

MINUTES OF A REGULAR MEETING OF BIG BEAR MUNICIPAL WATER DISTRICT HELD ON THURSDAY, FEBRUARY 7, 2013

CALL TO ORDER

President Smith called the Open Session to order at 1:00 PM. Those in attendance included Director Murphy, Director Lewis, Director Suhay, Director Eminger, District Counsel Wayne Lemieux (via Skype), General Manager Scott Heule, Lake Manager Mike Stephenson, and Board Secretary Vicki Sheppard.

REPORTS

General Manager, Scott Heule reported that as usual, the “winter projects” have run into the summer planning period and Staff is now thick into the efforts to recruit seasonal help, establish operations policies, and prepare the first draft of the FY 2013-14 Budget. He stated that he, Mike Stephenson, Carrie Shirreffs, and Adam Williams spent nearly all day yesterday working on the budget explaining that they are well along in the process to have a first draft available for review by the Budget and Finance Committee on February 19th. He commented that the biggest unknown at this time is how big of an increase in health insurance we will see, probably in the range of 6% to 10%. Mr. Heule reported that he has completed all of the standard end-of-year reports and can now get back to documenting work-in-kind for the ACOE studies that ended two years ago. He reported that he attended both the Technical Advisory Board and the Public Workshop meetings last week for the Trails Masterplan. He stated that he pointed out the conservation easement on the south side of the Bear Loop subdivision explaining that if a trail is proposed to extend the Stanfield Marsh boardwalk to complete a circuit back to Stanfield Cutoff on the north side, hopefully they will avoid even marking on a map an alignment that encroached on the area.

Lake Manager, Mike Stephenson reported that the gangway bridge arrived at the trout pond yesterday. He explained that they are going to wait to place it. He stated that the lake level is now at 67’ 11”, down 4’ 4”, explaining that it has come up from being down 4’ 8” back up to 4’ 4” down from full today. He reported that applications are coming in for the ramp attendant and maintenance positions. He commented that we have 30 maintenance and 40 ramp applications so far to review. He explained that they will review and screen the applications on the 11th and decide which applicants to ask to come in for testing. He added that they will be filling 4 ramp attendant positions and 1 maintenance position. He reported that no patrol positions will be added at this time.

APPROVAL OF CONSENT CALENDAR

Upon a motion by Director Suhay, seconded by Director Eminger, the following consent items were unanimously approved:

- Minutes of a Special Meeting Workshop of January 16, 2013
- Minutes of a Regular Meeting of January 17, 2013
- Warrant List Dated January 29, 2013 for \$40,013.12

CONSIDER APPROVAL OF A SPECIAL EVENT PERMIT FOR REDLANDS BICYCLE CLASSIC TIME TRIALS BEING PROPOSED FOR APRIL 4, 2013

Mr. Heule reported that every year before the event the Redlands Bicycle Classic conducts time trials and for 2013 have asked that the East Launch Ramp be used for staging the trials along North Shore Drive on Thursday, April 4. He explained that based on past ramp use statistics, Staff believes demand for the launch ramp this early in the season will be low, therefore the Operations Committee believes the launch ramp can be closed to boat traffic for the day and the Redlands Bicycle Classic can use the ramp parking lot for their event. He commented that launch ramp offices and bathrooms will be closed. Mr. Heule added that District Staff will not be required and all boater traffic will be directed to Big Bear Marina where they will be allowed to launch free of charge as a condition of the approval of the event. He explained that event sponsors will be required to fund any additional expense associated with the free launching and inspection at Big Bear Marina. He reported that based on the application, discussions and subject to standard conditions and the special conditions listed below, the Operations Committee recommends approval of this special event.

Proposed Special Conditions

- Applicant shall post ramp closure advisory signs prior to the event at all road closure signage wherever they are placed, at least 7 days prior to the event.
- Applicant shall make and post signs and print information flyers for April 1st advising the East Ramp closure date and times using language and locations approved by the Lake Operations Supervisor.
- Applicant will be given a key to use the morning of the event to unlock a lock in a daisy chain at the East Ramp gate for the date of the event only.
- Applicant shall make arrangements, financial and/or otherwise, with Big Bear Marina to allow free of charge boat launching the day of the event.

