



# Agenda

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## Penticton and Ellis Creek Restoration Select Committee Meeting to be held via Zoom

*\*Public attendance at committee meetings continues to be restricted due to limited space and the physical distancing requirements. If you'd like to watch or listen to the live Committee meeting, please email [Committees@Penticton.ca](mailto:Committees@Penticton.ca) 24-hours prior to the commencement of the meeting for the Zoom meeting participation details. You will have an opportunity to ask questions related to the agenda at the end of the meeting.*

**Wednesday, October 14, 2020  
at 9:00 a.m.**

1. **Call Regular Committee Meeting to Order**
2. **Adoption of Agenda**
3. **Adoption of Minutes** 2-5
  - 3.1 Minutes of the May 22, 2020 Penticton Creek and Ellis Creek Restoration Select Committee Meeting
 

Staff Recommendation:  
*THAT the Penticton and Ellis Creek Restoration Select Committee adopt the minutes of the May 22, 2020 meeting as presented.*
4. **New Business**
  - 4.1 Committee Member Status Updates & Roundtable Introductions – Paul Askey, Chair **Verbal**
  - 4.2 Penticton Creek Reach 12 Construction Update – Ian Chapman, City Engineer **Verbal**
  - 4.3 BC Salmon Restoration and Innovation Fund Grant – Mitch Moroziuk, General Manager of Infrastructure **Verbal**
  - 4.4 South Okanagan Conservation Fund Grant – Mitch Moroziuk, General Manager of Infrastructure **Verbal**
5. **Next Meeting**
6. **Public Question Period**
7. **Adjournment**



# Minutes

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## Penticton and Ellis Creek Restoration Select Committee Meeting

held via Zoom  
Friday, May 22, 2020  
at 9:00 a.m.

**Present: Voting Members**

Paul Askey, Freshwater Fisheries Society of BC (*Chair*)  
Camille Rivard-Sirois, Okanagan Nation Alliance (*Vice Chair*)  
Bryn White, South Okanagan Conservative Program  
Bill Wickett, Alternate, Penticton Fly Fisheries Association  
Gerry Turchak, Penticton Industrial Development Association  
Drew Nagy, Alternate, Penticton Industrial Development Association  
Sandy Ross, Parks and Recreation Advisory Committee Member

**Non-Voting Members**

Bruce McFarlane, Ministry of FLNRO, Regional Water Management  
Jim Arner, Ministry of FLNRO, Fish & Wildlife Division

**Council:** Frank Regehr, Councillor (*Liaison*)

**Staff:** Ian Chapman, City Engineer  
Mitch Moroziuk, General Manager of Infrastructure  
Paula McKinnon, Legislative Assistant

**Regrets:** Bruce Turnbull, Penticton Fly Fisheries Association  
Doug Maxwell, Member at Large

1. **Call to Order**

The Penticton and Ellis Creek Restoration Select Committee was called to order by the Chair at 9:00 a.m.

2. **Application of Rules of Procedure**

**It was MOVED and SECONDED**

THAT the Penticton and Ellis Creek Restoration Select Committee temporarily suspend the voting at meeting procedures (Council Procedure Bylaw No. 2018-35 25(1)(b)) and when ready to vote and the question is called those in favor will say "in favor" and those opposed will say "opposed" for the duration of the British Columbia provincial state of emergency in response to the COVID-19 pandemic.

**CARRIED UNANIMOUSLY**

### 3. **Adoption of Agenda**

#### **It was MOVED and SECONDED**

THAT the Penticton and Ellis Creek Restoration Select Committee adopt the agenda for the meeting held on May 22, 2020 as amended to include items:

- Item 5.1 - Conflict of Interest – Paul Askey, Chair

**CARRIED UNANIMOUSLY**

The Chair briefly reviewed the Zoom features prior to moving forward with agenda items.

### 4. **Adoption of Minutes**

#### 4.1 Minutes of the March 11, 2020 Penticton and Ellis Creek Restoration Select Committee Meeting

#### **It was MOVED and SECONDED**

THAT the Penticton and Ellis Creek Restoration Select Committee adopt the minutes of the March 11, 2020 meeting as presented.

**CARRIED UNANIMOUSLY**

### 5. **Business Arising from Prior Meetings**

#### 5.1 Conflict of Interest – Paul Askey, Chair

The Chair reminded the Committee about conflict of interest and asked that the Legislative Assistant review the procedure for declaring a conflict. Members at large shared their concerns regarding personal conflict from the March 11, 2020 Committee meeting and discussed their definitions of conflict of interest.

