

## Special Parks and Recreation Advisory Committee Meeting

to be held via Zoom

Monday, February 24, 2025

at 9:30 a.m.

1. **Call Committee Meeting to Order**

*We acknowledge that Penticton, where we live and work, is on the traditional lands of the Syilx People in the Okanagan Nation.*

2. **Adoption of Agenda**

3. **New Business**

Raposo 3.1 Sub-License to Use Agreement – Penticton Water Park Ltd operating as Splash BC 1-5

Staff Recommendation:

*THAT the Parks and Recreation Advisory Committee recommend that Council direct staff to issue an extension for a one (1) year Sub-License to Use Agreement to Penticton Water Park Ltd. operating as Splash BC, for the use of approximately 0.25 hectares of Okanagan Lake, for a floating water park, and a portion of Okanagan Lake Beach for an operations tent and lifejacket storage area and issue an RFP for an aqua park provider for a five (5) year term commencing operation for the 2026 season.*

Raposo 3.2 Request for Proposal – Request for Proposal – Skaha East and Peach Concessions 6-10  
3885 South Main Street and 185 Lakeshore Drive West

Staff Recommendation:

*THAT the Parks and Recreation Advisory Committee recommend that Council direct staff to issue the Request for Proposal for the use of two (2) City food concessions located at 3885 South Main Street, (Skaha East Concession) and 185 Lakeshore Drive West (Peach Concession) for the purpose of seeking an operator for a food concession for a three (3) to five (5) year term.*

4. **Next Meeting**

The next Parks and Recreation Advisory Committee meeting is scheduled to be held on April 23, 2025 at 9:30 a.m.

5. **Adjournment**

# Committee Report

**Date:** February 24, 2025 File No: 2380-20  
**To:** Parks and Recreation Advisory Committee  
**From:** Sheri Raposo, Land Administrator  
  
**Subject:** **Sub-License to Use Agreement – Penticton Water Park Ltd. operating as Splash BC**

## Staff Recommendation

THAT the Parks and Recreation Advisory Committee recommend that Council direct staff to issue an extension for a one (1) year Sub-License to Use Agreement to Penticton Water Park Ltd. operating as Splash BC, for the use of approximately 0.25 hectares of Okanagan Lake, for a floating water park, and a portion of Okanagan Lake Beach for an operations tent and lifejacket storage area and issue an RFP for an aqua park provider for a five (5) year term commencing operation for the 2026 season.

## Strategic priority objective

**Vision:** A vibrant, resilient and healthy waterfront city focused on safety, livability and vibrancy.

## Background

Penticton Water Park Ltd., operating as Splash BC (Wibit), is a family-run business that has become a popular summer attraction. It offers an innovative way for both locals and tourists to enjoy water activities. This giant floating playground features climbing walls, monkey bars, slides, trampolines, and more.

They have also expanded their Water Parks business over multiple locations to include Kelowna, Peachland, Osoyoos, and two affiliated locations in Ontario. These unique water parks provide an exciting and healthy way for people of all ages to experience water recreation. Over 1 million dollars has been invested in the Penticton location alone. Splash BC Water Parks has demonstrated their commitment to our community and their ability to consistently provide a professional service.

In addition, if the WIBIT agreement is approved for a further term, they plan to introduce 10 new features for the 2025 season, with an estimated total cost of Fifty-Six Thousand (\$56,000) Dollars. One of these features, a great addition to Penticton, is an 11-foot-tall peach.

Wibit has been operating on Okanagan Lake since 2015 and employs approximately 25 local youth each summer.

The agreement with Penticton Water Park Ltd. began on June 1, 2015, for a five-year term, with a renewal term for an additional five-years extending the term to May 31, 2025.

On February 11, 2025, staff brought forward the request to Council to refer an extension for a one (1) year Sub-License to Use Agreement to Penticton Water Park Ltd. operating as Splash BC, for the use of approximately 0.25 hectares of Okanagan Lake, for a floating water park, and a portion of Okanagan Lake Beach for an operations tent and lifejacket storage area and issue an RFP for an aqua park provider for a five (5) year term commencing operation for the 2026 season to the Parks and Recreation Advisory Committee for their review and recommendation.

With the following outcome:

7.8 Sub-License to Use Agreement: Penticton Water Park Ltd. operating as Splash BC

**44/2025** It was MOVED and SECONDED

THAT Council refer an extension for a one (1) year Sub-License to Use Agreement to Penticton Water Park Ltd. operating as Splash BC, for the use of approximately 0.25 hectares of Okanagan Lake, for a floating water park, and a portion of Okanagan Lake Beach for an operations tent and lifejacket storage area, and issue an RFP for an aqua park provider for a five (5) year term commencing operation for the 2026 season to the Parks and Recreation Advisory Committee for their review and recommendation.