Director Eminger asked if the highway will be closed for the event. Mr. Heule explained that it will be closed. Director Murphy added that the event may not happen because they have not yet received approval from Fawnskin for highway closure. President Smith asked how decontamination's are going to be handled if the public ramps are closed. Alan Sharp, Big Bear Marina, responded that the District would need to have a decontamination unit available at the main office. Mr. Heule stated that a unit will be available at the Administration building. Mr. Sharp offered another option "just turn the ramp at Big Bear Marina over to the District for that day". Mr. Heule explained that the event sponsor will have to come to an agreement with Big Bear Marina.

Director Suhay moved approval of the Special Event Permit for Redlands Bicycle Classic Time Trials as long as they meet all of the special conditions named in the permit. Director Murphy seconded the motion and it was unanimously approved.

CONSIDER APPROVAL OF BIG BEAR MARINA ACTION AQUA FLIGHT FLYBOARD CONCESSION

Mr. Heule reported that Belinda Bain, owner of Action Zipline and Action Segway tours here in the valley, proposes operation of a "flyboard" concession at Big Bear Marina. He stated that the

flyboard uses water pressure from a hose connected to a PWC to lift the rider out of the water into the air. He explained that the PWC operator controls the flow of water into the flyboard manifold so if any problems arise he can cut the flow allowing the rider to drop back into the water. Mr. Heule reported that the water goes to a manifold at the rider's feet and is distributed to two large nozzles pointed downward from a board strapped to the rider's feet and two smaller nozzles held in the rider's hands. He added that once the rider is in the air he can maneuver around and hover in place. He explained that the hose is long enough to enable the rider to maintain a safe distance from the PWC and operator. Mr. Heule reported that the proposed activity will begin from the east side of Big Bear Marina docks and into a marked special use area. He added that the concession will be paying for the marker buoys so there would be no additional expense to the District. He commented that regular boating traffic is allowed to navigate through marked special use areas of the Lake but only when they are not in use in accordance with District regulations. He explained that the concessionaire would have specially trained staff operating the PWC's and only two of these flyboards would be operating at one time. Mr. Heule reported that riders would wear helmets, PFD's and a wet suit and would not operate more than 15 feet in the air. He added that the concession would have liability insurance that names Big Bear Marina as additionally insured. He explained that the Lake Manager and Lake Operations Supervisor have worked with the concessionaire to identify appropriate safety measures and activity locations and both are satisfied that the proposal as described is satisfactory considering public safety, boat traffic navigation, and neighboring private docks on the Lake. Mr. Heule reported that after the presentation by the concessionaire and their answers from the Committee, the Operations Committee concluded they could recommend approval of the concession. Adam Williams (Lake Operations Supervisor) gave a PowerPoint presentation explaining the logistics of the concession and also a video presentation showing the Aqua Flight Flyboard in action. Nolan Warriner, representing Belinda Bain of Action Zipline, was present to answer questions. Mr. Jack Williams, Big Bear Lake resident, asked about the noise level explaining that the residents on Simmons Drive might be affected by the noise. Adam Williams reported that it would not present a significant noise level (no louder than any other PWC). Director Lewis asked if other lakes in the area have this concession. Adam Williams stated that no lakes in this area have it, adding that a few places in the San Diego area may. Nolan Warriner responded that the only noise would come from the PWC explaining that they are 4-stroke and not as noisy as other 2-stroke PWCs that are present on the lake. President Smith asked how many people would be participating in a day. Mr. Warriner explained that there would be about 28 riders on a full day. He stated that it is a very popular sport in France and on the East Coast but on the West Coast it is so new that few people have seen it before. Director Suhay commented that when people see it on the Lake, they would want to try it and it could become self promoting. The noise level was discussed to great lengths with no conclusive answer as to the exact level of noise produced. Director Eminger asked how much it would cost to ride the flyboard. Mr. Warriner stated that it would be \$99 per ride. President Smith asked what water depth is required for this event. Mr. Warriner explained that 6' to 8' of water is required. Director Eminger asked if there were any weight concerns regarding the rider. Mr. Warriner explained that they could weigh up to at least 300 pounds. President Smith asked about parking at Big Bear Marina. Alan Sharp explained that the number of cars that would be participating in this event would not be significant adding that parking will vary considering the other marina patrons and they will address this if a problem occurs. He explained that this is safer than parasailing and many other activities allowed on the lake. President Smith asked if Big Bear

