



## City of Kelowna Regular Council Meeting Minutes

Date:	Monday, April 28, 2014
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Walter Gray and Councillors Colin Basran, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack* and Gerry Zimmermann*
Members Absent	Councillor Andre Blanleil
Staff Present	City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Cultural Services Manager, Sandra Kochan*; Sustainability Coordinator, Michelle Kam*; Subdivision, Agriculture & Environment Services Manager, Todd Cashin*; Urban Planning Manager, Ryan Smith*; Revenue Manager, George King*; Subdivision, Agriculture & Environment Planner, Damien Burggraeve*; Infrastructure Divisional Director, John Vos*; Director of Real Estate, Derek Edstrom*; Real Estate Services Manager, Jeff Hancock*; and Council Recording Secretary, Arlene McClelland

### 1. Call to Order

Mayor Gray called the meeting to order at 1:34 p.m.

Mayor Gray advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

### 2. Confirmation of Minutes

Moved By: Councillor Stack/Seconded By: Councillor Hobson

R266/14/04/28 THAT the Minutes of the Regular Meetings of April 14, 2014 be confirmed as circulated.

Carried

### 3. Public in Attendance

#### 3.1. Cheryl Miller, Grants Manager, Central Okanagan Foundation, re: 2014 Community Social Development Grants and Grants to Address the Sexual Exploitation of Youth

Michelle Kam, Sustainability Coordinator

- Introduced Cheryl Miller, Grants Manager, Central Okanagan Foundation

Cheryl Miller, Grants Manager, Central Okanagan Foundation

- Provided an overview of the report regarding the City of Kelowna's 2014 Community Social Development Grants and Grants to Address the Sexual Exploitation of Youth.

Moved By: Councillor Zimmermann/Seconded By: Councillor Singh

R267/14/04/28 THAT Council approve the City of Kelowna's 2014 Community Social Development Grants and Grants to Address the Sexual Exploitation of Youth as administered by the Central Okanagan Foundation.

Carried

#### 3.2. Nataley Nagy, Executive Director, Kelowna Art Gallery, re: Annual Report

Sandra Kochan, Cultural Services Manager

- Introduced Nataley Nagy, Executive Director, Kelowna Art Gallery

Nataley Nagy, Executive Director, Kelowna Art Gallery

- Displayed a PowerPoint Presentation of the Annual Report.
- Responded to questions from Council.

Moved By: Councillor Hobson/Seconded By: Councillor Singh

R268/14/04/28 THAT Council receives the Annual Report from the Kelowna Art Gallery.

Carried

### 4. Development Application Reports & Related Bylaws

#### 4.1. OCP 2030 Bylaw No. 10500 - Amendment to Map 4.1 - Generalized Future Land Use

Staff:

- Displayed a PowerPoint presentation summarizing the application before Council.
- Responded to questions from Council.

Moved By: Councillor Basran/Seconded By: Councillor Hobson

R269/14/04/28 THAT OCP Bylaw Amendment No. OCP14-0004 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 by amending Map 4.1 - Generalized Future Land Use to change the designation of the area bound by Ethel Street to the west, Bordon Avenue to the south, Bowes Street to the east, and the rear lane north of Laurier Avenue from S2RES - Single/Two Unit Residential to MRL - Multiple Unit Residential (Low Density), in accordance with Map "A" attached to the Staff Report dated April 4, 2014, be considered by Council;

AND THAT Council considers the public process outlined in the Staff Report dated April 4, 2014 to be appropriate consultation for the purpose of Section 879 of the Local Government Act;

AND THAT Amendment Bylaw No. 10947, being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan, be forwarded to a Public Hearing;

AND FURTHER THAT Council direct staff to provide notice to owners of the subject properties, and owners of the immediately adjacent properties designated S2RES - Single/Two Unit Residential, as identified on Map "A".

