

REGULAR MEETING #669
By Teleconference due to COVID Pandemic
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, January 26, 2021
CLOSED SESSION 9:00 AM
REGULAR MEETING 10:00 AM

1. CALL TO ORDER

Board President Irani called the Meeting to order at 10:00 AM

2. PLEDGE OF ALLEGIANCE

Manager Russell led attendees in the Pledge of Allegiance

3. ROLL CALL and CLOSED SESSION REPORT

Directors Present:	Board President Irani, Haack, McNulty, Wiersig and Jenkins
Staff:	District Manager Russell, Karen Morris
Absent:	None
Agents:	Authorized Agent Kellyann Phillips, Ryan Phillips, Compass PMC
Contractors Present:	Securitas Post Commander Robert Stabenow
Guest Speakers:	None

CLOSED SESSION REPORT:

President Irani reported that the Board took action at the closed session by directing legal counsel to research into the District's authority to engage in Shoreline Protection business.

4. PUBLIC COMMENTS

At the request of Manager Russell from two weeks ago, homeowner Phil Brady stated he had reached out to his contact with the State Legislature to see if there is any movement on the part of Senator Bates in re-introducing Senate Bill 1090 and reported that indeed, there is indication that this bill will be submitted again. It was the consensus of the Board that this is an important enough piece of legislation to pursue a lobbying effort and asked Mr. Brady if he can have his contact, Brian Lungren of Platinum Advisors, provide a proposal to assist in supporting the passage of SB1090 into law.

5. APPROVAL OF MINUTES

Meeting #668 of December 8, 2020

MOTION – A Motion was made by Director Haack, seconded by Director Wiersig, and voted 5-0 to approve the Minutes of Meeting #668 as presented.

6. SECURITY

a. Monthly Security Report (12/3/20 to 1/22/21)

Security Post Commander Robert Stabenow reported there were limited security-related issues during the period, including only three incidents involving SeaBreeze rentals, one of which presented a procedural issue. SeaBreeze had an over-occupancy problem and instead of denying access, SeaBreeze re-listed the individual as guest of another of their rentals. Manager Russell stated he was not aware of this matter and requested a meeting with PC Stabenow to discuss this more completely and come up with an operational policy for guiding Security if/when it happens again and also to talk to SeaBreeze. It was also noted that the incidence of speeding has diminished over this past month.

7. **THIS ITEM LEFT BLANK**

8. **FINANCE**

a. Monthly Expense Report

The expense report through December 31st was received and filed.

b. Mid-Year Budget Performance Report

Manager Russell explained that four major expense items will go over-budget this year:

- Radio Communications *our older analog system failed and was replaced with new digital equipment*
- Surveillance Camera System *also replaced with new digital cameras, DVR and audio capture*
- Landscape Contract *with all growth becoming more mature, scope of weekly work has increased*
- Irrigation Control System *16 yr old controller equipment was replaced with new Weathermatic equipment*

No further over-expenses are anticipated and the operating budget is expected to end with a balance in excess of +\$75,000.

9. **OLD BUSINESS**

a. Shoreline Protection Progress Report

Manager Russell provided the following update:

- the District has hired a coastal engineer: Walter Crampton of TerraCosta Engineering
- the Board has met with Coastal Commission staff for a good Q and A meeting
- the Board also met with OC Parks to solidify a partnership for mutual CDP support
- the Mgr is working on contacts with OCTA and SCRRA (Railroad) for additional mutual support
- TerraCosta Engineers is discussing temporary permit details with the CCC's coastal engineer
- the District and numerous homeowners have actively supported the County's CDP application for their hearing with the CCC which was held on Wednesday December 9th – this was for a permit to conduct temporary shoreline protection for the County Beach Park facility – the permit was granted for a two-year period while the County works on a more permanent solution
- the Board has sworn in two new Directors – the new Board, along with our coastal engineer, will be working out the details of the temporary CDP* application submittal. That application has not yet been submitted – the Board is working out details regarding the District's authority to represent the community.

**the temp CDP is intended to be a community-wide permit application that will have the backing of our Engineer and the support of our partners with OC Parks and OCTA – should homeowners choose to submit applications on their own and not wait for the District, they are welcome to do so.*

b. Development Impact Fee Proposed Revision

Manager Russell reported that the District's fee history for re-roofing projects indicates a wide range of fees charged when the projects appear to be very similar in scope. This is due to the DIF fees being calculated based on project valuation by the City. Manager Russell feels a more fair and reasonable fee structure for re-roofing projects would be to set a standard fee rather than using the sliding scale. There was Board consensus and staff was directed to bring a comprehensive report for review at the next meeting.

10. **NEW BUSINESS**

There was no new business

11. **QUALITY OF LIFE - CBRA**

There were no comments or discussion

12. WRITTEN COMMUNICATIONS

Manager Russell reported there was a Public Records Request (PRR) for documents relating to Shoreline Protection progress by the District and that it was fulfilled within the 10-day requirement.

13. BOARD AND STAFF COMMENTS

Director Haack commented that he would like the Board meetings to get back to being held in public as soon as possible.

ADJOURNMENT

Board President Irani adjourned the meeting at 11:12 AM

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 #669, held January 26, 2021.

Donal S. Russell
DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

February 23, 2021
DATE