

AT REGINA, SASKATCHEWAN, MONDAY, NOVEMBER 23, 2015

AT A MEETING OF CITY COUNCIL

AT 5:30 PM

These are considered a draft rendering of the official minutes. Official minutes can be obtained through the Office of the City Clerk once approved.

Present: Mayor Michael Fougere, in the Chair
Councillor Sharron Bryce
Councillor Bryon Burnett
Councillor Jerry Flegel
Councillor Shawn Fraser
Councillor Bob Hawkins
Councillor Terry Hincks
Councillor Wade Murray
Councillor Mike O'Donnell
Councillor Barbara Young

Regrets: Councillor John Findura

Also in Attendance: Chief Legislative Officer & City Clerk, Jim Nicol
Deputy City Clerk, Erna Hall
A/City Manager & CAO, Ed Archer
A/Chief Financial Officer, Ian Rea
Executive Director, Legal & Risk, Byron Werry
Deputy City Manager & COO, Brent Sjoberg
Executive Director, City Services, Kim Onrait
Executive Director, City Planning & Development, Diana Hawryluk
Executive Director, Transportation & Utilities, Karen Gasmol
Director, Development Services, Louise Folk
A/Director, Communications, Pam Kapoor
Manager, Current Planning, Fred Searle
Manager, Neighbourhood Planning, Yves Richard
Senior City Planner, Jennifer Barrett

(In light of the activities that happened on November 13, 2015, in Paris, France, and in recognitions of the lives lost in the attacks, a moment of silence was held.)

CONFIRMATION OF AGENDA

Councillor Sharron Bryce moved, seconded by Councillor Terry Hincks that the agenda for this meeting be approved, as submitted, after adding a motion from Mayor Michael Fougere on the Syrian Refugees; and that the delegations listed on the agenda be heard when called forward by the Mayor.

The motion was put and declared CARRIED.

ADOPTION OF MINUTES

Councillor Bob Hawkins moved, seconded by Councillor Sharron Bryce, AND IT WAS RESOLVED, that the minutes for the meeting held on October 26, 2015 be adopted, as circulated.

DELEGATIONS, PUBLIC NOTICE BYLAWS AND RELATED REPORTS

DE15-91 Allison Kapp: Application for Discretionary Use (15-DU-23/15-Z-17)
Proposed Licensed Restaurant with Outdoor Eating and Drinking, 3414
Hill Avenue

Pursuant to due notice the delegation was present.

The Mayor invited the delegation to come forward and be heard. Allison Kapp, representing herself and family, addressed Council and answered a number of questions.

Pursuant to the provisions of Section 16(11)(c) of City Council's *Procedure Bylaw No. 9004*, this brief was tabled until after consideration of CR15-128, a report from the Regina Planning Commission respecting the same subject.

(Councillor Bryce left the meeting.)

DE15-92 David Kapp: Application for Discretionary Use (15-DU-23/15-Z-17)
Proposed Licensed Restaurant with Outdoor Eating and Drinking, 3414
Hill Avenue

Pursuant to due notice the delegation was present.

The Mayor invited the delegation to come forward and be heard. David Kapp representing himself and family, addressed Council and answered a number of questions.

Pursuant to the provisions of Section 16(11)(c) of City Council's *Procedure Bylaw No. 9004*, this brief was tabled until after consideration of CR15-128, a report from the Regina Planning Commission respecting the same subject.

DE15-93 Dean Gutheil: Application for Discretionary Use (15-DU-23/15-Z-17)
Proposed Licensed Restaurant with Outdoor Eating and Drinking, 3414
Hill Avenue

Pursuant to due notice the delegation was present.

The Mayor invited the delegation to come forward and be heard. Dean Gutheil representing himself, addressed Council and answered a number of questions.

Pursuant to the provisions of Section 16(11)(c) of City Council's *Procedure Bylaw No. 9004*, this brief was tabled until after consideration of CR15-128, a report from the Regina Planning Commission respecting the same subject.

DE15-94 Jack Kambeitz: Application for Discretionary Use (15-DU-23/15-Z-17)
 Proposed Licensed Restaurant with Outdoor Eating and Drinking, 3414
 Hill Avenue

Pursuant to due notice the delegation was present.

The Mayor invited the delegation to come forward and be heard. Jack Kambeitz, representing himself addressed Council and answered a number of questions.

Pursuant to the provisions of Section 16(11)(c) of City Council's *Procedure Bylaw No. 9004*, this brief was tabled until after consideration of CR15-128, a report from the Regina Planning Commission respecting the same subject.

