

REGULAR MEETING #587
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, December 04, 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 6:29 p.m.

B. PLEDGE OF ALLEGIANCE

Board President Ambrose Masto led attendees in the Pledge of Allegiance.

C. ROLL CALL

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

D. PUBLIC COMMENTS

There were a few items discussed during the public comments forum:

1. Homeowner Felicia Lurner expressed her frustration over the use of her private RR parking spaces by a film crew that was working nearby in the community. Mrs. Lurner commented that it seemed to take too long to move the offending vehicle and that she felt the patrol officer was disrespectful. President Masto stated that disrespectful behavior is unacceptable and directed Securitas Branch Manager Joe Keirouz to investigate the matter. While the officer is not present to offer an explanation, if the complaint is accurate, then the officer should be reprimanded. The District takes these complaints seriously and disrespectful or demeaning behavior by either side should not be tolerated.

2. Homeowner Bob Bancroft pointed out the recent information posted on the Coastal Commission's public website identifying those addresses along Beach Road that have deeded a portion of their beachfront property to the public (about 30 homes), complete with highly detailed aerial photos of the beachfront, with mean high tide markers overlaid on the photos thus encouraging the public's use of the beach in front of these homes. This information has raised a major concern that anyone viewing this site could be led to believe they have unlimited access and use of the entire sandy beach which may create a potential encampment issue. Director Zerboni suggested that the District Manager contact these affected homeowners to inquire if they were aware of their addresses being listed and Director Masto questioned if this violates the rights of owners and requested this be forwarded to the LCP Committee for formal response. Other suggestions were made to have legal counsel write a letter demanding that the Coastal Commission remove all information regarding the beach as no public facilities are available for anyone walking on

or using the beach. The final recommendation would be to create a protocol in case the need arises to challenge people on the beach who use or camp out within the mean high tide zone and manage to cross over the invisible line onto private property.

3 Homeowner Steve Schwartz raised concern that the homeowner at 35283 had been allowed to remove a portion of the curb along the road in front of his house and designate it as a private parking space. The District Manager was directed to send a letter on behalf of the District noticing the homeowner to clean up the month-old mess and to submit a site improvement plan that the District can review and approve before any further work is done.

E. APPROVAL OF MINUTES

1. President Masto summarized October 2, 2012 Meeting #585. A motion was made by Director Haack, seconded by Director Zerboni and passed with a vote of 3-0-2 (Bell and Martinez were absent on October 2nd).
2. President Masto summarized the October 30, 2012 Meeting #586. A motion was made by Director Haack, seconded by Director Breeding and passed with a vote of 3-0-2 (Martinez and Zerboni were absent on October 30th).

F. SECURITAS ACTIVITY REPORT

1. *One Month Period for October 2012 (Securitas)*

Securitas Branch Manager, Joe Keirouz, briefly discussed ongoing District matters. He pointed out what seems to be an increase in speed violations. The District Manager believes these violations will begin to decrease with the return of the contracted police officer. Officer Sokol had been off work for several months for medical reasons.

G. FINACIAL REPORT

1. *Monthly Payment Claims*

The Board reviewed the Monthly Payment Claims. There was no additional action taken by the Board.

2. *Report of Monthly Expenses and Year to Date Status Through October 31, 2012*

The financial report was not available in time for Directors to review the material prior to the meeting due to computer problems in Webb Management's finance department.

H. ADMINISTRATION OFFICE RETURN TO BEACH ROAD

1. *The District Manager Continues to Occupy a Rented Office Space.*

The temporary construction office was removed from the Road and the closure of the offsite office has been postponed until a suitable solution can be found. Director Masto is concerned that the available office space at the guardhouse is inadequate for the Manager to conduct District business, sighting how small the office is and that it poses safety concerns for District visitors. The Board is considering the possibility of retaining legal assistance in dealing with the City on this issue however no decision has been made to retain such counsel at this time. There was a general consensus among the Directors that the District needed to take a more proactive stand with the City on moving the old admin office portable back onto the property.

I. COMMITTEE REPORTS

1. *CBRA Activity Report*

Sheila Bullock, President of CBRA, reported that the CBRA Annual Meeting was held on November 10, 2012 and that a guest speaker attended the Meeting from Pacific Legal Foundation. The new Officers for 2013 were also announced, congratulations to Joe Dunn, David Wilson (co-chairmen), Felicia Lurner (vice chair), Karen Morris, Phyllis Masto, and Darlene Anzell.

J. MANAGEMENT REPORT

1. *Webb Community Management, Inc., Report*

Craig Pico provided a detailed written Report to the Board regarding the activities during the previous month. The Board had expressed an interest in scheduling a meeting after the first of the year with Webb Management to make sure that expectations on both sides are being met. Manager Russell was directed to schedule a meeting with Webb Mgmt. after the new year at a mutually acceptable date.

2. *Manager's Priority List*

The District Manager briefly discussed the progress on obtaining the necessary permits to begin work on the repairs of storm drain # 2. The District has already received the Coastal Development Permit and is still waiting for the City to complete their plan check to issue the required grading permit.

3. *Resolution Approving New Conflict of Interest Code for Directors and the Manager*

The Board reviewed Resolution No. 12-04-12, "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT ADOPTING A CONFLICT OF INTEREST CODE WHICH SUPERSEDES ALL PRIOR CONFLICT OF INTEREST CODES AND AMENDMENTS PREVIOUSLY ADOPTED."

MOTION – Upon a motion duly made by Director Breeding and seconded by Director Zerboni, the Board unanimously approved Resolution No. 12-04-12, as presented. The motion passed with a vote of 4-0-1 (Martinez was absent).

K. OLD BUSINESS

There was no old business presented.

L. NEW BUSINESS

1. *Request by Bemus Landscaping for Increase in Monthly Service Contract.*

MOTION – Upon a motion duly made by Director Haack and seconded by Director Zerboni the Board unanimously approved a monthly fee increase of \$150.00 from \$725.00 to \$875.00 for the next six (6) months, as presented. The motion passed with a vote of 4-0-1 (Martinez was absent). The Board of Directors requested that the District Manager provide updated bids for landscaping requirements to be reviewed before extending the increase past six months.

2. *Possible Increase In the Annual PLF Contribution By the District.*

President Masto recommended an increase in the PLF contribution from \$2,500.00 per year to \$5,000.00. Discussion on this matter was tabled until review of next year's proposed District budget for Fiscal Year 2013/2014.

NOTE: Director Zerboni had personal business and excused himself at 8:55 PM after verifying that no further items requiring a vote were on the agenda.

M. WRITTEN COMMUNICATION

1. City of Dana Point Short Term rental Update

The Board received a letter from Beach Road resident Sandy Hoose regarding his concerns over the short term vacation rental matter currently before the City of Dana Point. The Board discussed the concerns raised regarding the short term vacation rental matter and there was disagreement between the homeowners as to what should be done. The Board agreed that the CBRA should reinstate the Quality of Life Committee to consider how the deleterious effects of short term rentals can be mitigated.

N. BOARD AND STAFF COMMENTS

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

O. ADJOURNMENT

The Meeting was officially adjourned at 9:50 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 #587 held on December 4th, 2012.

DONAL S. RUSSELL
DONAL S. RUSSELL, MANAGER

February 6th, 2012