

**REGULAR MEETING #588**  
**CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS**  
**MINUTES**  
**Tuesday, February 6, 2013**  
**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 6:35 p.m.

**B. PLEDGE OF ALLEGIANCE**

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

**C. ROLL CALL & SWEARING IN OF NEW DIRECTORS**

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

Swearing in of New Directors was tabled until the February 26, 2013 Meeting.

**D. PUBLIC COMMENTS**

Beach Road resident, Sandy Hoose, discussed the short term vacation rental matter currently before the City of Dana Point. He expressed his opinion that the Board needs to be engaged in the process that the City is going through and be aware of how it impacts the residents on the Road. The City is currently reviewing the existing ordinance with an eye toward rewriting the ordinance. Mr. Hoose requested that the Board obtain a legal opinion; however, Director Masto indicated that he felt it would be a more prudent discharge of the Board's duties if they were to review the proposed ordinance prior to involving legal counsel. No further action was taken by the Board.

**E. APPROVAL OF MINUTES**

1. Board President Masto summarized the December 4, 2012 Meeting #587. A motion was made by Director Haack and seconded by Director Zerboni to approve the minutes of this Meeting. The motion passed with a vote of 3-0-2 (Breeding and Trette were absent).

**F. SECURITAS ACTIVITY REPORT**

1. *Two Month Period for November and December 2012 (Securitas)*  
Securitas Branch Manager, Joe Keirouz, briefly discussed ongoing District security-related matters. He mentioned the continuing problem of vehicles parking in the fire lanes, and the increase in speeding on the Road. A Homeowner wanted to understand

exactly what Securitas's role was on the Road and expressed his frustration as to the function they actually serve.

Director Zerboni suggested that the majority of the upcoming Meeting scheduled for February 26 be devoted to a question and answer period in order to address the role that Securitas plays for the District.

2. *Discussion Regarding Speeding in the Community*

The Board discussed their concerns regarding the increase incidence of vehicles exceeding the speed limit within the community and various options available to curtail this potentially dangerous trend. Recommendations included passing out reminder notices to all guests and service vehicles upon entering the community; adding additional speed bumps; sending homeowners a friendly reminder to obey the speed limit; installing a radar machine; and, having Officer Matt Sokol, or other off duty Sheriff's officers on the Road to issue citations in order to enforce the posted speed limit. Joe Keirouz, Securitas Branch Manager, stated that a radar machine would be placed on the Road within the next couple of weeks as an additional deterrent.

**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 December 31, 2012*

The Board reviewed the monthly expenses and year-to-date status report for the period ending December 31, 2012. There was no additional action taken by the Board.

**H. ADMINISTRATION OFFICE RETURN TO BEACH ROAD**

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

Director Masto expressed his concern that the office space at the guardhouse is inadequate for the Manager to conduct District business, sighting how small the office is. The District Manager stated that, under the permit being issued for the storm drain repair project, the trailer would be returning to the road temporarily. The Board also discussed needed guardhouse renovation and announced that four thousand five hundred dollars (\$4,500.00) has already been budgeted for the improvements.

**MOTION** –Upon a motion duly made by Director Haack and seconded by Director Zerboni the Board unanimously approved to have the District Manger solicit bids to renovate the guardhouse. The motion passed with a vote of 3-0-2 (Breeding and Trette were absent).

**I. COMMITTEE REPORTS**

1. *CBRA Activity Report*

No report was submitted by CBRA.

**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 with Webb and will coordinate with Webb Management to arrange a date.

2. *Storm Drain Number 2 Progress Report*

The District Manager mentioned that a contractor has not been chosen for the project and that bids had been solicited but have not been returned. Director Masto stressed the Board's expectation to have the bids back as soon as possible and that the project needs to move forward without further delay.

3. *Follow Up Regarding Securitas Personnel Matter Discussed at Last Meeting Re:35621*

Beach Road resident Jeff Lurner expressed his concern regarding the letter sent by Securitas regarding the parking incident from December. After a lengthy dialogue between Jeff Lurner and Director Masto, the Board agreed to table further discussion until all parties could be present to resolve the outstanding concerns. The Board will schedule a date for a meeting in the near future.

4. *Aerial Photo Map of Beach Road Posted on Coastal Commission Website*

The District Manager sent an email to all forty (40) homeowners on the Road that have recorded Public Access Easement Deeds indicating that pictures of their properties and access rights now appear on the Coastal Commission's Website. The Board directed the District Manager to contact the Pacific Legal Foundation (PLF) to send a Cease and Desist letter to the Coastal Commission and have all pictures removed. If PLF is not able to move on this quickly, the District Manager is authorized to contact the District's legal counsel and have them review and respond.

5. *Guidelines for Directing Property Owners in Dealing with the Public on the Beach*

A brochure for distribution to the homeowners was created to inform homeowners how to interact with the public on the community beach. Since there is controversy regarding how the Mean High Tide Line is measured, the Board retained David W. Skelly, GeoSoils Inc., a Coastal Engineer to review the process and provide guidelines. The District Manager is to provide a copy of the brochure to PLF as well as legal counsel for their review and input prior to distribution.

7. *Parking Development at 35283 Beach Road*

A discussion ensued regarding the recent improvements completed by the owner, wherein the curb and sidewalk adjacent to the home have been modified. The homeowner at 35283 Beach Road has cleaned up the construction along the curb in front of the house, and, has in essence, taken what has previously been public access parking and turned it into an exclusive private parking space. The owner has been diligent to park in such away that effectively takes up two spaces with one car. Director Masto will draft a letter to the owner requesting the plans be submitted for the improvements, as originally directed by the Board. The letter will also inform the owner that the 72 hour parking limit will be enforced until they are in full compliance with the District.

**K. NEW BUSINESS**

1. *Review of Proposed Revisions to Ordinance No. 06-202 Regarding Vehicle Parking*

**MOTION** –Upon a motion duly made by Director Haack and seconded by Director Zerboni the Board unanimously approved Ordinance No. 13-202 (replaces old ordinance

no. 06-202) regarding vehicle parking. The motion passed with a vote of 3-0-2 (Breeding and Trette were absent).

**L. WRITTEN COMMUNICATION**

*1. There were no Written Communications this Month*

**M. BOARD AND STAFF COMMENTS**

1. Director Masto revisited the Bulletin Board matter and after a brief discussion it was decided to direct the District Manager to order a Bulletin Board and install as soon as possible.
2. There was a brief discussion to create a long term fund to eventually bury the utilities lines on the Road. Manager Russell was directed to look into cost estimates with SDGE and the other utilities and report to the Board.

**N. ADJOURNMENT**

The Meeting was officially adjourned at 9:25 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 #588 held on February 6, 2013.

\_\_\_\_\_ Donal S. Russell  
DONAL S. RUSSELL, Manager

\_\_\_\_\_ February 26, 2013  
DATE