**CARRIED UNANIMOUSLY**

### **Park Land Protection and Use Policy References**

As the foreshore and the portion of Okanagan Lake, where the floating water park is located, is parkland, the Park Land Protection and Use Policy requires new agreements or renewal of agreements within our parkland follow the following procedure:

- Step 1: Application to renew submitted to City staff
- Step 2: Proposal brought forward to Open Council meeting
- Step 3: Circulation of application to City Departments and Parks and Recreation Advisory Committee
- Step 4: City staff conduct License Review to confirm conditions of license met and license in good standing
- Step 5: City staff review finding with Parks and Recreation Advisory Committee
- Step 6: Parks and Recreation Advisory Committee review application and feedback from Staff
- Step 7: Parks and Recreation Advisory Committee would then make a recommendation to Council to approve or deny the renewal

### **Request for Proposal Process**

An RFP (Request for Proposal) is used when the City needs to seek proposals for providing a product or service. Although the New West Partnership Trade Agreement does not require issuing an RFP for revenue-generating

opportunities like this, it may be an appropriate solution to find a future operator through a competitive process. This specific tenure has not been publicly offered since its inception.

While the Parkland Protection and Use Policy outlines a three-year period for a Licence to Use agreement, staff believe a longer term, up to a maximum of five years, would be more appropriate due to the level of investment required by any operator at this site.

### **Mobi -Mats**

Council has recently provided staff with direction to expand the mobi-mats and chairs. Staff are recommending that this infrastructure be installed at Okanagan Lake, adjacent to other accessible infrastructure and in close proximity to the Wibit. Staff have confirmed that the operators of the Wibit are willing to provide support by managing the chairs and the security of the equipment on a day-to-day basis, which is a welcome addition to both the accessibility infrastructure and this sub-license agreement. This service is currently being provided by the Wibit in other municipalities in which they operate.

### **Analysis**

The Provincial Head Lease stipulates that the leased area must be used as an aqua park, therefore, all future agreements must adhere to this requirement. The Park Land and Protection Use Policy, provides staff with supportive direction for a three (3) year License to Use Agreement in public parks. Recently, the Parks & Recreation Advisory Committee has recommended five-year LTU Agreements when there is a significant and longstanding positive history of use or financial investment. Due to the substantial financial investment required by any operator at this site to offer an aqua park, staff suggest requesting the Parks & Recreation Advisory Committee consider an LTU Agreement for a 5-year term.

Should the Committee provide support for Council to direct staff to issue an RFP for a floating water park within the licensed area, due to the length of time that this process would take, staff are also seeking direction to extend the current Sub-License Agreement with the existing operator for the 2025 season. The existing operator would be permitted to prepare for the 2025 season and staff would then commence the RFP process to have an operator in place for the 2026 season. Once the successful proponent has been selected, staff would enter into a Sub-License to Use Agreement for a five (5) year term.

Staff did provide council with an alternative recommendation, in recognition of the level of investment provided by the existing operator, that Council may have wished to forego the competitive process.

### **Alternate Recommendation**

Alternatively, the Parks and Recreation Committee may wish to recommend Council consider extending the current Sub-License to Use Agreement with Penticton Water Park Ltd., operating as Splash BC (Wibit). If so, Committee should pass the following resolution:

1. THAT the Parks and Recreation Advisory Committee recommends that Council direct staff to renew the Sub-License to Use Agreement, for a three (3) year or five (5) year term, at annual market rate, plus CPI to Penticton Water Park Ltd., operating as Splash BC (Wibit).

**Attachments**

Attachment A – Sub-Leased Area

Respectfully submitted,

Sheri Raposo  
Land Administrator

Concurrence

Director, Community Services <i>KJ</i>
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Attachment A  
Sub-Licensed Area



# Committee Report

penticton.ca

**Date:** February 24, 2025  
**To:** Parks and Recreation Advisory Committee  
**From:** Sheri Raposo, Land Administrator

File No: 4320-80

**Subject: Request for Proposal – Skaha East and Peach Concessions  
3885 South Main Street and 185 Lakeshore Drive West**

## Staff Recommendation

THAT the Parks and Recreation Advisory Committee recommend that Council direct staff to issue the Request for Proposal for the use of two (2) City food concessions located at 3885 South Main Street, (Skaha East Concession) and 185 Lakeshore Drive West (Peach Concession) for the purpose of seeking an operator for a food concession for a three (3) to five (5) year term.