Marina is the additionally insured on the insurance policy, would the District be liable in the case of an accident. Mr. Heule explained that Big Bear Marina names the District as additionally insured on their policy and they are the concessionaire so the District would be covered under their policy. President Smith asked if the riders would pay at Big Bear Marina. Mr. Warriner stated that Action Zip Line has two offices and the payments will be taken at one of those offices explaining that riders will be required to watch a safety video and then bring the receipt to the marina for their ride. President Smith stated that it will be a 1 year trial. Jack Williams asked if the District was going to run a noise level test when the riders are actually in front of the private homes on Simmons Drive. Director Suhay said we know how much noise a jetski makes and this isn't much different. Mr. Heule stated that this is only a one year trial and we can address noise issues if they arise. Mr. Larry Cooke, Big Bear Lake resident, stated that he has a number of points that he would like to address. He explained that he once had a parasailing concession and feels Big Bear Marina should be coming to the Board and not the concession. He explained that the District should be named as additionally insured and not just the marina (applicant, Big Bear Marina, and the District, in that order). Mr. Cooke explained that at the time he was asked to make a presentation to ACWA/JPIA regarding parasailing. He stated that there will be accidents and lawsuits and the District should plan on that. He also stated a last concern of his is that the Department of Boating and Waterways should be involved and require a for hire license. He added that he feels the homeowners along Simmons Drive should be "noticed" regarding the concession. He also advised that the waivers of liability (that riders are asked to sign) should be looked at. Mr. Heule explained that the concession is Big Bear Marina's and not the District's adding that ACWA/JPIA has already considered insurance issues related to the concessions and is satisfied with the District being named additionally insured by marinas. Wayne Lemieux reported that liability issues are covered. Director Suhay asked if the insurance was the same as for Action Zipline. Mr. Warriner added that the company has very high liability insurance explaining that they are fully covered. Adam Williams reported that they have not received a ruling as to whether the flyboard is a vessel or not (at this time it is not considered a vessel). Mr. Heule stated that they would require a "For Hire" license from Boating and Waterways to operate the PWC. Director Eminger reported that he feels this event will bring people to the lake to try it. Much discussion ensued as to the noise level issue and the For Hire License issue. Director Eminger moved approval of the concession as presented. Director Suhay seconded the motion. Director Murphy stated that staff should perhaps look again at the noise, waiver, and insurance issues. Mr. Heule stated that if the Directors wish, Staff could do further research. Alan Sharp stated that if the District is going to review Big Bear Marina's waivers, then they would need to review all waivers of all marinas. He explained that in order for this concession to be successful they need time to advertise and not to waste time. Wayne Lemieux stated that they could approve it subject to some conditions but if they are going to require noise testing and have insurance questions, they might want to set it aside and call a special meeting later. Director Suhay stated that the noise level rules would apply under any circumstances. Mr. Heule explained that most of the other things are already addressed and the biggest issue seems to be the impact of those people on Simmons Drive. President Smith stated that if noise level is the only issue, maybe the District could move the buoys to address the noise. The logistics of moving the buoys was discussed. President Smith said he had a motion and a second asking for a vote.

Director Eminger moved approval of the Big Bear Marina Action Aqua Flight Flyboard Concession. Director Suhay seconded the motion and it was unanimously approved.

PUBLIC FORUM

No additional comments were made

ANNOUNCEMENTS

Mr. Heule explained that the next Board meeting will be February 21st during which time several special event applications will be considered including a triathlon.

DIRECTOR COMMENTS

No comments were made

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:19 P.M.

NEXT MEETING

Open Session at 1:00 P.M.
Thursday, February 21, 2013
Big Bear Municipal Water District
40524 Lakeview Drive, Big Bear Lake, CA



Vicki Sheppard
Secretary to the Board
Big Bear Municipal Water District

(SEAL)