

**REGULAR MEETING #595
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**Tuesday, October 01, 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

Directors Absent: Zerboni

Staff: District Manager Russell

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

Contractors: None

D. PUBLIC COMMENTS

Homeowner, Jeff Lurner, at 35621 Beach Road, has recently received an Emergency Response Team Certificate thru the City of Dana Point. He would like to work with the residents on the road putting together an emergency response procedure, assimilating a list of the resources the homeowners may be able to provide, including: stored water, generators, medical supplies, medically trained individuals, etc. Board President Masto agreed that this would be a good idea. He recommend that Mr.Lurner compile a more formal presentation and present it first to the homeowners at their next CBRA meeting and then to the Board.

ACTION ITEM – Karen Morris is to find out when the next CBRA meeting will be held.

Mike Powers, Greenfield Communications, made a brief presentation on the benefits of bringing fiber optics onto the road. This is an all-in-one cable, encompassing the internet/telephone/cable and has its own backup battery. The Board wanted to know if there needed to be a minimum number of homeowners to respond in order to proceed. The Board would be interested in having Mr. Powers come back to another board meeting to make a full presentation. No date was set.

On another note, Mr. Powers also has previous experience converting overhead utilities to underground. President Masto expressed an interest in pursuing the undergrounding topic further with Greenfield Communications at a later date. No further action was taken.

E. APPROVAL OF MINUTES

Approval of Minutes of July 30, 2013, Meeting # 594

Board President Masto summarized the July 30, 2013 Meeting #594 Minutes. A motion was made by Director Breeding and seconded by Director Haack to approve the Minutes of Meeting #594. The motion was passed with a vote of 4-1 (Director Zerboni absent).

F. SECURITAS ACTIVITY REPORT

1. *Two Month Period for July & August 2013 (Securitas)*

No Securitas representative was present. Reports were received and filed. No further action was taken by the Board.

2. *Continuing Discussion on Solutions to Community Parking Concerns*

Contractors and guests routinely park in spaces belonging to other homeowners. Possible solutions for consideration are:

- Permanent signs at the entry gate indicating the parking law
- Signage in all railroad parking spaces

ACTION ITEM – District Manager Russell will be editing the “Capo Bay Guest Parking Passes.” He will add the verbiage, “Parking Pass must be visible at all times while vehicle is parked on Beach Road”

Responding to property owners’ complaints of guests and service workers using their private railroad parking areas without permission and being mindful of the District’s high-priority mandate to maintain an open and unobstructed fire lane, the Board took the following action:

MOTION – Upon a motion duly made by Director Muller and seconded by Director Haack, the Board agreed to adopt a sign and parking enforcement policy for the railroad parking areas requiring parking lease-holders to post a standardized NO PARKING sign within their railroad parking area, showing the house address and indicating that “VIOLATORS WILL BE TOWED.” Once posted, the District will immediately respond to those owner’s complaints with an aggressive effort to move/tow offending vehicles. Parking lease-holders not wishing to post such a sign will be put on notice that the District will, from time to time, permit others to use that owner’s railroad parking when an overflow condition exists. Standardized signs are to be provided by the District with the cost passed through to the participating homeowners. It is the wish of the Board that homeowners would communicate with one another and ask permission of one another when one is in need of extra parking spaces. The motion was approved by a vote of 4-1 (Director Zerboni absent).

3. *Review of Draft Notice to Community Re: Wood Burning Fires Prohibited*

At the July Board Meeting, action was taken to follow suit with the SCAQMD to prohibit wood burning beach fires in the community, beginning March 1, 2014. President Masto reported that there is currently an Assembly Bill (ACR 52, Allen) being considered that may overturn the prohibition created by the SCAQMD. The Board will table creating a new District Ordinance on the wood burning fire pits until the State makes a final determination.

G. FINACIAL REPORT

1. *Monthly Payment Claims*

The Board reviewed the Monthly Payment Claims. District Manger Russell shared with the Board that he was able to consolidate the two off-site storage units down into one.

ACTION ITEM – The Board would like District Manager Russell to make up a full inventory list of what is being stored in the off-site storage unit. The Board will consider moving the stored items and placing them in an on-site unit in the maintenance yard. District Manager Russell will provide the inventory list to the Board for consideration at the next Board Meeting.

2. *Report of Monthly Expenses and Year-to-Date Status Through August 31, 2013*

The Board reviewed the monthly expenses and year-to-date status report for the period ending August 31, 2013. The Board noted that Webb Community Management compiled a more streamlined version of the Financial Reports that are more easily read and understood by the Board and interested property owners.

3. *Review Bemus Landscaping Annual Service Contract and Request for Increase*
District Manager Russell reported that Bemus has agreed to postpone the increase until the end of the fiscal year (June 2014) since our budget has already been adopted.