The Chair shared his views regarding Drew Nagy as having conflict of interest in any matters arising involving the Ellis reach adjacent to the Cantex property. Drew Nagy advised the Committee that he will be more considerate of potential conflicts moving forward and agreed to remove himself from committee meetings when decisions on that property are being considered.

### 6. **New Business**

#### 6.1 2020 Ellis Creek Emergency Work Update

The General Manager of Infrastructure provided the Committee with an update on the emergency work that has been completed on Ellis Creek with the goal of widening and increasing the depth of the creek from the Main Street Bridge to the east culvert crossing into the Penticton Regional Hospital and also a small area of work adjacent to Cantex lands.

#### 6.2 Adoption of Ellis Creek Master Plan and Predesign for Reach Adjacent to Proposed Cantex Development Update

The General Manager of Infrastructure informed the Committee that at the May 5, 2020 regular meeting, Council adopted the Ellis Creek Master Plan as guiding document with the Committee's additions of the recommended language referencing predesign work for the Cantex reach.

*Continued...*

## 6.2 Adoption of Ellis Creek Master Plan and Predesign for Reach Adjacent to Proposed Cantex Development Update - Continued

The General Manager of Infrastructure also informed the Committee that at the May 5, 2020 regular meeting, Council passed a resolution to request Cantex to complete a Riparian Area Assessment and an Environmental Assessment and have both documents submitted to the City and Province. Once a response is received from both bodies on those assessments, and if Cantex decides to proceed with their development, then a sole source contract will be issued to Stantec to undertake a predesign. Funding for the predesign work will be considered as part of the 2021 budget process.

A member at large inquired about the potential issue of conflict of interest again regarding the predesign costs which the City is responsible for. Staff assured the Committee that a municipality undertaking predesign costs is standard procedure for projects.

## 6.3 Penticton Creek Reach 12 Permit Application Update

The City Engineer informed the Committee that the fundamental item that still requires addressing is the section 11 approval as discussion is still on-going between the Ministry and Mould Engineering. A member at large, with the Ministry, informed the Committee that the Ministry is still in the process of consulting with First Nations.

Another outstanding aspect of the approval process is the review by the Department of Fisheries and Oceans on this project. The Department of Fisheries and Oceans can ask for a review and has done so. City has recently been informed of their concerns which is requiring them to take further review without providing a timeline. The City has responded with cooperation asking for an early review.

An update was provided regarding material purchase, sourcing and delivery. The City is proceeding with purchase of the diversion pipe. There are concerns regarding the availability of large river rock and riprap. The City Engineer is to meet with Jody from Mould Engineering onsite to confirm that we have enough materials or seek to identify additional sources for the project to proceed this year.

The Committee was informed that the project needs to get to being tendered quickly now, and Staff are hoping to resolve outstanding permit issues for this to take place.

The City Engineer confirmed with Committee members that the fish work window on Penticton Creek is August 7 to 24 and that there is an option to apply to potential extensions.

## 6.4 Penticton Creek Reach 3A Upper / 3B Detail Design Update

The City Engineer informed the Committee that Stantec Consulting has been working on 3A Upper/3B detail design however the business of creeks has been very busy during the recent freshet work. Stantec Consulting is currently working on a revised schedule but design work is continuing in the meantime.

The City Engineer also informed the Committee that more work has arisen around the Nanaimo Avenue bridge as there was an issue with the previously completed survey. The work will be added to the design exercise. Stantec has been asked to submit a review of outlining the issue to eliminate or replace the Nanaimo Avenue Bridge and provide options and associated costs.

*Continued...*

6.4 Penticton Creek Reach 3A Upper / 3B Detail Design Update - Continued

A brief discussion ensued regarding funding impacts during COVID-19. The General Manager of Infrastructure informed that Committee that a \$750,000 grant received and asked that Committee member keep staff informed of any upcoming funding opportunities.

7. **Next Meeting**

The next Penticton and Ellis Creek Restoration Select Committee meeting date is to be determined.

8. **Adjournment**

THAT the Penticton and Ellis Creek Restoration Select Committee adjourn the meeting held on Friday, May 22, 2020 at 10:01 a.m.

Certified Correct:

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Paula McKinnon  
Legislative Assistant