Carried

**4.1.1. Bylaw No. 10947 (OCP14-0004) - Amendment to OCP 2030 Bylaw No. 10500, City of Kelowna**

Moved By: Councillor Stack/Seconded By: Councillor Given

R270/14/04/28 THAT Bylaw No. 10947 be read a first time;

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

Carried

**4.2. Rezoning Application No. Z13-0041 - 979 & 989 Laurier Avenue, AJ Weins Development Group Ltd.**

Staff:

- Displayed a PowerPoint presentation summarizing the application before Council.
- Responded to questions from Council.

Moved By: Councillor Given/Seconded By: Councillor Stack

R271/14/04/28 THAT Bylaw No. 10947 be read a first time. THAT Rezoning Application No. Z13-0041 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1 & 2, District Lot 138, ODYD, Plan 6809, located at 979 & 989 Laurier Avenue, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the RM2 -Low Density Row Housing zone, be considered by Council;

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

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to final adoption of Amendment Bylaw No. 10947 for OCP Amendment application OCP14-0004;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the registration of a plan of subdivision to consolidate the two properties into one title;

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject properties;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Carried

**4.2.1. Bylaw No. 10955 (Z13-0041) - 979 & 989 Laurier Avenue, AJ Weins Development Group Ltd.**

Moved By: Councillor Given/Seconded By: Councillor Stack

R272/14/04/28 THAT Bylaw No. 10955 be read a first time.

Carried

**4.3. Rezoning Application No. Z14-0012 - 1370 Water Street, Kelowna Yacht Club**

Staff:

- Displayed a PowerPoint presentation summarizing the application before Council.
- Responded to questions from Council.

Moved By: Councillor Given/Seconded By: Councillor Hobson

R273/14/04/28 THAT Rezoning Application No. Z14-0012 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, DL 139 & 4083, O.D.Y.D., Plan EPP29214, located on 1370 Water St., Kelowna, BC from the P1 - Major Institutional and P3 - Parks and Open Space zones to the P1Ip - Major Institutional (Liquor Primary) zone, as shown on Map "A" attached to the Report of the Urban Planning Department dated April 14, 2014, be considered by Council;

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

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Liquor License Application for the subject property;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Ministry of Transportation and Infrastructure being completed to their satisfaction.

Carried

**4.3.1. Bylaw No. 10953 (Z14-0012) - 1370 Water Street, Kelowna Yacht Club**

Moved By: Councillor Zimmermann/Seconded By: Councillor Stack

R274/14/04/28 THAT Bylaw No. 10953 be read a first time.

Carried

**4.4. Development Permit Application No. DP14-0007 - 1450 Union Road, Glenwest Properties Ltd.**

Staff:

- Displayed a PowerPoint presentation summarizing the application before Council.

Moved By: Councillor Hobson/Seconded By: Councillor Zimmermann

R275/14/04/28 THAT Council authorizes the issuance of Development Permit No. DP14-0007 for Lot 3, Sections 8 and 9, Township 23, ODYD, Plan KAP86750, located on 1450 Union Road, 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. 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 the applicant be required to complete the above-noted condition No. 4 within 180 days of Council's approval of the Development Permit Application in order for the permit to be issued.

Carried

- 4.5. Official Community Plan Bylaw Amendment Application No. OCP14-0001 and Rezoning Application No. Z14-0001 - Various Addresses on Clement Avenue, St. Paul Street and Richter Street, City of Kelowna & Miles Vucicevic**

Staff:

- Displayed a PowerPoint presentation summarizing the application before Council.

