

ITEM NO. 5a

DRAFT

**REGULAR MEETING #629
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**Tuesday, February 28, 2017
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:	Haack, Masto & Muller
Directors Absent:	Breeding, Clark
Staff:	District Manager Russell
Agents:	Authorized Agent Jim Parsons, Webb Community Management, Inc.
Contractors Present:	Securitas Branch Manager, Jorge Moreno & New Security Officer Kevin Gieselman
Guest Speaker:	Mr. Lou Galuppo, attorney for Galuppo & Blake Law Firm Ms. Sue Loftin, attorney for the Loftin Group LLP

- Jim Parsons was introduced as the new representative for Webb Community Management Inc. Mr. Parsons will also be sitting in as the new meeting recorder. Board President Masto read a report provided by Tom Webb that explained the change of management duties recently made at Webb Management.

4. PUBLIC COMMENTS

Homeowner Carole Wunderly commented on the following issue:

- The need to clean up weeds in the street at the entrance and along the road. Manager Russell reported that he recently sent out notices to eighteen homeowners.

5. APPROVAL OF MINUTES

a. Meeting #628 of January 24, 2017

Board President Masto summarized the January 24, 2017, #628 Meeting Minutes.

MOTION – A motion was made by Director Haack and seconded by Director Muller to approve the Minutes of Meeting #628. The motion was passed by a vote of 3-0 (two Directors absent).

6. SECURITY

a. Monthly Securitas Report for January 2017

Security update presented by Securitas Branch Manager, Jorge Moreno. Mr. Kevin Gieselman was introduced as the new Security Post Commander, replacing outgoing PC Bob Austin. In addition, the patrol vehicle has been repaired, as well as, equipped with various safety equipment including a first-aid kit, jumper cables, flashlight, tire pump and

loudspeaker. In addition, District Manager Russell recommended that the new PC begin attending the monthly Board meetings. The Board agreed to the recommendation but requested a report on the overtime cost.

7. **SHORELINE PROTECTION COMMITTEE**

a. **Shoreline Protection Committee**

Chris Brown was in attendance to provide feedback on the Committee's progress. In addition, The Committee's Legal Team consisting of Lou Galuppo, from Galuppo & Blake, and Sue Loftin from The Loftin Firm, were in attendance to provide an update on phase 1 of the process. Sue Loftin has experience working with Capistrano Shores Mobile Home Park on similar issues. The following Phase 1 issues were discussed:

- **Expansion of District Powers & Purpose** – Required to amend the District Operational Documents to maximize the purpose and powers without the need for a governmental agency approval. This process will eventually require a majority vote of homeowners (51%) to move forward. Powers are the tools a District has available to implement the Purpose of a District. These exist within the boundaries of the District only but can be expended by acquiring real or personal property for the benefit of the District. The District will need to modify its operating documents to increase its Powers and expand its Purposes as a District.
- **The District was approved in 1959 for 6 purposes and 14 specific Powers.** These will need to be expanded to move forward with applying for a permit from the Coastal Commission against the threat of rising sea level and loss of beach protecting all homes in the District. The Legal Team believes there will be support from other governmental agencies during the process. The Legal Team will be reviewing and recommending modifications to the existing District Operating Legal Documents. A questionnaire/survey will be sent to homeowners to gather information for the shoreline protection process and to gauge their level of support. The questionnaire will be reviewed by the Board prior to mailing. Mr. Galuppo and the Legal team will attend the next District Meeting on March 28th to update the Board and the community on its progress

8. **FINANCE**

a. **Report of Monthly Expenses through January 2017**

Board President Masto reviewed the Financials through January 2017 and replied that all looked in order. Manager Russell reported that more storm debris has washed up on the beach at the northern end and should be cleaned up. With the budget for beach cleanup completely spent (\$20,000) from the storms in January, the Board would have to authorize additional funding. It was agreed that the District would hold off on any further cleanup until the heavy storms have ended.

ACTION – There was a question on the monthly report for the Accounting Services for AD 99-1. Board President Masto asked why the expense for the month showed a negative \$5345. Staff will bring this to the accountant's attention and report back.

9. **OLD BUSINESS**

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

A Representative from Utility Specialists Inc. attended to provide an update on the proposed costs. The Project was just inspected on the day of the meeting and was not a complete inspection. Therefore, some additional time was required to come up with a final plan for the Board to review and consider. Actual working schematics of the entire underground project, with special attention given to ALL POSSIBLE transformer locations throughout the entire

community would be provided with the cost of the project. Manager Russell will coordinate with the consultant to ensure the drawings accurately reflect the existing locations of power poles and transformers. This project will eventually require a vote of the homeowners to be approved. The consultant stated he will have a completed set of construction drawings available for the next meeting to review.

10. **NEW BUSINESS**

a. Discussion of additional beach Sand grading

The Board discussed this issue but no action was taken at this time.

b. Recent Beach Cleanup Report

The Board discussed the extra cost for the cleanup. No additional cleanup will be completed until the storms subside.

c. Review of District Managers Vacation Schedule

The Board asked Manager Russell if he could set specific hours to be at the onsite office for homeowners' availability. Manager Russell advised this was difficult due to his schedule of activity. No further action was taken at this time.

11. **QUALITY OF LIFE DISCUSSION TOPICS**

*While there were no items on the agenda for discussion, the Board had the following questions/comments:

a. Transponder Costs

Board President Masto pointed out and made the recommendation that Board Members should be issued vehicle transponders at no charge. There was no opposition voiced by the Board.

b. Security CPR Training

The Board discussed requiring the Security Personnel to have CPR training. Due to liability issues it was agreed that calling 911 was the best option at this time. Manager Russell will explore this element of safety with Securitas Management and report.

c. Speed Bump Needs Fixed or Removed

The Board requested the temporary speed bump at 35611 be removed or bolted down so it doesn't shift out of position. Manager Russell will resolve the issue.

d. Flame Bowl at Entrance Area is not working

Manager Russell will run a maintenance check and call for service if necessary.

12. **WEBB MANAGEMENT / CBRA ITEM**

The February management report was carried over.

No CBRA Report this month.

13. **WRITTEN COMMUNICATIONS**

- Webb Management Correspondence (discussed under agenda item 3)

The Board reviewed the correspondence regarding the transition from Karen Morris to James Parsons as the WEBB Management Recording Representative. No action was needed by the Board.

14. **BOARD AND STAFF COMMENTS**

None at this time.

ADJOURNMENT

Board President Masto officially adjourned the Meeting at 8:55 P.M.

ATTEST:

State of California)
County of Orange)
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 #629, held on February 28, 2017.

Donal S. Russell

DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

March 14, 2017

DATE