



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, May 26, 2014
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Walter Gray*, Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Mohini Singh, Luke Stack* and Gerry Zimmermann
Members Absent	Councillor Robert Hobson
Staff Present	City Manager, Ron Mattiussi*; Acting City Manager, Doug Gilchrist*; City Clerk, Stephen Fleming; Park & Building Planning Manager, Terry Barton*; Active Living & Culture Divisional Director, Jim Gabriel*; RCMP Superintendent Nick Romanchuk*; Subdivision, Agriculture & Environment Services Manager, Todd Cashin*; Subdivision, Agriculture & Environment Planner, Melanie Steppuhn*; Urban Planning Manager, Ryan Smith*; Long Range Policy Planning Manager, Gary Stephen*; Financial Services Manager, Keith Grayston*; Financial Services Director, Genelle Davidson*; Regional Planning Manager, Rafael Villarreal*; Accountant, Matt Friesen*; Capital Assets & Investments Manager, Joel Shaw*; Sustainability Coordinator, Tracy Guidi*; and Council Recording Secretary, Arlene McClelland

1. Call to Order

Mayor Gray called the meeting to order at 1:32 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 Singh/Seconded By Councillor DeHart

R355/14/05/26 THAT the Minutes of the Regular Meeting of May 12, 2014 be confirmed as circulated.

Carried

3. Public in Attendance

3.1. Presentation of PIBC Award, re: 2014 Gold Award, Award of Excellence

Terry Barton, Park & Building Planning Manager

- Presented Council with the PIBC's 2014 Gold Award of Excellence in Planning Practice in recognition of the Bernard Avenue Revitalization Project.

3.2. Cory Krist, General Manager, H2O Adventure & Fitness Centre, re: Annual Report

Jim Gabriel, Active Living & Culture Divisional Director

- Introduced Cory Krist, General Manager, H2O Adventure & Fitness Centre

Cory Krist, General Manager, H2O Adventure & Fitness Centre

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

The City Manager joined the meeting at 1:40 p.m.

3.3. Richard Rosenthal, Chief Civilian Director, Independent Investigations Office of BC

Richard Rosenthal, Chief Civilian Director

- Displayed a Power Point Presentation and responded to questions from Council.

The City Manager departed the meeting at 2:22 p.m.

Acting City Manager, Doug Gilchrist joined the meeting at 2:27 p.m.

3.4. Superintendent Romanchuk, re: Policing Report

Superintendent Romanchuk

- Introduced Gord Stewart as Operations Inspector.
- Displayed a Power Point Presentation and responded to questions from Council.

4. Development Application Reports & Related Bylaws

4.1. Agricultural Land Reserve Appeal Application No. A14-0002 - 1980, 1982-1984, 2048 and (N of) Union Road, Union Road Properties Ltd. et al

Councillor Stack declared a conflict of interest as the Society of Hope owns substantial properties across from the subject property and left the meeting at 3:01 p.m.

Staff:

- Displayed a Power Point Presentation and responded to questions from Council.

Mayor invited the Applicant or Applicant's Representative to come forward.

Bob Elliot, Co-owner

- Displayed a Power Point Presentation and responded to questions from Council.

Grant Maddock, Protech Consulting Ltd.

- Responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Zimmermann

R356/14/05/26 THAT Agricultural Land Reserve Appeal Application No. A14-0002 for Lot A, Section 4 TWP 23 ODYD Plan KAP75150; Lot B Section 4, TWP 23, ODYD Plan KAP 75150; Lot 12 Block 5 Section 4 TWP 23 ODYD Plan 896 Except Plans H8323 and

H14719; and that part of Lot 12 Block 5 Section 4 TWP 23 ODYD Plan 896 shown outlined in green on Plan H8323 (PID 025-283-995); that part of Lot 12 Block 5 Section 4 TWP 23 ODYD Plan 896 shown as parcel 12 on Plan H8323 (PID 025-283-979), located at 1982-1984 Union Road, 1980 Union Road, 2048 Union Road, and (N of) Union Road for exclusion, pursuant to Section 30(1) of the Agricultural Land Commission Act, NOT be supported by Municipal Council;

AND THAT the Municipal Council directs staff to forward the subject application to the Agricultural Land Commission for consideration.

