

REGULAR MEETING #594
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, July 30, 2013
REGULAR MEETING: 6:30 p.m.
OPEN TO THE PUBLIC
Location: 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 Masto led attendees in the Pledge of Allegiance.

C. ROLL CALL and CLOSED SESSION

Directors Present: Breeding, Haack, Masto, Muller, Zerboni (arrived at 6:52)

Directors Absent: None

Staff: District Manager Russell

Agents: Authorized Agent Pico, Webb Community Management, Inc.

Contractors: Securitas, Branch Manager Keirouz

D. PUBLIC COMMENTS

There was a brief discussion concerning a Homeowner that has staked off an area around a fire pit in front of their home with wire and flags since the Fourth of July holiday. The Board was concerned regarding the possible liability it presents. The Board directed District Manager Russell to resolve this potential problem immediately.

E. APPROVAL OF MINUTES

1. *Approval of Minutes of June 25, 2013, Meeting # 593*

Board President Masto summarized the June 25, 2013 Meeting #593 Minutes. A motion was made by Director Haack and seconded by Director Breeding to approve the Minutes of this Meeting, with the following correction: "The Board directed District Manager Russell to send a letter to Mr. Klein (35283) requesting a specific start date and completion date for the parking project approved and listed in section "J" Manager's Report and Old Business item # 4. The motion passed with a vote of 4-0-1. (Muller was absent from previous meeting and abstained).

F. SECURITAS ACTIVITY REPORT

1. *One Month Period for June 2013 (Securitas)*

Securitas Branch Manager, Joe Keirouz, discussed the ongoing parking matters including guests and renters parking in unauthorized spaces and fire lane violations. It was reported that homeowners are frustrated and want action taken in order to eliminate the problem. The guards have been given instructions to use their own discretion in evaluating the proper course of action in dealing with these infractions, including

whether to ticket or attempt to find the owner of the vehicle in question. A number of alternatives were discussed ranging from increasing the issuance of tickets by the District Manager and the District police officer; changing the guest pass to include a warning that vehicles parked outside of designated spaces would be towed; and, retaining an outside service contractor to come in and place a locking boot on vehicles which would remain until the fine is paid. Securitas has been requested to provide information to the Board to help them make an informed decision regarding this matter. Director Masto wants CBRA to weigh in on their concerns and recommendations before a final decision is made. No further action was taken.

2. *Securitas Review of Proposed Revision to Annual Service Contract*

There was a brief discussion regarding the government's postponement of the Federal health care reforms and to use the already approved budgeted cost increases to provide raises to some of the security staff. Securitas was asked to provide percentage increase numbers to the Board before a final decision is made.

3. *District Ordinance No. 06-203 and Dana Point News Related to Firepits on the Beach*

The Board reviewed the recently adopted South Coast Air Quality Management District (SCAQMD) ruling that prohibits "Open Burning" within 700 feet of homes, which takes effect on March 1, 2014. The Board is in favor of this ruling and instructed the Manager to prepare a notice to the community that, on March 1, 2014, wood-burning fires on the beach will no longer be permitted.

4.

G. FINANCIAL 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 June 30, 2013*

The Board reviewed the monthly expenses and year-to-date status report for the periods ending June 30, 2013. Director Muller stated he would communicate with Webb Management and work to streamline a version of the financial reports that could be more easily read and understood by the Board and interested property owners.

3. *Review of Recent Invoices from Bemus Landscaping and Luna Landscape Service*

The Board expressed concerns regarding multiple invoices for landscaping from various vendors that had additional charges outside of contracted amounts. During the Board's discussion, questions were also raised regarding Peters Drilling contract, versus total expenditures. The Board has requested a detailed written breakdown of all expenses with a description of work performed.

H. ADMINISTRATION OFFICE RETURN TO BEACH ROAD

The administration office will be permitted to remain in its present location while the applications for permits are being processed. There was a discussion regarding what has been done, to date, what still needs to be done, and, a request to District Manager Russell to provide the Board with an accurate punch list of the necessary steps required to complete the process, without further delay. After much deliberation and various

suggestions as to how best to utilize the District's funds to obtain permanent zoning changes to allow the District office to remain on the Road, the following action was taken:

MOTION – Upon a motion duly made by Director Breeding and seconded by Director Muller, the Board agreed to retain The Loftin Firm LLP, to represent the District's interests in securing a permanent solution to allow the District office to remain on the Road. The retainer fee is not to exceed \$2,500.00. The motion passed with a vote of 5-0.

I. COMMITTEE REPORTS

1. *CBRA Activity Report*

No report was submitted by CBRA.

J. MANAGER'S REPORT and OLD BUSINESS

1. *Pavement Maintenance Project/Slurry Sealcoating*

The slurry sealcoating project has been scheduled to begin the week of September 10, 2013. District Manager Russell will begin notifying residents immediately.

2. *Guard Shack Interior Remodeling Progress*

The remodeling project is nearly complete with just a few details left to complete. The Board has expressed their frustration with the slow progress to complete this project.

3. *Report of Storm Drain Damage from Recent High Tides*

Unusually high tides have damaged six of our twelve storm drains on the beach. Preliminary estimates from Peter Drilling for the repairs may exceed \$24,000. The Board expressed reservation over costs and directed District Manager Russell to obtain additional bids for this proposed project.

4. *Webb Community Management Monthly Report*

Craig Pico provided a detailed written Report to the Board regarding the activities during the previous month. There was a brief discussion regarding whether the 2003 Bond for rebuilding the Road was transferable through the sale of the property. The Board directed Webb Management to contact legal counsel for an opinion.

5. *Manager's Priority List*

The District Manager briefly reviewed items that he is currently working on. No further action was taken.

K. NEW BUSINESS

Efforts to Quantify the Impact from Vacation Rental Activity

The Board briefly discussed the need to quantify the impact that vacation rental activity is having on the infrastructure of the community. The data collected will help to determine the costs related to upkeep of the Road and manpower hours directly attributed to renter interaction.

L. WRITTEN COMMUNICATION

Request by Homeowner at 35235 to Construct Trash Enclosure

The Board reviewed and approved the plans, as submitted, to construct a trash enclosure at 35235 across the road from the home, on the railroad side.

M. BOARD AND STAFF COMMENTS

No additional comments were presented to the Board.

N. ADJOURNMENT

The Meeting was officially adjourned at 10:25 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 #594 held on July 30, 2013.

_____ Donal S. Russell
DONAL S. RUSSELL, Manager

_____ October 1, 2013
DATE