

REGULAR MEETING #582
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, June 26, 2012
CLOSED SESSION 6:00 PM
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 6:45 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/CLOSED SESSION REPORT OF ACTION

Directors Present: Bell, Haack, Martinez, Masto
Directors Absent: Zerboni
Staff Present: District Manager Russell

CLOSED SESSION REPORT:

Pursuant to California Government Code Section 54957, "PUBLIC EMPLOYEE PERFORMANCE EVALUATION", the board is required to meet in closed session to conduct the annual review of the District Manager.

Board President Masto reported that no action was taken during the closed session.

D. PUBLIC COMMENTS

There were no public comments.

E. APPROVAL OF MINUTES

1. Regular Meeting #581 held on May 29, 2012.

Board President Masto summarized the May 29 meeting. Motion was made by Director Haack, seconded by Director Bell, passed 3-1-1, (Martinez abstained, Zerboni absent) to approve the minutes of meeting #581 of May 29, 2012.

F. SECURITY ACTIVITY REPORT

1. One month period for May, 2012 (Securitas).

Manager Russell reported that Securitas' VP has removed Sanchez as branch manager and will announce his replacement soon. Securitas' request for a 5% increase to service contract is based on the fact that they received no cost of living increase for past two years and plan to give raises for certain employees. Motion was made by Director Martinez, seconded by Director Haack, passed 4-0-1 (Zerboni absent) to approve the 5% increase requested by Securitas for FY13. *Gate password discussion.* If a homeowner forgets their password, security can try to give a hint or can ask them questions about any other information in their property file. Director Haack noted some guards still don't ask for a password. Mgr. Russell will discuss this with Securitas.

G. FINANCIAL REPORT

1. *Claims and Demands. Received and filed.*
2. *Report of monthly expenses and year to date status through May 31, 2012. No discussion*
3. *Collection of fees for services. No discussion.*
4. *Review of Draft Budget*

The Budget meeting was held and approved a draft budget for coming Fiscal Year 2013. There are a few missing pieces: There is a small change to the manager's salary and workers compensation line items. Director Martinez suggested that we estimate \$98,000 for Salary/Wages/budget code #0100, which can be adjusted if needed. The Security Services/Securitas amount of \$365,654 already includes the 5% increase. The General Reserves/budget code #4600 will be \$89,974. Total FY2013 Estimated Revenue from property tax, user fees and other revenues will be \$993,020. Motion was made by Director Martinez, seconded by Director Bell, and passed 4-0-1 (Zerboni absent), to approve Fiscal Year 2013 Budget at \$993,020.00 with addition of \$98,000.00 to budget sub-account #0100, Salaries/Wages.

Response to Grand Jury Special Districts Inquiry. Manager Russell shared that he already has a reply letter template from CSDA, ISDOC, and legal counsel. When the draft report is produced by Legal with input from Russell, it will be sent as a draft to the Board for review. Homeowner Nadine Levinson reminded the Directors that the letter to the Grand Jury should come from/be signed by the Board.

H. ADMINISTRATION OFFICE RETURN TO BEACH ROAD

President Masto reviewed how the CDP application to the City to place a portable office on Beach Road was rejected due to two homeowners on Beach Road who wrote letters of protest. The Board needs to develop a practical alternate solution. A minor interior improvement to the guard shack is needed. Manager Russell had a carpenter come in and spend a day rebuilding essential shelving in the rear office to accommodate a work space. With the current computer and telephone that are already in service, the Manager can now devote a part of his work week in the guard building rear office.

President Masto asked how integration was going with Webb. Manager Russell has put in six hours and has Webb's assistance in sorting files, purging and preparing for digitizing. The District administrative assistant's last day will be June 28th. Webb is seeing what we have in files in order to familiarize themselves. Craig Pico will be our Site Manager from Webb. Digitizing of files will be done in the District office. Manager Russell noted that it will most likely take the month of July to complete the files condensation and digitizing effort and that the District will likely continue renting the offsite location through September.

Homeowner David Wilson recommended a document retention and filing policy be put in memo form to the Board about the file and digitizing process to identify permanent files and financial records in a list so anyone can view later and see what was done. We need a formalized process since these are public records.

I. COMMITTEE REPORTS

1. *LCP Committee.* The annual Mean High Tide Line survey was performed on June 12th. We don't have the finished survey from Engineering yet. The survey is for our use through the course of summer so we can have accurate, current data to settle issues that come up between the public beach users and the community's private property owners.

