

REGULAR MEETING #567
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
February 22, 2011
OPEN MEETING – 6:30 PM
Palisades United Methodist Church
27002 Camino de Estrella, Capistrano Beach, CA 92624

A. CALL TO ORDER

Board President Bell called the meeting to order at 6:30 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Directors Present: Bell, Levinson, Bancroft, Schwartz & Gutierrez
Directors Absent: None
Staff Present: Manager Russell
Guests Present: Brian Sanchez of Securitas
Corin Bemus of Bemus Landscape Company

D. PUBLIC COMMENTS

Corin Bemus of Bemus Landscape Company was present to introduce himself as the District's new landscape maintenance contractor and answered questions from both the Board and attending property owners. Director Gutierrez pointed out to staff that it will be helpful for Bemus LS to have a copy of the landscape plans in their possession for the layout of plants, accent lighting and the irrigation system.

E. APPROVAL OF MINUTES

1. Meeting #566 of January 25, 2011

Motion was made by Director Bancroft, seconded by President Bell and passed 5-0 to approve the minutes of meeting #566 of January 25, 2011.

2. Early approval of minutes

Manager Russell recommended and the Board agreed, to an early approval process of the Board minutes to reduce the current one month lag time between meetings. This procedure would allow for an approval by Directors to release a set of *DRAFT* minutes in a 'read-only' format within 7-10 days of conducting a Board meeting so homeowners not attending the meetings can have access to the District's monthly business within a week to ten days rather than making everyone wait a full month. Property owner Sandy Hoose asked if the Board would consider a professional scribe or stenographer to produce the minutes in a more comprehensive form. Director Gutierrez pointed out that homeowners are welcome to phone the District Manager and ask for further details and clarification on any topic in the minutes.

F. SECURITY ACTIVITY REPORT

1. The monthly report for January 2011 was presented for review.

Securitas Branch Manager Brian Sanchez pointed out that there should be an emergency 24 hour phone number for contact to the landscape contractor in the event of a sudden water leak from a broken sprinkler head or water pipe. Director Bancroft reminded staff to send out a community notice on the March 31, 2011 deadline for exclusive transponder use at the resident entrance driveway.

G. FINANCIAL REPORT

1. The claims and transmittals were presented for review.

2. Monthly expenses and year to date reports through January were presented for review.

President Bell requested an expense report explaining the areas of the operating budget that are going over budget. Director Bancroft expressed his concern with the District filing a claim for grant funding from FEMA to get reimbursement for the debris cleanup on the beach. The concern is twofold; in accepting public funds for private beach cleanup that might lead to possibly opening the door for more public access and also the idea of taking government funds for a maintenance activity that the District can afford to pay. It was agreed that no claim would be filed to seek reimbursement for debris cleanup with appropriate government agencies. Director Gutierrez pointed out the requirement that ALL vendors, service providers and subcontractors are to provide proof of liability and workers comp. insurance to the District. Director Schwartz followed by pointing out that this is especially significant since the District's current liability insurance policy now carries an exclusion for all service providers except District employees and asked staff to look into purchasing that exclusion back from the liability provider.

3. Collection of Fees

There were no comments or discussion on this item.

4. New bank signature card for all Directors

Manager Russell explained that when new Directors come onto the Board a new signature card document must be signed by all Directors for purposes of conducting banking business through the year.

H. ENTRY PROJECT and NORTHGATE PROGRESS REPORT

1. Punch list items remaining for entry project.

President Bell stated he covers punch list items over the phone on Fridays with the District Manager.

2. Discussion on the Coastal Development Permit application for the northgate area.

Director Bancroft opened the discussion of this topic with a chronological review of the events that resulted in the City denying the CDP application to permanently locate the District office in the northgate area, citing zoning restrictions and ocean view issues. Additionally, the City requested the portable office be removed from Beach Road by the end of February. This left the Board with no choice but to rent (month-to-month) office space nearby as a temporary solution. The District administration office has been temporarily split between the District Manager working for a portion of each day in the small office in the rear of the guard building and the Admin. Assistant and all the District's files moved to an offsite temporary office. Director Gutierrez added that in denying the Coastal Development Permit (CDP) application the City did give some indication that the

District would have a better chance of getting a permit if the office building could be located back inside the entry gates closer to the guard building. Property owner Sheila Bullock suggested that ahead of submitting another CDP application there should be a letter-writing campaign to the City showing strong community support for keeping the office on site. Director Schwartz recommended a petition be sent around for signatures. Property owner Joe Dunn brought up the concern by another property owner, Chris Miller, who is opposed to the appearance of the existing portable office building. When asked, Chris Miller stated he could accept the structure if it had an attractively designed exterior that blended in with the architecture and improvements that are currently in place around the community entrance. President Bell closed the discussion with two thoughts: First that it has always been the intent of the Board to keep the District office in the community and that previous Board meetings reflect that thinking. Second he stated a plan of action would be worked out taking into account the comments and suggestions made tonight regarding support letters, possibly a petition, and the District would then follow with submittal of another CDP application as soon as reasonably possible to permit the District office to be permanently located back on site in the community.

I. COMMITTEE REPORTS

1. LCP Committee

There was no report for this item.

2. CBRA Activity Report including Quality of Life Committee

There was no report or discussion on the item.

J. MANAGER'S REPORTS

1. Review of Manager's Priority List

This item is also discussed on Fridays between the Board President and the Manager.

K. OLD BUSINESS

1. Dolphin statue proposal by Bill Limebrook

President Bell reminded everyone of the proposal by Bill Limebrook for an enhanced bronze addition to the three dolphins that could cost as much as \$35,000. This proposal includes a relocation of the existing statue which will eventually require a permit. Director Gutierrez pointed out that even though this is a separate item from the District office issue, the two are located in generally the same area it should be delayed until the office issue is resolved and an overall plan can be designed. Vice President Levinson stated his concern that even though the proposed plan is beautiful, the cost estimate is hard to justify and he would be opposed to having the District spend so much money unless there was some financial support from the CBRA and/or the community to offset the cost. Property owner Chris Miller suggested Mr. Limebrook approach the County to have the statue moved over onto their corner planter area adjacent to our entrance for the entire public to enjoy. Director Schwartz volunteered to write a letter to the County on behalf of Bill Limebrook to open the conversation regarding the possibility of moving the dolphins to County property.

L. NEW BUSINESS

1. Discussion regarding future District improvement projects

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President Bell stated that the Board is currently considering future projects, one of which would be to place overhead utilities underground. SDGE had been invited to attend tonight's meeting to discuss cost estimates but no one was available and this item is postponed to next month.

M. **WRITTEN COMMUNICATIONS**
There were no written communications

N. **BOARD AND STAFF COMMENTS**
There were no board or staff comments

O. **ADJOURNMENT**
The meeting was officially adjourned at 8:45 PM.

ATTEST:

State of California)
County of Orange)ss
Capistrano Bay District)

I, **Donal S. Russell**, Manager of the Capistrano Bay Community Services District hereby certify that this is an *APPROVED* copy of the Minutes of meeting #567 held on February 22nd, 2011.

Donal S. Russell
DONAL S. RUSSELL, Manager

March 29, 2011
DATE