

REGULAR MEETING #569
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
April 26, 2011
CLOSED SESSION – 6:00 PM
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 6:50 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Directors Present: Bell, Levinson, Bancroft, Gutierrez, Schwartz
Directors Absent: None
Staff Present: Manager Russell
Guests Present: Brian Sanchez, Securitas Branch Manager

D. PUBLIC COMMENTS

There were no public comments.

Closed Session Report of Action

Board President Bell reported that no action was taken during the 6:00 PM closed session.

E. APPROVAL OF MINUTES

1. Meeting #568 held on March 29, 2011

Vice President Levinson requested a revision to the audio tape recording policy to read as follows: "DISTRICT AUDIO RECORDING RETENTION POLICY."

Resident Sandy Hoose asked how the retention period was decided. Director Bancroft responded that the Government Code requires no less than a 30-day retention period. The tape recordings are actually destroyed 60 days after the meeting date to allow for the review and approval process to take place. The Board pointed out that a future policy may be needed to address retention periods for financial records, contracts and other documents.

Motion was made by Director Bancroft, seconded by Vice President Levinson and passed 4-0-1 (Schwartz was absent on 3/29) to approve the minutes of meeting #568 of March 29, 2011, as revised..

F. SECURITY ACTIVITY REPORT

1. One month period for March, 2011 (Securitas)

Securitas Branch Manager Brian Sanchez reported 12,000 gate entries for March 2011; a slight increase as summer approaches. There was some property damage where a limousine

struck a carport support post. Other incidents included a vehicle driven onto a landscaped area, a guest not on entry list denied access, maintenance issues and animal control. Speeding citations for 29 mph were issued in the 300 block and the 600 block. There was a decrease in parking and fire lane violations. Securitas and Manager Russell will work on emergency response policies to determine the best procedures to adopt and coordinated this with the City's emergency procedures.

Director Gutierrez asked that Security discontinue their convenience-parking in areas immediately surrounding the guard building. Security was directed to park in marked locations only and to ensure that service vehicles do not also "convenience-park" around the building.

As a result of resident Sandy Hoose's question, Staff was directed to reintroduce the police officer traffic report into the monthly Security Report

2. Proposed relocation of speed limit and fire lane signs near community entrance.

Staff is recommending these signs be relocated to a more visible location along the fence line about midway between the guard gate and the first residence. Director Gutierrez noted that too many signs at the entry create visual pollution. It was suggested to place the signs further south nearer the stop sign adjacent to the first residence. Staff was directed to send sketch to Gutierrez for placement and spacing discussion before actually relocating the signs.

G. FINANCIAL REPORT

1. The claims and transmittals were presented for review.

2. Monthly expenses and year to date status through March 31, 2011 presented for review.

Board President Bell asked about differences between the property tax revenue details of March 2011 versus the Budget. Staff noted this was due to timing issues of apportionments actually deposited on a date that differs slightly from the budget schedule.

President Bell expressed some concern regarding the payments of monthly expenses and recommended creating an expense approval process that provides a more clear comparison between the invoices for goods and services and the checks the Directors are expected to sign each month.

Director Gutierrez suggested starting a purchase order system, and/or obtain alternate bids for services to the greatest extent possible. Director Bancroft noted that obtaining authorization and the use of purchase orders on non-budgeted items should be a standard part of internal controls.

President Bell recommended if the expense is over \$500 and above budget, a copy of the approval and P.O. must be attached for the check signer's review. In the case of an emergency expenditure, Manager Russell must obtain pre-approval from the President. Example: If normal expense for the landscaping company is \$450/mo., an additional \$300 to perform one-time emergency sprinkler maintenance would be acceptable because the additional expense is under \$500. If over \$500, authorization must be obtained from the Board President or Director and a P.O. must be created before the expense is generated.

Motion was made by Director Schwartz, seconded by Vice President Levinson and passed 5-0 that monthly service contracts already adopted into the budget do not require purchase orders unless any additional amount to be paid exceeds \$500 and that all non-contract payments exceeding \$500 require a purchase order.

3. Collection of Fees

Manager Russell reported that all fees are paid in full.

H. ADMINISTRATION OFFICE RELOCATION

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

Resident Sandy Hoose asked about the permit status to move the temporary office back to the initial location. Staff reported that the process has been stalled by the City requiring compliance with handicap accessibility codes and a meeting is scheduled for tomorrow (Wed, April 27) at City Hall to find out exactly what is being required so the process can move forward once again with any further delays. Staff was authorized to contract with an engineer and designer to begin creating the necessary project plans for submittal to 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

President Bell asked about replacing the cabinets and floor tile in the guard building. Staff explained that bids have been received and work could get underway sometime after the administration office is relocated back on property.

