

REGULAR MEETING #601
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, April 29, 2014
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 Masto called the Meeting to order at 6:30 p.m.

B. PLEDGE OF ALLEGIANCE

Board President Masto led attendees in the Pledge of Allegiance.

C. ROLL CALL

Directors Present: Breeding, Masto, Muller
Directors Absent: Haack & Zerboni
Staff: District Manager Russell
Agents: Authorized Agent Morris, Webb Community Management, Inc.
Contractors Present: Securitas, Branch Manager Keirouz

D. PUBLIC COMMENTS

James Fisler from Mesa Water District and Richard Freschi made short presentations to the Board of Directors encouraging the Board to vote for them as the Special Districts Alternate Member in the upcoming LAFCO's Election in June 2014.

**At this time, Board President Masto directed the Board to take agenda item L.1 out of turn given several homeowners were present to discuss the wood-burning beach fires. The Minutes of the discussion are recorded under item F.2 even though the discussion took place after public comments and before the approval of the minutes.*

E. APPROVAL OF MINUTES

1. *Approval of #600 Meeting Minutes from March 25, 2014*

Board President Masto summarized the March 25, 2014 #600 Meeting Minutes.

MOTION - A motion was made by Director Muller and seconded by Director Breeding to approve the Minutes of Meeting #600. The motion was passed by a vote of 3-0-2. (Directors Haack & Zerboni absent).

F. SECURITAS ACTIVITY REPORT

1. *One Month Period for March 2014 (Securitas)*

Branch Manager Keirouz introduced Kelly Becker as the new Area Vice President, Orange County, Securitas Security Services. Branch Manager Keirouz reported that the only major matter for the month of March was a noise disturbance issue from a certain Beach Road long term renter. The current homeowner is in the process of evicting their long term renter. This process may take awhile and the Orange County Sheriff may be called in if this renter presents further disturbances.

2. *Further Follow Up on Assembly Bill 1102 and Prohibiting Beach Fires*

At the previous Board Meeting, March 25, 2014, District Manager Russell was instructed to mail out a notice to the community indicating that outdoor recreational wood-burning fires are now prohibited in the Capistrano Bay Community. District Manager Russell has since received four phone calls and three

emails strongly opposing the wood fire restriction. (Copies of the emails may be viewed on the Capo Bay website under the Security Report from April 2014) Discussion ensued among the homeowners and the Board on the interpretation of the directive from SCAQMD. Director Breeding felt that the Board should recant their stand on no wood-burning fires and allow homeowners to have their fires as long as they are 100 feet from the nearest fire pit. Board President Masto held firm in his position that the District will continue to prohibit the burning of outdoor wood fires. Assembly Bill (AB) 1102, which would protect the Southern California tradition of beach bonfires, will be heard in the Senate sometime this summer. In the meantime, SCAQMD (South Coast Air Quality Management District) noted that effective March 14, 2014, fire pits can remain if:

- They are located at least 700 feet from the nearest residence; OR
- They are at least 100 feet apart and
- Air quality for fine particulates (PM2.5) in coastal areas is not forecast to exceed 100 on the Air Quality Index.

Speaking in strong opposition to the Board's decision to prohibit beach bonfires were homeowners Liz Davis, Karen Jacoby and Brad Bishop, all who feel the long tradition of beach fires should be allowed to continue.

3. *Further Discussion Regarding New District Police Officer*

The District has recently hired a second part-time police officer to fill in the days/nights when Officer Sokol is not available. Officer Jim Williams has been working with law enforcement since he graduated from the Golden West College Police Academy in 1980 and then went to work for the Fullerton Police Department. Officer Williams will be working primarily afternoon and evening hours and weekends. With the hiring of the new officer, the District will be maintaining a more regular presence for speed limit enforcement. District Manger Russell introduced Jim Williams as the newest District Police Officer at the Board Meeting.

G. FINACIAL REPORT

1. *Monthly Payment Claims*

The Board reviewed the Monthly Payment Claims with no action taken.

2. *Report of Monthly Expenses and Year-to-Date Status Through March 30, 2014*

Director Muller was questioning some of the numbers on the Balance Sheet regarding the AD99-1 Bond. He desires to understand how the numbers are calculated and how they flow from month to month.

ACTION ITEM – Webb Management will be asking Tom Webb and the CPA, Chris Vossman, for clarification on the AD99-1 numbers from the Balance Sheet. This information will be passed onto Director Muller who will then in turn write up a report explaining to the Board how to follow the AD99-1 numbers on the Balance Sheet.

H. DISTRICT ADMINSTRATION OFFICE

Over the past several months, homeowner Dave Gutierrez has been proactive with the Planning Dept. at the City in expressing his concern over the future of the District Administration Office presently located within the community near the entrance.

Board President Masto and District Manager Russell met with Mr. Gutierrez this month in an effort to resolve his concern. As a result, the District now has a better sense of how to proceed with maintaining the office onsite while at the same time reducing the potential for future objections and criticism.