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R276/14/04/28 THAT Official Community Plan Bylaw Amendment No. OCP14-0001 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of:

1. Lot 4, District Lot 139, ODYD, Plan 1021, located on 1160 Richter Street, Kelowna, BC
2. Lot 5, District Lot 139, ODYD, Plan 1021, located on 1156 Richter Street, Kelowna, BC
3. Lot 6, District Lot 139, ODYD, Plan 1021, located on 1150 Richter Street, Kelowna, BC

from the COMM - Commercial designation to the EDINST - Educational/Institutional designation, as shown on Map "A" attached to the Report of Land Use Management Department dated April 28, 2014, be considered by Council;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Land Use Management Department dated April 28, 2014;

THAT Rezoning Application No. Z14-0001 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

1. Lot A, District Lot 139, ODYD, Plan KAP63401, located on 1175 St. Paul Street, Kelowna, BC
2. Lot B, District Lot 139, ODYD, Plan KAP63401, located on 1185 St. Paul Street, Kelowna, BC
3. Lot 1, District Lot 139, ODYD, Plan 1021, located on 690 Clement Avenue, Kelowna, BC
4. Lot 2, District Lot 139, ODYD, Plan 1021, located on 1170 Richter Street, Kelowna, BC

5. Lot 3, District Lot 139, ODYD, Plan 1021, located on 1166 Richter Street, Kelowna, BC
6. Lot 4, District Lot 139, ODYD, Plan 1021, located on 1160 Richter Street, Kelowna, BC
7. Lot 5, District Lot 139, ODYD, Plan 1021, located on 1156 Richter Street, Kelowna, BC
8. Lot 6, District Lot 139, ODYD, Plan 1021, located on 1150 Richter Street, Kelowna, BC
9. Lot 7, District Lot 139, ODYD, Plan 1021, located on 630 Clement Avenue, Kelowna, BC
10. Lot 8, District Lot 139, ODYD, Plan 1021, located on 630 Clement Avenue, Kelowna, BC
11. Lot 9, District Lot 139, ODYD, Plan 1021, located on 630 Clement Avenue, Kelowna, BC
12. Lot 10, District Lot 139, ODYD, Plan 1021, located on 576 Clement Avenue, Kelowna, BC
13. Lot 11, District Lot 139, ODYD, Plan 1021, located on 576 Clement Avenue, Kelowna, BC
14. Lot 12, District Lot 139, ODYD, Plan 1021, located on 576 Clement Avenue, Kelowna, BC from the I2 - General Industrial and I4 - Central Industrial zones to the P1 - Major Institutional zone, be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment Bylaw and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to registration at the Land Titles Office of a plan of consolidation.

Carried

**4.5.1. Bylaw No. 10956 (OCP14-0001) - Various Addresses Richter Street, City of Kelowna & Miles Vucicevic**

Moved By: Councillor Stack/Seconded By: Councillor Zimmermann

R277/14/04/28 THAT Bylaw No. 10956 be read a first time;

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

Carried

**4.5.2. Bylaw No. 10957 (Z14-0001) - Various Addresses on Clement Avenue, St. Paul Street and Richter Street, City of Kelowna & Miles Vucicevic**

Moved By: Councillor Stack/Seconded By: Councillor Given

R278/14/04/28 THAT Bylaw No. 10957 be read a first time.

Carried

**4.6. Rezoning Application No. Z14-0009 - 1470 Guisachan Place, Sohayl & Sholen Ghadirian**

**Staff:**

- Displayed a PowerPoint presentation summarizing the application before Council.
- Responded to questions from Council.

Moved By: Councillor Hobson/Seconded By: Councillor Basran

R279/14/04/28 THAT Rezoning Application No. Z14-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 3, District Lot 136, ODYD, Plan 9353 from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone and from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone as shown on Map "A" attached to the report of Subdivision, Agriculture & Environment Services, dated April 16, 2014, be considered by Council;

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

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Carried

**4.6.1. Bylaw No. 10954 (Z14-0009) - 1470 Guisachan Place, Sohayl & Sholen Ghadirian**

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R280/14/04/28 THAT Bylaw No. 10954 be read a first time.

Carried

**4.7. Rezoning Application No. Z10-0044, Extension Request - 120 Homer Road, Nathan Morden**

**Staff:**

- Displayed a PowerPoint presentation summarizing the application before Council.
- Responded to questions from Council.

