

ITEM 5

**REGULAR MEETING #623
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**Tuesday, June 28, 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, Jorge Moreno

4. PUBLIC COMMENTS

Homeowner, Gretchen Augustyn, at 35147 Beach Road, wanted to thank the Board for facilitating the re-location of the speed cushion that was out in front of her home. She was most appreciative.

Board President Masto wanted to formally thank Gail & Carl Becker for their faithfully decorating the Beach Road Entry every year with American Flags.

5. APPROVAL OF MINUTES

Meeting #622 of May 31, 2016

Board President Masto summarized the May 31, 2016, #622 Meeting Minutes.

MOTION - A motion was made by Director Haack and seconded by Director Breeding to approve the Minutes of Meeting #622. The motion was passed by a vote of 5-0.

6. SECURITY

a. Monthly Securitas Report for May 2016

Securitas Branch Manager, Jorge Moreno, reported that there were no issues to review. He is continuing to bring himself up to speed with the daily activities of the District and would like to continue to meet with Don this next month as he familiarizes himself with the community. He announced that all guard shifts have been filled. District Manager Russell, made a comment to Securitas Branch Manager, Jorge Moreno, concerning the even distribution of the current raise that was given to Securitas employees. Securitas Branch Manager, Jorge Moreno, said that there was a clerical error in the distribution of the raise and that it will be resolved soon.

b. Further Discussion to Possibly Prohibit Street Parking on Trash Day (Mondays)

To recap last month's discussion, the intent with the proposed parking restrictions is to create a more safe traffic environment during the period of trash collection. Achieving this will require cooperation from the trash hauler, service workers and residents:

a) The trash hauler, CR&R, has agreed that placing all trash barrels on one side of the road only will provide more space on the opposite side for cars to pass the trash truck. This has already been implemented and appears to be making a difference.

b) Service workers and others could be restricted from street parking on Mondays from 8 AM to NOON to keep the seaward side of the road clear for passing vehicles. This would require a new ordinance.

c) The Board will be asking for the cooperation of residents in keeping all their parked vehicles out of the roadway on the seaward side on Mondays, including cars parked half on a driveway and half in the street.

The solutions appear to be limited to the following:

- pass the ordinance for No Parking 8 AM to NOON which will help for at least half of the day

- extend the No Parking to ALL DAY ON MONDAYS

- leave things as is and ask people to try their best to keep off the street on Mondays; this will work to some degree for residents but service/construction workers will park wherever they can find a spot UNLESS there is an ordinance.

After much Board discussion, Director Clark attempted to make a motion for "No Parking" on the Beach side of the road for half day, 7am to 1pm and then appropriate fines for not following the rules. The motion was tabled until District Manager could do some more research on the verbiage.

ACTION – District Manager Russell will find out what the city charges for No Parking fines and will look into the District's current No Parking Ordinance and see if it can be adjusted to include the No Parking on Monday's.

ACTION – District Manager Russell will also research a revision to the Towing Ordinance so as to give it more authority and directive. Research on this matter must be ready to present at the July 26th Board Meeting.

7. FINANCE

a. Report of Monthly Expenses through May 2016

Board President Masto reviewed the Financials through May 2016 and replied that all looked in order.

b. Review and Approval of Draft Budget for FYE 2017

The Budget line item for Painting/Re-Oiling Woodwork needs to be adjusted to include the cost of re-oiling the new Administrative Office.

ACTION – District Manager Russell will reconfigure budget line item "Painting/Re-Oiling Woodwork" to include re-oiling new Administrative Office at least 3 times a year.

MOTION – A motion was made by Director Muller and seconded by Director Haack to approve the bottom line amount of \$1,122,701.00 for the FY16-17 Budget. The motion was passed by a vote of 4-0-1 (Director Clark abstained as he was absent for the mid-month budget workshop).

c. Liability Insurance Coverage/Exclusions for Disasters

There was discussion amongst the Board members as to whether the District is carrying the correct amount of Liability Coverage.

ACTION – The Board will be meeting with a LaBarre/Oksnee Insurance Representative to review the liability coverage.

d. Short Term Rentals

Board President Masto gave a report on finding legal counsel to assist the Board in communication with the City on a possible sharing of the transient occupancy tax. Through communication with legal counsel, it has been brought to the Board's attention that the City may be in violation of Prop 13. The phrase, "policy of unjust enrichment" may be useful in arguing the District's case to the City. The City is benefitting from the TOT tax, while the District, who is receiving none of the TOT tax, is supplying all the Security, enforcement of fires, noise disturbances, dog leash violations, parking matters, etc.

ACTION – The attorney is writing the letter that will address this policy of unjust enrichment.

8. OLD BUSINESS

a. Shoreline Protection

Chris Brown informed the Board that he had a great response to his request for members to join the Shoreline Protection Sub-committee. He has three members thus far with two more that may still join. They will meet in the next month and formulate a plan and then share their thoughts with the Board at a future Board Meeting.

b. Undergrounding Utilities

Last month it was reported that there is an issue with available space on the ground in the southern half of the community to fit ground-level transformers. While the southern half of the road seems wide enough, the reality is that the District's right-of-way for the road in this area is only 20 feet in width (the northern half of the road is 30 feet). All the extra space you see is property owned by the Railroad and SDG&E cannot place transformers on Railroad property. SDG&E requires deeded easements and the Railroad authorities do not grant easements – only temporary licenses for limited use. The seaward side in the southern half is a problem as well, with most homes sitting just a few feet from the roadway.

The possible solution of leaving the transformers on power poles, like they are currently, was put to the consultant who in turn discussed this idea with SDGE. This would require all power lines to run up the poles in conduits (remember, the power would be undergrounded) then back down to the underground system again until the next pole, and so on.

Since there has to be poles for the street lighting, the Board's thinking is to use the same poles for both the lights and the transformers, like it is now but without all of the overhead cables and wires.

The initial response from SDG&E is negative to such a solution. The Board also understands that this scenario might not be well-received by southern homeowners either. The consultant

for the proposed project has been away on vacation, but has been asked, by email, to arrange a meeting with SDG&E staff and members of the Board to explore options.

The Board also recommended that the District possibly enlist a company that had been referred by David Gutierrez.

9. New Business

Board President Masto alerted Board Members that Dana Point City officials have recently filed two lawsuits seeking to shut down two sober-living houses affiliated with two treatment centers in Capistrano Beach, saying their operation violates state law and the city's zoning code.

10. QUALITY OF LIFE DISCUSSION TOPICS

ACTION – Director Haack requested District Manager Russell to contact the Utility/Sewer Company to have them re-asphalt the patch of road in the entry roadway. It is becoming a safety hazard.

11. WEBB MANAGEMENT / CBRA ITEM

The following information was previously provided to the Board

- District Financial Statements for the month of May 2016.
- Notice of collection of County Gate Opening/Closing funds.
- Assisted with the Budget process.

12. WRITTEN COMMUNICATIONS

There were no written communications.

13. BOARD AND STAFF COMMENTS

Board announced that there will be no August Board Meeting and that the September Board Meeting will take place on the Thursday, 9/29 instead of Tuesday 9/27.

ADJOURNMENT

Board President Masto officially adjourned the Meeting at 9:00 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 #623, held on June 28, 2016.

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

July 28, 2016
DATE