

REGULAR MEETING #568
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
March 29, 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 6:35 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/INTRODUCTION OF RECORDING SECRETARY

Directors Present: Bell, Levinson, Bancroft & Gutierrez

Directors Absent: Schwartz

Staff Present: Manager Russell

Guests Present: Patti Good, SDGE Governmental Liaison
Brian Sanchez, Securitas Branch Manager

The District has temporarily hired a recording secretary, Ms. Colleen Guerrero.

D. PUBLIC COMMENTS

1. Resident Jeff Lurner regarding Ord. 06-203 non-compliance for beach fires and smoke.

To reduce potential health hazards due to windborne smoke from beach fires, it was suggested that rental tenants sign to comply with Ordinance 06-203 and that security be cognizant of the ordinance and use enforcement procedures to ensure compliance. Securitas currently logs fire/smoke calls on the Activity Log and the Incident Report. Board President Bell will further discuss the ordinance with the rental companies and security.

2. Ingress/Egress around guard building – Residents Jeff Lurner, Gail Becker, Jan Jahnke
Incoming guests regularly do not yield for incoming residents at the rear of the guard building. Manager Russell and security implemented a timing sequence to open the gate for guests after a delay to allow residents to enter. Use of a painted line or flashing stop is suggested along with the existing yield sign. Construction cones may be added where the two incoming lanes converge to one lane.

3. Presentation by SDGE regarding undergrounding of overhead utilities.

SDGE Governmental Liaison Patti Good discussed general details and answered questions regarding the possibility of removing all overhead power and communication lines and poles along Beach Road and placing these utilities underground. Patti provided the board with a packet containing the Year 2000 design, the original trench and conduit system and a brochure outlining how SDGE works with companies on underground conversions.

SDGE is responsible for the overhead removal costs. The customer (District) is responsible for the trench, conduit and substructure. Standards have changed since 2000. There are new environmental requirements, conduits are larger, and different styles of street lighting are available, i.e. Mission Bell or Victorian. SDGE's corporate tax department reviewed the

2000 estimate regarding taxable improvements. Since the proposed improvement is used for public benefit, the District would be exempt from paying this tax.

SDGE requires an engineering fee to update the job estimate. The engineering fee cost is \$1.53/ft of estimated conversion for 10,000 lineal feet (less than 2 miles) for a total of \$15,003. The district must bid out the trench, conduit and substructure job. There are three other utilities on the line: AT&T, Cox, and MCI. The next step is to schedule a meeting with the three utilities to determine their requirements, fees and timelines.

SDGE costs do not include street lights or service on public property. SDGE bills lighting per month and can provide service points. New pull boxes, vaults and above-ground transformers will be needed for maintenance and accessibility. Easement acquisitions and transformers placed on private property may be an issue. SDGE will need a copy of any district improvements that were done since June of 2000.

SDGE needs three to four months to redesign the project. The other three utilities on the line will need an engineering fee to start plus research for easements and due diligence of property will take about a year. Construction will take another year from the date of contract signature to completion. There will be access issues during the construction phase creating possible additional schedule delays.

Jack Tarr suggested relocating the street lights to the RR side of the roadway to eliminate some of the current issues with street lights shining into windows at night and pointed out that the typical difficulty with funding through an assessment district formation process could be eliminated or at least diminished if all property owners could somehow pay their portion upfront in cash and suggested the District might explore the possibility of arranging some kind of financing mechanism for those property owners who could not pay cash.

E. APPROVAL OF MINUTES

1. Meeting #567 held on February 22, 2011

Motion was made by Director Bancroft, seconded by Vice President Levinson and passed 4-0-1 (Director Schwartz absent) to approve the minutes of meeting #567 of February 22, 2011.

2. Discussion regarding a document retention policy for tape recordings.

Motion was made by Director Bancroft, seconded by Vice President Levinson and passed 4-0-1 (Director Schwartz absent) to establish a policy of erasing or otherwise destroying tape recordings of District meetings after 30 days and not before any particular meeting minutes are officially approved by the Board.

F. SECURITY ACTIVITY REPORT

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

Securitas Branch Manager Brian Sanchez reported 10,091 gate entries for February 2011, with traffic due to increase in future months. There was 1 police action for trespassing. Speeding citations were reduced to 4. Mr. Sanchez witnessed the gate timing sequence

whereby the visitor gate is not opened until the resident passes through first and pointed out that while this works most of the time, there are times when multiple vehicles are entering on the resident side which can tend to confuse the intended sequencing.

