

# DRAFT

# ITEM 5

**REGULAR MEETING #625  
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS  
MINUTES**

**Tuesday, October 4, 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, Haack, Masto & Muller  
Directors Absent: Clark  
Staff: District Manager Russell  
Agents: Authorized Agent Morris, Webb Consulting Services, Inc.  
Contractors Present: Securitas Branch Manager, Jorge Moreno

*\*\*The September Board meeting was rescheduled twice on short notice to accommodate unplanned personal business by the both the District Manager and Director Masto. Director Clark was unable to reschedule previous commitments to meet the new meeting date.*

**4. PUBLIC COMMENTS**

There were no public comments.

**5. APPROVAL OF MINUTES**

**Meeting #624 of July 26, 2016**

Board President Masto summarized the July 26, 2016, #624 Meeting Minutes.

**MOTION** – A motion was made by Director Haack and seconded by Director Breeding to approve the Minutes of Meeting #624. The motion was passed by a vote of 4-0. (Director Clark was absent)

**6. SECURITY**

**a. Monthly Securitas Report for July/August 2016**

Security update presented by Securitas Branch Manager, Jorge Moreno.

**ACTION** – Securitas Branch Manager, Jorge Moreno is to make sure Securitas is picking up old newspapers in front of Beach Road Homes that are currently unoccupied.

**ACTION** – Securitas Branch Manager, Jorge Moreno is to make sure Securitas is double checking that the Security Vehicle has working running lights at all times.

**b. Review of Security Discussion Items from Last Meeting**

There was discussion at the last Board Meeting and action was requested on the following security-related items:

- Reschedule District Police to be on duty during the morning hours

A schedule was worked out so that the police coverage could be spread out between the morning hours with service and construction workers coming to work and in the afternoon when they are leaving.

- Coordinate operations between Securitas officers and District police

The daily officers keep in radio contact with each other on a regular basis as well as by cell phone when necessary while being careful to not create a "speed trap." This is a set up whereby the local law enforcement agency uses two officers on radio at either end of a section of roadway to essentially 'trap' a driver for the sole purpose of extracting fines for increased revenues. In the case of the District, all proceeds from fines and fees are retained by the court- the purpose of which is to eliminate any claim by a speed violator that the District employs "speed trap" tactics. Our sole purpose is for public safety.

- Have District police regularly review the speed warnings issued by Securitas

Securitas regularly monitors speeding in the community and logs speeds by *radar location-date- time-vehicle license plate-speed-direction-color-make-model-address* (see chart sample available at the District Office). This data is charted and sorted by vehicle license plate# so our officers can readily see if a violator is a repeat offender and whether the violator is a resident, guest, renter or service. This chart is regularly updated and used by District police who can refer to the data during a traffic stop.

Board President Masto requested the information matrix be sorted several different ways for better ease of evaluating trends related to locations, time of day, service vs guests, etc.

- Retrain the security officers in properly completing their warning citation forms

This has been discussed with all officers and there has been an improvement in the gathering of information for warning citations.

- Start showing the driver name and company name on all service passes issued

The effort to capture both company name and individual driver name on ALL service passes has proven to be a time-consuming and awkward process. In the morning at 7 am there is a line-up in the driveway of contractors entering for work. The gate officer needs to get these vehicles processed as quickly as possible otherwise we develop a long waiting line out of Beach Road and over the RR tracks. What we do in lieu of individual names is to log ALL vehicle license plates into the system which links us to the vehicle owner easily enough at such time as when we need to get a driver's name. This is our procedure for construction projects. On the other hand, we do capture company name and driver name for food, prepared meal deliveries and flowers - these drivers have a propensity to speed and it is very effective to be able to call the pizza shop or flower vendor and report their speeding delivery person. For the construction people, we can easily-enough conduct a site visit or deal with the violator the next morning when they come back in for work. And we can always run their license plate# through the OC Sheriff and DMV to get the vehicle owner name.

**c. Update on Parking Restrictions for Trash Day and New District Ordinance No. 16-110**

This ordinance was passed and approved by the Board of Directors at the July Board meeting.

The following are the steps involved in implementing the proposed parking restriction program:

- Post a legal notice in the OC Register Newspaper - *Done*
- Submit certified copy of ordinance to Superior Court - *Done*
- Create a sign design - *Done*
- Have a sample sign made and delivered - *Done*
- Get permission from property owners to post signs - *Pending receipt of sign*
- Order sign shipment (15 signs proposed to be placed)
- Campaign of public awareness:

This will involve a postal mailer with a photo attached, and an email blast to go to all property owners. Signs will be posted and owners encouraged to not park on the roadway on Mondays.

However, no citations or towing for the first 30 days from when the signs are posted.

- Post signs
- Work out a service agreement with a local towing company

**7. SHORELINE PROTECTION COMMITTEE REPORT**

Committee Chairman Chris Brown reported that the Committee is requesting permission to summarize the Mean High Tide Line Report into a readable document that all homeowners could understand how the tides effect their properties. They would also like to summarize the document from the Coastal Commission that shows the homes who have given away portions of their properties in return for improvement permission. The Committee would like to invite a spokesperson to come to the next Board Meeting on October 25, 2016 and explain to the Board how they would proceed with this summarization.

**8. FINANCE**

**a. Report of Monthly Expenses through August 2016**

Several expenditures were discussed and further information was requested for the following items: a) is the new smart sprinkler controller managed by satellite and is there a manual override control feature, b) review of palm tree trimming bids, c) review recommendations for the oiling of the wood gates, guard shack and admin office.