The general concept being proposed is as follows:

- A. Relocate the office over onto the grassy area by the flagpole

This was the original proposed location four years ago when the entry improvement project was being designed. This setting takes advantage of existing landscaping, moves the office closer to the electrical and cable sources, creates a more permanent, professional and established appearance to the District office and returns three parking spaces back to the community.

B. Improvements to office exterior to match the Guard Building

- Raised roof structure with copper or sheet metal covering
- Lava stone veneer
- Wood trim around all windows and doors
- Possibly replace existing steel door with a full-glass store-front type
- Front porch deck with walk-up ramp
- Wood post columns at front door similar to those on the guard bldg.
- Possible wood trellis or canvas window/door awnings

C. Cost

A rough estimate of cost to prepare the grassy area, move the building and improve the exterior according to the general description above can run from \$45,000 to \$60,000. With direction from the Board and a more defined scope of work, drawings can be produced and a more accurate cost can be evaluated.

I. COMMITTEE REPORTS

1. *CBRA Activity Report*

CRBA Board President, Carole Wunderly, gave the Board a reminder of the Spring Meeting scheduled for May 17, 2014. Guest speaker will be Mike Powers of Greenfield Communications who will enlighten the community on the benefits of bringing fiber optic service (TV, telephone, internet) to the road.

J. MANAGER'S REPORT and OLD BUSINESS

1. *Webb Community Management Monthly Report*

Financial Statements for the month of March 2014 were completed and emailed to the Board on April 24, 2014.

Budget Development for the new fiscal year is now underway as of March 19, 2014.

Progress: District Manager Russell and Authorized Agent Morris have begun the process of compiling the FYE June 30, 2014 budget.

In regard to Fines & Violations imposed on homeowners', Authorized Agent Morris will seek advice from Peggy Webb, owner of Webb Community Management, Inc. regarding how matters such as these are handled in other private communities and will report back to the Board on April 29, 2014.

Progress: Emailed District Manager Russell an example of a typical Association's Enforcement and Fine Policy and Schedule of Fine Assessments on 3/31/14. Peggy Webb recommended that the District seek legal counsel concerning this matter.

2. *Manager's Priority List*

A. Continue following short term rental issue.

Progress: The City has officially legalized short term rentals; Coastal Commission is the only obstacle remaining.

B. Continue monitoring the impact from rental activity in the community.

Progress: The Board is in the process of developing a rental activity watchdog program to support City code enforcement on violations.

C. Update the Security Post Orders.

Progress: Ongoing as the need for revisions come up.

- D. Work on cleaning out the District storage unit and creating onsite storage in our northgate yard.
Progress: This item is on hold until the administration office relocation is finalized.
- E. Continue monitoring progress by County on Poche water quality control program.
Progress: Nothing new to report as of 3/20/14.
- F. Repair damage to drains #3 and #9.
Progress: This work is now complete.
- G. Repair of corroded and damaged drain pipe at drain #13 – 35691 Beach Road.
Progress: The City has agreed to perform some improvements including a new flapgate for safety.
- H. Bids for a community-wide CCTV system for security monitoring purposes.
Progress: This item is still pending – might become a part of the Greenfield Communications effort.
- I. Follow up with Greenfield Communications of fiber optic cable and undergrounding utilities.
Progress: Greenfield Communications will be guest speakers at the next CBRA meeting May 17, 2014, to share about their service.

ACTION ITEM – Director Muller has requested that District Manager Russell obtain a copy of Greenfield’s financials for the Districts’ review. Greenfield is a private company and will not release their financial information.

K. NEW BUSINESS

1. Proposed Rental Oversight Plan (I deleted the majority of what you had inserted here)

The Board recognizes the challenge facing the City with enforcement of their short term rental program and realizes that the District is going to have to be more proactive with watching and reporting renter violations to the City. The short term rental code enforcement officer does not even work weekends when much of the party activity and parking problems occur. The City won’t know of these types of violations unless the District watches closely and reports violations.

ACTION ITEMS:

- Follow up with legal counsel to determine if a fee charged to homeowners for recovery of expenses will trigger compliance with Proposition 218 (voter approval requirement) and review the details of the proposed renter recovery fee program.
- Follow up with a pavement engineer to get an estimate of cost to develop a methodology for assessing a vehicle impact fee.
- Begin developing a program that provides guidelines for management and security to proactively and consistently enforce the community rules and ordinances with regular reporting to city officials of all perceived rental violations. The following are the primary trouble issues with rentals:
 - over occupancy
 - excess vehicles and illegal parking
 - loud parties
 - trespassing on neighbors’ beach area, patios and decks
 - excess trash/use of neighbors’ trash barrels

L. WRITTEN COMMUNICATION

1. *Review of Emails or phone calls regarding wood-burning beach fires (discussed under item F.2)*

Opposition:

George Covic, Miles Rosedale, Chris Miller, Unknown caller, Liz Davis, Vanessa Turnage, Brad Jenkins and Lee Maddocks.

Support:

Roger Davisson

M. BOARD AND STAFF COMMENTS

No comments at this time.

N. ADJOURNMENT

Board President Masto officially adjourned the Meeting at 9:45 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 #601 held on April 29, 2014.

Donal S. Russell
DONAL S. RUSSELL, Manager

May 27, 2014
DATE