## Strategic priority objective

**Vision:** Penticton is a connected, resilient and healthy waterfront city focused on safety, livability and vibrancy.

## Property Description

Skaha East Concession is located at 3885 South Main Street. The building includes a  $\pm$ 250 sq. f.t concession area. Public washrooms are located on the north, north-east and south of the building and do not form part of the Licensed Area, with the City being responsible for the maintenance of the washrooms.

The Peach Concession is located at 185 Lakeshore Drive West.  
The building includes a 221 sq. ft. concession area.

## Background

On February 11, 2025, staff brought forward the request to Council to refer the Request for Proposal to the Parks and Recreation Advisory Committee for their review and recommendation, for the use of two (2) City food concessions located at 3885 South Main Street, (Skaha East Concession) and 185 Lakeshore Drive West (Peach Concession) for the purpose of seeking an operator for a food concession for a three (3) to five (5) year term.

With the following outcome:

7.7 Request for Proposal: Skaha East and Peach Concessions

Re: 3885 South Main Street and 185 Lakeshore Drive West

**43/2025** It was MOVED and SECONDED

THAT Council refer the Request for Proposal to the Parks and Recreation Advisory Committee for their review and recommendation, for the use of two (2) City food concessions located at 3885 South Main Street, (Skaha East Concession) and 185 Lakeshore Drive West (Peach Concession) for the purpose of seeking an operator for a food concession for a three (3) to five (5) year term.

**CARRIED UNANIMOUSLY**

There are currently a total of four operational beach concession buildings in Penticton:

NAME	EXPIRY
Sudbury Beach Concession	September 30, 2028
Skaha Main Concession	September 30, 2028
Skaha East Concession	April 30, 2025
Peach Concession	April 30, 2025

Vallarta Fiesta Grill is the most recent operator of the Skaha East Concession and has had a License to Use Agreement for the past three years. The current agreement expires on April 30, 2025.

Family Squeezed Lemonade Inc. is the most recent operator of the Peach Concession and has had a License to Use Agreement for three years. The current agreement expires on April 30, 2025.

**Park Land Protection and Use Policy References**

As the land, where the concession buildings are located, is dedicated parkland, the Park Land Protection and Use Policy requires new agreements or renewal of agreements within our parkland follow the following procedure:

- Step 1: Application to renew submitted to City staff
- Step 2: Proposal brought forward to Open Council meeting
- Step 3: Circulation of application to City Departments and Parks and Recreation Advisory Committee
- Step 4: City staff conduct License Review to confirm conditions of license met and license in good standing
- Step 5: City staff review finding with Parks and Recreation Advisory Committee
- Step 6: Parks and Recreation Advisory Committee review application and feedback from Staff



Step 7: Parks and Recreation Advisory Committee would then make a recommendation to Council to approve or deny the renewal

### **License to Use Summary**

The RFP will seek a vendor for a three (3) to five (5) year term of the License to Use Agreement for each of the concessions. The operators will be responsible for utilities, day-to-day upkeep, safety and security of the building. Wherein the City will continue to be responsible for the major maintenance of the building, surrounding grounds and adjoining washrooms.

### **Request for Proposal Process (RFP)**

An RFP is used when the City seeks proposals to provide a product or service. The New West Partnership Trade Agreement does not require issuance of an RFP for revenue generating opportunities such as this. It is an appropriate solution to seek a future operator through a competitive process. The last public offering for these two concessions was in 2022.

### **Analysis**

Strategically placed concession stands at parks and beaches provide locals and visitors with convenient refreshment options during the summer months, ultimately adding to the vibrancy of our community.

To ensure an open competitive environment the City's practice is to issue a request for proposal for concession operators. The intent would be for the RFP's to be issued and awarded in time for the operators to commence operations by May 1, 2025. City staff will bring this recommendation of the Parks and Recreation Advisory Committee back to Council for their endorsement prior to issuing the RFP.

### **Alternate Recommendation**

Alternatively, the Parks and Recreation Committee may wish to recommend Council consider extending the current License to Use Agreement with the current concession operators at Skaha East and The Peach concessions. If so, Committee should pass the following resolution:

1. THAT the Parks and Recreation Advisory Committee recommends that Council direct staff to renew the License to Use Agreement, for a three (3) year or five (5) year term, at annual market rate, plus CPI to Vallarta Fiesta Grill, the current tenant at Skaha East Concession, and Family Squeezed Lemonade Inc., the current tenant at the Peach Concession.

### **Attachments**

Attachment A – Aerial View of Buildings and Locations of the Skaha East and Peach Concessions

Respectfully submitted,

Sheri Raposo  
Land Administrator

Concurrence

Director,  
Community Services  
*KJ*

**ATTACHMENT A**

**3885 South Main Street – Skaha East Concession**



**185 Lakeshore Drive West – Peach Concession**

