

**REGULAR MEETING #648  
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS  
MINUTES**

**Thursday, December 6, 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**

Director Clark called the Meeting to order at 6:30 p.m.

**2. PLEDGE OF ALLEGIANCE**

Director Clark led attendees in the Pledge of Allegiance.

**3. ROLL CALL**

Directors Present:	Muller, Haack, Clark, Board President Schwartz
Staff:	District Manager Russell, Karen Morris
Absent:	Breeding
Agents:	Authorized Agent Ryan Phillips, Kellyann Phillips, Compass PMC
Contractors Present:	Securitas Post Commander Robert Stabenow
Guest Speakers:	Jeff Lurner

**CLOSED SESSION REPORT OF ACTION**

No closed session this month

**4. PUBLIC COMMENTS**

Alex Schwada asked why Coastal Commission and shoreline protection topic was not on the agenda. The Board explained that at this time there was nothing new to report beyond the presentation at the previous Board meeting by District Counsel Sean Schwerdtfeger.

**5. APPROVAL OF MINUTES**

**Meeting #647 of November 13, 2018**

**MOTION** – A Motion was made by Director Haack, seconded by Director Muller and voted 4-0 to approve the Minutes of Meeting #647 as presented (Director Breeding was absent).

**6. SECURITY**

**Monthly Securitas Report for December 2018:**

a. Securitas Post Commander Robert Stabenow reported that there were a few parking violations and trespassers. A permanent extra patrol officer, Michael Lavigne, has been hired as of December 1<sup>st</sup> and is currently in training. The current extra officer, Roger Malone, was placed here temporarily and will probably be leaving our Post after the new year.

b. *Nails and Screws* - Complaints have been made of multiple flat tires from nails and screws in the road from construction activity. The Board decided that an extra street sweeping day would help and directed staff to schedule a second sweeping day. Manager Russell explained that since we currently sweep on Tuesdays, the preferred second day should be Fridays. Securitas will continue with their program of stopping at all work sites AND speed bump areas and visually scan for nails, screws, and any sharp debris that bounce out of the back of moving pickups. The Board also gave some thought to revising

the fee matrix of the Development Impact Fee program to include an allowance charged on all projects for flat tire repairs/replacements. Manager Russell was directed to prepare a report on this issue for the January Board meeting.

c. *Short Term Rentals/Lurner Report* – At the previous Board meeting, homeowner Jeff Lurner accepted an appointment by the Board to act as a liaison with District Counsel Sean Schwerdtfeger to conduct further research and fact finding on the topics of *Short Term Rentals* and *Shoreline Protection*. Mr. Lurner reported that he and the District's counsel have met and began discussions on the following:

- The District has no authority to regulate *STR's*, that is the job of the City of Dana Point. The City code limits the number of vehicles to a maximum of 2. The code also limits the maximum occupancy to 2 per bedroom plus an additional 2 people (for ex: a three bdr. unit could have up to 8 persons). The City is not strictly enforcing these two requirements. Lurner and Schwerdtfeger have a meeting scheduled in the week of December 10<sup>th</sup> with the City code enforcement officer, Ted Harris, to discuss the lack of effective enforcement by the City.

- The District has no authority to engage in *shoreline protection*. However, it's possible that we could get some success from an effort to armor the beach in the immediate area of our storm drains which discharge onto the beach, which could perhaps lead to extending the armoring past several homes on each side of the drain pipe. From Counsel's research, it's clear that our District would never be given the power of regulating of shoreline protection since that is a power reserved to the State. The best our community can do at this time is to continue sandbagging, as permitted by the CCC, and patiently await the outcome of the several lawsuits underway against the CCC to prevent the private property owners in these cases from protecting their homes. On another front, we are aware of a seawall permit issued to a private beachfront residence in Malibu and we will be investigating to find out how this individual obtained their permit.

7. **This item purposely left blank**

8. **FINANCE**

**Report of Monthly Expenses through thru October 2018:**

Director Muller gave the financial report said overall the financials are looking better, just a few tweaks that Karen Morris reported should clear up in the November Financials – this all stemming from the transition from Webb Mgmt over to Compass PMC.

9. **OLD BUSINESS**

**Undergrounding of Utilities – Progress Report**

The District's consultant, Dave Gutierrez, was not present to give an update regarding the feasibility study, but it will be on the agenda for the January meeting. Alex Schwada asked for explanation for this study and if we had a contract with Dave Gutierrez. The Board reported that the District has contracted for Mr. Gutierrez's services but only for a feasibility study at this time.

10. **NEW BUSINESS**

**District Election Results**

The OC Registrar has certified the outcome of the current voting for District Board Members. The three vacancies will be filled by the following top three vote recipients:

- Mike Haack
- Saeed Irani
- Patrick McNulty

\*As per Government Code Section 61040(b) "No person shall be a candidate for the board of directors unless he or she is a voter of the District."

**11. QUALITY OF LIFE DISCUSSION TOPICS**

No new items to discuss

**12. WRITTEN COMMUNICATIONS**

Email from Homeowner Jim Wilson regarding nails and screws in the road (discussed under item 6b).

**13. BOARD AND STAFF COMMENTS**

This was the last meeting for Directors Carter Clark and Kurtis Breeding. Director Clark commented the Board can handle multiple important issues simultaneously but that *Managed Retreat* (by the Coastal Commission) should be the main focus. Manager Russell awarded Director Clark with a commemorative plaque acknowledging and thanking Carter B. Clark for his time on the Board of Directors (Director Breeding was absent but hopefully we can honor Mr. Breeding in January).

**14. ADJOURNMENT**

Adjourned the meeting at 8:56 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 #648, held on December 6, 2018.

Donal S. Russell

DONAL S. RUSSELL, Manager  
Capistrano Bay Community Services District

December 10, 2018

DATE