

**REGULAR MEETING #535
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**March 25, 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, Martinez, Southwick & Bell

Directors Absent:

Staff Present: Manager Russell

Guest Present: Russell Willmon, Securitas

D. PUBLIC COMMENTS

There were no public comments.

E. APPROVAL OF MINUTES

1. Regular Meeting #534 of February 26, 2008

Motion was made by Director Southwick, seconded by Vice President Laster and passed 4-0-1 (Martinez absent) to approve the minutes of meeting #534 held on February 26, 2008.

F. SECURITY ACTIVITY REPORT

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

Discussion centered around an attempt by one of the patrol officers to flag down a speeding vehicle. The driver ignored the officer who was standing partly in the road waving his arms, sped past and to his house where he and the officer exchanged words. The driver's mother then came out and joined in, verbally abusing the officer and encouraging her son's behavior. Manager Russell reported that the officer did not take the opportunity at the time of the event to call the Sheriff. At the manager's urging, a call was made the following day but by then the opportunity to take effective police action had passed. Security staff is continually urged to not be hesitant in calling the police when such an event occurs.

Director Southwick commented on the frequency of flat tires on the patrol vehicle and pointed out to Securitas management that this pulls the duty patrol officer away from his main job when he has to take the vehicle out of service to get a tire repaired or replaced. Securitas was asked to look into an alternative that would allow the duty patrol officer to remain on site while the tire is repaired.

2. Progress on community speed control

Manager Russell reported that the District's proposal is now with the Office of General Counsel and there is no word on progress as of today's phone call. Given the length of time since first approaching Superior Court, staff has re-affirmed our intent with the Sheriff's deputy candidate who was previously interviewed for the position. Both he and the District are still interested in the proposal when it is finally approved by the Court.

Manager Russell also reported that OCFA has responded to our request for a permit to install speed cushions. In a confirmation phone call on 3/20/08, OCFA has verbally approved our special request. To get the process rolling the District simply needs to submit a service request along with a check for permit and inspection fees and a plan detail showing the location. Staff will submit the application to OCFA during the week of March 24.

3. Bar-coded decals for automated vehicle entry

Manager Russell reported that the Gateworks vendors who deal on a daily basis with automated vehicle entry do not recommend using a bar-code system. Apparently the electronic reader system is subject to a greater and unacceptable percentage of error than those systems using a separate transponder unit similar to the *FastTrack* toll-road transponders. Since the District is considering a re-issue of the resident window decals with a serial number, the idea to include a bar-code is now being set aside but staff has been directed to proceed with the issue of new resident decals with serial numbers that will be registered into a database for vehicle and owner identification purposes.

G. FINANCIAL REPORT

1. The claims and transmittals were presented for review.

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

There were no comments from Board members.

3. 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 3/20/08	\$ 344.95
Total DIF collected this fiscal year	\$ 16,436.95
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

All fees for calendar 2008 are paid in full.

Summer Trash Collection Program/Fees

All fees for FY08 are paid in full.

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*

Under this item President Bancroft asked Ken Ross of Capistrano Realty to report on measures his rental operation takes to inform his clients of community rules. Mr. Ross explained that the District's rules and regulations are summarized onto a plastic laminated magnetized sheet that is placed on the kitchen refrigerator of each rental unit, that his rental contract requires a signature from the client on a copy of the rules and regulations and that the copy is kept on file for access during the renter's stay on Beach Road. If a renter violates the rules, a portion or possibly all of their security deposit is retained and not returned. He further added that on weekends the office phone messages are monitored every two hours for problems and emergencies can be reported 24 hours each day. Sheila Bullock asked if a copy of the signed rules could be provided to the District for use in enforcing the rules. Ken Ross explained that this has been explored with the District Manager and the thinking is that it would be too cumbersome to continually rotate the paperwork each week as renters check in and out. The officer would have to sift through a large file to locate the proper contract and it was felt that the renter could be dealt with the following day just as effectively. If a problem was serious enough to demand immediate intervention the police could always be called in if it proved to be too much for the duty patrol officer. Mr. Ross also stated that Capistrano Realty was going to maintain in use the current version of the *District Rules and Regulations* as it would seem to benefit both sides rather than the softer version proposed by the QLC Committee. Director Southwick thanked Ken Ross for being present at the meeting and for his apparent commitment to help the community with perceived issues with the transient guests. Mr. Ross further stated he has had discussions with his staff and they were fully on board with his commitment to the District.

