

ITEM 5

**REGULAR MEETING #641
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**Tuesday, April 24, 2018
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 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

Board President Schwartz led attendees in the Pledge of Allegiance.

3. ROLL CALL

Directors Present: Schwartz, Haack, Muller, Breeding and Clark
Staff: District Manager Russell
Absent: None
Agents: Authorized Agent Eric Parsons, Webb Community Management, Inc.
Contractors Present: No Contractors were present
Guest Speakers: Bob Ooten, Candidate for OC LAFCO Alternate Special District Member Seat

****CLOSED SESSION REPORT**

Board President Schwartz reported that a closed session was held on Monday, April 23rd at 6:00 PM to discuss shoreline protection legal matters with counsel, with the following three actions taken:

MOTION was made by Director Breeding and seconded by Board Pres. Schwartz to terminate the services of the Galuppo & Blake law firm, by a vote of 3-1-0 (Clark NO and Muller absent)

MOTION was made by Board Pres. Schwartz and seconded by Director Breeding to terminate the services of The Loftin Firm, by a vote of 4-0 (Muller absent)

MOTION was made by Board Pres. Schwartz and seconded by Director Haack to retain the law firm of Schwerdtfeger Law Group, by a vote of 4-0 (Muller absent)

4. PUBLIC COMMENTS

Bob Ooten was present to discuss his candidacy for the upcoming Orange County LAFCO Alternate Special District Member Seat election, and to ask for the Board's vote in the upcoming LAFCO elections.

5. APPROVAL OF MINUTES

a. Meeting #640 of March 27, 2018

MOTION was made by Director Clark, seconded by Board Pres. Schwartz and voted 5-0 to approve the Minutes of Meeting #640 with the clarification that deed restrictions for new

coastal development permits in Capistrano Bay have been implemented as far back as 2002, rather than only for new developments as previously thought.

6. SECURITY

a. Monthly Securitas Report for March 2018:

Securitas Post Commander Robert Stabenow reported that there was an elevator malfunction at 35625 this month, but no injuries were reported. Post Commander also advised of a possible homeless influx into the Community, and to report any issue to security. Performance concerns with security staffing, mainly regarding the frequent turnover of officers, was also addressed and the Board was advised that those concerns would be followed up on with a status report provided at the next meeting.

b. Service Agreement with *DATA TICKET* for Parking Citation Processing:

Manager Russell reported that the previous practice of processing parking citations through the City is no longer an option and the District must either enter into its own service agreement with *DATA TICKET* and pay their monthly fees (\$400/mo) or begin processing parking cites in-house. Given the small number of parking cites issued each month, the cost effective procedure is to process parking citations directly between the District and the Court. The District already has an approved parking regulation, Ordinance No. 16-110, which is currently in force and effect, with the bail (fine) amount set at \$30 per violation. The Board recommended that violators receive one citation then should tow second-time offending vehicles.

7. SHORELINE PROTECTION COMMITTEE

a. Shoreline Protection Committee: Committee member Chris Brown addressed the Board on his concerns regarding the Board's position on shoreline protection, and shared his belief that shoreline protection should be a top priority moving forward. The Board has agreed with Mr. Brown's comments, and will be updating the community on their position after the issue has been evaluated by new legal counsel and a recommended course of action has been carefully planned out.

8. FINANCE

a. Report of Monthly Expenses through March 2018:

Director Muller reviewed the Financials through March 2018 and recommended that the \$48,291.57 in development fees collected this year be allocated towards shoreline protection legal fees. The Board also discussed the possibility of negotiating down the legal fees submitted by Lou Galuppo and the Loftin Firm, as they feel the bills for the services rendered were excessive. Director Clark and Board Pres. Schwartz will review all final invoices and decide how to handle payment. The Board advised that the services of the Shoreline Committee's legal team was officially terminated in Monday's closed session and termination letters will be mailed out this week.

Current Assets: \$1,733,500.68

Current Liabilities: \$55,932.39

Total Equity: \$3,475,270.51

9. OLD BUSINESS

a. Undergrounding of Utilities – Progress Report

There was no update on the undergrounding of the utilities to report. This will be carried over to the May Board meeting.

10. NEW BUSINESS

a. City Notice of Sea Level Rise Workshops to introduce future LCP amendments that will impact residential development in the Beach Road Community

The Board reviewed the Notice and pending legal advice, may take future action.

b. Review / approval of proposed trash enclosures placed on RR property

The Board reviewed the proposed trash enclosure proposals submitted by the owners of 35475 and 35411 to be placed on RR property.

MOTION - A Motion was made by Director Haack, seconded by Director Breeding and passed 4-0-1 (Muller abstained as owner of 35475) to approve the trash enclosure installation requests submitted by the owners of 35475 and 35411.

c. Review / approval of recent amendment to OCTA RR Parking License Agreement

The Board reviewed the OCTA amendment to the District's existing licensing agreement for the use of their easement property for RR parking at the three new homes under construction at 35341/345/351. The drainage area along the track bed is outside the scope of the existing license agreement which will increase the leasing fee by \$1,500 per year. After a discussion the Board determined that the increased fees will be passed through and split between the three new homeowners which will become their annual parking fee.

11. QUALITY OF LIFE DISCUSSION TOPICS

a. Progress Report - District ban on signs posted on Short Term Rental properties

Karen Morris advised the Board there is only one rental sign that remains, but that it will be coming down in the next week and a sheet with all the rentals will be available at the guard shack.

12. WRITTEN COMMUNICATIONS

Resume from LAFCO Alternate Special District Seat candidate Mr. Bob Ooten was presented and discussed under agenda item 4, *Public Comments*.

13. BOARD AND STAFF COMMENTS

The next meeting will be held on May 29, 2018 at 6:30 P.M.

ADJOURNMENT: Board President Schwartz adjourned the meeting at 9:10 PM

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 #641, held on April 24th, 2018.

Donal S. Russell

April 30, 2018

DONAL S. RUSSELL, Manager

DATE