CR15-128 Regina Planning Commission: Application for Discretionary Use
 (15-DU-23/15-Z-17) Proposed Licensed Restaurant with Outdoor Eating
 and Drinking, 3414 Hill

Recommendation

1. That Section 7C.2 Local Commercial Zone (LC1) be amended as follows:

Deleting clause (1) (a) in subsection 2.5 Additional Regulations Eating and Drinking Place and replacing it with the following clause:

(1) (a) At the discretion of City Council, no portion of an eating or drinking establishment shall be located outside of a building, except in compliance with the following review criteria:

- (i) The outdoor area shall animate the public realm (street edge);
- (ii) The outdoor area shall demonstrate sensitivity to existing residential development and areas zoned for future residential development;
- (iii) The approval of the discretionary outdoor eating and drinking uses can include conditions that address the following:
 - Appropriate scale for the available space;
 - Landscaping and screening; and
 - Compliance with relevant City bylaws and regulations as well as those of external agencies.

2. That the discretionary use application for a proposed Licensed Restaurant located at 3414 Hill Avenue, being a portion of Lot 20, Block 52, Plan No. 101161066 Ext 111, Lakeview Subdivision be APPROVED, and that a Development Permit be issued subject to the following conditions:

- a) The development of the interior of the building shall be consistent with the plan attached to this report as Appendix A-3.1;
 - b) The following additional conditions apply to the outdoor eating and drinking component of the licensed restaurant:
 - i. The outdoor eating and drinking area shall be limited to the sidewalk area at the front of the building and not be allowed on the deck attached to the rear of the building as shown on Appendix A-3.1;
 - ii. The applicant must obtain an Outdoor Restaurant permit from the City of Regina on an annual basis;
 - iii. The applicant must comply with relevant City bylaws and regulations and obtain all permission that may be required from external agencies.
 - c) The development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 9250*.
3. That the City Solicitor be directed to prepare the necessary bylaw to authorize the respective Zoning Bylaw Amendment.

Councillor Mike O'Donnell moved, seconded by Councillor Terry Hincks, AND IT WAS RESOLVED, that the recommendations of the Regina Planning Commission contained in the report be concurred in.

DE15-95 Chad Novak – Saskatchewan Taxpayers Advocacy Group: Application for Road Closure (15-CL-18) – Road Right-of-Way in Vicinity of Tower Road, Southeast Sector

Pursuant to due notice the delegation was present.

The Mayor invited the delegation to come forward and be heard. Chad Novak, representing Saskatchewan Taxpayers Advocacy Group addressed Council and answered a number of questions.

Pursuant to the provisions of Section 16(11)(c) of City Council's *Procedure Bylaw No. 9004*, this brief was tabled until after consideration of CR15-129, a report from the Regina Planning Commission respecting the same subject.

CR15-129 Regina Planning Commission: Application for Road Closure (15-CL-18) – Road Right-of-Way in Vicinity of Tower Road, Southeast Sector

Recommendation

1. That the application for the closure of portions of road right-of-ways corresponding to the attached *Tower Road Bypass Proposed Road Closure Plan (Tower Road Bypass)* prepared by M.M. Vanstone, dated September 22, 2015, attached as Appendix A-3, and legally described as follows, be APPROVED:

- 1.) St/L 12-Plan AX2437 Ext 13
- 2.) St/L 18-Plan AX2437 Ext 19
- 3.) St/L 13-Plan AX2437 Ext 14
- 4.) St/L 45-Plan AX2437 Ext 46
- 5.) St/L 45-Plan AX2437 Ext 47
- 6.) St/L 20-Plan AX2437 Ext 21
- 7.) St/L 21-Plan AX2437 Ext 22
- 8.) St/L 28-Plan AX2437 Ext 29
- 9.) St/L 28-Plan AX2437 Ext 30

2. That the City Solicitor be directed to prepare the necessary bylaw.

Councillor Mike O'Donnell moved, seconded by Councillor Terry Hincks, AND IT WAS RESOLVED, that the recommendations of the Regina Planning Commission contained in the report be concurred in.

DE15-96 Garry Fawley – Principal at PC Urban Properties Corp.: Application for Zoning Bylaw Amendment and Discretionary Use (15-Z-16/15-DU-15) Proposed Medical Clinic and Retail Building – 2055 Prince of Wales Drive

Pursuant to due notice the delegation was present.

The Mayor invited the delegation to come forward and be heard. Garry Fawley, representing PC Urban Properties Corp. addressed Council and answered a number of questions.

