

REGULAR MEETING #580
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
April 24, 2012
REGULAR MEETING – 6:30 PM
OPEN TO THE PUBLIC
Palisades United Methodist Church
27002 Camino de Estrella, Capistrano Beach, CA 92624

A. CALL TO ORDER

Board President Ambrose Masto called the meeting to order at 6:36 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/OATH OF OFFICE

Directors Present: Masto, Haack, Bell, Martinez and Zerboni
Staff Present: District Manager Russell
Guests Present: Brian Sanchez, Branch Manager, Securitas
Colin Bemus, President, Bemus Landscape Inc.
Laura Deford, Client Representative, Bemus Landscape Inc.

Manager Russell administered the Oath of Office to homeowner Jim Zerboni who was sworn into the office of Director of the Capistrano Bay District. Director Zerboni's term will expire at the end of December, 2014.

D. PUBLIC COMMENTS

Homeowner Sheila Bullock recommended that the community stop putting "For Rent" and "Short-term Summer Rental" signs in front of their homes, since the signs may encourage criminals to target these homes for theft. The signs give an invitation to the criminal that the home is not occupied. Securitas Manager Brian Sanchez shared that some communities have specific protocols and use standardized signs. Board President Masto stated the issue of protection of individual homeowners' rights. Group discussion followed on recent thefts and how the homes were entered.

Recently, there has been some home break-ins and lots of vehicles are 'fished' in. Incidents are sometimes not reported or are not reported in a timely manner. A community watch was suggested. Homeowners assume that Beach Road is protected and leave car doors/windows open with valuables visible. It is essential to tell homeowners we've had break-ins and it is important to lock your car. Language needs to be put on the visitor pass. The problem is we need a more vigilant community. The rental community needs to be aware also. Director Zerboni expressed the need for the Board to contact homeowners that we've had break-ins, to be attentive, lock your cars. Sheila Bullock responded that homeowners were already notified – it was in the newsletter, and it was mentioned at the Spring CBRA meeting. A homeowner asked why a vendor had a post-dated visitor pass. This is because that vendor was issued a pass for the week of their work.

Homeowner David Wilson suggested that a new contractor should do an initial check-in at the gate, give a copy of their I.D. to the guard and fill out an information form. Manager Russell shared how this could be handled using a license plate recognition system (LPR). Brian Sanchez described how the plate is recognized, license number is printed on the visitor pass, and this number pops up on the computer screen when the vendor returns. Our video system is currently capturing the license plate on rear side of guard shack. We could move the camera to the planter area to pick up video when the car first stops at the gate, which could help us identify the vehicle and driver. Another option is to get another camera.

Homeowners choose their own contractors, but should provide Manager Russell and Security with contractor names/phone/e-mail and names of their subcontractors. Director Haack suggested that general contractors should be responsible and need to be present until all of their employees are off of the road at the end of the work day. Homeowners David Wilson and Nadine Levinson suggested a review of the contractor approval process. Wilson offered to help rewrite the procedure. Levinson suggested forming a subcommittee to study the issues and potential unintended consequences, meet with Securitas, and establish best practices. Realtors, rental agents, cleaning and car wash crews are examples to be considered.

Director Zerboni proposed the following security measures:

1. Send an e-mail to all homeowners with a description of recent theft incidents, advising homeowners to be aware and report any incidents or suspicious persons/activities to Security.
2. Security guard should tape the guest pass to the guest's windshield.
3. Guest passes will contain a liability release statement.
4. A list of authorized registered contractors will be kept in the guard shack.
5. A list of contractors' employees will be kept in the guard shack.

Board response was to table proposed items/defer to the next meeting for more discussion.

E. APPROVAL OF MINUTES

1. Regular Meeting #579 held on April 3, 2012.

Motion was made by Director Martinez, seconded by Vice President Haack, passed 3-1-1, Bell abstained and Zerboni absent, to approve the minutes of meeting #579 of April 3, 2012.

F. SECURITY ACTIVITY REPORT

1. One month period for March, 2012 (Securitas). Board President Masto reported on a security issue in which a homeowner was irate because his AC contractor was declined entry by the security guard, even though the homeowner had called ahead to approve this contractor. When coming on site, the contractor was unable to provide the homeowner's name or address, so security was not able to find this person in the gate computer system and he was turned away.

Homeowner David Wilson thinks the recent irate homeowner issue occurred because we have a poorly trained gate guard.

Branch Manager Sanchez indicated that 90% of visitor entries are added from phone calls given to the gate. Group discussion of online notification process and phone applications. Homeowner Nadine Levinson stated that homeowners want strict security. President Masto stated that Securitas should be more helpful. Manager Sanchez will work with security employees to address these security measures.

G. FINANCIAL REPORT

1. Claims and Demands. Received and filed.

2. Report of monthly expenses and year to date status through March 31, 2012.

Director Bell noted that the Year-To-Date Budget is \$57,000 under the projected budget.

3. Collection of fees for services. There was no discussion on this item.

4. Review of proposals for new liability insurance policy.

Manager Russell provided quotes from three separate liability insurance providers:

- **SDRMA** (the District's current insurance provider)

- **LaBarre-Oksnee** Insurance Agency (with a quote from Philadelphia Insurance Co.)