2. Tsunami, earthquake and emergency evacuation and community access.

Staff provided a report on a recent meeting with City emergency management officials regarding the police restricting access to Beach Road during the Japanese tsunami event. Residents Gail Becker and Jan Jahnke received an automated phone call notification at 4:30AM. Resident Jack Tarr received two automated calls. Resident Chris Miller reported that the sheriff would not allow him access to check on his mother who is in a wheel chair. Director Bancroft was allowed to return to his home after leaving for an errand but only by following the Dana Point City Manager's vehicle into the District. Residents did not expect the sheriff to close the roads and many were caught on the outside and could not get back home. There were clearly communication problems between the City, District management and security.

The Board pointed out that persons needing assistance to evacuate should set up their own evacuation plan that relies on a list of several capable neighbors who can be called on to help. All permanent residents should also have a contact list of three neighbors who can assist to evacuate. In an emergency of short notice it may not be possible for the two on-duty security officers to assist everyone.

In future, better communication and preparedness is needed. Securitas and District staff will work together to help develop a protocol for persons who can't self-evacuate and for special procedures for security staff to implement such as overriding and leaving ALL the gates open for immediate egress needs and notifying the District Manager if he is not already present.

G. FINANCIAL REPORT

1. The claims and transmittals were presented for review.

Board President Bell requested clarification of monies transferred from Wells Fargo. Manager Russell reconfirmed details.

2. Monthly expenses and year to date status through February 28, 2011 were presented for review.

Resident Gail Becker asked about the new landscape contractor's performance. Manager Russell reported that Bemus Landscaping has a broad base of resources for plant care, herbicide/pest control, prune/weed/trim, sprinkler systems and low voltage lighting specialists. Director Gutierrez commented that some of the trumpet vines along the railroad chain link fence look like they are not getting enough water. Manager Russell stated that some of the vines are located in a low area, subject to flooding and will contact Bemus to check the irrigation system and replant any dead vines.

3. Collection of Fees

No comments or discussion on this item.

4. Update from Sacramento regarding special district funding and consolidations.

Manager Russell reported that the state legislature periodically reviews the revenue streams to special districts in order to capture tax revenue and efficiencies. The California Special Districts Association (CSDA) has representatives in Sacramento who specifically watch over special district interests and provide weekly updates to all special districts on pertinent legislation.

H. ADMINISTRATION OFFICE RELOCATION

1. Update on the future permanent location of the District office.

Director Gutierrez and Manager Russell met at City Hall with Kyle Butterwick, Director of Community Development. It was confirmed the District will have to apply for a Coastal Development Permit. The timeline could be two to three months to meet city requirements. Resident Gail Becker asked if the open grass area could remain undisturbed and instead place the portable office in the first parking paved parking area. Director Gutierrez responded that the original CDP conditions required specific parking and open area designations and proposing a change to these conditions could result in a denial by the City.

I. COMMITTEE REPORTS

1. LCP Committee/CBRA Activity report

No written reports.

J. MANAGER'S REPORTS

1. Review of Manager's Priority List

There was no discussion on this item.

2. Discussion of the District's storm drain system.

Director Bancroft reported that the storm drain at 35125 is blocked. Manager Russell explained the drain is a corrugated metal pipe (CMP) that begins from the edge of the road and proceeds 85 feet seaward then comes to an abrupt end. There is no drain pipe for the next 60 feet, then another pipe section picks up again and continues for about an additional 60-80 feet onto the beach. Manager Russell estimates construction costs of approximately \$20,000 to repair this drain. Staff was directed to begin getting cost estimates for repairs. Director Gutierrez stated that the flapgate at Drain #14 - 35697, is rusted closed and will not open to allow water to drain out. Staff was directed to inspect this drain and organize repairs.

Director Gutierrez recommended a civil engineer hydrology study to determine whether larger pipes/other differences are needed to update the District's entire storm drain system. Manager Russell stated that a hydrology report already exists from the 2010 entry project that should be reviewed ahead of ordering a completely new hydrology study. Staff will keep the Board informed as progress is made on reviewing/evaluating the drain system.

K. OLD BUSINESS

There was no old business.

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L. NEW BUSINESS

There was no new business.

M. WRITTEN COMMUNICATIONS

There were no written communications.

N. BOARD AND STAFF COMMENTS

1. Encroachment Permit Security Deposit Refund

Director Gutierrez asked staff to review the security deposit refund status of the encroachment permit for 35611.

O. ADJOURNMENT

The meeting was officially adjourned at 8:40 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 #568 held on March 29, 2011.

Donal S. Russell
DONAL S. RUSSELL, Manager

April 29 , 2011
DATE