adopted.

Carried

4.3 170 & 230 Nickel Road, Z17-0039 (BL11429) - 554764 BC Ltd

Moved By Councillor Stack/Seconded By Councillor Dehart

(R0179/19/02/25) THAT Bylaw No. 11429 be amended at 3rd reading by deleting that title that reads:

- Z17-0039 – 170 & 230 Nickel Rd

And replacing it with:

- Z17-0039 – 200 Nickel Rd

And that the legal descriptions be deleted that read:

- Lot A Section 27 Township 26 ODYD Plan 25115
- Lot B Section 27 Township 26 ODYD Plan 25115 Except Plan KAP65522

And replace with:

- Lot 1 Section 27 Township 26 ODYD Plan EPP73636

Carried

Moved By Councillor Stack/Seconded By Councillor Dehart

(R0180/19/02/25) AND THAT Bylaw No. 11429 as amended, be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Remedial Action Orders To Address Slope Instability and Unsafe Conditions

Staff: Introduced the item, displayed a PowerPoint presentation summarizing the slope instability and unsafe condition and responded to questions from Council.

Mayor: Advised two property owners directly impacted may address Council. Correspondence received from owners was circulated to Council. Council was given opportunity to read the two letters.

Meeting adjourned at 3:32 p.m.

Meeting reconvened at 3:43 p.m.

Stephen Smith and Sara Potton, Owners, Kloppenburg Ct:

- Read letter previously submitted.
- Made additional comments regarding the situation.

Staff responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Given

(R0181/19/02/25) WHEREAS the Council of the City of Kelowna has the authority under Section 72 (1) (a) and (b) of the Community Charter to impose a remedial action requirement in relation to hazardous/unsafe conditions or declared nuisances;

Council hereby considers that the fill slopes located at 2045 Loseth Road, Kelowna (the "Loseth Property") are in, and create, an unsafe condition, within the meaning of Section 73 (2)(a) of the Community Charter, as a result of the soil stability having an inadequate factor of safety and being susceptible to further destabilization from increased groundwater pressures.

Council hereby considers that the fill slopes located at 2001 Kloppenburg Court, Kelowna (the "Kloppenburg Ct. Property") are in, and create, an unsafe condition, within the meaning of Section 73 (2)(a) of the Community Charter, as a result of the soil stability having an inadequate factor of safety and being susceptible to further destabilization from increased groundwater pressures.

Council hereby declares the fill slopes at the Loseth Property to be a nuisance, within the meaning of Section 74 (2) of the Community Charter.

Council hereby declares the fill slopes at the Kloppenburg Ct. Property to be a nuisance, within the meaning of Section 74 (2) of the Community Charter.

Council considers that there is a significant risk to health and safety and that, pursuant to s. 79 of the Community Charter, the time limit set complying with any remedial action requirements should be shorter than the 30-day minimum period provided under section 76 and that the time limit for requesting reconsideration by Council of any remedial action requirement be reduced to 7 days.

Council hereby imposes on the registered owner of the Loseth Property the following remedial action requirement to address and remediate the unsafe condition and nuisance:

1. prepare and present to the City's Manager, Development Engineering a remediation plan based on the January 24, 2019 Geotechnical Investigation Report of Westrek Geotechnical Services Ltd. (the "Westrek Report") that will achieve a factor of safety of 1.3 for the fill slopes;
2. provide the remediation plan to the City's Manager, Development Engineering (the "Manager") no later than March 11, 2019;
3. the remediation plan must be prepared or approved by a professional engineer or professional geoscientist with experience or training in geotechnical study and geohazard assessments (the "Qualified Professional");
4. complete the work in accordance with the approved remediation plan by March 30, 2019;
5. provide a report by the Qualified Professional to the Manager within two weeks of completion of the work, certifying the safe condition of the fill slopes.

Council hereby imposes on the registered owner of the Kloppenburg Ct. Property the following remedial action requirement to address and remediate the unsafe condition and nuisance:

1. prepare and present to the City's Manager, Development Engineering a remediation plan based on the January 24, 2019 Geotechnical Investigation Report of Westrek Geotechnical Services Ltd. (the "Westrek Report") that will achieve a factor of safety of 1.3 for the fill slopes;
2. provide the remediation plan to the City's Manager, Development Engineering (the "Manager") no later than March 11, 2019;
3. the remediation plan must be prepared or approved by a professional engineer or professional geoscientist with experience or training in geotechnical study and geohazard assessments (the "Qualified Professional");
4. complete the work in accordance with the approved remediation plan by March 30, 2019;
5. provide a report by the Qualified Professional to the Manager within two weeks of completion of the work, certifying the condition of the fill slopes as having a factor of safety of 1.3.

