

**REGULAR MEETING #528  
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS  
MINUTES**

**July 24, 2007  
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 7:00 PM.

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

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

**D. PUBLIC COMMENTS**

There were no members of the public in attendance at tonight's meeting.

**E. APPROVAL OF MINUTES**

*1. Regular Meeting #527 of June 26, 2007*

Motion was made by President Southwick, seconded by Director Bell and passed 3-0-1 (Martinez abstained) to approve the minutes of meeting #527 with one correction to Vice President Bancroft's comments under item J.2, page 5 .

**F. SECURITY ACTIVITY REPORT**

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

President Southwick inquired regarding a response from legal counsel on enforcement of the helmet law in the community. Manager Russell explained that advice from Bob Owen indicated the District is best served by a continuation of the present efforts on the part of security to instruct all kids under the age of 18 to wear a helmet when riding a bicycle or skateboard and to continue the documentation in the daily reports.

*2. Progress on community speed control – Threat assessment to “private” status at entry*

Manager Russell reported that in a response letter from legal counsel, the possibility of the City taking over Beach Road as a result of asking them to enforce our speed limit is very minimal. The District owns the roadway and the City would have to go through an eminent domain proceeding to take it over plus the City would incur additional expenditures for maintenance, repair, upkeep and liability. The more likely danger lies in raising the access issue publicly and alerting members of the public who may otherwise have no knowledge of

the issue. Mr. Owen additionally advised that the District should proceed informally with the appropriate City staff person and get a feeling for what the City might be willing to do. District staff was directed to contact the City as per legal counsel's recommendation.

Manager Russell further commented that the regional vendor for the rubberized speed cushions has not responded yet with a proposal.

**G. FINANCIAL REPORT**

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

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

Director Bell requested a report be developed that will provide an accounting to date and going forward of expenses related to the entry improvement project. This report should be provided on a monthly basis to keep the Board apprised of the financial activity.

*3. Collection of fees for services.*

Manager Russell reported on the following:

**Development Impact Fees**

*There are currently six permits for which fees are due:*

Total DIF unpaid as of 7/20/07	\$7392.16
Total DIF collected this fiscal year	\$16,764.34
Total DIF collected since the program began	\$50,960.46

**User Fees**

All fees for the prior period (Jan-June 2007) are paid in full. Statements for the new period were mailed out on 7/19/07. The new billing program will cover the entire 12 month period with a single statement. The District will no longer bill in two installments.

**RR Parking Fees**

All fees are paid in full. This program is billed annually in November each year. President Southwick suggested that staff include a notice in each of the next set of statements reminding each leasee that even though their signed lease may be several years old and they may not have a copy of the current lease, their agreement nevertheless binds them to all changes made by the Board presently and in the future.

**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 is 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. For this current season there are 51 accounts.

*4. Discussion of request for reimbursement to the CBRA*

The Capistrano Beach Road Association submitted a letter to the Board asking for the District to please pick up the cost of the landscape maintenance at the guard shack and the

annual Christmas lighting expense. The Board agreed that the expense of the landscaping was a cost that is more appropriately paid by the District but denied the request to fund the Christmas lighting. Staff was directed to coordinate with the CBRA's gardener, get a quote and determine his level of liability insurance.

## **H. LCP COMMITTEE REPORT**

### *1. The MHTL and cross section survey*

Manager Russell reported in the absence of committee chairman Wayne Schafer that the results of the past several years of data collection are indicating a continual and gradual loss of beach and sand. Measurements have been collected twice each year since 2001. The greatest loss of beach is occurring at the north end near 35051 Beach Road. Since the District began taking measurements, this section of beach has lost a total of 81 feet of beach. Surveys are taken at the winter and summer solstice periods during the lowest daytime tides.

### *2. Poche water quality improvement project – Construction funding*

Manager Russell reported that the City of San Clemente recently passed an action to assist the County in construction costs of the Poche Bacteria Disinfection Project for up to \$500,000 with the County picking up the remaining \$1.8 Million. Additionally, the City will cover the operation and maintenance costs up to 60%. This is all as a result of the recent approval by the Coastal Commission of the CDP application (County of Orange) for the bacteria disinfection project.