Mayor Gray, Councillors, Blanleil, Basran, Given, DeHart and Zimmermann - Defeated
Opposed

Moved By Councillor Zimmermann/Seconded By Councillor Basran

R357/14/05/26 THAT Agricultural Land Reserve Appeal Application No. A14-0002 for part of Lot 12 Block 5 Section 4 TWP 23 ODYD Plan 896 Except Plans H8323 and H14719; and that part of Lot 12 Block 5 Section 4 TWP 23 ODYD Plan 896 shown outlined in green on Plan H8323 (PID 025-283-995); that part of Lot 12 Block 5 Section 4 TWP 23 ODYD Plan 896 shown as parcel 12 on Plan H8323 (PID 025-283-979), located at part of 2048 Union Road, and 2 parcels (N of) of Union Road, in accordance with the City of Kelowna Future Land Use Plan and Map 2 - Permanent Growth Boundary shown in grey, for exclusion, pursuant to Section 30(1) of the Agricultural Land Commission Act, be supported by Municipal Council;

AND THAT the Municipal Council directs staff to forward the subject application to the Agricultural Land Commission for consideration.

Councillor Singh - Carried
Opposed

Councillor Stack returned to the meeting at 3:56 p.m.

Mayor Gray stepped out of the meeting at 3:56 p.m.
Deputy Mayor Stack resided over the meeting at 3:56 p.m.

4.2. **Official Community Plan Bylaw Amendment Application No. OCP14-0006 & Rezoning Application No. Z14-0008 - 560 & 562 McKay Avenue, 0781540 BC Ltd.**

Staff:

- Displayed a Power Point Presentation and responded to questions from Council.

Mayor Gray returned to the meeting at 3:59 p.m. and resumed the Chair.

Moved By Councillor Basran/Seconded By Councillor Given

R358/14/05/26 THAT Official Community Plan Bylaw Amendment No. OCP14-0006 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 12, District Lot 14, ODYD, Plan 3769, located at 560 McKay Avenue, Kelowna, BC; Lot 13, District Lot 14, ODYD, Plan 3769, located at 582 McKay Avenue, Kelowna, BC; and the portion of McKay Avenue to be closed adjacent to Lots 12 and 13, from the MRM - Multiple Unit Residential (Medium Density) designation to the MXR - Mixed Use (Residential/ Commercial) designation, as shown on Map "A" attached to the Report of the Urban Planning Department dated May 9, 2014, be considered by Council;

AND THAT Rezoning Application No. Z14-0008 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12, District Lot 14, ODYD,

Plan 3769, located at 560 McKay Avenue, Kelowna, BC; Lot 13, District Lot 14, ODYD, Plan 3769, located at 582 McKay Avenue, Kelowna, BC; and the portion of McKay Avenue to be closed adjacent to Lots 12 and 13, from the RU6 - Two Dwelling Housing zone to the C4 - Urban Centre Commercial zone, as shown on Map "B" attached to the Report of the Urban Planning Department dated May 9, 2014, be considered by Council;

AND THAT Council considers the APC public process under OCP07-0032 and Z07-0093 to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Urban Planning Department dated May 9, 2014;

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 completion of a Purchase/Sale Agreement with the City, finalization of the road closure adjacent to Lots 12 & 13, District Lot 14, ODYD, Plan 3769 (560 & 582 McKay Avenue), and registration of the public access Right-of-Way agreement, to the satisfaction of the City of Kelowna;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the dedication of a 0.75 m widening of the north lane;

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

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the registration of an agreement in the Land Titles Office, to the satisfaction of the City of Kelowna, securing the provision of six (6) required parking spaces on the property at 561 & 583 McKay Avenue upon its redevelopment;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Parks & Public Places Branch and Development Engineering Branch, as attached to the Report of the Urban Planning Department dated May 9, 2014, being completed to its satisfaction;

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

AND FURTHER THAT Bylaw No. 10246 and Bylaw No. 10245, for Rezoning Application Z07-0093 and for OCP Amendment Application OCP07-0032 respectively, be forwarded for rescindment consideration, and the files be closed.

Carried

4.2.1. Bylaw No. 10245 (OCP07-0032) - 560, 561, 582 & 583 McKay Avenue, 0781540 BC Ltd.

Moved By Councillor Given/Seconded By Councillor Stack

R359/14/05/26 THAT Bylaw No. 10245 be rescinded at third reading and the file be closed.

Carried

4.2.2. Bylaw No. 10246 (Z07-0093) - 560, 561, 582 & 583 McKay Avenue, 0781540 BC Ltd.

Moved By Councillor Stack/Seconded By Councillor Given

R360/14/05/26 THAT Bylaw No. 10246 be rescinded at third reading and the file be closed.

Carried

4.2.3. Bylaw No. 10968 (OCP14-0006) - 560 & 582 McKay Avenue, 0781540 BC Ltd.

Moved By Councillor Given/Seconded By Councillor Stack

R361/14/05/26 THAT Bylaw No. 10968 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

4.2.4. Bylaw No. 10969 (Z14-0008) - 560 & 582 McKay Avenue, 0781540 BC Ltd.

Moved By Councillor Stack/Seconded By Councillor Given

R362/14/05/26 THAT Bylaw No. 10969 be read a first time.