President Bancroft suggested that the other rental agencies operating on Beach Road should be providing the same level of regulations. Sheila Bullock asked if District staff could provide the QLC Committee with a current list of all rentals in the community.

Manager Russell opened the topic of noise control after hours within the community. In studying the meaning of the City's noise ordinance, the limit after 10 PM in the City is 50 decibels (dB). Using a hand-held noise meter this is determined to be no more than a loud whisper or a very low soft speaking voice. A speaking voice at a normal talking level is anywhere from 60-65 dB. This means that practically any voices or conversation or laughter after 10 PM is in violation of the City noise ordinance. It is important for all of us to understand the meaning and intent of the 10 PM noise curfew and exercise courtesy to our neighbors when conducting outdoor activities in the later evening hours.

Sheila Bullock announced that the QLC Committee is meeting next on Saturday, 3/29 at 10:00 AM at the Horowitz home located at 35715 Beach Road.

I. MANAGER'S REPORTS

The manager reported on the following items:

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

Metrolink finally responded with a request for some minor revisions to the proposed parking area plans. Those revisions are expected to be completed this week and submitted to Metrolink on Friday. This could mean an official approval would be forthcoming within a few weeks and also that the course of construction would occur during our summer high season. Vice President Laster asked what was happening with the proposed pedestrian and bike path to which the Manager responded that the path was rejected by the City and Metrolink so the effort now is to try to move it over to the seaward side of the entrance driveway. This requires gaining an easement from the County and a request for this was submitted to the Director of OC Parks about two weeks ago, there has been no response so this optional plan is not approved yet. Lastly, Manager Russell explained that the project is now being separated into two phases, the first being the development of RR parking and the addition of a new office and the second phase will be the improvements immediately around the entrance driveways.

President Bancroft made the suggestion that the District should consider doing exterior and interior improvements to the existing guard shack structure and directed staff to have the landscape consultant look at this and prepare a proposal as to a concept or theme for the building. Manager Russell stated that the Board had originally wanted to do this but chose not to in consideration of the additional expense but that was over a year ago and now is a good time to get a cost proposal and give the guard shack a new look.

2. Review of Manager's Priority List

Director Martinez further discussed his draft *Beach Access Handout* and urged the Board to consider implementing the plan to use this as an informational brochure to handout to the public and property owners. Board members expressed concern that the District may be giving out too much information that could be interpreted in a way as to seem negative to the public or may give cause for the Coastal Commission to pay us a visit and question our motive or maybe start up a legal challenge to defend the peoples' rights. It was agreed that any written material produced by the District regarding public beach access should be very carefully written and that the District should proceed with cautious steps.

Director Southwick stated that with the dozens of MHTL markings along the beach it would be very complicated and difficult for the security officers to explain this to beach users. It may be better served if the District made available to any owner who feels he is being trespassed upon, the necessary details and information outlined in Director Martinez's *Draft Beach Access Handout* as well as the data from the most recent MHTL surveys. This would limit the security staff to simply notifying beach users that the area of the beach they are using is part of the adjoining homes' private property. Then leave it up to the homeowner to present evidence to the trespassing beach user that they are violating state law.

Staff was directed to prepare a draft procedure for security staff to follow in dealing with any incident that involves the private property owner and the public beach user.

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Director Southwick also pointed out the need to have property owners get their vegetation and weeds trimmed.

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

Manager Russell pointed out that the November Board meeting conflicts with the Thanksgiving holiday and suggested rescheduling the meeting for early December. The Directors agreed that a rescheduling is appropriate and asked staff to send out an email to the Board to check their schedules then set a meeting date that fits everyone's schedule.

N. ADJOURNMENT

The meeting was officially adjourned at 8:25 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 #535 dated March 25, 2008.

DONAL S. RUSSELL, MANAGER

DATE