Carried

5.2 Kelowna International Airport Improvement Fee Memorandum of Agreement Amendment

Staff provided background to the extension request.

Moved By Councillor Donn/Seconded By Councillor Stack

(R0182/19/02/25) THAT Council receive for information the report of the Senior Airport Finance and Corporate Services Manager dated February 25, 2019 with respect to the amendment of the Airport Improvement Fee Memorandum of Agreement;

AND THAT the Airport Director be authorized to execute all documents necessary to complete this amendment.

Carried

5.3 Kelowna International Airport Bylaw Amendment

Staff provided background to proposed fee amendments.

Moved By Councillor Sieben/Seconded By Councillor Donn

(R0183/19/02/25) THAT Council receive for information the report of the Senior Airport Finance and Corporate Services Manager dated February 25, 2019 with respect to amending City of Kelowna Airport Fees Bylaw No. 7982;

AND THAT Bylaw No. 11763 being Amendment No. 34 to the City of Kelowna Airport Fees Bylaw No. 7982 be advanced for reading consideration.

Carried

5.4 BL11763 - Amendment No. 34 to Airport Fees Bylaw No. 7982

Moved By Councillor Stack/Seconded By Councillor Dehart

(R0184/19/02/25) THAT Bylaw No. 11763 be read a first, second and third time.

Carried

5.5 Kelowna-Kasugai Sister City Association Sponsor Agreement

Staff displayed a PowerPoint presentation summarizing the terms of the proposed agreement and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Wooldridge

(R0185/19/02/25) THAT Council authorizes the City to enter into a Sister City Sponsor Agreement with the Kelowna-Kasugai Sister City Association, in the form attached to the Report from the Cultural Services Manager dated February 25, 2019;

AND THAT Council authorizes the Mayor and City Clerk to execute all documents associated with this Agreement.

Carried

5.6 2019 Heritage Grants Program Agreement

Staff displayed a PowerPoint presentation summarizing the terms of the proposed agreement and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Donn

(R0186/19/02/25) THAT Council authorizes the City to enter into a Grant Administration Agreement for the Heritage Grants Program with the Central Okanagan Heritage Society in the form attached to the Report from the Cultural Services Manager dated February 25, 2019;

AND THAT Council authorizes the Mayor and City Clerk to execute all documents associated with this Agreement.

Carried

5.7 Budget Amendment for the Rehabilitation of City Park Water Park

Staff provided background to impacts of flooding on the park, reasons for the budget amendment and questions from Council.

Moved By Councillor Donn/Seconded By Councillor Hodge

(R0187/19/02/25) THAT Council receives for information, the report from the Divisional Director, Infrastructure dated February 25, 2019, with respect to the Budget Amendment for the Rehabilitation of City Park Water Park;

AND THAT the 2019 Financial Plan be amended to include the initial use of up to \$410,000 funded from the Insurance Deductible reserve for the restoration of the City Park Water Park;

AND THAT the 2019 financial Plan be amended to include receipt from the City's Insurance Provider estimated at \$410,000 for the insurance claim proceeds to the Insurance Deductible reserve.

Carried

5.8 Update on Kelowna Joint Water Committee

Staff summarized reasons for recommending the Committee be disbanded.

Moved By Councillor Sieben/Seconded By Councillor Given

(R0188/19/02/25) THAT Council support dissolution of the Kelowna Joint Water Committee and direct staff to continue to work together with Improvement District staff to improve overall efficiencies, reduce risks and form partnerships for shared services in an effort to best serve all of the citizens of Kelowna.

Carried

5.9 Water System Integration Policy

Staff provided background to the proposed policy and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Stack

(R0189/19/02/25) THAT Council receives, for information, the report from the Senior Engineer – Infrastructure dated February 25, 2019, with respect to the Water System Integration Policy;

AND THAT Council endorse the vision for City-wide integrated water supply and distribution as per the '2017 Kelowna Integrated Water Supply Plan – Value Planning Study' dated February 2017;

AND THAT Council approve Policy No.378 titled 'Water Systems Integration Policy' as attached to the report of the Senior Engineer – Infrastructure dated February 25, 2018;

AND FURTHER THAT Council rescind Council Policy No.31, 'Municipal Water Supply Within City Boundaries'.