2. *CBRA Activity report.* Carole Wunderly reported that the homeowner directory is to be printed in August. Manager Russell to provide a list of Webb personnel for CBRA. President Masto stated Webb will send a notice to homeowners to introduce their company. Webb was officially hired on June 13th and their first day of contract service will be July 1st, 2012.

3. *Ad Hoc Committee Report – Contracted Management Support Services.*

President Masto and the Board acknowledged that the business of the Ad Hoc Committee in researching for an outside property management company to support the District's administrative needs is now complete and the Committee's service is officially concluded.

J. MANAGER'S REPORTS

1. *Review of Manager's PRIORITY list.*

- *OC Grand Jury Report.* Masto commented that the report due on July 26 is in progress.

- *Storm Drain #2.* District is waiting for timeline on coastal development permit. The City thinks this may come before the Planning Commission in July. We are hoping to be ready for construction in October.

- *POCHE water quality control.* We have a continuing bacteria issue from seagulls.

- *Camera for patrol vehicle.* Russell needs special mounting bracket for electrical connection so it can be operated with switch. Waiting for part.

- *Community-wide CCTV system.* Recommendation was to get new bid. President Masto tabled this item for four months until Webb integration and new office resolved.

- *Community Notice Sign Stand.* There was a bulletin board at guard shack. Original location was on the seaward side of the bldg. We don't have one now because of the island divider. Homeowner Wilson suggested this be delegated to Webb to create a proposal since they probably have this in service at other accounts. Director Bell suggested placing community bulletin board down near where the homes begin, but in the planter so that drivers can pull over to read any posted notices.

- *Bank signature requirements.* The bank is waiting for Director Zerboni's ID and signature, then the bank will create a new signature card for the board members to sign.

- *Pavement seal coating.* Work can't get underway until fall. Bell reminded that we need to make plan and notify homeowners well in advance. Storm drain #2 work should be done first before any road repairs are performed. Once the Planning Commission has approved the storm drain project then we can set a schedule and make the necessary community notifications. Manager Russell was directed to have the pavement repair and sealcoat proposals (bid out last year) ready to present at the July Board meeting

2. *Community entrance area landscape and lighting maintenance report.*

Manager Russell reported that the landscaper has been directed to plant two additional Japanese aralia plants around the exposed fire hydrant where the sago palms were removed. Another area becoming a problem is the planter across the RR grade crossing along the

public sidewalk – people are allowing their dogs to rut through the planter and dig up the senecio and philodendron that is planted along the curb. The Board suggested taking the plants back a few feet and placing rocks along the edge to discourage the dogs from continuing to tear up the area.

K. OLD BUSINESS

While there was no agenda items for discussion, a conversation got underway about discontinuing the use of the old window decals. Manager Russell explained that a great majority of homeowners have been more than cooperative and understanding over the past year as we began using the transponder sticker program. However, there are still a few holdouts who have chosen, for whatever reason, to NOT get a transponder and continue to hassle the gate officers when coming into the community. Since the District is no longer honoring the window decals, those people are now being made to enter the community over on the guest and service side of the guard building where the duty officer issues them a paper guest pass. Some owners become so upset that they yell and scream profanities at the officers, rather than spend the \$15 to get a transponder.

L. NEW BUSINESS

1. Discussion regarding the proposed relocation of the SONGS siren pole at 35461 Beach Road.

Manager Russell explained that the new homeowner at 35461 would like to relocate the existing San Onofre Siren Pole in his RR parking area over about 10 feet to the side so he can park cars without the pole being in the way. The owner has stated he will pay ALL costs related to the project but needs the District's approval to proceed with the process of having SDGE move the pole.

The Board stated they had no problem allowing the pole to be moved but would want the homeowner to provide an agreement and release and indemnification. Director Bell agreed that the District needs a signed release from the homeowner and suggested Legal review. Motion was made by Director Bell, seconded by Director Haack, and passed 3-0-2 (Martinez had already left the meeting and Zerboni was absent) to approve the relocation of the siren pole at 35461, pending counsel review and acceptance of the property owner's agreement and release.

M. WRITTEN COMMUNICATIONS

There were no written communications.

N. BOARD AND STAFF COMMENTS

The Board approved Manager Russell's time off requests for July 5 (for July 4th holiday) and August 6-17th for vacation.

O. ADJOURNMENT The meeting was officially adjourned at 8:16 PM.

Regular Meeting #582
June 26, 2012

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 *APROVED* copy of the Minutes of meeting #582 held on June 26, 2012.

_____ *Donal S. Russell*
DONAL S. RUSSELL, Manager

July 31 , *2012*
DATE