

**REGULAR MEETING #534
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**February 26, 2008
OPEN MEETING – 6:30 PM**

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

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

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

D. PUBLIC COMMENTS

There were no public comments.

E. APPROVAL OF MINUTES

1. Regular Meeting #533 of January 29, 2008

Motion was made by Director Southwick, seconded by Director Bell and passed 4-0 (Martinez absent) to approve the minutes of meeting #533 held on January 29, 2008.

**At this time the Board took action to approve the discussion of an off-agenda emergency item – Motion by Director Southwick, seconded by Director Bell and passed 4-0 to add the following item to the agenda:*

Manager Russell explained that on Sunday morning a large section of the RR block wall at 35721 had collapsed due to its weakened condition from age (built in the early 60's). Staff requires Board action to approve an emergency expenditure for repairs to approximately 85 LF of 6 foot-high block wall at about \$200 per LF. Motion was made by Director Southwick, seconded by Vice President Laster and approved 4-0 to fund the cleanup and reconstruction of the damaged block wall at 35721 Beach Road with payment to come out of District Budget sub-account #4600 (General Reserves).

F. SECURITY ACTIVITY REPORT

1. The monthly report for January, 2008 was presented for review.

Securitas Branch Manager Russell Willmon reported that his firm was preparing to replace the patrol vehicle with a new unit and wanted to hear from the Board regarding any preference they may have for a new vehicle. The suggestion was made to put a hybrid into

use. Gerald Levinson commented that his own hybrid vehicle is so silent when in electric mode that people do not hear it coming and he has had a few narrow misses with pedestrians on the road because of this. Manager Russell pointed out that a pickup is a very useful vehicle for the occasions when something large, like a trash barrel, has to be moved or picked up. The general agreement was that a gas-powered mid-sized pickup would be the best choice.

2. Progress on community speed control

Manager Russell reported that the District's effort to seek approval for hiring a POST-certified peace officer through the office of Orange County Counsel was rejected recently. The reason is that County Counsel no longer represents Superior Court on legal matters. As of February 1st, a second submittal was made direct to Superior Court administration. In a phone call today, District staff was told that the request has been reviewed by clerical staff at Court administration and passed on to legal counsel for a decision. The District could possibly expect a response before the March Board meeting.

Manager Russell also reported that on February 4th, the OCFA issued a general approval for the use of speed cushions on private roads within private communities in areas of Orange County under OCFA jurisdiction. The OCFA specification calls out for the *TrafficLogix* product, a pre-manufactured rubberized unit that bolts down to the existing pavement surface. A request for a permit for the use of these speed cushions was submitted to OCFA on February 14th (OCFA still requires individual permits). A response is not expected until sometime in March.

3. Consideration of License Plate Recognition System (LPR)

Manager Russell reported that this is a closed circuit camera system that would be installed at the entrance gate to record the license plate numbers of all vehicles entering the community. The cost for this proprietary system that would link to Gateworks is \$19,800. There was no action taken by the Board to either approve or to reject the LPR system at this time.

4. Cost to register vehicles through a serialized window decal program

Manager Russell explained that from a security standpoint, it is beneficial to be able to identify vehicles within the community and an inexpensive method would be to re-issue all window decals with a serial number that is tied to a property address. The Board pointed out that when the automated gate is installed, there will be the need for a bar-coding system to activate the electronic reader as vehicles enter and suggested that staff look into the process for creating a bar code printed on the window decal in addition to the serial number so that both features on the new window decals are handled in one step. To this end the Board pre-authorized an expense not-to-exceed \$2500 for developing and printing the decals.

G. FINANCIAL REPORT

1. The claims and transmittals were presented for review.

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

There were no comments from Board members.

3. *Consideration of three-year renewal of District Auditor engagement*

President Bancroft recommended approval of the three year engagement of Charles Fedak & Company, based on their experience with special districts, their competency in finding and correcting problems from the previous auditing firm, their ability to handle the complexity of the separate accounting for the road assessment bond and the fact their proposal for the next three years is very reasonable. Motion was therefore made by President Bancroft, seconded by Director Southwick and passed 4-0 to approve the engagement of Charles Fedak & Company for the fiscal years ending 2008, 2009 and 2010 at annual costs of \$10,000, \$10,450 and \$10,900 respectively.