Moved By: Councillor Zimmermann/Seconded By: Councillor Singh

R281/14/04/28 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10403 (Z10-0044) to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13 Section 27 Township 26 ODYD Plan 14897, except Plan 39705, located at 120 Homer Road, Kelowna BC, be extended from March 21, 2014 to June 20, 2014.

Carried

4.8. Temporary Use Permit Application No. TUP13-0001, Extension Request - 2045 Begbie Road/990 Glenmore Road

Staff:

- Displayed a PowerPoint presentation summarizing the application before Council.
- Responded to questions from Council.

Moved By: Councillor Given/Seconded By: Councillor Stack

R282/14/04/28 THAT Council authorize a five month extension to July 18th, 2014, of the issued Temporary Use Permit No. TUP13-0001 to allow the continued operation of Advanced Powerlines Ltd. on a portion of Lot 16, Block 4, Section 9, Township 23, ODYD, Plan 896, Except Plans KAP64694 and KAP85916, located at 2045 Begbie Road, Kelowna, BC as shown on Map "A", which was subject to the following conditions:

- a) Issuance of a Business License for Advanced Powerlines; and
- b) The applicant be required to bring the residential uses (i.e. Mobile Home) into compliance with ALC and City regulations.

Carried

5. Bylaws for Adoption (Development Related)

5.1. Official Community Plan Bylaw Amendment Application No. OCP13-0008 & Rezoning Application No. Z13-0009, Supplemental Report - (N of), (Off of) & 2458 Joe Riche Road, Black Mountain Irrigation District

Councillor Zimmermann declared a conflict of interest due to being on the BMID Board and departed the meeting at 2:47 p.m.

Moved By: Councillor Hobson/Seconded By: Councillor Basran

R283/14/04/28 THAT Council authorizes the Mayor and City Clerk to execute the Memorandum of Understanding with the Black Mountain Irrigation District respecting recreational trail alignments, attached to the report of the Urban Planning Department, dated April 28, 2014;

AND THAT final adoption of Official Community Plan Amending Bylaw No. 10912 and Zone Amending Bylaw No. 10913 be considered by Council.

Carried

5.1.1. Bylaw No. 10912 (OCP13-0008) - (N of), (Off of) & 2458 Joe Riche Road, Black Mountain Irrigation District

Moved By: Councillor Hobson/Seconded By: Councillor DeHart

R284/14/04/28 THAT Bylaw No. 10912 be adopted.

Carried

5.1.2. Bylaw No. 10913 (Z13-0009) - (N of), (Off of) & 2458 Joe Riche Road, Black Mountain Irrigation District

Moved By: Councillor Basran/Seconded By: Councillor Singh

R285/14/04/28 THAT Bylaw No. 10913 be adopted.

Carried



Councillor Zimmermann rejoined the meeting at 2:49 p.m.

**5.2. Bylaw No. 10862 (Z11-0051) - 2651 Longhill Road, Richard & Walter Denman**

Moved By: Councillor Singh/Seconded By: Councillor Basran

R286/14/04/28 THAT Bylaw No. 10862 be adopted.

Carried

**5.3. Bylaw No. 10899 (TA13-0005) - Amendments to Section 13.4 - Low Density Cluster Housing in Zoning Bylaw No. 8000**

Moved By: Councillor Basran/Seconded By: Councillor Singh

R287/14/04/28 THAT Bylaw No. 10899 be adopted.

Carried

**5.4. Bylaw No. 10907 (Z12-0070) - 543 Tungsten Court, Tysen Properties Ltd.**

Moved By: Councillor Singh/Seconded By: Councillor Basran

R288/14/04/28 THAT Bylaw No. 10907 be adopted.

Carried

**6. Non-Development Reports & Related Bylaws**

**6.1. Sterile Insect Release Program Parcel Tax Bylaw 2014**

Staff:

- Responded to questions from Council.