Pursuant to the provisions of Section 16(11)(c) of City Council's *Procedure Bylaw No. 9004*, this brief was tabled until after consideration of CR15-130, a report from the Regina Planning Commission respecting the same subject.

CR15-130 Regina Planning Commission: Application for Zoning Bylaw Amendment and Discretionary Use (15-Z-16/15-DU-15) Proposed Medical Clinic and Retail Building – 2055 Prince of Wales Drive

Recommendation

- 1. That the application to rezone Block/ Parcel T, Plan No. 00RA08920, Ext. 5, Spruce Meadows Subdivision located at 2055 Prince of Wales Drive from MAC3- Major Arterial Commercial Zone to MAC- Major Arterial Commercial Zone be APPROVED.
- 2. That the discretionary use application for a proposed Building F- Medical Clinic and Retail Building located at 2055 Prince of Wales Drive, being Plan No. 00RA08920, Spruce Meadows be APPROVED, and that a Development Permit be issued subject to the following conditions:
 - a) The development shall be consistent with the plans attached to this report as Appendix A-3.1 to A-3.3 inclusive, prepared by Mallen Gowing Berzins Architecture and dated June 30, 2015; and

- b) The development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 9250*.
- 3. That the City Solicitor be directed to prepare the necessary bylaw to authorize the respective Zoning Bylaw amendment.

Councillor Mike O'Donnell moved, seconded by Councillor Barbara Young, AND IT WAS RESOLVED, that the recommendations of the Regina Planning Commission contained in the report be concurred in.

CR15-131 Regina Planning Commission: Application for Closure (15-CL-16)
Laneway Connecting Wascana Estates – Wascana View Subdivision

Recommendation

- 1. That the application for the closure of the lane as shown on the attached plan of proposed subdivision prepared by Scott L. Colvin S.L.S, dated June 22, 2015 and legally described Lane L1, Plan No. 101153382 and Lane L1, Plan No. 101627669, be APPROVED;
- 2. That the City Solicitor be directed to prepare the necessary bylaw.

Councillor Mike O'Donnell moved, seconded by Councillor Jerry Flegel, AND IT WAS RESOLVED, that the recommendations of the Regina Planning Commission contained in the report be concurred in.

2015-78 A BYLAW TO PROVIDE FOR THE CLOSURE OF LANEWAY
CONNECTING WASCANA ESTATES

2015-79 THE REGINA ZONING AMENDMENT BYLAW, 2015 (No. 27)

2015-80 THE REGINA ZONING AMENDMENT BYLAW, 2015 (No. 28)

2015-81 A BYLAW TO PROVIDE FOR THE CLOSURE AND SALE OF
PORTIONS OF ROAD RIGHT-OF-WAYS IN VICINITY OF TOWER
ROAD, SOUTHEAST SECTOR

Councillor Mike O'Donnell moved, seconded by Councillor Bob Hawkins, AND IT WAS RESOLVED, that Bylaws No. 2015-78, 2015-79, 2015-80 and 2015-81 be introduced and read a first time. Bylaws were read a first time.

No letters of objection were received pursuant to the advertising with respect to Bylaws No. 2015-78, 2015-79, 2015-80 and 2015-81.

The Clerk called for anyone present who wished to address City Council respecting Bylaws No. 2015-78, 2015-79, 2015-80 and 2015-81 to indicate their desire.

(Donald Neuls and Chad Novak, indicated interest to address City Council. The Mayor invited the delegations to come forward and be heard. There were no questions from Council for the delegations.)

Councillor Mike O'Donnell moved, seconded by Councillor Bryon Burnett, AND IT WAS RESOLVED, that Bylaws No. 2015-78, 2015-79, 2015-80 and 2015-81 be read a second time. Bylaws were read a second time.

Councillor Mike O'Donnell moved, seconded by Councillor Barbara Young that City Council hereby consent to Bylaws No. 2015-78, 2015-79, 2015-80 and 2015-81 going to third and final reading at this meeting.

The motion was put and declared CARRIED UNANIMOUSLY.

Councillor Mike O'Donnell moved, seconded by Councillor Shawn Fraser, AND IT WAS RESOLVED, that Bylaws No. 2015-78, 2015-79, 2015-80 and 2015-81 be read a third time. Bylaws were read a third and final time.