It was pointed out that the stop sign on the visitors side of the community entrance is ineffective being placed on the right side in the low planter and it was recommended to be relocated over on the left side of the driveway to make it more visible to drivers. Staff was directed to temporarily locate a mock-up stop sign in the planter directly behind the guard building so Directors could drive by and review for approval.

Motion made by President Bell, seconded by Vice President Levinson and passed 5-0 to approve the permanent hiring of Colleen Guerrero as the District Recording Secretary.

2. Community entry area maintenance report.

- ❖ Wood finish on guard building and vehicle gates: Staff has scheduled inspections for every 3 months to check maintenance.
- ❖ President Bell asked about the \$1600 fee that was previously paid to the City for a CDP application. Director Gutierrez explained the fees will remain with the City for now and be applied to the CDP that is soon to be submitted for the admin office project.
- ❖ Undergrounding of overhead power pole utilities: this item is tabled for now.
- ❖ Director Gutierrez stated that 25% of the vines along the fence are dead. Staff had sent a request to Bemus Landscaping for a proposal to replant and investigate the function of

all the sprinklers in this area. On the visitor drive, 7 of the same trumpet vines are showing signs of dying and will be addressed by Bemus.

- ❖ Potential effects of smoke from beach fires on residents. In response to a resident's request for enforcement of the smoke policy, Director Gutierrez recommended that a letter be sent from the attorney to residents stating the Board's standing and intended actions. Resident Hoose stated that the homeowners should be responsible instead of the transient occupants. Manager Russell to create a notebook to log citations for enforcement documentation. Director Levinson stated the importance of following up with post orders to Securitas to eliminate disconnects from directives coming from the Board.
- ❖ Staff was directed to draft a letter for the Board's review by May 4 before sending to the attorney to finalize a letter to the residents regarding smoke from beach bonfires and a more assertive enforcement program. Resident Levinson suggested that a notification letter of health concerns also be sent to the 10 homeowners on either side of 35621.
- ❖ Director Gutierrez reminded staff to refund the security deposit being held by the District on the property at 35611, in the amount of \$1000.
- ❖ Vice President Levinson requested an electronic copy of the Government Code regarding Special Districts.
- ❖ Several Directors requested clarification of the Brown Act regarding email correspondence between Directors. It was agreed to discuss this with District legal counsel in an upcoming previously planned teleconference.
- ❖ Bronze signs (7) – Staff pointed out that the background finish is blistering/peeling off. Board recommend no action. Continue to allow patina to develop naturally.

K. OLD BUSINESS

1. Discussion of storm drain no. 2 (next to 35121 Beach Road)

Mgr. Russell met with civil engineers Peter & Associates to review the hydrology of the drain and the areas both up and downstream, and outside areas including the railroad, coast highway and bluffs. Revisions or upgrades may be needed re: pipe sizes and size of catch basins.

A contractor also reviewed the drain areas and estimated that use of existing pipe sizes, along with removal and reinstallation of landscape elements i.e. stone, sod, lights and sprinklers would cost roughly \$21,000.

The engineer will complete the review of the hydrology study next week. Resident Sandy Hoose suggested hiring a civil engineer to review the 8 District drains. Future steps will involve obtaining a scope of work and proposal from the civil engineer to begin review. The civil engineer will need to work with the City on the master drainage plan to determine if it is still valid or if it is to be updated.

Director Gutierrez asked about maintenance/repair responsibility. Staff explained that the district is responsible and has rights to the subsurface structures. Russell to respond back to the Board with the hydrology report and recommendations.

L. NEW BUSINESS

There was no new business.

M. WRITTEN COMMUNICATIONS

1. Email letter from resident Chris Miller requesting the Board to consider outsourcing the management of the District to a private property management company.

Board President Bell explained this would need to be reviewed by District legal counsel which will be addressed the following day in a teleconference with Bell, Schwartz and the attorney, Bob Owen. President Bell will report back to the Board on the details of the meeting with counsel.

N. BOARD AND STAFF COMMENTS

1. Email communications between Board president and directors.

President Bell reported that some emails are not responded to in a timely manner or not responded to at all. He asked directors to be responsive, use professional language and copy President Bell when sending emails to the Manager. Continue to add "Please Reply" or "Response Required" in e-mail headings when a response is needed.

Manager Russell commented that OCTA has planned to place an electronic directional sign in the planter at the entry where the tall lava monument column sits. The sign shows as no left turn when the train is coming. The railroad has agreed to move the sign and provided a detail of the new location. Staff was directed to send a copy of the drawing to Director Gutierrez for review.

O. ADJOURNMENT

The meeting was officially adjourned at 9:07 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 #569 held on April 26, 2011.

Donal S. Russell

May 31 , 2011

DONAL S. RUSSELL, Manager

DATE