

**REGULAR MEETING #602  
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS  
MINUTES**

**Tuesday, May 27, 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, Haack & Zerboni (Zerboni arrived at 6:45pm)  
Directors Absent: None  
Staff: District Manager Russell  
Agents: Authorized Agent Morris, Webb Community Management, Inc.  
Contractors Present: Securitas, Branch Manager Keirouz

**D. PUBLIC COMMENTS**

No public comments.

**E. APPROVAL OF MINUTES**

*1. Approval of #601 Meeting Minutes from April 29, 2014*

Board President Masto summarized the April 29, 2014 #601 Meeting Minutes.

**MOTION** - A motion was made by Director Breeding and seconded by Director Haack to approve the Minutes of Meeting #601. The motion was passed by a vote of 4-0-1. (Director Zerboni arrived just after the minutes were approved).

**F. SECURITAS ACTIVITY REPORT**

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

Branch Manager Keirouz stated that there have been no major safety violations this past month. He did say that in the past three weeks there have been some petty thefts reported and that the homeowners should be made aware of these thefts; lock their valuables up and to report to the police when items have been stolen.

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

While the State Legislature reviews and decides on Assembly Bill 1102, the Bill that is intended to impede and overturn the recent AQMD ruling on wood-burning beach fires which are prohibited from being in close proximity to residential areas, the District will continue to enforce its own Ordinance that regulates recreational, outdoor, wood-burning fires:

Beach fires must comply with the following conditions of Ordinance No. 06-203:

- Fires must be burned in a non-combustible cement fire ring or metal container
- Fires cannot be burned within 30 feet of combustible walls, roofs, fences, etc.
- Fires cannot produce smoke that is offensive or a health risk to neighbors and restrictions
- Fuel load no higher than 18 inches
- No dumping of coals and charcoal on the sand

- No fire rings constructed of loose rocks, crumbling masonry or open pits in the sand

Despite the uncertainty in Sacramento, with the outcome of the AQMD ruling, the Health and Safety Code is not up for review or challenge and the District's Ordinance was established and written to comply with HS Code Sections 41509(a), granting the District authority and 41700(a), intended to protect the health and safety of nearby persons from contaminating smoke and harmful particulates.

**ACTION ITEM** – District Manager Russell will be drafting a letter to the homeowners clarifying the District's temporary beach fire regulations.

**ACTION ITEM** - The District will be conducting beach inspections and notifying individual homeowners of fire pit violations. Violating fire pits will be red-tagged and the homeowner will be contacted for the following:

- Fire pits closer than 30 feet
- Fire pits built of loose rocks or crumbling masonry material or no ring of any kind
- Any noticeable accumulation of charcoal dumped onto the surrounding sand

A copy of Ordinance No. 06-203 may be found on the Capo Bay website under the YOUR GOVERNMENT tab.

**MOTION** – A motion was made by Director Zerboni and seconded by Director Muller, to establish a reasonable guideline for determining whether or not a wood-burning fire is a nuisance. Security will continue to monitor the beach and respond to all fire complaints. If the wood-burning fire is more than three houses away from the homeowner making the complaint, then security will make a judgment call on the validity of the nuisance. The motion was passed by a vote of 5-0.

## G. FINANCIAL 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 April 30, 2014*

Board President Masto had a few questions regarding some of the checks written during the month of April. Those questions were answered by District Manager Russell.

Discussion ensued regarding the front entry gate and the pros and cons of leaving the gate open during peak hours of operation in order to save wear and tear on the motor and electronics. Board President Masto tabled the matter till the next Board Meeting on June 26, 2014.

**ACTION ITEM** – District Manager Russell will obtain information relating to the cost of repairs on a gate motor, the cost of a new gate motor and the cost of installing surface mount traffic spikes at the entry/exit way. Also, Securitas will monitor when the peak hours of vehicles are passing thru the gates.

**ACTION ITEM** – Director Muller will be compiling a report concerning the AD99-1 Bond. He will be seeking guidance from the District Auditor, Scott Manno. This report is to be presented at the June 26, 2014 Board Meeting.

## H. DISTRICT ADMINISTRATION OFFICE

Discussion ensued regarding the final location of the District Office and the exterior improvements. The Board feels the office structure should remain in its present location with a new roof, wood trim and landscaping similar to the guard shack design. Homeowner, Dave Guterrez, had offered some design ideas as to location and beautification of the District Administration Office. The Board pointed out that Mr. Gutierrez's suggestion for double doors cannot be practically applied as such a structural modification would void the State Occupancy Certification.

**I. COMMITTEE REPORTS**

*1. CBRA Activity Report*

Mike Powers, with Greenfield Communications, made a presentation at the CBRA May 17<sup>th</sup> Spring Meeting. Director Muller is hoping to get some of his contacts to provide the District with suggestions and feedback on bringing fiber optics onto the Road and to determine where the District should be, technologically, within the next 10 to 15 years.