4. *Collection of fees for services.*

Manager Russell reported on the following: *(no change from prior month)*

Development Impact Fees

35065 - \$344.95 *Billed on 11/26/07*

Total DIF unpaid as of 1/29/08	\$ 344.95
Total DIF collected this fiscal year	\$ 16,346.95
Total DIF collected since the program began	\$ 73,180.00 (approx. figure)

User Fees

All fees for FY08 are paid in full.

RR Parking Fees

Billing for this fee was mailed out in mid-November. Payments currently amount to \$32,145 with \$720 (2 accounts) unpaid. Courtesy phone call reminders are currently being made.

Renter Recovery Fees

Total renter fees collected for the fiscal year	-	\$700.00
Total renter fees collected since the program began	-	\$22,700.00

(there have been no additional fees paid since January 2008)

Summer Trash Collection Program/Fees

This program ended for the season on Friday, 9/14. Billings went out in October. As of 1/31 payments amount to \$2460 with \$180 (3 accounts) still outstanding. Reminder calls continue.

H. LCP COMMITTEE REPORT

1. *The MHTL and cross section survey was conducted on December 17th. The next survey is scheduled for the week of June 6-9.*

2. *Quality of Life Committee*

David Wilson, Committee Chairman, summarized the Committee meeting held on February 23rd as follows:

The Committee met and discussed its purpose and took suggestions and comments from the twenty property owners in attendance regarding what was important to them and to get some

feedback to help with directing the Committee in addressing the suggested *QLC Committee Practices*. Director Bell commented that one of the main points of concern expressed was that problems do not always get addressed and corrected by the District although he did not cite any specific examples but was making a generalized statement. Also of concern was the apparent lack of notification to property owners and/or rental managers of problems occurring at their rentals and that at least those present wanted to be notified as soon as reasonably possible when a problem arises. It was pointed out that there are no 24 hr. hot-line phone numbers available if security needed to reach a rental property manager over the weekend to register a complaint. Staff was asked to contact Ken Ross and get a name and phone number for contact on weekends and after hours. The next meeting to discuss all these issues and agree on recommendations to the Board is set for Saturday, March 29th, 10:00 AM at 35715 Beach Road (home of Debbie Horowitz, CBRA President).

I. MANAGER'S REPORTS

The manager reported on the following items:

1. Progress on 2nd entry lane project (additional incoming lane at entrance)

Metrolink has still not processed approval for the proposed project. In a recent phone conversation, it was explained that the District would at least like to get approval for the portion of the project related to the development of the additional RR parking area to the south of the entrance gate. To date there is no response from Metrolink. Director Laster requested that staff continue, on a daily basis, to phone Metrolink until there is an acceptable response.

Additionally, a site meeting was held at the RR grade crossing with one of the City's engineers to discuss their concerns with our project as it relates to the City's Quiet Zone project. The City is very aware of the District's proposed project and explained that the proposed pedestrian and bicycle path on the RR side of the entrance driveway would have to be relocated to the seaward side. The issue or concern is that the City does not want the District to direct pedestrian and bike traffic into the busy crossing area so close to the tracks and wants to see the pathway moved further away to eliminate some of the traffic hazard. To this end, staff will be submitting a concept (sketches, photos and general easement info) to Orange County Parks to begin the dialogue for obtaining a narrow easement for the pedestrian and bicycle path along the seaward side of the entrance driveway.

2. Review of Manager's Priority List

There were no additional comments on priority list items.

J. OLD BUSINESS

There was no old business

K. NEW BUSINESS

There was no new business

L. WRITTEN COMMUNICATIONS

There were no written communications

M. BOARD AND STAFF COMMENTS

Regular Meeting #534
February 26, 2008

Director Bell asked staff to prepare a written guideline for use by security to guide them in how to present an effective attitude and demeanor when approaching owners and guests.

N. ADJOURNMENT

The meeting was officially adjourned at 8:12 PM.

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 copy of the Minutes of Meeting #534 dated February 26, 2008.

DONAL S. RUSSELL, MANAGER

DATE