

**REGULAR MEETING #527  
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS  
MINUTES**

**June 26, 2007  
CLOSED SESSION – 6:30 PM  
OPEN MEETING – 7:00 PM**

**Palisades United Methodist Church  
27002 Camino de Estrella, Capistrano Beach, CA 92624**

**A. CALL TO ORDER**

President Southwick called the regular meeting to order at 6:30 PM.

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

Directors Present: Southwick, Bancroft, Laster, Bell  
Directors Absent: Martinez  
Staff Present: Manager Russell  
Guest Present: Russell Willmon/Securitas

**D. PUBLIC COMMENTS**

There were no public comments

*At this time the Board convened into closed session to discuss the annual performance of the District Manager. The open meeting resumed at 7:10 PM.*

**E. CLOSED SESSION REPORT**

President Southwick reported that during the closed session the Board approved a pay and retirement benefit increase for the Manager.

**F. APPROVAL OF MINUTES**

*1. Regular Meeting #526 of May 29, 2007*

Motion was made by Director Bell, seconded by Director Laster and passed 4-0 (Martinez absent) to approve the minutes of meeting #526.

**G. SECURITY ACTIVITY REPORT**

*1. The report for May, 2007 was presented for review*

The Board reiterated a comment made at the previous meeting in encouraging the security officers to be assertive in the event of a confrontation with someone when physical contact occurs. This act of aggression against an officer should be reported to the police immediately and assault charges should be brought against the perpetrator through a citizen's arrest process. It was also suggested that the parents of the violators be contacted.

Russell Willmon, Securitas Branch Manager, pointed out that there is a concern on the part of the security officers with possibly losing their job by bringing legal action against a property owner and also that they may not be compensated for their time in appearing in court.

President Southwick asked staff if there was some allowance in the budget to cover court expenses for any officers who would have to make a court appearance. Manager Russell confirmed that there is an allowance already in the budget for contingencies related to the security service which is intended for such purposes. Manager Russell further added that he will coordinate with Mr. Willmon to establish a policy to guide the officers through a citizen's arrest procedure.

Manager Russell described a parking problem that is ongoing in the area of construction projects where workers are taking up all the available street parking and leaving the neighboring property owners without use of some of this parking. He suggested creating an ordinance that would regulate how construction personnel parked within the community, perhaps by limiting the number of allowable vehicles at each address then requiring the remaining vehicles to park at the fenceline near the community entrance with the ultimate consequence being a ban from the community for the next work day. The patrol officers try to accomplish this through daily monitoring but do not get good results and the thinking is that armed with an ordinance, the patrol officers would have a more effective tool to help them keep the construction parking controlled.

The Board agreed that at this time they would rather see the patrol officers try to achieve better results by closely monitoring the construction parking than go through the lengthy process of creating another ordinance.

## *2. Progress on community speed control – Speed Bumps/Traffic Survey*

Manager Russell showed a video of several sites he visited in Oceanside that are using a new speed bump product called “*TRAFFIC KOP SPEED CUSHION.*” This is a prefabricated rubberized speed bump that is bolted down to the existing pavement surface and is currently recognized as acceptable by the Orange County Fire Authority. The product appears to be very effective in slowing or “calming” speeding vehicles and does not produce excessive noise when driven over by passing vehicles. Staff recommends the District purchase and install one set of the “Traffic Kop” speed bumps and observe the overall traffic calming effect.

Director Laster, who had first observed this type of speed bump in Washington, suggested staff get a comparative bid for a similar design fabricated from hot asphalt to see which may be more cost effective.

Motion was made by President Southwick, seconded by Director Laster and passed 4-0 to approve an expense not to exceed \$3000 to install one “speed cushion” type of speed bump in the community for testing purposes.

Manager Russell reported that the final *traffic survey* by Linscott Law & Greenspan has been completed and submitted to the District with a recommended speed limit for Beach Road of 20 MPH. There is a provision within the Vehicle Code that allows for petitioning the local municipality having jurisdiction to establish a *prima facie* speed limit that can

supercede the engineer's established speed limit by 5 MPH greater or less provided enough proof can be demonstrated to justify a change.

The Board agreed that the current posted speed limit should remain at 15 MPH and that the District now should petition the city for codifying a revised speed limit as it is currently posted at 15 MPH. It was pointed out that the act of bringing in the city could possibly jeopardize the privacy of the entrance gate and that this eventuality should be carefully looked into prior to going to the city with the proposed request.