ACTION ITEM – The Board would like to have clarification of what’s included and not included in the service contract for Bemus. District Manger Russell handed Board President Masto a copy of the Bemus Contract and the billing record to date, to review before the next meeting.

4. *Final Approval of Draft Budget for FY 13/14*

MOTION - Upon a motion duly made by Director Muller and seconded by Director Haack, the Board approved the Budget for FYE June 30, 2014 as presented on October 1, 2013, by a vote of 4-1 (Director Zerboni absent).

ACTION ITEM – Webb Community Management will email a copy of the FYE June 30, 2014 over to the California State Controller’s Office on October 2, 2014.

ACTION ITEM –Webb Community Management will email over to the Board members a copy of the latest Reserve Study for their review. A further discussion at the next Board Meeting will go over the possible need to set up a Reserve Account.

H. DISTRICT ADMINISTRATION OFFICE / PERMITS

The District has retained the services of The Loftin Firm, LLP, to assist in the City approval process for allowing the District administration office to remain on Beach Road. District Manager Russell has forwarded all appropriate documents that the law firm has requested and is awaiting a progress report from the attorney before pursuing this matter further with the City.

ACTION ITEM – The Board is requesting a conference call with Board President Masto, District Manger Russell and the Loftin attorney as soon as possible.

I. COMMITTEE REPORTS

CBRA Activity Report

Report was given by Carole Wunderly, Directory Coordinator for CBRA. She reported that the annual “Summer Party” was a huge success.

J. MANAGER’S REPORT and OLD BUSINESS

1. *Report on Completed Projects*

Discussion ensued regarding completion on the following projects:
Storm Drain No. 2 Replacement, Repairs to Six Beach Drains, Guard House Remodel and Pavement Seal coating Project. There was some discussion as to why the Guard House Remodel and the Sealcoat project went over budget.

2. *Vacation Rental Activity Impact Report*

Securitas continues to track and tabulate the number of vehicles passing into the community that are related to rental activity. This includes guests and service-related vehicles.

3. *Webb Community Management Monthly Report*

Webb reviewed the monthly management report including updates in the following areas: Webb is working with Rogers, Anderson, Malody and Scott (District Auditing Firm) in gathering the year end audit documents. Webb has filed several governmental and District reports in compliance with the requirements of the State of California.

4. *Manager's Priority List*

District Manager Russell briefly reviewed items that he is currently working on. Discussion ensued concerning current office hours for the Manager. Current hours are 8:00 a.m. to 5:00 p.m. Director Breeding suggested that the District Manager begin his day at 7:00 a.m. when all the contractors that are beginning their work day arrive onto the road. There was no final decision made regarding this matter by the Board.

Discussion also ensued regarding how the District Manager's vacation and sick days are being tracked and recorded. The District Manager is allowed 20 Vacation Days and 20 Sick Days per fiscal year.

ACTION ITEM – Webb will work with the District's payroll service to determine a way for District Manager Russell's vacation and sick time to be reflected on his payroll stub so that it can be tracked by the Board. The Board would like to further discuss the office hours and check on accrued vacation and sick days for the year at the next Board Meeting.

K. NEW BUSINESS

1. *Discussion Regarding Poche Outfall and LAFCO Sphere of Influence Map*

This map indicates that the Poche Creek scour pond and outfall lies within the District's "Sphere of Influence," according to the most recent LAFCO Municipal Service Review. The Board would like to know if the District is responsible to clean up Poche?

ACTION ITEM – District Manager Russell will obtain a title report to determine who actually owns the land in question. More discussion to follow at the next Board Meeting.

2. *Request by Homeowners of 35507 for a Trash Enclosure*

After reviewing the submitted plans, the Board determined to require the Homeowner to slope their roof away from the street and towards the railroad and to replace the swinging gate with a sliding door to prevent the door from swinging out into vehicle and pedestrian traffic.

ACTION ITEM – Homeowner must re-draw their plans and add in the requirements from the Board. The plans must be approved by the Board before building may begin. Any deviation from the plans may be subject to fines.

3. *Policy Discussion on Replacement of Trash Barrels into the Enclosures on Extra Pickup Days*

ACTION ITEM - CR&R needs to replace the bins immediately following the trash pick up.

4. 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.

L. WRITTEN COMMUNICATION

No written communication was reviewed by the Board.

M. BOARD AND STAFF COMMENTS

Board President Masto would like to further research what can be done about the bicycle riders who cross the railroad tracks at the main entrance to Beach Road. He is concerned about the potential safety hazard this presents. No further action was taken by the Board at this time.

N. ADJOURNMENT

The Meeting was officially adjourned at 9:35 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 #595 held on October 1, 2013.

 Donal S. Russell
DONAL S. RUSSELL, Manager

 November 6, 2013
DATE