ADMINISTRATION'S REPORTS

CM15-12 Adoption of a Public Disclosure Statement Form

Recommendation

That Council approve the Public Disclosure Statement Form in Appendix A of this Report, to be adopted upon the coming into force of the amendments to section 116 of *The Cities Act* contained in Bill 186, *The Municipal Conflict of Interest Amendment Act, 2015*.

Councillor Terry Hincks moved, seconded by Councillor Wade Murray that the recommendation contained in the report be concurred in.

Mayor Michael Fougere stepped down to enter debate.
Councillor Mike O'Donnell assumed the Chair.
Mayor Michael Fougere returned to the Chair prior to the vote.

The motion was put and declared CARRIED.

COMMITTEE REPORTS

COMMUNITY AND PROTECTIVE SERVICES COMMITTEE

CR15-132 Sinking Ship Entertainment Playground Donation

Recommendation

1. That City Council approve the receipt of Sinking Ship Entertainment's playground donation valued at approximately \$300,000.
2. That City Council authorize the Executive Director of City Services to negotiate and approve an agreement with Sinking Ship Entertainment on behalf of the City of Regina.
3. That City Council authorize the City Clerk to execute the agreement, after review by the City Solicitor.

Councillor Jerry Flegel moved, seconded by Councillor Terry Hincks, AND IT WAS RESOLVED, that the recommendations contained in the report be concurred in.

FINANCE AND ADMINISTRATION COMMITTEE

CR15-133 Three-Year Contract with Crown Enterprises Ltd. for Off-Site Records Storage

Recommendation

1. That City Council authorize the City Clerk or designate to negotiate and approve the terms of an agreement with Crown Enterprises Ltd. (CEL) for off-site storage services for corporate and archival records for the period of March 1, 2016 and ending February 28, 2019.
2. That the City Clerk be authorized to execute the agreement with CEL after review and approval by the City Solicitor.

Councillor Wade Murray moved, seconded by Councillor Terry Hincks , AND IT WAS RESOLVED, that the recommendations contained in the report be concurred in.

CR15-134 Provincial Affordable Home Ownership Program (AHOP)

Recommendation

1. That the Executive Director of the City Planning and Development Division be authorized to enter into a revenue agreement with the Saskatchewan Housing Corporation on behalf of the City of Regina, so that the City of Regina may receive a final payment from the Saskatchewan Housing Corporation in the amount of \$253,291 for the City of Regina’s enrollment in the Affordable Home Ownership Program.
2. That once the City Solicitor has reviewed the agreement, the City Clerk be authorized to sign on behalf of the City.

Councillor Wade Murray moved, seconded by Councillor Barbara Young, AND IT WAS RESOLVED, that the recommendations contained in the report be concurred in.

REGINA PLANNING COMMISSION

CR15-135 Application for Discretionary Use (15-DU-17) Planned Group of Townhouses Greens on Gardiner – 3301 Green Poppy Street

Recommendation

That the Discretionary Use Application for a proposed Planned Group of Townhouses located at the corner of Green Poppy Street and Green Brooks Way, being Block C, Plan 102196302, be APPROVED, and that a Development Permit be issued subject to the following conditions:

- a) The development shall be consistent with the plans attached to this report as Appendix A-3.1, A-3.1a and A-3.3, prepared by Porchlight Developments and dated September 23, 2015; and
- b) The development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 9250*.

Councillor Mike O'Donnell moved, seconded by Councillor Terry Hincks that the recommendations contained in the report be concurred in.

(Mayor Fougere requested Rob Mosiondz, representing Porchlight Developments address Council and answer questions on this report.)

The motion was put and declared CARRIED.

CR15-136 Application for Discretionary Use (15-DU-22) – Proposed Fast Food Outlet
2419 Park Street

Recommendation

That the discretionary use application for a proposed Fast Food Outlet located at 2419 Park Street, being Lot E, Block 17, Plan 59R16479 be APPROVED, and that a Development Permit be issued subject to the following conditions:

- a) The development shall be consistent with the plans attached to this report as Appendix A-3.1 inclusive, prepared by LML Engineering Ltd and dated June 24, 2015; and
- b) The development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 9250*.

Councillor Mike O'Donnell moved, seconded by Councillor Barbara Young, AND IT WAS RESOLVED, that the recommendations contained in the report be concurred in.

INFORMATIONAL REPORTS

IR15-21 Regina Planning Commission: Civic Naming Committee 2014 Annual
Report

Recommendation

That this report be received and filed.

Councillor Mike O'Donnell moved, seconded by Councillor Jerry Flegel, AND IT WAS RESOLVED, that this report be received and filed.