*3. Fourth of July community safety preparations*

Manager Russell reported that the safety program is scheduled and ready to be implemented. The ATV's have been reserved, the radios have been ordered, and all additional manpower has been scheduled and confirmed and the city traffic engineer has been briefed on adjusting the sequence and timing of the PCH street light to accommodate a more rapid exit of vehicles at the end of the city's fireworks show. Director Laster reminded staff to remember to contact the Dana Point PD to brief them on our safety program.

*Nadine Levinson, 35131 Beach Road,* suggested that it might be helpful to mail a notice to all property owners encouraging their cooperation in maintaining the city's NO FIREWORKS code. Manager Russell responded that the District posts a bright red and white sign at the community entrance and hands out a bright orange flyer pointing out the NO FIREWORKS restriction. He further added that an email list-serve would be extremely useful in reaching the community more directly.

**H. FINANCIAL REPORT**

*1. The claims and transmittals were presented for review.*

*2. Monthly expenses and year to date reports through May were presented for review.*

There were no comments.

*3. Review and approval of FY08 budget*

Manager Russell pointed out a slight increase in the Securitas contract that was informally approved by the Board at the budget workshop. The proposed 6.8% wage increase actually calculates out to be 7.2% when holiday and vacation hours are factored in.

Motion was made by President Southwick, seconded by Director Bell and passed 4-0 to approve the FY08 budget for the Capistrano Bay District in the amount of \$858,049.00

*4. Collection of fees for services.*

Manager Russell reported on the following:

**Development Impact Fees**

35571 - \$1134.97 Billed out on 5/22

Total DIF unpaid as of 6/22/07	\$1134.97
Total DIF collected this fiscal year	\$16,764.34
Total DIF collected since the program began	\$50,960.46

**User Fees**

The prior billing period (July 1 through December 31) is now paid in full. The current billing period (Jan 1 through June 30) has 5 unpaid accounts (one less than last month) representing a total of \$2873. Staff is continuing to follow up on all late accounts. The District will be revising its billing cycle beginning in July. All property owners will begin receiving a single statement per year instead of twice per year. This new change will simplify the administrative chore of billing and collecting and will provide much needed revenue earlier in the fiscal year.

### **RR Parking Fees**

All fees are paid in full. This program is billed annually in November each year.

### **Renter Recovery Fees**

Total renter fees collected for the fiscal year	-	\$17,000.00
Total renter fees collected since the program began	-	\$22,000.00

### **Summer Trash Collection Program/Fees**

This program commenced on Friday, June 1 and scheduled to terminate on Friday, September 28. Fees for the program will be billed to the participating homeowners in October after the close of the summer season.

## **I. LCP COMMITTEE REPORT**

*1. The MHTL and cross section survey were conducted on June 19<sup>th</sup>. The data mapping will be submitted to the District in mid-July.*

*2. Poche water quality improvement project – Coastal Development Permit*

Manager Russell reported that the CDP for this project was unanimously approved at the commission hearing in Santa Rosa on June 14<sup>th</sup>. The bacteria disinfection project can now get underway with obtaining construction permits, bidding, project scheduling, etc. It is possible that these steps could use up another twelve months but the most difficult hurdle is now over.

## **J. MANAGER'S REPORTS**

The manager reported on the following items:

*1. Progress on 2<sup>nd</sup> entry lane project (additional incoming lane at entrance)*

Grading plans have not been submitted to the city as of June 22<sup>nd</sup>. There is a delay with the storm drain redesign plans at the county level that is holding up the submittal of the project to the city. Landscape conceptual plans have been prepared and are currently being assessed for cost by three local landscape contractors. Until the District has a good idea of what the proposed landscape concept will cost, it is not possible to approve the concept except to say that so far, the community has had two opportunities to look over the concept and seem to like the proposed layout. Lastly, the approval by the city for relocating the District offices is still on the table but is expected to be resolved very soon.

Manager Russell brought up the option of installing a License Plate Recognition system(LPR) at the entrance gate. The cost is estimated to be about \$20,000. Both Director Laster and Vice President Bancroft suggested that the conduits and pull boxes for the electrical and media wiring be installed when the entrance improvements are constructed but

hold off on committing to the full LPR system for now, at least until the Board knows more accurately what the entire project cost will be.

