

**REGULAR MEETING #647
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**Thursday, November 13, 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 a moment of silence for the victims of the fires and also in the Pledge of Allegiance.

3. ROLL CALL

Directors Present:

Board President Schwartz, Haack, Breeding, Muller, Clark

Staff:

District Manager Russell, Admin. Assistant Karen Morris

Absent:

Agents:

Authorized Agent Ryan Phillips, Kellyann Phillips, Compass PMC

Contractors Present:

Securitas Officers Robert Stabenow and Jorge Moreno

Guest Speakers:

District Counsel, Sean Schwerdtfeger

CLOSED SESSION REPORT OF ACTION

No closed session this month

4. PUBLIC COMMENTS

Homeowner Nancy Proodian asked to have a PA system if we have further meetings in the Church Sanctuary since it's hard to hear the Board members voices.

5. APPROVAL OF MINUTES

Meeting #646 of September 25, 2018

MOTION – Motion was made by Director Clark, seconded by Director Breeding and voted 5-0 to approve the Minutes of Meeting #646 as presented but to include Karen Morris under roll call as part of District Staff.

6. SECURITY

Monthly Securitas Report for November 2018:

Securitas Post Commander Robert Stabenow reported that there were a few parking violations, trespassers and citations issued for parked cars on multiple days during September. October had more of those violations plus short-term rental issues. Police were called for excessive noise past the 10 pm curfew in the rentals at 35611 and 35625.

A new gate entry protocol has been implemented with the intent to limit the number of cars for STR's. It was agreed that it is helping but there are still issues with how Seabreeze is handling the larger rentals and controlling how many people are being listed for access. The overall goal is to have a functional control program in place in advance of the upcoming summer rental season.

Director Haack asked Securitas to begin keeping a log of speed violators for each patrol officer shift and plan to include the log in with the regular monthly security report from now on. Director Haack also pointed out that it's not the best use of patrol resources to have both patrol officers on duty but parked at the community entrance at the same time as this indicates to everyone entering the community that there is NO patrol officer out on the road at that time.

7. REPORT FROM DISTRICT COUNSEL

District Counsel, Sean Schwerdtfeger, spoke to the following items:

- *Coalition to Protect Capistrano Beach*
- *Drain 1 at 35067 Beach Road*
- *Short Term Rentals*

The attorney's response to the *Coalition to Protect Capistrano Beach* was useful information on what can't be done and some ideas as to what can be done to protect against the eroding beach and sea level rise. Counsel also reported that his research of the public record in Orange County indicates that the Orange County Flood Control District is the responsible agency for maintenance of the failing storm drain structure at 35067 Beach Road.

A motion was made by President Schwartz, seconded by Director Haack and voted 4-0 (Breeding had left the meeting) to appoint Jeff Lurner to act as liaison with District Counsel on the issues of STR's, the City LCP Amendment regarding sea level rise and Shoreline Protection.

8. FINANCE

Report of Monthly Expenses through thru September 2018:

Director Muller expressed concern with missing recurring numbers in the financial report. Compass Management will review this with the accountant and report at the next Board meeting.

9. OLD BUSINESS

Undergrounding of Utilities – Progress Report

President Schwartz explained there is only a feasibility study underway at this time, being conducted by our consultant, Mr. Dave Gutierrez. The District is in no way proceeding with an actual construction project.

10. NEW BUSINESS

President Schwartz reported that the District is currently working out details with the City of Dana Point regarding the City's proposed changes to the interpretation of how they will apply the current *Ten Percent Rule* to Beach Road remodel projects. A full disclosure to the community will be forthcoming when the details are finalized.

11. QUALITY OF LIFE DISCUSSION TOPICS

No new items to discuss

12. WRITTEN COMMUNICATIONS

Manager Russell reported that the District received a commendation from Special Districts Risk Management Authority (SDRMA) for another year with no Workers Compensation Claims of injuries.

13. BOARD AND STAFF COMMENTS

Due to the holiday season, the next Board meeting will be held on Thursday, December 6th with no further District meetings until January 29, 2019.

It was also pointed out that the construction of the three homes in the 300-block are damaging the road and the contractor needs to be placed on notice for repairs when the projects are complete.

14. ADJOURNMENT

President Schwartz adjourned the meeting at 9:28 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 #647, held on November 13, 2018.

Donal S. Russell

DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

November 20, 2018

DATE