

**REGULAR MEETING #605  
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS  
MINUTES**

**Tuesday, September 30, 2014  
CLOSED SESSION – 6:00 pm  
REGULAR MEETING: 6:30 pm  
*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, Haack, Masto & Muller  
Directors Absent: Zerboni (Resigned)  
Staff: District Manager Russell  
Agents: Authorized Agent Morris, Webb Community Management, Inc.  
Contractors Present: Securitas, Branch Manager Keirouz

**CLOSED SESSION REPORT OF ACTION**

Resignation of Director Jim Zerboni. Director Zerboni's term was scheduled to expire this coming December. The temporary appointment would fill the remaining four months of Director Zerboni's term. Homeowner Carter Clark has volunteered to fill the vacancy through December

*MOTION* – A motion was made by Director Breeding and seconded by Director Haack to appoint Carter Clark to fill the remaining four months of Director Zerboni's term. The motion was passed by a vote of 4-0.

*OATH OF OFFICE* – Manager Russell administered the Oath of Office to Director Clark.

**D. PUBLIC COMMENTS**

No public comments.

**E. APPROVAL OF MINUTES**

1. *Approval of #604 Meeting Minutes from July 29, 2014*

Board President Masto summarized the July 29, 2014 #604 Meeting Minutes.

*MOTION* - A motion was made by Director Breeding and seconded by Director Muller to approve the Minutes of Meeting #604. The motion was passed by a vote of 5-0.

**F. SECURITAS ACTIVITY REPORT**

1. *Two Month Period for July/August 2014 (Securitas)*

Branch Manager Keirouz reported that speeding was still an issue, but that the extra officer on duty has been helping. Discussions with homeowners concerning the fire burning regulations has been going well. No complaints as of yet. Securitas has been training extra officers, known as "Roving Officers" which just means that these officers have been trained in all aspects of Capistrano Bay Districts Rules and Regulations and can step in at a moment's notice to any of the Securitas positions. The "Little Green

Men” who help to alert drivers to slow down on the road seem to be effective and will remain on the road. The Board may wish update these “Little Green Men” when they start showing wear and tear.

2. *Review of proposed upgrade to surveillance camera system at the community entrance.*

As a result of the July 27<sup>th</sup> vehicle break-in in the 600-block where the homeowner was able to capture the thieves in action on his home security camera system, the District has learned a few things about the quality of the surveillance system at the community entrance guard building. Much discussion ensued regarding the benefit to changing over from analog to digital technology.

**ACTION** – District Manager Russell will be working on the following:

- a) Change out the analog camera #1 at the guest side driveway to a new HD digital unit that will give us clear ID and facial recognition both during night and day time.
- b) Feed the license plate images from the license plate capture camera #6 on the guest driveway directly into our video recorder that retains the video images from all the cameras for about 45days. Right now the images from this camera only appear on a display monitor during the moment the vehicle is sitting in the driveway, enough time for the gate officer to type in the plate number onto the guest pass. With the video feed re-direct, this will allow Securitas to retain license plate records for 45 days on vehicles being issued short temporary passes.
- c) Test new locations for the front-facing surveillance camera #5 that are out of the glare of the tiki torches so it will continue to pick up useful images during the time the torches are burning. Also test with a digital camera to see if it filters out the glare from the torches.
- d) Mount a second display monitor just outside the guard shack (next to camera #1) where guests sit in their cars waiting for their passes to be issued. This would display their license plate to them, maybe with a notice that says something like, “You are under video surveillance.”
- e) Get a quote for upgrading the proposed new 4-channel digital DVR to 8-channel

A ball park cost estimate is approximately \$1,500- \$1,600. The Board has given District Manger Russell permission to research the cost of changing out cameras 2, 4 and 5 to HD digital units.

**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 August 31, 2014*

Board President Masto commented on the Fire bowl and that its plumbing issues have been resolved and that the gates, quick release pins have now been installed.

