

**REGULAR MEETING #617**  
**CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS**  
**MINUTES**  
**Tuesday, December 15, 2015**  
**REGULAR MEETING: 6:30 pm**  
**OPEN TO THE PUBLIC**  
**Location: Palisades United Methodist Church**  
**27002 Camino de Estrella, Capistrano Beach, CA**

**1. CALL TO ORDER**

Board President Masto called the Meeting to order at 6:30 p.m.

**2. PLEDGE OF ALLEGIANCE**

Board President Masto led attendees in the Pledge of Allegiance.

**3. ROLL CALL**

Directors Present: Breeding, Clark, Haack, Masto & Muller  
Directors Absent: None  
Staff: District Manager Russell  
Agents: Authorized Agent Morris, Webb Community Management, Inc.  
Contractors Present: Securitas Field Supervisor, Kelly Becker  
Securitas Branch Manager, Susan Baron

**4. PUBLIC COMMENTS**

Jack Tarr, a homeowner on the Road, has lived in the community for the past 35 years and has been a past Board Member. He informed the audience and the Board that he had previously submitted to the City of Dana Point, in 2001, a report that contained a variety of shore protection solutions. He recommended that the Board develop a Master Plan for long-term shore protection and seek to have it approved now, through the California Coastal Commission.

*ACTION* – District Manager Russell will make the 2001 Report available to all homeowners upon request.

**5. APPROVAL OF MINUTES**

**Meeting #616 of October 27, 2015**

Board President Masto summarized the October 27, 2015, #616 Meeting Minutes.

*MOTION* - A motion was made by Director Haack and seconded by Director Clark to approve the Minutes of Meeting #616. The motion was passed by a vote of 5-0

**6. SECURITY**

**a) Monthly Securitas Report for October & November 2015**

The Board was introduced to the new Branch Manager, Susan Baron, who will be overseeing the Securitas Guards on behalf of the District. The Board was able to dialog with Ms. Baron, and discuss some of their concerns. She assured the Board that she will be

hands-on with the guards, will work towards staffing a qualified crew and work on solutions to the Board's concerns.

**ACTION** – District Manager Russell reported that he will be scheduling installation of a Speed Box Radar Trailer along Beach Road, after the first of the year.

**b) District Open Gate Policy for Homeowners**

There was much discussion as to whether or not to continue the current policy of allowing 'OPEN GATE ACCESS' for homeowners. The current Open Gate Policy serves the purpose of providing a convenience to homeowners who are having guests to a party or other gathering without having to deal with the process of providing a name list or having to take numerous and interrupting phone calls to the home while hosting their guests.

Since rental properties are excluded in the City's Code, from having parties, weddings, receptions, corporate retreats, etc., it makes sense that renters should be restricted from such open gate privileges. Should a renter group want to invite a limited number of guests to the house, then the renter can submit a name list. If the list is lengthy, then that is a red flag to security that a party is in the works. The Board determined to continue the existing policy of open gate access for homeowners, but continuing to prohibit open gate access to renters in compliance with provisions of the statute.

**c) Transponder Issuance Policy**

It was reported that the vehicle transponder stickers that are currently in use by the District do not hold up forever. Being placed on the headlight makes them vulnerable to damage from driving at high speeds, in bad weather, in off-road conditions, car washing, etc. Some owners expect that they will obtain free sticker replacement for old stickers that have finally ceased working. While it is true that some stickers are defective and those should be replaced, at the District's discretion, at no cost to the homeowners. Security feels that the District should guarantee the stickers for a period of one (1) year, during which time the homeowner is eligible for a free replacement sticker if the original sticker fails. After that time period, the replacement would have to be paid for by the homeowner. The current cost of the stickers to the District is approximately \$22.00. The stickers are sold to homeowners for \$25.00, with the excess amount of \$3.00, being charged to absorb a portion of the cost of administration of the program.

**MOTION** – A motion was made by Director Clark and seconded by Director Haack to guarantee a one (1) year warranty for free replacement, on the vehicle transponder stickers. The motion was passed by a vote of 4-1. (Board President Masto was opposed)

**7. FINANCE**

**a) Report of Monthly Expenses through November 2015**

Board President Masto reviewed the Financials through November 2015 and replied that all looked in order. Director Muller is requesting an updated figure on the total cost, to date, for the District Administrative office improvements and what the final cost of the improvements will likely will be.

**ACTION** – District Manager Russell will be obtaining an up-to-date financial report for the District Administrative office improvements for the next Board Meeting January 26, 2016.

**ACTION** – District Manager Russell will be sending out an email blast to homeowners with a request to clean up all miscellaneous sand bags in front of their homes.

**b) New Bank Account at Wells Fargo Bank in San Clemente**

The Board approved closing the Wells Fargo Business Checking Account (ending in 2812) and moving the funds to a new Wells Fargo Account.

