

ITEM 5

**REGULAR MEETING #624
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**Tuesday, July 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, Jorge Moreno
Curt LaBarre, LaBarre-Oksnee Insurance Co.

4. PUBLIC COMMENTS

There were no public comments

5. APPROVAL OF MINUTES

Meeting #623 of June 28, 2016

Board President Masto summarized the June 28, 2016, #623 Meeting Minutes.

MOTION - A motion was made by Director Haack and seconded by Director Clark to approve the Minutes of Meeting #623. The motion was passed by a vote of 5-0.

6. SECURITY

a. Monthly Securitas Report for June 2016

The Board has requested the following actions by District Security operations:

- reschedule the police to be on duty during the morning hours
- coordinate the operations between Securitas officers and the District police
- have District police regularly review the speed warnings issued by Securitas
- train the Securitas officers in properly completing their warning citation forms
- start showing the driver name and company name on all service passes issued

b. Approval of District Ordinance No. 16-110, regulating parking on trash day

The Board's intent with the ordinance is to create a safer environment on the roadway during the regular trash collection day. The title of the ordinance reads as follows:

“AN ORDINANCE OF THE CAPISTRANO BAY DISTRICT ESTABLISHING PARKING AREAS and PARKING TIME LIMITS ON TRASH DAY and ESTABLISHING RIGHTS-OF-WAY FOR MOVING VEHICLES.”

The parking restriction for trash day will be no parking on the road between the hours of 7:00 AM and 1:00 PM on the regular trash day, which for the current collection schedule is on Mondays.

The Board pointed out there will need to be signage, handouts and mailed notices to make all homeowners aware of the new parking restrictions well in advance of any enforcement actions.

MOTION – A motion was made by Director Muller, seconded by Director Clark and passed by a vote of 5-0 to approve District Ordinance No. 16-110.

7. SHORELINE COMMITTEE REPORT

Committee Chairman Chris Brown reported that the Committee met twice this month; first in a lengthy telephone conference with all members to meet and get to know each other formally and then in a round-table meeting just this afternoon to begin some meaningful discussion. Present at this afternoon's meeting were Wayne Schafer and Joe Dunn, both active members of the District's previous LCP Committee who discussed the work and efforts done by that committee over the several years that they served the community. Today's meeting was very informative and helpful in familiarizing the new members with the history of past efforts in dealing with the various regulatory agencies, primarily the Coastal Commission. The Committee meets again mid-August to begin developing ideas and options for shoreline protection that can then be reviewed with consultation by the Pacific Legal Foundation.

8. FINANCE

a. Report of Monthly Expenses through June 2016

Director Muller reviewed the Financials through June 2016 and replied that all looked in order.

b. Approval of minor revisions to Budget for FYE 2017

Manager Russell presented adjustments to twelve budget line items to reflect minor increases in cost of services for the year which included \$1500 to plant St. Augustine sod in the area of the flagpole and Admin Office. The Board reviewed and approved the changes without increasing the budget overall total that had been previously approved by the Board in June. The budget version to be used for this year will be the edition with the date of July 26, 2016.

Director Muller discussed the painting proposal that was submitted by IPC for oiling the woodwork on the buildings at the community entrance area.

c. Liability Insurance Coverage/Exclusions for Disasters

Mr. Curt LaBarre of LaBarre-Oksnee Insurance Company was present to discuss and explain the terms of the District's liability insurance coverage. After a lengthy Q&A period, the Board requested a quote on additional earthquake/flood coverage to be presented for discussion at the next board meeting.

ACTION – Manager Russell will follow up with LaBarre-Oksnee Insurance Co. to have this quote ready for the next meeting.

d. Short Term Rentals

The Board engaged in a lengthy discussion about the problems arising from the short term rentals, such as over parking, overcrowding and parties. Of particular concern were parties

in STR's in July at 35601 and 35611 where the property owner, at the house in between at 35605, was disturbed by the inappropriate activity on two separate weekends. The Board feels that both the City and the rental property managers for the STR's are responsible for the problems but do not appear to be monitoring the activity closely enough to intervene at the time the problems are occurring. This continuing activity in STR's is evidence that the City and the Property Management people are not doing their job to ensure that the STR's are operating according to the City's code.

Director Clark recommended the District begin limiting the number of vehicles that can be permitted to enter the community for STR's.

Director Muller suggested a change of security companies and contract with a company that has more resources to assist in controlling the rental problem.

Director Haack pointed out that an effective process would be to assess a fine on the rental property managers for over parking, over occupancy and parties.

Board President Masto stated that a letter from the District's attorney regarding STR concerns will be sent to the City of Dana Point in approximately one week. Additionally, President Masto will draft a letter of complaint to Chris Jones, the property manager for the two rentals at 35601 and 35611.

9. OLD BUSINESS

a. Undergrounding Utilities

Board President Masto reported that according to the consultant, Utility Specialists, there is no way to fit ground-level transformers into the available space around the homes for the community south of the turnaround. The railroad owns all the land on the inland side of the roadway and cannot grant easements for placement of transformers and the consultant is sure that SDGE will not permit transformers to be placed in underground vaults.

Director Muller questioned this restriction on underground transformers as it has been reported that in Los Angeles, many transformers are underground and some vaults are even full of water after rain and they still work just fine.

Director Clark made the point that it may be that undergrounding the utilities in the southern half of the community is just not possible and that the District will only be able to do this for the portion of Beach Road north of the turnaround.

President Masto recommended that a second opinion from another consultant was in order and directed Manager Russell to contact the consultant that was previously referred to by Dave Gutierrez, that of Boyer & Associates Inc. Manager Russell was also asked to obtain specs for the absolute minimum required sizes for transformers, concrete pads, working clearances and protection bollard dimensions.

10. NEW BUSINESS

There was no new business.

11. QUALITY OF LIFE DISCUSSION TOPICS

There were no items for discussion.

12. WEBB MANAGEMENT / CBRA ITEM

The management report was presented and filed. Karen Morris of Webb Mgmt. was absent from

the meeting.

13. WRITTEN COMMUNICATIONS

The Board previously discussed two email complaints from the owner of 35601 under Short Term Rentals, item 8d.

14. BOARD AND STAFF COMMENTS

Director Breeding commented on the long-term dilapidation of the Desai property at 35341 Beach Road and asked if there is any authority with the District to force the owner to clean up the place. Manager Russell was directed to find out what legal means the District has regarding this issue.

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 #624, held on July 26, 2016.

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

August 10, 2016
DATE