**J. MANAGER'S REPORT and OLD BUSINESS**

*1. Further Discussion on Management of Impact from Short Term Rentals*

District Manager Russell stated that the District is in the process of developing an overall management plan to more effectively deal with renter-related matters. It is generally agreed by the Board that the genesis of a majority of issues begins with over-occupancy, which creates the following weekly concerns:

- Excess traffic
- Parking overflow onto neighbors' areas
- Too many people on the beach, overflowing onto neighbors' beach areas
- Frequent, loud noise and parties

Board President Masto pointed out that it does not appear that the City has any idea of how much work it is going to take to manage and enforce their new short term rental program. The Board feels it will take this first summer for the City to really obtain a sense of the challenge they have taken on. The Board also feels it will take this first summer to fine-tune its own program. As a starting point, the Board is recommending the following actions:

- Continue with renter-related vehicle counts at the gate
- Continue with updating the City's list of permitted rentals, allowable occupancy and parking
- Begin logging every renter-related violation (noise, parking, fires, occupancy, trash, etc)
- Begin issuing parking citations by District Police officers
- Tow illegally parked vehicles if the owner's cannot be quickly located
- Begin counting excess vehicles at rental addresses in the early morning hours

At this time however, the Board has instructed the District Manager to not report any information to the City. The thinking is that this is now the City's job and the District should not be doing their work for them without some compensation for the time and effort this requires.

The Board has suggested charging a renter fee that would require all rental owners, including both short and long term, to pay a refundable security deposit to the District. This is being proposed as a way to balance the cost of impact between the more proactive rental owners who follow the rules and comply with the new code and those rental owners/managers who may disregard the rules.

There was discussion on the possibility of forming a committee with Rental Owners to help brainstorm managing guidelines. Another suggestion was to hire a part-time employee to help with the facilitation of the incoming renters over the weekends.

**ACTION ITEM** – Board President Masto will be contacting Peggy Webb from Webb Management to obtain input on the possibility of hiring a part-time, short term rental administrative employee; someone to help coordinate/facilitate the rental activity. Board President Masto will be working on a job description and pay scale for this position.

*2. Webb Community Management Monthly Report*

A. Financial Statements for the month of April 2014

**Progress:** Completed and emailed to the Board on May 21, 2014.

B. Budget Development for the new fiscal year June 30, 2015

**Progress:** District Manager Russell and Authorized Agent Morris are fine tuning the FYE June 30, 2015 budget.

3. *Manager's Priority List*

A. Update the Security Post Orders.

**Progress:** Ongoing, as the need for revisions arise.

B. Work on cleaning out the District storage unit and creating onsite storage in the north gate yard.

**Progress:** This item is on hold until the administration office relocation is finalized.

C. Continue monitoring progress by the County on the Poche water quality control program.

**Progress:** Nothing new to report as of May 23, 2014.

D. Repair of corroded and damaged drain pipe at drain #13 at 35691 Beach Road.

**Progress:** The City expects to put this out to bid for work to be done this summer.

E. Bids for a community-wide CCTV system for security monitoring purposes.

**Progress:** This item is still pending and may become a part of the Greenfield Communications effort. (See item F)

F. Follow up with Greenfield Communications regarding the possibility of fiber optic cable and undergrounding utilities.

**Progress:** Greenfield Communications presented the service to the homeowners at the CBRA meeting on May 17, 2014. The next step is a mail marketing campaign by Greenfield Communications to the community to compare costs with the existing Cox service.

**K. NEW BUSINESS**

1. *New Developments Regarding Shoreline Preservation and Beach Sand Replenishment*

District Manager Russell reported that the past ten years of effort by the City of San Clemente is finally bearing some results. A recent article in the OC Register indicates that the Federal Government is prepared to grant something like \$40-50 million to assist in funding the City's proposed project and others like it in nearby coastal areas that have been losing sand over the years.

District management will continue to follow and research this topic, attend meetings, find out who the key people and agencies are and will report regularly.

2. *Recommendation to Conduct an Annual Beach Cleaning Day by the Boy Scouts/Girl Scouts*

The Board is recommending that the community establish an annual or, possibly semi-annual beach cleanup day. The suggestion was made to organize such an event with the local Boy Scouts and Girl Scouts, pay a fair donation to these organizations and have them comb over the beach to pick up all the bits and pieces of trash that end up in the sand.

**ACTION ITEM** – Manager Russell was directed to contact BSA and GSA regarding this opportunity.

**L. WRITTEN COMMUNICATION**

No written communication at this time.

**M. BOARD AND STAFF COMMENTS**

No comments at this time.

**N. ADJOURNMENT**

Board President Masto officially adjourned the Meeting at 9:30 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 #602 held on May 27, 2014.

          Donal S. Russell            
DONAL S. RUSSELL, Manager

          June 24, 2014            
DATE