*2. Review of Manager's Priority list.*

President Southwick pointed out that it is time to set a specific date for the homeowners with illegal storage sheds to get them moved. Staff was directed to visit the violators and have them pick a date then simply enforce the deadline.

Short term rental property

President Southwick opened the floor to several property owners who were in attendance to comment on this topic:

*Ken Carpi, 35215 Beach Road* spoke in objection to the action taken by the Board in telling the city to enforce their codes (restricting short term rentals) and the fact that no one in the community was notified of this issue, whereas the District seems to send letters out regarding a multitude of other concerns.

*Nadine Levinson, 35131 Beach Road* stated she was very concerned with what was done in hiring the attorney to write a letter to the city giving the impression that the community was opposed to rentals on Beach Road. She asked if the Board was planning to continue retaining the attorney to pursue any kind of legal action against the city for allowing the vacation rentals on Beach Road. Mrs. Levinson also stated the Board should have recognized the exceptional level of importance of this issue and was remiss in not making a greater effort to publicize this issue to the community.

President Southwick responded by reporting that the Board of Directors has no further plans to retain any legal counsel on this issue and as for notifying the community, it is handled by posting the agenda on the community entrance bulletin board as required by law and it is the responsibility of the individual property owners to look for the agenda each month.

Manager Russell added that a District website could help put the District's news into everyone's home.

*David Wilson, 35667 Beach Road* asked if the Board was intending to remove this item from the Manager's Priority List. President Southwick reiterated that the District has no further plans to pursue this with the city but will maintain the item on the Priority List for purposes of continuing to monitor the topic.

*Pablo Prietto, 35155 Beach Road* stated he was greatly offended by the District's letter to the city and the action taken to speak out so strongly against vacation rentals.

*Gail Becker, 35675 Beach Road* asked if the Board would be willing to send another letter to the city rescinding the earlier letter which she felt was a misrepresentation of the community.

Vice President Bancroft answered that there will be no further letters written at this time, that the Board is taking no further action on this issue and further added that the city is

receiving strong influence from the local hotel owners who feel that the unregulated short term rental activity is taking away from their business and want it stopped or controlled through a T.O.T process.

President Southwick completed the discussion by pointing out that now is the time for property owners to begin monitoring the city's website for news of further city council discussions on this topic.

*Gerald Levinson, 35131 Beach Road*, pointed out that being a director on a board is not an easy job and he appreciates the effort and good work that is being performed by this board of directors.

Regarding other *Priority List* items, Manager Russell stated that the property owner at 35093 has responded to the District's request for building a trash enclosure with a letter from his attorney opposing the request. This came to the District in the past few days and will be forwarded to the District's legal counsel for action.

**K. OLD BUSINESS**

*There was no old business this month.*

**L. NEW BUSINESS**

*1. District website*

Manager Russell stated that the short term rental issue has prompted several requests from property owners to establish a District website. Currently, the District posts agendas and notices on the community bulletin board but the process does not reach absentee owners who are away most of the time. A website would create an instantaneous link to all homeowners and eliminate some of the District's expense in postage and mailing of notices.

Staff was directed to research the establishment of a website, check with Gateworks for anything they might have, develop some proposals and report to the Board at the July meeting.

**M. WRITTEN COMMUNICATIONS**

*1. The District received letters and emails from the following property owners regarding the issue of short term rental property:*

L. Schusterman, H. Saarloos, G. Becker, A. Edwards, R. Arranaga and daughter G. Buckley, N. Levinson, B. Dithridge, D. Rasmussen, F. Bass, M. McNulty, S. Irwin, N. Hilker, M. Limebrook.

**N. BOARD AND STAFF COMMENTS**

*There were no comments from the Board.*

**O. ADJOURNMENT**

The meeting was officially adjourned at 9:34 PM.

Regular Meeting #527  
June 26, 2007

**ATTEST:**

**State of California**            )  
**County of Orange**            )ss  
**Capistrano Bay District**    )

**I, Donal S. Russell**, Manager of the Capistrano Bay Community Services District hereby certify that this is a true and correct copy of the Minutes of Meeting #527 dated June 26, 2007.

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DONAL S. RUSSELL, MANAGER

\_\_\_\_\_  
DATE