

REGULAR MEETING #645
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, August 28, 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

President Schwartz called the Meeting to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

President Schwartz led attendees in the Pledge of Allegiance.

3. ROLL CALL

Directors Present: Haack, Breeding, Muller, Clark, Board President Schwartz
Staff: District Manager Russell
Absent:
Agents: Authorized Agent Kellyann Phillips, Compass PMC
Contractors Present: Securitas Post Commander Robert Stabenow
Securitas Branch Manager Jorge Moreno
Guest Speakers: No Guest Speakers were present

CLOSED SESSION REPORT OF ACTION

No closed session this month

4. PUBLIC COMMENTS

Non-owner visitor Chris Brown asked for clarification on the legal services termination with Rutan & Tucker, BOD pointed out that it is an agenda item. Chris Brown also wanted to know if the proposal for the Underground Utilities (from Dave Gutierrez) had been given to the BOD. Manager Russell responded that we do have the preliminary proposal but have asked for the expanded scope of work description.

5. APPROVAL OF MINUTES

Meeting #644 of June 28, 2018

MOTION – A Motion was made by President Schwartz, seconded by Director Clark and voted 5-0 to approve the Minutes of Meeting #644 with a revision to item 9c stating that the eligibility requirements for Directors regarding residency needs to be determined.

6. SECURITY

A. Monthly Securitas Report for June 2018:

Securitas Post Commander Robert Stabenow reported that July 4th holiday went great with no incidents to report. He also noted that they are still looking for the second patrol officer and will have someone by the next meeting.

B. Additional Securitas Patrol Officer

Director Muller and Director Haack both responded that the second driver should be hired ASAP, that Securitas has had more than enough time to fill the position.

Director Muller also commented that the gate officers need to have more control over the flow of the construction vehicles entering the community at 7:00 AM each morning. Homeowner Chris Miller suggested having workers enter as early as 6:30 AM, or when they arrive, and park in the overflow parking area inside the gate and wait until 7:00. This would alleviate the vehicle gridlock at the gate when everyone waiting outside on PCH all converge on the gate right at 7:00. Manager Russell stated that is an excellent idea and would immediately begin implementing the procedure.

Director Breeding noted that in the area of 35155 to 35165, parked cars on the RR side sometimes project too far into the roadway which presents a safety and traffic hazard, and requested Security to watch this area more closely.

C. Operation of Exit Gates During Peak Hours

The Board agreed to leave exit gates open daily during the busy hours so that there is less wear on the motor mechanism. These times are to be 6:30-8:30 AM and 3:00-5:30 PM.

D. Letter from Former District Police Officer

This was received and filed without discussion.

7. LCP/COASTAL UPDATE

No new business

8. FINANCE

Report of Monthly Expenses through July 2018

President Schwartz shared that Webb has not paid their accountant who is now withholding the July Financial Report. The Board agreed to pay the accounting service directly, in order to get caught up with the monthly reporting and deal with Webb Mgmt afterwards.

9. OLD BUSINESS

A. Undergrounding of Utilities/Letter from LAFCO

Manager Russell pointed out that the District has not received the expanded work description for Dave Gutierrez's consulting proposal. Mr. Gutierrez replied that he would drop off a printed copy to the District office.

President Schwartz commented that LAFCO (Local Agency Formation Commission) has recently contacted the District regarding a letter they received from Alexander Schwada Attorney at Law, discussing the Government Code requirements for the Capistrano Bay District in activating a latent power, in this case the power to underground utilities, which the District does not currently have the power to carry out. LAFCO's letter points out that a Special District may activate and exercise a latent power but must first petition LAFCO to be granted such permission. President Schwartz further stated that the Board will contact LAFCO regarding approval/permit should it be determined after our initial feasibility study, the likelihood of undergrounding is probable. There is no need to make application at this point in time, as the project is neither determined to be feasible or to be started with the next 36 months. The District does recognize a LAFCO approval is one of the many permit applications and approvals the District will need to obtain prior to commencement of construction.

B. Legal services agreement for Rutan & Tucker LLP

The Board agreed that since the District has been conducting legal business with Rutan & Tucker LLP for many years without a written agreement that it would continue without one and therefore will not sign the recent agreement submitted by our counsel at Rutan, Bob Owen.

10. NEW BUSINESS

Eligibility requirements for District Board members

The Board agreed that the question of ‘residency’ as an eligibility requirement for District BOD members needs to be ascertained.

Motion was made by Director Muller, seconded by Director Clark and voted 5-0 to have counsel clarify the qualification of residency. Currently there are three vacancies coming at the end of this year and there are six candidates running for the three seats, as follows:

- Mike Haack and Kurtis Breeding (incumbents)
- Robert Bancroft/Charlotte Bloom/Patrick McNulty/Saeed Irani

11. QUALITY OF LIFE DISCUSSION TOPICS

A. Compass Property Management Co (PMC)

Karen Morris reported that the transition from Webb Mgmt over to Compass PMC is going along great with no problems. The missing July financial report is the fault of Webb Mgmt, not Compass.

B. Dogs in Short Term Rentals (STR’s)

Manager Russell pointed out a new development in the District’s ability to regulate dogs in short term rentals. While there is an ordinance prohibiting dogs in STR’s, our officers are bound by the codes in the Americans with Disabilities Act (ADA) that permits Service Dogs and the officers are not permitted to challenge a person who claims they have a ‘service dog.’ The District can, however, cite for unleashed dogs and nuisances left and not picked up.

12. WRITTEN COMMUNICATIONS

A. Letter from LAFCO regarding undergrounding utilities-

Discussed under Agenda item 9a.

B. Letter from former District Police Officer

Addressed under Agenda item 6d.

13. BOARD AND STAFF COMMENTS

BOD asked Karen Morris to invite Seabreeze to a meeting at the end of summer to discuss the rentals and make sure they are on the same page as the District.

14. ADJOURNMENT

President Schwartz adjourned the meeting at 8:18 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 an *APPROVED* copy of the Minutes of Meeting #645, held on August 28, 2018.

Donal S. Russell

DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

September 25, 2018

DATE