**b. Review/Approval of Increased Coverage for Flood/Earthquake Insurance**

LaBarre-Osksnee Insurance Company provided a quote for additional earthquake and flood insurance coverage that had been requested from the previous board meeting. The additional insurance was discussed and agreed upon by the Board pending a review by Steve Schwartz.

**ACTION** – District Manager Russell will have Steve Schwartz review the quote and report back to the Board.

**9. OLD BUSINESS**

**a. Undergrounding Utilities**

Recap from last Board Meeting: The Board discussed 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 SDGE cannot place transformers on railroad property. SDGE requires deeded easements and the railroad ownership does not grant easements – only temporary licenses for limited use. The seaward side in the southern half of the community is a problem as well, with most homes sitting just a few feet from the roadway.

A possible option for the southern half of the community was explored to leave the transformers up on the poles and distribute all the power downward on the poles and thereby eliminate all the overhead lines and leave only the poles with transformers. SDGE cannot permit this configuration for rigid safety reasons having to do with how the primary and secondary power lines feed into the transformers. The high-voltage primary power has to feed into the pole-mounted transformers from above and cannot be brought up from underneath, so this option is not a possibility.

Our consultant, Utility Specialists Inc., suggested another option for the southern half of the community, one of which has been done previously in other communities with similar tight space restrictions. This would be to leave the power poles and transformers in place along with the top power lines (this is the primary feed – the three thin wires at the very top) and underground the secondary power and all of the lower communications cables and lines. The consultant thinks this option could cut the cost by 50%. The consultant still feels that placement of ground-level transformers for the northern half of the community is a workable option, thereby allowing all overhead wires, transformers and telephone poles to be undergrounded. Remember, however, that if all the telephone poles are removed, the street lights need to be mounted on alternate decorative street lamp poles.

**ACTION** – District Manager Russell will be contacting Utility Specialists to have them write up a new bid with the above proposed new scenario.

**b. Short Term Rentals**

In a recent final approval action by the Dana Point City Council, the previously prohibited short term rental law has been amended and short-term rentals are now legal to operate in Dana Point.

The Board of Directors has a healthy concern for the expenses carried by the District to manage the short-term rental activity in our community. The Board has tried to reason with the City for a share of the proceeds from the rental fees collected to help offset the expense burden but so far there has been no show of willingness or understanding by the City. It's worthwhile to note here that in the calendar year of 2015, the City collected a total of \$244,000 from Beach Road rental taxes alone.

The Board has multiple issues with the inadequacy of the City's monitoring of the STR's in our community. A District plan toward adequate monitoring will be developed because several owners have either sold or plan to sell under the present situation.

There are copies of emails between the District and property owners that can be made available at the District Office.

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

To recap from July, FEMA is proposing an ominous revision to the Flood Insurance Rate Maps (FIRM) for our coastal zone. Their intent is to reclassify the coastal wave run up hazard zones. The net result would be that almost all private property in our community will be designated for the high-hazard zone.

The impact will be with limitations on development standards and an increase in flood insurance costs. The Dana Point Zoning Code has strict limits on the extent of remodeling that can be done on a home that sits in this flood zone, so this is going to strictly curtail home improvements and renovations. Building a new home on concrete caissons will continue to be allowed but we'll see new homes sitting much higher off the sand.

The District is consulting with Dave Skelly, Coastal Engineer, to assist in the interpretations of the FEMA process. Mr. Skelly is providing analysis reports and recommendations for comments back to FEMA as the effort progresses.

The changes being proposed by FEMA will impact the entire Beach Road community and the platform of reaching the community through Board meetings is inadequate to reach all homeowners. The District will continue to monitor the developments by FEMA but individual property owners are going to have to make themselves aware of the future impacts to their property and ability to afford flood insurance.

The District's letter opposing the FEMA effort and some information for homeowners to enable them to understand what is going on and how to follow along for themselves as FEMA work progresses will be made available at the District Office.

Our consultant indicates that the new revised flood maps won't be coming out until late 2017 or early 2018. Homeowners are encouraged to seek flood insurance now so it is in place in 2018, thus enabling the homeowner to qualify for 'grandfathering' of lower rates when everything increases due to the increased flood risk that is expected in the near future.

**10. NEW BUSINESS**

**a. Review/Possible Approval of New Trash Enclosure for 35587 Beach Road**

The Trash Enclosure design was reviewed and approved pending the ridge roof line be no higher than the wall height.

*ACTION* – District Manager Russell will be inspecting the height of the roof line on the trash enclosure and will discuss with the homeowner.

**b. Trash Enclosure Repairs at 35167 Beach Road**

The homeowner was requested to make the repairs.

**c. Discussion regarding Condition of Pavement Patching/Contractors Responsibility**

**11. QUALITY OF LIFE DISCUSSION TOPICS**

Monthly short term rental business was discussed under Item 9b.

**12. WEBB MANAGEMENT / CBRA ITEM**

The August thru September management report was presented by Authorized Agent Morris.

- District Financial Statements for the month of July & August 2016 were previously provided to the Board.
- Workers Comp Annual Reconciliation Report was filed on-line August 12, 2016.
- FY16-17 Budget along with a copy of the June 28, 2016 Minutes were mailed to the County of Orange Auditor-Controller on August 18, 2016.
- Summer Trash billing went out September 26, 2016 to all homeowners/unit owners who participated in the program.

**13. WRITTEN COMMUNICATIONS**

See short term rental discussion under Item 9b.  
See letter to FEMA under Item 9c.

**14. BOARD AND STAFF COMMENTS**

There were no comments.

**ADJOURNMENT**

Board President Masto officially adjourned the Meeting at 9:40 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 #625, held on October 4, 2016.

Donal S. Russell

DONAL S. RUSSELL, Manager  
Capistrano Bay Community Services District

October 15, 2016

DATE