Carried

5.10 South Okanagan Mission Agricultural Users Local Area Service – Certificate of Sufficiency

Moved By Councillor Stack/Seconded By Councillor Hodge

(R0190/19/02/25) THAT Council receives for information, the report from the City Clerk, dated February 25, 2019 regarding South Okanagan Mission Irrigation Water Integration Local Service Area;

AND THAT Council receive the Certificate of Sufficiency dated February 13, 2019 pertaining to the South Okanagan Mission Agricultural Local Area Service;

AND THAT Bylaw No.11745 being South Okanagan Mission Agricultural Users Local Area Service Establishment Bylaw be forwarded for Council consideration;

AND FURTHER THAT Bylaw No.11746 South Okanagan Mission Agricultural Users Loan Authorization Bylaw be forwarded for Council consideration.

Carried

5.11 BL11745 - South Okanagan Mission Agricultural Users Local Area Service Establishment Bylaw

Moved By Councillor Donn/Seconded By Councillor Hodge

(R0191/19/02/25) THAT Bylaw No. 11745 be read a first, second and third time.

Carried

5.12 BL11746 - South Okanagan Mission Agricultural Users Loan Authorization Bylaw

Moved By Councillor Hodge/Seconded By Councillor Donn

(R0192/19/02/25) THAT Bylaw No. 11746 be read a first, second and third time.

Carried

5.13 Development Cost Charges Bylaw No. 11755 Amendment No.4 to Development Cost Charge Bylaw No.10515

Staff displayed a PowerPoint presentation summarizing the update process, input from the Urban Development Institute and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Given

(R0193/19/02/25) THAT Council receives, for information, the report from the Infrastructure Engineering Manager dated February 25, 2019, with respect to amending the Development Cost Charge Bylaw No.10515.

AND THAT Bylaw No. 11755 being Amendment No.4 to Development Cost Charge Bylaw No.10515 be forwarded for reading consideration;

AND THAT Council direct staff to submit DCC Bylaw and supporting documentation to Ministry of Community Services for their review and approval prior to fourth reading and adoption of the DCC Bylaw by Council.

Carried

5.14 BL11755 - Amendment No. 4 to Development Cost Charge Bylaw No. 10515

Moved By Councillor Donn/Seconded By Councillor Hodge

(R0194/19/02/25) THAT Bylaw No. 11755 be read a first, second and third time.

Carried

5.15 Landfill Design Operations and Closure Plan (DOCP)

Staff displayed a PowerPoint presentation summarizing the DOCP process, highlights of the report and responded to questions from Council.

Moved By Councillor Dehart/Seconded By Councillor Given

(R0195/19/02/25) THAT Council receives for information, the report from the Utility Planning Manager dated February 25, 2019, regarding the Landfill Design Operations and Closure Plan;

AND THAT Council adopt the Landfill Design Operations and Closure Plan provided by GHD Consultants Ltd as summarized and attached to the report from the Utility Planning Manager, dated February 25, 2019;

AND THAT Council direct staff to submit the Landfill Design Operations and Closure Plan to the Province as required to maintain the Glenmore Landfill Operational Certificate 12218.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 Saucier Rd (Adjacent to 1690), BL11740 - Road Closure Bylaw

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one came forward.

Moved By Councillor Given/Seconded By Councillor Wooldridge

(R0196/19/02/25) THAT Bylaw No. 11740 be adopted.

Carried

6.2 Saucier Rd (Adjacent to 1651), BL11741 - Road Closure Bylaw

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one came forward.

Moved By Councillor Wooldridge/Seconded By Councillor Given

(R0197/19/02/25) THAT Bylaw No. 11741 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Stack:

- Participated in the Coldest Night of the Year event, along with the Mayor.

Councillor Hodge:

- Dropped ceremonial puck at a recent Rutland Chiefs Game.

- Mentioned that tomorrow night is the Downtown Kelowna Association After 5 Event.

- Mentioned that Pink Shirt Day is February 27th.

8. Termination

This meeting was declared terminated at 5:20 p.m.

Mayor Basran

sf/rvh

City Clerk