

**REGULAR MEETING #530  
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS  
MINUTES**

**September 25, 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 7:02 PM.

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

Directors Present: Southwick, Bancroft, Martinez, Laster & Bell

Directors Absent: None

Staff Present: Manager Russell

Guest Present: None (Securitas representative had a prior commitment)

**D. PUBLIC COMMENTS**

Toni Bancroft, representing the CBRA, asked if the Board would consider assistance in covering the expense of the annual Christmas decorations at the community entrance. Staff was directed to place this item on the agenda for the October 30<sup>th</sup> Board meeting.

**E. APPROVAL OF MINUTES**

*1. Regular Meeting #529 of August 28, 2007*

Motion was made by President Southwick, seconded by Vice President Bancroft and passed 5-0 to approve the minutes of meeting #529 held on August 28th, 2007.

**F. SECURITY ACTIVITY REPORT**

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

*2. Progress on community speed control*

Manager Russell reported that the new “test” set of speed bumps called speed cushions was installed at 35341 last week. OCFA had originally approved the speed cushions but upon field inspection immediately ordered them removed. Apparently the Fire Authority was under the impression that they would be collapsible, which they are not. The District has no recourse on this except to remove them which was completed on Friday. The issue now will be to present the speed cushion concept to the OCFA and push administratively for an approval then obtain a permit to install them on Beach Road at sometime in the future.

Director Martinez reported on a meeting he attended with City Manager Doug Chotkevys regarding the possibility of PD assistance with speed control in the Beach Road community. The community would benefit from the intermittent presence of a motorcycle police officer to create the appearance of speed monitoring. The City Manager agreed with the concept and will direct his Police Chief to contact the District Manager for what would be the best times of the day and the best days of the week for his officers to visit the community.

Wayne Schafer stated that he also met with the City Manager and his take was similar to that of Director Martinez. He further added that Mr. Chotkevys suggested the City would be willing to help the District in any way they could and pointed out that code enforcement would be a logical course of action for some of the problems displayed on the road.

Director Bell pointed out that there needs to be a more effective program for security to be able to enforce the ordinances and rules and asked for a cost analysis of the expense to hire a District police officer on a part time basis who could legally write citations that would go to Superior Court. The suggestion was also made to possibly create a mandatory security deposit on those properties that are rented and then deduct a certain pre-set amount from the deposit when a violation is committed. David Wilson, 35667 Beach Road, agreed that most rental owners want to help in keeping the community a good place for all to live and would like to be involved in the planning of such a procedure. Gail Becker, 35675 Beach Road, stated that as far as rental properties are concerned, the responsibility for proper management of each house should go to the homeowner and the District should not be made to have to chase after a renter or a rental property manager when problems come up. Director Martinez commented that when an owner signs a contract with a rental agent, oversight of the property is signed over to that agent. Board President Southwick stated that while the Beckers and the Wilsons were proactive in managing the affairs of their rentals many others have little or no awareness of rental problems and the agent is probably the best and quickest resolution.

Director Martinez stated that when a violation occurs, it should be followed up with a letter to the offender or possibly the property owner, then after repeat offenses another letter but include a copy to the PD and the District's legal counsel to put the violator on notice that they are being pointed out to law enforcement. Director Martinez also suggested that more time should be taken to obtain accurate details on vehicle descriptions and license plate numbers for repeat speeders, that an officer should be walking the beach once a week to look for illegal fire rings, etc. and maintaining a log so proper corrective action can be taken.

## **G. FINANCIAL REPORT**

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

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

Director Martinez pointed out that under budget sub-account #4600 there should be a specific line item showing only those expenses associated with the community entry project, it could be identified possibly as #4600.10.

*3. Collection of fees for services.*

Manager Russell reported on the following:

### **Development Impact Fees**

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

*35205 (\$679.97) and 35105 (\$994.97)*

Total DIF unpaid as of 9/21/07	\$ 1,674.94
Total DIF collected this fiscal year	\$ 4,084.38
Total DIF collected since the program began	\$60,000.00 (approx. figure)

**User Fees**

As of 9/22 the collections amount to \$201,798.50 with about \$21,000 still unpaid. This represents 15 outstanding accounts and these property owners will be phoned with a first reminder to get their fees paid.

**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	-	\$550.00
Total renter fees collected since the program began	-	\$22,550.00

**Summer Trash Collection Program/Fees**

This program commenced on Friday, June 1 and terminated on Friday, September 21<sup>st</sup>. Fees for the program will be billed to the participating homeowners in October after the close of the program. For this current season there are 51 accounts.

**H. LCP COMMITTEE REPORT**

*1. The next MHTL and cross section survey is scheduled for the week of December 10<sup>th</sup>.*

**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)*

Metrolink has still not responded with written approval of the development project and the District cannot make any further progress without this approval. Frequent phone calls are made to Metrolink asking for a report on progress but there has been no response in the last ten days. In a meeting with the Planning Department the District was ordered to remove the new storage container from the property. There is a "view quality" issue that has been raised with the City, they agree that the structure is unsightly and have ordered it removed. Staff is currently looking for a temporary location to store the container until a permanent solution can be reached.

Staff was directed to sell the unit and rent a storage space locally as soon as possible.

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

Manager Russell reported that the jet skis at 35685 and the boat at 35715 were moved but a new set of jet skis appeared at 35665. The apparent owner of the jet skis was notified that the skis are in violation of District Ordinance No. 05-202 (72 hours time limit for vehicles). The owner responded negatively to the removal request. Staff was directed to issue a ten day notice to remove the skis then send a certified 30 day cancellation notice of his RR parking license agreement that includes reference to his signed license agreement and the ordinance that is being violated.

Director Martinez addressed details under item 5, *tsunami warning and evacuation plan*, and reported that he has been working on a "Neighbors Helping Neighbors" program that would help in coordinating an evacuation plan. He explained that initial steps could be to identify

homeowner groups of 8 to 10 to share the program with and also to identify and report to the county those “special population” individuals who would have difficulty in moving about

during an emergency evacuation. Director Martinez asked the other Board members to review his rough draft of a basic safety program and provide comment for furthering this at the next meeting. Director Bell suggested that as soon as possible, the District should submit to the Orange County Health Care Agency the names of all our elder residents who would need evacuation assistance but added that the District should seek permission from those individuals before submitting them to any data base.

Regarding item 19, *District Website*, the list of suggestions and ideas has been presented twice for consideration to the community and is now ready to submit to the website vendors to provide their final proposals. The plan for including the homeowner’s directory was cancelled as several property owners have communicated a strong objection to having their personal information on any website.

**J. OLD BUSINESS**

*There was no old business.*

**K. NEW BUSINESS**

*There was no new business*

**L. WRITTEN COMMUNICATIONS**

1. *Letter from Debbie Horowitz, 35715, regarding the District’s request to remove a boat from her RR parking area.*

Manager Russell reported that while the Horowitz’s were cooperative in moving the boat, they were concerned that the tone of the letter from the District was harsh and unfriendly. A letter of apology was returned to Debbie Horowitz. To the extent possible, staff will try to make phone call contact prior the issuance of any violation letters.

2. *Email from Jim Zerboni, 35665, regarding the District’s request to remove a trailer with two jet skis from his RR parking area.*

This was discussed under item I.2, first paragraph.

**M. BOARD AND STAFF COMMENTS**

Director Bell commented that the District’s block wall is getting into very deteriorated condition and that it is essential to get it replaced or repaired.

Director Martinez asked for a reminder to be extended to all large vehicles coming through the gate that there are two truck turnaround areas in the community and to please use them and stay off private driveways.

**N. ADJOURNMENT**

The meeting was officially adjourned at 8:55 PM.

Regular Meeting #530  
September 25, 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 #530 dated September 25, 2007.

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

\_\_\_\_\_  
DATE