Moved By: Councillor Basran/Seconded By: Councillor Singh

R289/14/04/28 THAT Council approves the Sterile Insect Release Program Parcel Tax Bylaw No. 10939 as outlined in the report of the Revenue Manager dated April 28, 2014, charging the 2014 Sterile Insect Release (SIR) Parcel Tax to individual property tax rolls in accordance with the 2014 SIR Parcel Tax Assessment Roll provided to the City of Kelowna by the Regional District of North Okanagan

Carried

**6.1.1. Bylaw No. 10939 - Sterile Release Program Parcel Tax Bylaw 2014**

Moved By: Councillor Basran/Seconded By: Councillor Singh

R290/14/04/28 THAT Bylaw No. 10939 be read a first, second and third time.

Carried

**6.2. Clifton Road Drainage**

Staff:

- Displayed a slide showing the road cross-section.
- Responded to questions from Council.

Moved By: Councillor Hobson/Seconded By: Councillor Basran

R291/14/04/28 THAT Council receives for information, the report from the Infrastructure Division Director dated April 28<sup>th</sup>, 2014 regarding the Clifton Road - Road, Drainage, and Utilities Project;

AND THAT Council approves the revised Clifton Road - Road, Drainage, and Utilities Project including water and wastewater pipe replacements and construction of a 4 lane road cross section from Lambert to clement Way;

AND THAT Council authorize the expenditure of \$3,601,100 (\$437,481 from the previously approved 2014 Capital Road Budget, \$1,841,064 from the Clifton DCC Sector I Roads, \$674,839 from the Sanitary Sewer Utility Reserves, and \$647,716 from the Water Utility Reserves) for the purposes of designing and constructing the DCC Clifton Road and Drainage Project and replacing adjacent water and sanitary sewer mains;

AND THAT Council authorize staff to include the remaining taxation funding of \$312,000 in the 2014 carry over program;

AND FURTHER THAT the 2014 Financial Plan be amended to accommodate these expenditures.

Carried

### 6.3. Mission Creek Greenway Maintenance Agreement

Staff:

- Displayed a map showing the Greenway trail system.

Moved By: Councillor Hobson/Seconded By: Councillor Zimmermann

R292/14/04/28 THAT Council approves the City renewing the Mission Creek Greenway Management and Regulation Agreement with the Regional District of Central Okanagan for a term of five (5) years commencing upon the date of execution of the agreement, in the form attached to the Report of the Manager, Real Estate Services, dated April 23, 2014;

AND THAT Council authorizes staff to complete the reassignment of the two License of Occupation tenures associated with the Mission Creek Greenway from the City of Kelowna to the Regional District;

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

Carried

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

### 7.1. Bylaw No. 10922 - Parcel Tax Bylaw for Lawrence Avenue Local Area Service

Moved By: Councillor Singh/Seconded By: Councillor Basran

R293/14/04/28 THAT Bylaw No. 10922 be adopted.

Carried

7.2. Bylaw No. 10945 - Amendment No. 1 to the Five Year Financial Plan 2013-2017

Moved By: Councillor Basran/Seconded By: Councillor Singh

R294/14/04/28 THAT Bylaw No. 10945 be adopted.

Carried

8. Mayor and Councillor Items

Councillor DeHart:

- Spoke to her attendance at the Vaisakhi Day celebrations held April 26<sup>th</sup>.
- Spoke to her attendance at the Kelowna City Concert Band event.
- Spoke to her attendance at Elise Clark's Celebration of Life.

Councillor Singh:

- Spoke to her attendance at the Vaisakhi Day celebrations held April 26<sup>th</sup>.

Mayor Gray:

- Spoke to his attendance at the Mayor's Caucus Meeting last week in Cranbrook
- Noted that today is the "National Day of Mourning" and advised that Council observed a moment of silence at 11:00 a.m. earlier today.

9. Termination

This meeting was declared terminated at 3:35 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk