

**REGULAR MEETING #640  
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS  
MINUTES**

**Tuesday, March 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, Clark  
Staff: District Manager Russell, Admin Assist. Morris  
Agents: Eric Parsons, Webb Mgmt  
Contractors: Robert Stabenow, Securitas Security Services

*\*Board President Schwartz reported that no action was taken during the closed meeting and business regarding the Shoreline Committee will be covered under Agenda item 7.*

**4. PUBLIC COMMENTS**

Candidates for the upcoming vacancies on the Orange County LAFCO Commission were present to rally for votes:

- Mr. Douglass Davert, East Orange County Water District
- Mr. James Fisler, Mesa Water District

**5. APPROVAL OF MINUTES**

*Approval of Minutes of February 27, 2018, #639*

**MOTION** was made by Director Haack, seconded by Director Breeding to approve the minutes of meeting #639 of February 27, 2018, by a vote of 4-0-1 (Clark abstained, absent for Feb. meeting).

**6. SECURITY ACTIVITY REPORT for February 2018**

a) Security Supervisor Robert Stabenow reported that February was a very slow month of security activity. The report was received and filed.

b) *Review of Loss Prevention Study*

Manager Russell reported that a site safety inspection was conducted earlier in the month. The only substantial safety issue found was with the street lighting being old and a bit under-illuminated with some lights too far apart, resulting in some darker areas. Improvements to the system might come during the eventual utility undergrounding project which would include a new street light system.

**7. SHORELINE PROTECTION COMMITTEE**

a) *Committee Progress*

The Board and Committee member Chris Brown discussed the merits of both long term action (shoreline protection) and short term action (immediate concerns over recent new deed restrictions required on new home development). The Board is concerned with onerous new conditions being exacted from homeowners who are processing Coastal Development Permits. The Directors feel that it is necessary at this time to continue a hold on the shoreline protection efforts to concentrate resources on establishing strong opposition to the language being written into new deed restrictions. The Board agreed that immediate action should be taken to find a suitable and capable litigation firm to challenge the City's CDP process.

**MOTION** was made by Board President Schwartz and seconded by Director Haack, to place the Shoreline Committee legal team on hold and begin soliciting for a legal firm to represent the District against the recent action by the City of Dana Point regarding the new deed restrictions set on new home permits. The Directors voted 4-1, with Director Clark opposed to halting the legal team's work but in favor of dealing with the City and the new deed restrictions.

b). *Review of Draft Community Survey*

The Board agreed that given the new issue with the City regarding the deed language of CDP's, this may not be the appropriate time to send out the survey on shoreline protection, at least until counsel has been hired who could advise the District and provide some direction as to content and purpose of a survey. Board President Schwartz pointed out that it may be more effective and useful to mail out an informative letter as opposed to a survey, when the time comes.

**8. FINACIAL REPORT for February 2018**

Director Muller stated he had no special comments on the financial reporting for February. Board President Schwartz reminded staff to be sure to get with the bank and remove the names of officers of the Board who have left and are no longer signatory on the account.

**9. OLD BUSINESS – UNDERGROUNDING UTILITIES**

Homeowner Dave Gutierrez provided his time over the past two weeks to develop a project flow chart that he presented and explained to the Board and guests present. The flow chart lays out in general terms, all the steps necessary to bring such a project to completion. Mr. Gutierrez had spoken to several consultants who are experienced in developing underground utility projects in older existing communities and indicated that there is a good possibility that the right consultant can solve the issue of finding space in the south half of the community for placement of ground-level transformers. The original consultant, Utility Specialists Inc., was not able to solve this particular issue.

**MOTION** was made by Board President Schwartz, seconded by Director Haack and approved by a vote of 5-0 to provide \$50,000 for the services of a second consultant, pending Board approval for selection of a consultant.

**10. NEW BUSINESS**

The current Special District representative on the Board of Orange County LAFCO is stepping down this year, leaving one open seat on the Commission. All special districts in OC are allotted one vote per district. Qualification for voting first requires each District to approve a declaration of qualification, identifying two Capistrano Bay District board members as the voting representatives.

**MOTION** was made by Director Clark, seconded by Director Muller and approved by a vote of 3-0, to appoint Board President Stephen Schwartz, the primary voter, and Board Vice President Michael Haack, the alternate voter, as the voting representatives and to submit the *Declaration of Qualification to Vote* form to LAFCO no later than 3:00 PM on Monday, April 9<sup>th</sup>, 2018.

In a second action, as a result of the presentations of the two candidates during Public Comments, the Board voted as follows:

**MOTION** was made by Board President Schwartz, seconded by Director Breeding, and approved by a vote of 5-0, to cast the District’s single vote for Mr. Douglas Davert of the East Orange County Water District as the LAFCO Special Districts regular representative and Mr. James Fisler as the alternate.

**11. QUALITY OF LIFE and CBRA DISCUSSION ITEMS**

a) *Community Newsletter Content Review*

The Board pointed out the necessity of reviewing and verifying the accuracy of any District-related material intended for the Community Newsletter. The purpose being to prevent community-wide misunderstanding of District business. All District-related written material must be approved by the Board prior to printing.

b) *Proposed Size Limits for Rental Signs*

After discussion, the Board indicated they were not particular about the size of rental signs but did take the following action:

**MOTION** was made by Director Breeding, seconded by Director Haack and approved 5-0, to prohibit rental signs in the community on Short Term Rental properties.

**12. WRITTEN COMMUNICATIONS**

Resumes from two LAFCO candidates were presented and discussed under Agenda item 10.

**13. BOARD AND STAFF COMMENTS**

Director Clark pointed out that the Beach Road community has been very successful, at city council meetings in the past, when a great number of homeowners have been present to show strong support on a particular issue, pointing out that our community may have to do this again during the City’s upcoming LCP amendment process.

**14. ADJOURNMENT**

The Meeting was officially adjourned at 8:37 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 #640 held on March 27<sup>th</sup>, 2018.

Donal S. Russell  
DONAL S. RUSSELL, Manager

March 29, 2018  
DATE