Director Muller gave a quick over view of the AD99-1 Balance sheet split and said that all looked in order.

**H. DISTRICT ADMINISTRATION OFFICE**

1. *Moving the District Office*

The District is in the process of establishing a new permanent electric meter and power source in the maintenance yard as a first step in moving the office into the District’s Northgate area. SDG&E will be submitting paper work to the District that can then be taken to the City in order to obtain a permit to install the meter.

The City is aware that the District is moving forward with the relocation process of the District Administrative Office. The District is hoping for a smooth transition and no objection from the City.

**I. COMMITTEE REPORTS**

1. *CBRA Activity Report*

CBRA President, Carole Wunderly, asked the Board for speaker ideas for their upcoming CBRA Fall Meeting that is to be held November 15, 2014. The Board suggested they ask engineers, Ray Files and David Skelly, to come speak to the homeowners concerning the sand erosion issue and seawalls.

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

1. *Short Term Rentals and Evaluation of Rental Impact*

Webb Management has compiled a spread sheet of all the data collected from this past rental season. The Board will look over the data and will discuss at the next Board Meeting October 28, 2014.

2. *Webb Community Management Monthly Report*

A. Financial Statements for the month of July and August 2014

**Progress:** July Financials were completed and emailed to the Board on August 27, 2014 and August Financials were completed and emailed to the Board on September 19, 2014.

B. Authorized Agent Morris will follow up with the District Auditor, Scott Manno, to make sure he connects with the District CPA, Chris Vossman, to set up the two balance sheets. This process will begin with the new Fiscal Year beginning July 1, 2014.

**Progress:** Balance Sheets were successfully split between Capistrano Bay Operating Expenses and AD99-1 Expenses.

C. Authorized Agent Morris will be trying to push up the complete monthly financials to be ready mid-month instead of the end of the month.

**Progress:** Working with the CPA to make this process smoother and timelier.

D. SDRMA Worker's Compensation Annual Payroll Reconciliation Report filed with SDRMA.org on August 14, 2014.

F. GCC 2013 Government Compensation in California Report filed with the State Controller's Office on September 12, 2014.

G. Final FY15 Budget submitted to County of Orange Auditor-Controller on September 19, 2014.

3. *Manager's Priority List*

A. Coordinate with a service to have the community trash barrels steam cleaned.

**Progress:** Contacted 2 services and they responded with the following information:

1<sup>st</sup> Company 2 man crew: \$12 / barrel x 200 barrels or \$7 / barrel monthly maintenance.

2<sup>nd</sup> Company 1 man crew: \$3 / barrel monthly maintenance. No action taken while a price for a quarterly and semi-annually service is verified with the vendor.

B. Coordinate with OC Vector Control on cost to set up a community-wide rat abatement program

**Progress:** OC Vector has placed about 40 rodent bait stations in the community at no cost to us.

C. Update the Security Post Orders.

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

D. 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.

- E. Continue monitoring progress by the County on the Poche water quality control program.  
**Progress:** Nothing new to report as of September 26, 2014.
- F. Try to find a more cost-affordable painter for re-oiling the woodwork on the guard building and gates.  
**Progress:** Still contacting painting contractors.
- G. Repair of corroded and damaged drain pipe at drain #14 at 35691 Beach Road.  
**Progress:** The City reported on September 24, 2014 that they have signed a contract and on October 13, 2014, they will be coming out to assess the damage. Construction should begin in November.
- H. 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 J)
- I. Send out a community notice of petty theft and continue informing the PD of any reported theft.  
**Progress:** Sent out on Monday July 28, 2014.
- J. 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. Contact the Boy Scouts organization regarding the annual or semi-annual beach trash pick-up days.  
**Progress:** Progress on this has been hampered by the hurricane surf conditions and will be revisited in October. It was suggested to contact Dave Proodian, homeowner and athletic coach at San Clemente High to possibly use his team for the cleanup as a fundraiser.