Carried

5. Bylaws for Adoption (Development Related)

5.1. Bylaw No. 10917 (TA14-0002) - Medical Marihuana Production Facilities - Industrial Zones

Moved By Councillor Stack/Seconded By Councillor Given

R363/14/05/26 THAT Bylaw No. 10917 be adopted.

Carried

5.2. Bylaw No. 10920 - Medical Marihuana Producer Business Licence and Regulation Bylaw

Moved By Councillor Basran/Seconded By Councillor Blanleil

R364/14/05/26 THAT Bylaw No. 10920 be adopted.

Carried

5.3. Bylaw No. 10921 - Amendment No. 8 to Bylaw Notice Enforcement Bylaw No. 10475

Moved By Councillor Blanleil/Seconded By Councillor Basran

R365/14/05/26 THAT Bylaw No. 10921 be adopted.

Carried

5.4. Bylaw No. 10944 (TA14-0006) - Medical Marihuana Production Facilities - Industrial Zones

Moved By Councillor Basran/Seconded By Councillor Blanleil

R366/14/05/26 THAT Bylaw No. 10944 be adopted.

Carried

6. Non-Development Reports & Related Bylaws

6.1. Transit 2014/2015 Annual Operating Agreements

Moved By Councillor Stack/Seconded By Councillor DeHart

R367/14/05/26 THAT Council approve the 2014/2015 Annual Operating Agreements for conventional and custom transit services for the City of Kelowna;

AND THAT Council approve the amendment to the 2013/2014 Annual Operating Agreement for conventional transit;

AND THAT Council approve the Master Operating Agreement to be in effect June 1, 2014 to March 31, 2023;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all of these Operating Agreements between BC Transit, the City of Kelowna and FirstCanada ULC.

Carried

6.2. Security Issuing Bylaw - Lawrence Avenue Local Area Service

Moved By Councillor Given/Seconded By Councillor Zimmermann

R368/14/05/26 THAT Council approves borrowing from the Municipal Finance Authority of British Columbia, as part of their 2014 fall issue, \$345,000 as authorized through Loan Authorization Bylaw No. 10748 which authorized the construction of the local improvements.

AND THAT the Regional District of Central Okanagan be requested to prepare a security issuing bylaw with a 20 year term.

Carried

6.3. 2013 Household Travel Survey

Staff:

- Displayed a Power Point Presentation and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Basran

R369/14/05/26 THAT Council receives for information, the report from the Regional Planning Manager, dated May 7, 2014, regarding the results of the 2013 Household Travel Survey and trend comparison to the 2007 Household Travel Survey.

Carried

6.4. Copeland House - Heritage Tax Exemption

Moved By Councillor Singh/Seconded By Councillor Zimmermann

R370/14/05/26 THAT Council receives for information the report from the Department Manager of Policy and Planning dated May 26, 2014 regarding the Heritage Building Tax Incentive Agreement for the Copeland House at 784 Elliot Avenue;

AND THAT Bylaw No. 10966, being Heritage Building Tax Exemption Bylaw - 784 Elliot Avenue be forwarded for reading consideration;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Heritage Building Tax Exemption Agreement.

Carried

6.4.1. Bylaw No. 10966 - 784 Elliot Avenue, Heritage Building Property Tax Exemption Bylaw

Moved By Councillor Basran/Seconded By Councillor Singh

R371/14/05/26 THAT Bylaw No. 10966 be read a first, second and third time.

Carried

6.5. Corporate Energy and GHG Emissions

Moved By Councillor Stack/Seconded By Councillor DeHart

R372/14/05/26 THAT Council receives, for information, the report from the Capital Assets and Investment Manager dated May 26th, 2014 with respect to corporate GHG emissions data and emission reduction projects.

Carried

6.6. Road Closure Bylaw - Portion of Road Near Bird Place

Moved By Councillor Singh/Seconded By Councillor Basran

R373/14/05/26 THAT Council receives the Report from the Manager, Real Estate Services dated May 20, 2014, recommending that Council adopt the proposed closure of a portion of road near Bird Place;

AND FURTHER THAT Bylaw No. 10958, being proposed closure of a portion of road near Bird Place be given reading consideration.

6.6.1. Bylaw No. 10958 - Road Closure Bylaw, Portion of Bird Place

Moved By Councillor Singh/Seconded By Councillor Basran

R374/14/05/26 THAT Bylaw No. 10958 be read a first, second and third time.

Carried

7. Mayor and Councillor Items

Councillor Stack:

- Inquired as to the timing of the North Clifton Area Structure Plan coming to Council.

Acting City Manager:

- Will circulate dates to Council.

8. Termination

This meeting was declared terminated at 4:59 pm

Mayor

City Clerk