## **I. 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)*

The submittal of grading plans to the City has been stalled as approvals from SCWD, Metrolink and Orange County RDMD are still in the process of being completed. The City does not want to accept the grading plans until the sub-agencies have given the project their blessing. Landscape conceptual estimates are finally coming in which will enable the Board to set a base cost for what has been proposed by the landscape designer and to then determine how much of the proposed scope can realistically be afforded. Regarding the request to relocate the District offices on RR property, staff now has the requisite color rendering of the proposed offices and will be taking that drawing to the City architect tomorrow morning for their review.

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

The Board agreed that keeping track of the progress of items on this list would be made much easier if a summary of items removed (completed) could be included in the minutes or noted at the bottom of the list itself. For this month, the following item(s) were removed: #16 – vacation rental issue, #18 – send out a mailer with the User Fee requesting emails. President Southwick commented on the illegal storage sheds on RR property in violation of the lease agreement. It looks like the owner at 35705 is in the process of moving his sheds and a written comment from the owner at 35121 was received explaining she needs more time to handle remodeling problems inside the house that require the shed to be in use. Staff was again directed to follow up and make sure these sheds get moved as soon as possible. The Board also asked how new changes in the lease agreement could be inured (made to take effect) with existing license holders. Manager Russell explained that there is language

in all the versions of the lease agreement that clearly states, “*All uses of the licensed area shall be subject to the terms and conditions.....and rules and regulations periodically adopted by the licensor.*” By the licensee’s signature they are agreeing to all future rules and regs.

**J. OLD BUSINESS**

*1. District website development*

Manager Russell reported that the District has so far solicited the two firms that co-developed the City of Dana Point website; Wassman Fine Arts and Purpose Media. Present at tonight’s meeting is Chris Wassman to discuss the City website and how to navigate through the various sections and to learn more about what the community would want in its website. After much conversation, the Board agreed to take home the ideas and thoughts, compile a list of items each Director feels would be useful in the website, submit those ideas to District staff and then meet to review all the ideas. Vice President Bancroft pointed out that it is better to take the time up front to sort out and identify all the items wanted in the site, then have the website constructed around all those sections rather to jump hastily into the project and find that it has to be reconstructed to accommodate an important section of information that was overlooked.

**K. NEW BUSINESS**

*1. LAFCO Municipal Services Review (MSR) and Sphere of Influence Study (SOI)*

Manager Russell reported that in their hearing on July 18, 2007, LAFCO approved the recommendation of its staff to continue the status quo of the operation of the Capistrano Bay District, recommending no changes, no dissolutions nor consolidations, only a minor adjustment to the SOI overlay to make it co-terminus with the District’s physical boundary. The significance of this adjustment effectively removes the Poche outfall from the District’s SOI putting greater distance between the District and possible responsibility for that area. Vice President Bancroft acknowledged Manager Russell for his part in seeing the LAFCO review come to a successful conclusion.

**L. WRITTEN COMMUNICATIONS**

*1. The District received a late email communication from Mrs. Vicki Bird of 35121 Beach Road commenting on the difficulties she is experiencing with her next-door renters and her intent to remove her illegal storage shed.*

**M. BOARD AND STAFF COMMENTS**

President Southwick acknowledged Manager Russell for his hard work in preparing and implementing the Fourth of July community safety program. Following that was an acknowledgment from Director Martinez for the hard work done in the past by the late Board Member Fred Jahnke in developing a more functional and complete record of the District’s finances, which played a critical role in the success of the District in surviving the recent LAFCO review.

**N. ADJOURNMENT**

The meeting was officially adjourned at 9:11 PM.

Regular Meeting #528  
July 24, 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 #528 dated July 24, 2007.

\_\_\_\_\_  
DONAL S. RUSSELL, MANAGER

\_\_\_\_\_  
DATE