- **CMR Risk** (with a quote from a group of lesser-rated non-admitted carriers)

Motion by Director Martinez, seconded by Vice President Haack, passed 4-1 (Director Zerboni had to excuse himself previous to this item) to accept the LaBarre-Oksnee Insurance proposal for \$50 million dollars coverage with an annual premium of \$13,584, effective July 1st, 2012. Manager Russell to notify SDRMA to confirm cancellation of the current Property & Liability Program at the end of fiscal year, June 30, 2012. Directors Haack and Bell had previous discussions about the LaBarre-Oksnee proposal with Steve Schwartz. Director Bell thanked Steve Schwartz and Nadine Levinson for their help in bringing this insurance opportunity to the District.

H. ADMINISTRATION OFFICE RETURN TO BEACH ROAD

Coastal Development Permit application.

Manager Russell reported that the application is still in the plan check and public review process with the City of Dana Point awaiting approval. When approved, next steps would be with the City's Building and Safety Department, then to obtain detailed construction plans.

1. Consideration of the quote for the handicap-accessible restroom building. The City is requiring the addition of a handicap-accessible restroom facility to accompany the proposed return of the administrative office. The District will be allowed to reuse the original administrative office but will have to purchase a new restroom structure.

The preliminary quote for a new custom-built portable restroom structure is \$18,375. Manager Russell explained that this is not a permanent building because it is on railroad land. The admin office building was already previously certified by the State and approved by the City. Discussion followed asking why can't we put up a portable toilet. South Coast Water District can only approve it on a temporary basis. This is a SCWD requirement. President Masto asked if a cement foundation is allowed if we don't want buildings to be permanent. Homeowner Nadine Levinson stated it is nice to have District Manager Russell back on the road, but do homeowners know the project cost? Homeowner David Wilson is opposed to the high costs. Russell reminded that the current cost numbers are estimates, not a bid. The District can't do anything on the admin office or storm drains until the Coastal Development Permit is obtained, then we can bring to the City's Building and Safety Departments and get detailed construction plans.

I. COMMITTEE REPORTS

1. LCP Committee: No discussion on this item.

2. CBRA Activity report.

CBRA President Sheila Bullock reported that the April 14 CBRA Spring meeting was attended by 27 homeowners. Ambrose Masto and Alex Martinez represented the Board of Directors. David Wilson and Nadine Levinson represented the Ad Hoc Committee. Webb Property Management answered all questions.

Ad Hoc Committee Report – Management Support Alternatives.

Board discussion of the contract with Webb Community Management as annual contract with a 12-month trial period, with the ability to cut off at six months if Webb does not fulfill Board expectations. Startup time usually takes a couple of months and any problems will usually arise in the first year. Manager Russell reported that the draft contract is currently in legal review. Mgr. Russell will circulate a copy of the draft contract to the Board tomorrow. Nadine Levinson suggests that Webb Property Management should be notified that the Board is positive but there are still legal details to work out.

J. MANAGER'S REPORTS

1. Review of Manager's PRIORITY list.

There were no comments.

2. Community entrance area landscape and lighting maintenance report. Present for this discussion were Colin Bemus and Laura Deford from Bemus Landscape Co.

President Masto reported there are issues with Bemus' care of the plants.

Bemus admitted there are issues and that there has been a decline in the maintenance. They will need some time to get the landscaping back into acceptable condition but will do so beginning immediately and there will be no additional charges to the District nor an increase in the contract fees. On the issue of the dying plants and the bare open areas where we've lost plants, Ms. Deford stated that Bemus can simplify the plant palette and reduce the new plant quantities. Colin Bemus reported that his company maintains the landscaping at Paradise Point Resort in San Diego which has a very similar proximity to the ocean and the salt air and breezes and they have similar problems with certain varieties at that location as well. They have experience in dealing with this particular seaside environment and are confident they can restore the tropical theme here at Beach Road.

Bemus agrees to improve on watering and treat the problems of whiteflies, fungus, and salt and wind effects that are pulling water out of the plants. Bemus will spray plants with an iron product, cut by hand, or spray surfactant to give a wax coat protection from the wind where needed. Sprinklers are checked on a quarterly basis. Drip line with soaker hoses could be added along with a fertilizer injection system as needed. Bemus will submit a new proposal for the re-planting in the bare areas and will attend the next two Board meetings to follow up.

Homeowner Sheila Bullock asked if Bemus would set aside the bromeliads that are being replaced so homeowners could come get those plants to reuse in their own yards.

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Homeowner Phyllis Masto noted that Kangaroo Paw does great and suggested it be put in areas that are empty.

3. Progress on Storm Drain No. 2 improvement project.

Mgr. Russell reported that the application for the CDP for this project has been submitted to the City and is currently in the Planning Dept. for review.

K. OLD BUSINESS

There was no old business.

L. NEW BUSINESS

There was no new business.

M. WRITTEN COMMUNICATIONS

There were no written communications this month.

N. BOARD AND STAFF COMMENTS

No comments at this time.

O. ADJOURNMENT

The meeting was officially adjourned at 8:44 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 #580 held on April 24, 2012.

 DONAL S. RUSSELL
DONAL S. RUSSELL, Manager

 MAY 29, 2012
DATE