

**REGULAR MEETING #585
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**Tuesday, October 2, 2012
REGULAR MEETING 6:30 p.m.
*OPEN TO THE PUBLIC***

**Palisades United Methodist Church
27002 Camino de Estrella, Capistrano Beach, CA**

A. CALL TO ORDER

Board President Ambrose Masto called the Meeting to order at 6:30 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Directors Present: Haack, Martinez, Masto, Zerboni
Directors Absent: Bell
Staff: District Manager Russell
Agents/Contractors: Webb Community Management, Inc.: Pico
Securitas: Keirouz

D. PUBLIC COMMENTS

There was a brief discussion concerning the community exit gates remaining in the open position a bit longer before automatically cycling closed. The Board directed the District Manager to investigate available options.

E. APPROVAL OF MINUTES and APPOINTMENT OF NEW DIRECTOR(S)

1. Regular Meeting #584 held on August 28, 2012
Board President Masto summarized the August 28, 2012 Meeting. A motion was duly made by Director Haack and seconded by Director Martinez. The motion passed with a vote of 3-2 (Bell was absent and Zerboni abstained).
2. Appointment of New Director(s) to replace outgoing Director Martinez
Note: District Manager Don Russell informed the Board that he received Director Bell's resignation and that his vacancy had to be filled immediately.
The District received (3) three written Notices of Intent from Steve Muller, Max Trette and Kurtis Breeding. Each candidate was given an opportunity to present their candidacy platform before the Board. The District Manager read the candidacy statement for Steve Muller, who was absent. After a brief discussion regarding the rules process for voting, the Board of Directors cast their votes for each available seat with the following results:

Director Masto (Incumbent), with a vote of 5-0 in favor, was appointed to a four (4) year term, expiring in December 2016.

Max Trette, with a vote of 4-0 with 1-abstain, was elected to fill outgoing Director Martinez's seat for a four (4) year term, expiring in December 2016.

Kurtis Breeding, with a vote of 3-1 with 1-abstain, was elected to fill the remaining term of Direct Bell for a period of two (2) years, expiring in December 2014.

F. SECURITAS ACTIVITY REPORT

1. Report for One month period for September 2012

The Report was provided by Securitas Branch Manager, Joe Keirouz. He mentioned that since establishing a greater visible presence on the Road, he feels that it has been a deterrent to potential break-ins. Director Masto stated that the District can't indefinitely support the cost for the extra patrols and felt a permanent solution needs to be created. Mr. Keirouz presented optional plans, which included the "Border Guard" system for blind spot coverage and cameras along the Road. There was a general consensus among the Board Members that security cameras would potentially offer the widest range of options for the District. Director Zerboni, questioned if legal counsel had been requested to offer an opinion on the use of camera's within the District.

2. Resident panic button

Joe Keirouz discussed briefly a resident panic button program that could be linked to the front gate in case of emergencies. Director Masto, once again encouraged home owners to investigate home security systems that are available to protect their properties.

3. Review of Ordinance No. 06-202 regarding parked vehicles

The Board discussed that the existing Ordinance No. 06-202 does not specifically cover "oil leakage" and that language needs to be added to allow the District to enforce provisions to require vehicles that are leaking excessive amounts of oil or engine fluids to be removed or fluids to be contained, so as not to pollute. Direct Martinez to research and provide a draft of additional language to the Ordinance.

Homeowner Ernest Klein of 35283 Beach Road, asked if there is anything that could be done to preserve a parking space at his home. There is no option to develop RR parking across from his house. The Manager recommended, and the Board agreed, that Mr. Klein could create a private parking space in front of the home if he were to remove the existing sidewalk section and raised curb and pour a new concrete driveway approach on that side as an extension to his existing driveway, and post a "NO PARKING" sign. Thus the District could regulate this parking space as it does with all private parking along the road.