**8. ADMINISTRATION OFFICE & ENTRY AREA  
Progress Report and Schedule Update, as of December 14, 2015**

Completed Items

- Roof, lava stone veneer, lodgepole posts
- Exterior IPE siding, sidewalk and wheelchair ramp
- Landscape planting around perimeter of office
- New mahogany front door
- Exterior painting and oiling of woodwork
- Exterior night security lighting

Remaining Items

- Grade grass area, install new synthetic turf or other plant material
- Install new handrail at wheelchair ramp
- Lava stone infill at small area next to stairs
- Upgrade new wire from main electrical panel for more power to run AC Unit
- Consolidate all temporary electrical cords/power supply to office

Board Discussion and Action

- The Board discussed canceling installation of synthetic turf in the dirt area adjacent to the new administrative office, in favor of cleaning up the area, leveling out the dirt, and seeding the area.
- The wood handrail to be addressed after Christmas, as the wood dowels are causing a delay.
- District Manager Russell is attempting to get the mason back to touch up the small lava patchwork at the stair area.
- The electrician may not be able to complete the wiring upgrade until after Christmas, noting that the upgrade is to provide additional power to run the AC unit, which is not needed until spring.

**MOTION** – A motion was made by Director Muller and seconded by Director Haack, concerning the 600 sq. ft. patch of ground next to the administrative office, to re-grade the area, install irrigation, seed and fertilize the area for a cost under \$500, with the District's landscaper, Bemus, completing the scope of work. The motion was passed by a vote of 5-0.

**ACTION** – District Manager Russell will request Bemus to re-grade, set up irrigation, seed and fertilize the area next to the Administrative Office for under \$500.

**9. OLD BUSINESS**

**a) Progress with the Emergency Coastal Permit for temporary shore protection**

Upon submitting the District's request to the City of Dana Point for an emergency Coastal Development Permit, (CDP) the District was told that the City is not permitted to process

such emergency permits on behalf of the Coastal Commission and that our submittal must go direct to the Coastal Commission (CC) in Long Beach.

At the recommendation of the City, a 42-page application packet was subsequently submitted to the CC offices in Long Beach on December 1, 2015. At that time, the CC receptionist explained that all the staff planning analysts were unavailable all week, as they were in a training seminar. She further indicated that the regularly scheduled public hearing in Monterey would be held the following week. It was also explained that the staff has been inundated with emergency permit applications from many other coastal property owners, and that it might be several weeks before anyone could receive and review the District's application.

In reviewing this turn of events with the District's attorney, it was explained that, since we have put both the City of Dana Point and the Coastal Commission on notice of our emergency situation, that in his opinion, the District has satisfied the noticing requirements. In legal counsel's opinion, the District can now proceed with implementing temporary protection measures, as detailed in the engineer's report, which include, but may not be limited to installation of:

- Sandbags
- Plastic hollow traffic K rail barriers that are filled with water
- Gabion baskets/cages that are filled with either existing beach cobble or filled sandbags

Once the District has completed the emergency permit process, it is the intent of the District Board to submit an application for a long-term CDP, to ensure that the District can be allowed to place more permanent armoring on the District beach. Such armoring could include large boulders/quarry stones or possibly a system of Gravity Blocks (large solid concrete blocks that are stacked up to form a type of wall).

This would be an effort at a long-range, permanent solution to the District beach loss and could take a number of years to process. In the interim, the Board wanted to advise homeowners that, as a private property owner, they do have a constitutional right to protect their property.

It was the pointed out that, if the County of Orange can obtain a permit to armor the beach with large boulders at the County Beach Park next to our community entrance and, if the beachfront community of Broad Beach in Malibu can also obtain a similar permit for to install the same, large boulders, that the District should be able to obtain a similar permit.

**District Manager Russell received from the Coastal Commission on December 15, 2015 the following up-dated requirements: Sand bags must be filled with imported sand, gabions must be filled with imported rocks and all shore protection must be placed at the edge and/or on the patios and decks.**

It was recommended that all further shoreline protection communication be between the District's attorney and the Coastal Commission and/or the City of Dana Point.

**b) Short Term Rental News from San Diego**

Homeowner, Bill Matthies, shared an email with the Board concerning short term rentals, (STRs) in the San Diego area and what the STR groups are trying to oppose. The email is available for viewing at the District office. It is a reminder to the District to stay abreast of quality of life concerns within the District.

**c) AQMD Wood-Burning Ban**

On December 3, 2015, the South Coast Air Quality Management District placed a wood-burning ban on Orange County and the surrounding areas. Indoor and outdoor wood burning was prohibited, on December 3, 2015, through midnight, due to the high air pollution expected that day. This is an example of the wood-burning bans that may, potentially continue to be placed in our area of Orange County. District Manager Russell was directed to follow the AQMD burn advisories and to notify the community when such bans are activated.

**10. WEBB MANAGEMENT**

**Monthly Report through December 11, 2015**

- Draft Audit is in process, with Rogers, Anderson, Malody & Scott, LLP.
- Financial Statements for the month of October were completed and emailed to the Board on November 20, 2015.
- Financial Statements for the month of November were completed and emailed to the Board on December 11, 2015.

**11. WRITTEN COMMUNICATIONS**

There were no written communications.

**13. BOARD AND STAFF COMMENTS**

**14. ADJOURNMENT**

Board President Masto officially adjourned the Meeting at 9:36 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 #617 held on December 15, 2015.**

Donal S. Russell

DONAL S. RUSSELL, Manager  
Capistrano Bay Community Services District

January 26, 2016

DATE