

DRAFT

ITEM 5

**REGULAR MEETING #621
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**Tuesday, April 26, 2016
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 Consulting Services, Inc.
Contractors Present: Securitas Branch Manager, Susan Baron

4. PUBLIC COMMENTS

There was a suggestion from the homeowners to retain the shoreline protection matter on the agenda going forward and the Board all agreed that would be beneficial. There was also discussion of forming a subcommittee for the shoreline protection matter with the stipulation that all reports and proposals must be brought to the Board for review and approval; the Board was in agreement concerning the idea. Board President Masto agreed to be the liaison to the subcommittee with Director Clark as a back-up.

ACTION – District Manager Russell will be alerting the homeowner that the Board approves the formation of the subcommittee.

5. APPROVAL OF MINUTES

Meeting #620 of March 29, 2016

Board President Masto summarized the March 29, 2016, #620 Meeting Minutes.

MOTION - A motion was made by Director Clark and seconded by Director Haack to approve the Minutes of Meeting #620. The motion was passed by a vote of 4-0-1 (Breeding abstained since he was absent for the April meeting).

6. SECURITY

Monthly Securitas Report for March 2016

Branch Manager, Susan Baron, reported that they were in the final phase of training the last of the new officers. The new smart phones are now all fully functional. All reports will be coming directly from these new phones, no more hand written reports.

There was much discussion concerning the ability to retain patrol officers that have been newly hired. The Board came to the conclusion that there needs to be a wage increase in order to retain higher quality guards.

MOTION – A motion was made by Director Clark and seconded by Director Haack to increase the security guard wages by 3%. The motion was passed by a vote of 5-0

There was discussion regarding the matter of towing a vehicle after the 2nd warning. These are vehicles that are parked on the seaward side of the road and not within the white lines.

ACTION – The District must have proper towing signs at the beginning of the road, in order for the action of towing to be compliant.

7. FINANCE

a. Report of Monthly Expenses through March 2016

Board President Masto reviewed the Financials through March 2016 and replied that all looked in order, but wanted to look into the “District Auditing Services” line item.

ACTION – Board President Masto directed Authorized Agent Morris to break out the District Audit costs and the CPA’s tracking of AD99-1 costs and email the results to Director Muller and to make sure the break down appears on the next fiscal budget.

b. Short Term Rentals

Discussion with City of Dana Point on sharing of rental fee collections. Bottom line: the City of Dana Point does not want to share in any of the collected tax from Short Term Rentals.

ACTION – Board President Masto would like to track down a tough litigator who would write a letter to the City of Dana Point notating the concern with the inequality of the Short Term Rental program. The City collects and retains all the proceeds of the Rental Tax and the District is left with the burden of managing short term rental problems with no financial compensation

8. OLD BUSINESS

a. FEMA Flood Insurance Rate Maps

Possible Revisions to map. Our coastal engineer, Dave Skelly, has been directed to monitor the FEMA process and report on their re-mapping progress with some analysis. This will be ongoing over the next several months

b. Undergrounding of Utilities – What is Next?

Director Muller gave an update on the community response from the CBRA Annual Spring Meeting that was held on Saturday, April 23, 2016. Some new options for placing transformers up on modern poles were presented to the community. The community was in favor of engaging Utility Specialists to take the District to Phase 2 which would be an Engineering Plan. The Board approved moving forward with Phase 2.

c. Maintenance Items

- New bids for painting, oiling of wood gates and exterior wood on buildings.

ACTION – District Manager Russell will be obtaining more bids on painting/oiling of all wood at Guard House and District Office. All vendors must be licensed and insured.

- Relocating Speed Cushions

ACTION – Speed cushions are being repaired in the month of May along with moving the speed cushion from in front of 35147,

9. New Business

a. Proposed Relocation of the Pedestrian Crosswalk at the Administrative Office

There was much discussion and disagreement over the need for a traffic engineer's report concerning the re-location of the crosswalk. Crosswalks can prove to be a serious liability for the responsible agency. Pedestrians assume a level of safety while using a crosswalk. If an injury should occur in an unapproved and unpermitted crosswalk, there is no question that the responsible agency would face a serious lawsuit. A public agency can increase its statutory immunity to liability claims by demonstrating substantial evidence of discretionary approval, i.e., city permits.

ACTION – District Manager Russell will be contacting a traffic engineer that the District had utilized in past years, to obtain a crosswalk evaluation.

b. Pacific Legal Foundation Contributions

The Pacific Legal Foundation has recently agreed to represent a local homeowner in a case that will hit very close to home for Beach Road property owners. This is an issue regarding a protective seawall for the Capistrano Shores Mobile Home Park just to the south of our community. In the PLF NEWS RELEASE, it explains the details of the difficulties the Wills family has encountered in dealing with the Coastal Commission.

This year, the District contributed \$8500 to the PLF and will continue this practice every year to support the work of the PLF. Right now is probably the most opportune time for Beach Road homeowners to join with the District in giving financial support. A win over the Coastal Commission at Capistrano Shores will have a huge impact on the ability of Beach Road residents to protect their own beachfronts. Our community witnessed first-hand, earlier this year, how opposed the Coastal Commission is to shoreline protection. The District's efforts to obtain an Emergency Coastal Development Permit resulted in nothing more than a useless temporary approval to place sandbags out on the beach with the absurd condition that the protection be removed in late May.

MOTION – A motion was made by Director Clark and seconded by Director Muller to increase the contribution that the District makes yearly from \$8,500 to \$10,000. Adjusted donation will be sent in early July of the new Fiscal Year. The motion was passed by a vote of 5-0.

ACTION – Board President Masto will be drafting a letter to the community recommending Capo Beach homeowners show their support for the work that Pacific Legal Foundation is doing on behalf of the Capistrano Shores homeowner.

10. QUALITY OF LIFE DISCUSSION TOPICS

a. Policy for Dealing with Loose Dogs

It was brought to the Board’s attention that the issue of loose dogs on the beach has become increasingly more problematic and what can the District do to help alleviate this concern.

ACTION – District Manager Russell will research the “No Dog” Policy for Short Term Rentals.

11. WEBB MANAGEMENT / CBRA ITEM

a. The following information was previously provided to the Board:

District Financial Statements for the month of March 2016

12. WRITTEN COMMUNICATIONS

a. Copy of Letter from Board President Masto to the Coastal Commission Re: Short Term Rentals

A copy of the letter may be available at the District Office.

13. BOARD AND STAFF COMMENTS

No Comments.

ADJOURNMENT

Board President Masto officially adjourned the Meeting at 9:12 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 a *DRAFT* copy of the Minutes of Meeting #621, held on April 26, 2016.

Donal S. Russell
DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

May 14, 2016
DATE