

**REGULAR MEETING #639
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**Tuesday, February 27, 2018
CLOSED SESSION: 5:30 PM
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 Schwartz called the Meeting to order at 6:35 p.m.

2. PLEDGE OF ALLEGIANCE

Board President Schwartz led attendees in the Pledge of Allegiance.

3. ROLL CALL and CLOSED SESSION REPORT OF ACTION

Directors Present: Schwartz, Haack, Breeding, Muller
Directors Absent: Clark
Staff: District Manager Russell, Admin Assist. Morris
Agents: Jim Parsons, Webb Mgmt
Contractors: Robert Stabenow and Jorge Moreno, Securitas Security Services

**Board President Schwartz reported that no action was taken during the closed meeting.*

4. PUBLIC COMMENTS

There were no public comments

5. APPROVAL OF MINUTES

Approval of Minutes of January 30, 2018, #638

***MOTION** was made by Director Breeding, seconded by Director Muller to approve the minutes of meeting #638 of January 30, 2018, by a vote of 4-0 (Clark absent).*

6. SECURITY ACTIVITY REPORT for January 2018

Security Supervisor Robert Stabenow reported on an incident of attempted vehicle burglary in the 700 block. There was no damage and the owner did not want to call the Sheriff. In another incident, a cyclist lost control of her bike when pedaling over a speed bump in the 400-block where she encountered an uneven edge between pavement and concrete parking area. The location is currently under repair to correct the unevenness.

Board President Schwartz discussed the need for conducting a 'Loss Prevention Study' for the community and stated he would arrange for consultant to conduct a study. This would be to identify safety hazards throughout the community with recommendations on corrective action.

7. SHORELINE PROTECTION COMMITTEE

Committee member Chris Brown talked at length on the Committee's position to continue with the efforts to expand the District's powers. Another Committee member, Kristin Stark, also voiced support for the same efforts. Board President Schwartz replied that the current efforts by the Committee and the legal team need to be halted for the time being while the Board considers the merits of proceeding with

expansion of District powers. The Board feels it should wait on the outcome of a legal matter between the homeowner of 35715 and the City regarding interpretation of the existing FP-3 Flood Zone District, which the Board feels would have a bearing on whether to continue with the Committee's work. When asked by Committee member Stark for a timeline of when the Board might have a decision, Director Haack replied that while the Board is not stopping the Committee permanently, they feel the need to delay the progress temporarily. The Board did, however, ask for a copy of the Committee's draft community survey for review and comment before mailing out.

8. FINACIAL REPORT for January 2018

Director Muller commented that there were no questions or concerns regarding expenses for the month. The report was received and filed.

9. OLD BUSINESS – UNDERGROUNDING UTILITIES

Manager Russell reported that OCTA has officially denied the latest proposal from the District to possibly place transformers on the RR property in the area south of the turnaround. With this denial the Board now must try to solve the space issue with placing transformers on the ground over on the seaward side of the road where space is either extremely limited or non-existent with homes sitting so close to the roadway. Board President Schwartz explained that it's time to get opinions from at least two additional consultants for a solution. Board President Schwartz will work on providing referrals and Director Muller will have someone draft a Request for Proposals (RFP) for submittal to the new consultants.

10. NEW BUSINESS

a) Trash enclosure design and policy

Manager Russell reported that since 2013 the Board had established new standards for trash enclosures. Homeowners are now allowed to construct an enclosure with a roof sloping toward the RR block wall, with the roof no higher than the block wall at the rear and no more than 10" higher than the wall at front, facing the roadway. If doors or gates are used, they must either swing inward or slide sideways. There must be no less than 36" of space at each end of the structure for landscaping. As in the past, all trash enclosure proposals must pass approval of the Board before construction.

Motion was made by Director Breeding, seconded by President Schwartz and passed 4-0 (Clark absent) to approve the trash enclosure proposal for David and Kristin Stark at 35537 Beach Road.

b) Homeowner review of new home architecture design

Board President Schwartz explained that while the District has no land use and planning powers, it would be useful and a convenience to our homeowners to post the elevation plans for new homes on the District's website so neighbors could see how the new homes will look from the outside. Staff was directed to make necessary revisions to the website to accommodate the viewing of blueprints.

c) Review of District contracts

Board President Schwartz directed staff to pull together all District's contracts and agreements and provide them for a review by the Directors.

11. QUALITY OF LIFE and CBRA DISCUSSION ITEMS

a. Short term rentals report - Signage

District Admin Assistant Karen Morris reported that a rental property may legally post a rental sign on the building or in a planter, etc., so long as it does not advertise for short term rents. In other words, the sign cannot contain reference to daily or weekly rentals. Also, the City's sign code limits the size of such signs to no larger than 24"x 24". This seems quite large for a rental sign and while a FOR SALE sign might be

acceptable since it is temporary, perhaps the District could consider adopting a smaller size limit for these more permanent rental signs so they're not so conspicuous.

The Board was open to considering a regulation that would limit the size of RENTAL signs and asked staff to provide a report at the March Board meeting for the Directors to consider.

12. WRITTEN COMMUNICATION

There were no written communications this month

13. BOARD AND STAFF COMMENTS

Board President Schwartz commented at the beginning of the meeting that he would like to be able to manage the elapsed time for Board meetings down to about an hour. Homeowners will all continue to be permitted to speak but open discussions will now be strictly limited to the topic of that particular item and open free-for-all discussions will be curtailed.

14. ADJOURNMENT

The Meeting was officially adjourned at 8:32 PM.

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 #639 held on February 27th, 2018.

Donal S. Russell
DONAL S. RUSSELL, Manager

February 28, 2018
DATE