4. Flashing red light/stop sign at guard building.

Upon direction from the Board a flashing red light was installed at the visitors/guest stop sign located immediately behind the guard building. Although the flashing light serves as a warning it has been determined that it is not effective during the day as the flashing light is not visible in the daylight. There was further discussion again to overlay the existing sign with a reflective red overlay or leave the sign alone and install a standard stop sign. The Board Directed the District Manager to purchase an approved standard stop sign and install in a location to the rear of the guard building.

G. FINACIAL REPORT

1. The transitional problems that Webb Management was having in obtaining complete financial information have been corrected. Future financial reports will be provided to the District Manager Don Russell no later than the Friday deadline so that current financial reports will be included in the Board Packets.
2. Report of monthly expenses and year to date status through August 31, 2012
The Board reviewed the monthly expenses and year to date status report. There was no additional action taken by the Board.
3. Collection of fees for services
The Board reviewed the collection of fees for services report. There was no additional action taken by the Board.
4. Consideration of Draft Resolution No. 10-2-12-1, *A Resolution of the Board of Directors of the Capistrano Bay District Establishing Duties and Responsibilities and Level of Authority for the District Manager and Agent.*
The Board agreed that a Resolution is needed to establish duties and responsibilities for both the District Manager and Agent to act on behalf of the District in cases of emergency or life safety issues. The Board directed the District Manager to forward the Resolution to legal counsel for review and recommendations in order to adopt the revised Resolution at the next scheduled Board Meeting.

H. ADMINISTRATION OFFICE RETURN TO BEACH ROAD

1. There was a brief discussion regarding moving the existing trailer that the District owns back on to the property. A suggestion was presented to place the trailer on a flat bed with wheels, in order to comply with the legal restriction set forth by the City of Dana Point. The Board continues to look at the end of October 2012 to complete the transition of closing the offsite office and having the District Manager back on the Road.

I. COMMITTEE REPORTS

1. CBRA Activity Report

Sheila Bullock, President of CBRA commented on the following four items:

- The CBRA would be interested in the selection process for a District bulletin board and, ultimately, where it would be located.
- The CBRA would like to see better night illumination of the Dolphin statue.
- The CBRA is suggesting a community survey to give homeowners a chance to comment on the service provided by Webb Community Management.
- CBRA pointed out some errors with mailing labels recently produced by Webb.

President Masto stated that the bulletin board will be discussed under agenda item L.1.

Manager Russell indicated he would check out the existing landscape lighting and report to the CBRA in a few days regarding some options. Craig Pico responded that he would look into the label situation immediately and follow up with Sheila.

J. MANAGEMENT REPORT

1. Webb Community Management Report

Craig Pico provided a detailed written Report to the Board regarding the transition and

activities during the month of September. The Report included information on the 2012-2013 User Fee to Owners; 2012 - 2013 OTCA Fees, the fire pits; the community governance/board reference book; and District file organization and escrows.

2. Review/approval of proposals for pavement repairs and maintenance
District Manager Don Russell mentioned that he had rejected all bids submitted for the pavement repairs and maintenance project to date. A refined scope of work has been created to insure that bids are consistent with the District's goals for the Road. New bids are being solicited and will be presented at the upcoming October 2012 Board Meeting.
3. Manager's priority list
The District Manager discussed the ongoing process of obtaining the necessary permits to move forward on specified repairs for Storm Darin # 2.

K. OLD BUSINESS

There was no old business presented.

L. NEW BUSINESS

1. Consideration of proposed new District bulletin board:

The Board discussed a number of options for a District bulletin board including electronic, free standing or attaching a bulletin board to the District's trailer. The Board decided to table further discussion until a later time.

M. WRITTEN COMMUNICATION

There was a letter submitted by Beach Road resident, Charles Hoose, regarding the matter of short term vacation rentals. The letter will be posted for public viewing and there was no further discussion.

N. BOARD AND STAFF COMMENTS

There were no additional comments presented by the Board or staff.

O. ADJOURNMENT

The Meeting was officially adjourned at 10:03 p.m.

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 #585 held on October 2nd, 2012.

DONAL S. RUSSELL
DONAL S. RUSSELL, MANAGER

October 30, 2012
DATE