

ITEM 5

**REGULAR MEETING #626
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**Tuesday, October 25, 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, Masto & Muller (Clark arrived at 7:25pm at item 7)
Directors Absent: Haack
Staff: District Manager Russell
Agents: Authorized Agent Morris, Webb Consulting Services, Inc.
Contractors Present: Securitas Branch Manager, Jorge Moreno

4. PUBLIC COMMENTS

There were no public comments.

5. APPROVAL OF MINUTES

Meeting #625 of October 4, 2016

Board President Masto summarized the October 4, 2016, #625 Meeting Minutes.

MOTION – A motion was made by Director Muller and seconded by Director Breeding to approve the Minutes of Meeting #625. The motion was passed by a vote of 3-0-2. (Directors Haack & Clark were absent)

6. SECURITY

a. Monthly Securitas Report for September 2016

Security update presented by Securitas Branch Manager, Jorge Moreno.

Discussion opened regarding homeowners leaving car windows and garage doors open at night and the question came up of how late is acceptable to call homeowners in the evening. It was recommended and agreed that no calls to homeowners would be made from now on after 9:00 pm unless there is a true emergency or if the duty patrol officer can easily verify from observation that the homeowner is still up.

Two gate officer errors were discussed. Homeowner Karen Miller was mistakenly denied entry and a lack of common sense in dealing with the situation was totally unprofessional and unacceptable. Another error involved an erroneous call to Director Breeding at 1:00 AM. Securitas Manager Jorge Moreno pledged to rectify these issues with a revised training plan for the security staff and improved communication with Manager Russell.

b. Progress Report on Trash Day Parking Restrictions

New Trash Day Ordinance No. 16-110 was passed and a notice to the community was approved for mailing to the community by October 28th. New signage was also approved and will be installed. Towing issues will be reported to the admin office.

c. Backup of Traffic at Entrance Gate on Weekends

The loss of our gate officer Judy Merchant has interrupted the duty officers' work schedules and the District asks for your patience while a new officer is trained to fill in the vacancy.

New gate officer Robert Stebenow, an ex-marine, has been hired and is doing well in training and hopefully, will correct the recent problem of traffic backup at the gate.

7. SHORELINE PROTECTION COMMITTEE

a. Shoreline Protection Committee

A report on progress and direction of the committee was not ready in time for tonight's meeting. The Committee will have a presentation ready for the December meeting.

8. FINANCE

a. Report of Monthly Expenses through September 2016

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

9. OLD BUSINESS

a. Undergrounding of Utilities – Review of Options and Cost Estimates

Utility Specialist Inc. has been directed to revise the scope of work pursuant to the Board's direction from the last meeting. Their new orders are to provide two separate cost estimates:

- *South of the turnaround (from 35545 to 35857)*

In this area (with the exception of a few homes near the very south end) there is no space on the ground to place ground level transformers. This means the power poles and the transformers must remain in their current existing locations. The only option here is to bury the secondary power that runs to the homes and all of the communications cables on the lower section of the power poles. This option will help to clean up the cable mess on the lower half of the power poles. The consultant has been directed to work up a cost for this option that excludes removal of the power lines and power poles.

- *North of the turnaround (from guard shack to 35537)*

In this area there is space on the ground on the Railroad side of our roadway to place ground level transformers. The consultant has been directed to work up the cost for a complete burial of ALL overhead utilities, removal of all power poles and install of street lights up on new decorative street lamp poles.

ACTION – District Manager Russell had been directed to obtain a cost estimate for a third option from Utility Specialists that would be to replicate the option for the southern half but do it for the entire road – thereby leaving the high voltage power lines, telephone poles and transformers in place and only burying the secondary power that goes to the homes plus all the communications cables from the lower portion of the poles.

b. Short Term Rentals

- Update on Referendum effort

The effort by the residents of Dana Point in opposition to STR's has had the following progress:

- 2900 petition signatures required and 3950+ signatures obtained
- The signature books were submitted to the Registrar on October 4th (deadline met)
- The Registrar has 30 days to certify the signatures (deadline for this is November 5)
- Once certified, the City Council has a choice to either rescind the ordinance and start over or put it to a vote of the entire populace in a special election to be held at a later date - If it goes to a vote, the special election must be held within 88 days of the referendum which would put it roughly around February 1, 2017

ACTION – Depending on the timing of the STR Referendum outcome, Director Muller has recommended that the Board do a workshop with all Beach Road Rental Owners to identify the issues of concern within the Beach Road community and to come up with solutions, and possibly some new ordinances, to help increase the quality of life for all homeowners on the road.

c. Progress Report on FEMA Revisions to Flood Insurance Rate Maps

The opposition letter from the Board was sent to FEMA in Oakland on September 16, 2016. To date there has been no reply from that agency. Also to date there has been no additional FEMA activity to report.

The District is monitoring the project and will keep the Board and the community posted. At this point in time it looks like any proposed changes to the existing flood maps are not likely to come until late next year.

If you are contemplating improvements to an existing home, now would be a good time to get the ball rolling on permits as it is possible that in two years you will NOT be allowed to make those improvements unless you are in a newer home that has been elevated on a caisson foundation above the wave run-up elevations.

10. NEW BUSINESS

a. Continued Discussion of New Trash Enclosure for 35587 Beach Road

New trash enclosure was approved with the following conditions: No part of the roof shall be more than 2” (two inches) above the railroad block wall.

b. Report on Condition of Existing Trash Enclosures

The following is a list of several trash enclosures in need of repairs. All owners have been notified. 35167 – 35275 – 35331 – 35531 - 35661.

c. Discussion Regarding Condition of Pavement Patching/Contractors’ Responsibility

This item was requested by President Masto for discussion. Contractors opening the pavement for various reasons must obtain a permit from the District then proceed with the work according to the specifications indicated in the permit paperwork.

d. White Fly Infestation

White Fly pest infestation on the District’s hibiscus and bird of paradise trees has been treated with a systemic application twice in the past 40 days. This type of treatment is much more effective than a topical pesticide spray as it is absorbed up through the roots and into the leaves where it kills the pest. This treatment is usually good for six months. Depending on the result, in many cases there is no further treatment needed.

There are two locations within the community with similar white fly problems: 35055 on their plumeria and 35107 on their hibiscus. The District is having the landscape contractor

treat those two areas to prevent the spread to any further areas. The cost is minimal and can be collected from the homeowners.

e. Untrimmed Vegetation on Vacant Lot at 35125 Beach Road

The owner has been notified to clean up the dead vegetation and rake up the leaves from the coral trees. The lot has been in terrible condition ever since a large part of the big coral tree broke off a few months ago. The District has been given permission by the lot owner to contact Luna Tree Service to come in and clean up the lot, paid for by the homeowner.

11. QUALITY OF LIFE DISCUSSION TOPICS

There are no items for this month.

12. WEBB MANAGEMENT / CBRA ITEM

The September/October management report was presented by Authorized Agent Morris.

- District Financial Statements for the month of September 2016 were previously provided to the Board.

CBRA has elected to postpone their Fall Meeting to allow for the undergrounding consultant to complete their cost estimates so this topic can be presented to homeowners. A new meeting date will be set for sometime in January after the holidays. All homeowners will be notified well in advance.

13. WRITTEN COMMUNICATIONS

There were no written communications.

14. BOARD AND STAFF COMMENTS

a. Holiday Schedule for November/December Board Meeting

In past years the board meeting schedule during the holidays is adjusted to allow time for the Board, staff and community to enjoy Thanksgiving and Christmas.

The meeting schedule for the remainder of the year is as follows:

- No meeting in November
- December Meeting tentatively set for Thursday, December 8, pending progress by the Shoreline Protection Committee (reference agenda item 7)
- Next meeting after that would be Tuesday, January 31, 2017

As always, should there be any pressing business to be conducted, a meeting of the board can always be called with three days' notice as long as a quorum can be established.

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 #626, held on October 25, 2016.

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

December 8, 2016
DATE