BYLAWS AND RELATED REPORTS

IR15-22 Regina Planning Commission: Supplemental Report: Condominium Policy Bylaw 2012-14 Review and Policy Update

Recommendation

That this report be received and filed.

Councillor Mike O'Donnell moved, seconded by Councillor Wade Murray, AND IT WAS RESOLVED, that this report be received and filed.

CR15-137 Regina Planning Commission: Condominium Policy Bylaw 2012-14 Review and Policy Update

Recommendation

1. That *The City of Regina Condominium Policy Bylaw, 2012* (Bylaw No. 2012-14) be amended to:
 - a. Be consistent with the *Provincial Condominium Property Act, 1993* and *The Condominium Property Regulations, 2001*, both amended in 2014, by adding a definition for “Rate of Availability” to mean the impact of a conversion of a rental Property to condominiums based on the rental vacancy rate reported by Canada Mortgage and Housing Corporation (CMHC);
 - b. Add a definition of “Neighbourhood Vacancy Rate” to mean the most recent rental vacancy rate reported by CMHC at the Neighbourhood level;
 - c. Add a condition to Section 19 and Section 22 of the Bylaw that the impact of a condominium conversion for buildings of five units or more must not reduce the Rate of Availability to less than three per cent based on the Neighbourhood Vacancy Rate;
 - d. Be consistent with the *Provincial Condominium Property Act, 1993* and the *Condominium Property Regulations, 2001*, add a condition to Section 7, Section 8 and Section 18 that the impact of a condominium conversion must not reduce the Rate of Availability to less than 2.5 per cent for three and four unit properties, Vacant and Designated Heritage Properties based on the Census Metropolitan Area (CMA) or Citywide Vacancy Rate;
 - e. Revise the requirements of the Tenant Guarantee to provide a guarantee of a 12-month tenancy for tenants of a building approved for condominium conversion; and
 - f. Clarify and refine language in the Bylaw as housekeeping amendments.
2. That the City Solicitor be directed to prepare the necessary Bylaw to authorize the amendments, as described above.

Councillor Mike O'Donnell moved, seconded by Councillor Jerry Flegel that the recommendations of the Regina Planning Commission contained in the report be concurred in.

Councillor Shawn Fraser moved, in amendment, seconded by Councillor Mike O'Donnell, AND IT WAS RESOLVED, that recommendation 1(e) reinstate a 24-month tenant guarantee.

Councillor Mike O'Donnell moved, in amendment, AND IT WAS RESOLVED, that the bylaw be amended to reflect the change in recommendation 1(e) to reinstate a 24-tenant guarantee.

The main motion, as amended, was put and declared CARRIED.

2015-67 THE CITY OF REGINA CONDOMINIUM POLICY AMENDMENT
BYLAW, 2015

Councillor Mike O'Donnell moved, seconded by Councillor Shawn Fraser, AND IT WAS RESOLVED, that Bylaw No. 2015-67 be introduced and read a first time. Bylaw was read a first time, as amended.

Councillor Mike O'Donnell moved, seconded by Councillor Wade Murray, AND IT WAS RESOLVED, that Bylaw No. 2015-67 be read a second time. Bylaw was read a second time, as amended.

Councillor Mike O'Donnell moved, seconded by Councillor Terry Hincks that City Council hereby consent to Bylaw No. 2015-67 going to third and final reading at this meeting.

The motion was put and declared CARRIED UNANIMOUSLY.

Councillor Mike O'Donnell moved, seconded by Councillor Jerry Flegel, AND IT WAS RESOLVED, that Bylaw No. 2015-67 be read a third time. Bylaw was read a third and final time, as amended.

(Mayor Michael Fougere stepped down to enter debate.
Councillor Mike O'Donnell assumed the Chair.)

MOTIONS

MN15-5 Mayor Michael Fougere: Syrian Refugees

Mayor Michael Fougere moved, seconded by Councillor Terry Hincks, AND IT WAS RESOLVED, that the City of Regina Council directs Administration to report to the Community and Protective Services Committee on December 2, 2015 with a report on the City of Regina's efforts to support the arrival, settlement and integration of Syrian refugees, in part, by supporting the Government of Saskatchewan's newly announced Refugee Settlement Centre.

(Mayor Michael Fougere returned to the Chair.)

ADJOURNMENT

Councillor Wade Murray moved, seconded by Councillor Jerry Flegel, AND IT WAS RESOLVED, that Council adjourn.

The meeting adjourned at 7:40 p.m.

Mayor

City Clerk