#### **K. NEW BUSINESS**

##### *1. Discussion on Protecting Beach Front Properties with Sea Walls*

Discussion of strategies to deal with the Coastal Commission and the City of Dana Point. Also, a review of the latest California court decision that could negatively impact seawall maintenance and repairs. Board President Masto informed the Board that the Coastal Commission will not allow the District to do a community wide seawall, but in an emergency situation, such as eminent collapse of one's home, a homeowner may put in a sea wall or some other form of protection against the erosion of sand. If a homeowner already has an existing seawall, they may replace damaged elements of that existing seawall and it is considered maintenance. As homeowners, our two options for protecting our homes is to either rebuild the home per coastal commission regulations or maintain your existing seawall. Viewing the following website [www.californiacoastline.org](http://www.californiacoastline.org) might allow a homeowner to visually see if their property has an existing seawall by scrolling through the photo files from previous years when there may have been more sand erosion that would possibly expose an old seawall.

##### *2. Discussion to Engage with a New District Legal Representative*

Current District legal counsel is with Rutan & Tucker, but they also represent the City and at times there could be conflict of interest. The Board has decided to seek out other representation and discuss the options at the next Board Meeting October 28, 2014.

**MOTION** – A motion was made by Director Muller and seconded by Director Haack to investigate and hire new legal counsel. The motion was passed by a vote of 5-0.

**ACTION** – Authorized Agent Morris will be asking Peggy Webb for legal counsel suggestions and will bring those suggestions to the next Board Meeting October 28, 2014.

3. *Discussion of New Drought-Related State Water Use Restrictions*

The City and the South Coast Water District have established some new limitations and regulations on residential water use that are intended to cut back on usage to preserve what little is left in our reservoirs:

Outdoor Use:

- water your yard and plants in the early morning or evening before 6 am and after 9 pm
- reduce the sprinkler run time to under 10 minutes – what doesn't soak in runs off
- keep mulch around plants and on your lawn to reduce evaporation
- no hosing off driveways and walkways – USE A BROOM AND DUSTPAN
- repair sprinkler heads
- replace lawn areas with drought-tolerant California Friendly plants

Indoor Use

- turn off the water when brushing teeth and take shorter showers
- fix leaking faucets and running toilets
- wash full loads of laundry instead of just a few special items
- replace any older toilets with low-volume flush toilets

The Water District is asking that you only water outdoors on Mon-Wed-Sat before 6 am or after 9 pm and take your cars to an automated car washing facility – they are required to recycle water so much less is used. If you must wash your car by hand, put it up onto a lawn and use a water nozzle with a spring-loaded shut off handle.

4. *Review/Possible Approval of Proposed Trash Enclosure Project at 35621*

Discussion ensued regarding the height to the enclosure.

**ACTION** – District Manager Russell will be measuring the heights of all existing structures and their overall dimensions as well as corresponding wall heights to structure heights. The Board is looking for uniformity in these structures.

**L. WRITTEN COMMUNICATION**

1. *Letter from Homeowner Carter Clark*
2. *Letter from Homeowner Bill Matthies*

Both letters are in response to the Board's community notice of August 29, 2014. Board President Masto has directed all members of the audience and the Board to read these letters on your own.

**M. BOARD AND STAFF COMMENTS**

Director Muller gave the Board a quick overview from his research on the undergrounding of utilities. He has located the plans that were drawn up back in 2000 when the District first looked into the idea of undergrounding utilities. The cost of the current project would be approximately \$1.5 million. Director Muller believes that within 2 years the District may be in a position to undergo this type of project. Director Muller will continue to keep the Board updated on his findings at future Board Meetings.

**N. ADJOURNMENT**

Board President Masto officially adjourned the Meeting at 9:05 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 #605 held on September 30, 2014.

Donal S. Russell  
DONAL S. RUSSELL, Manager

October 28, 2014  
DATE