

Regular Meeting #539
July 29, 2008

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**REGULAR MEETING #539
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

July 29, 2008

CLOSED SESSION – 6:00 PM

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 6:31 PM, following the closed session.

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

Jan Jahnke of Beach Road had questions regarding Fourth of July. President Bancroft explained that there is an agenda item for this and her questions will be addressed under item F.

E. APPROVAL OF MINUTES & REPORT OF CLOSED SESSION ACTION

1. Regular Meeting #538 of June 24, 2008

Motion was made by Director Southwick, seconded by Vice President Laster and passed 4-0 (Martinez absent) to approve the minutes of meeting #538 held on June 24, 2008.

2. Report of closed session action

President Bancroft reported that no action was taken by the Board during the discussion in closed session regarding District law enforcement activity.

F. SECURITY ACTIVITY REPORT

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

Jan Jahnke had questions regarding the Fourth of July safety program; how much of the fireworks were stopped and were the beach officers instructed to deal with illegal beach fires? It seemed to Mrs. Jahnke that the officers were not effective in stopping the fireworks. Manager Russell responded that he has not yet seen the report from the Securitas special officer group working that day and can only say that the officers' primary function was to stop or deter and confiscate fireworks. Monitoring beach fires was not made a priority for that day. Director Southwick added that it may be effective for the Fourth of July officers to attend a special Fourth of July training course along with the City of Dana Point PD to be more prepared next year to deal with the problems on the beach. The Board asked for this item to be on the agenda for the August meeting.

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2. Progress on community speed control

Manager Russell reported that the *monitored speed average* for July of 25.4 mph is identical to the same period a year ago. President Bancroft suggested a comparison be made of the number of vehicles entering the community for both periods as this may reveal a different result regarding the effects of the new speed enforcement program.

A total of nine *speeding tickets* have been issued since beginning the new program. All nine have been issued to either renters or guests and one to a service worker. The point can be made that property owners are at long last heeding the speed limit. It was suggested that staff should provide the data on the total number of traffic stops as well.

The test set of *speed cushions* was inspected and approved by the OCFA this month. In conducting several site visits to the speed cushion location at 35341, staff observed all vehicles hitting their brakes when approaching the bumps. This indicates that drivers are seeing the bumps and responding appropriately by removing their foot from the gas pedal and onto the brake pedal. Staff recommends installing up to 5 additional sets along the road. The Board agreed to have the Post Commander and the Manager plot the locations for the additional five sets, present them informally to the Directors for review and proceed with installation.

3. Final consideration of LPR system at entrance

Manager Russell explained that for an initial expense of \$23,000 plus a monthly fee of \$595 the District can have a system made up of a stationary video camera placed on a pole at the entrance driveway that films your vehicle and the license plate, feeds the image, date, time and destination address into the gate computer and maintains an accumulating record of that license plate as it enters the community over time. The advantage to the system is both a source of identification and also as a deterrent. The system imprints the license plate number on the guest's pass which sends the message to the driver that they have just been recorded, with the intended result that they would be less likely to violate community rules. Director Bell stressed the point that the monthly fee is \$600. Sheila Bullock of Beach Road stated the cost seems minimal to have a positive record of the service people coming and going in the community. David Wilson and Bill Nassour, both Beach Road property owners, also stated their agreement with Ms. Bullock's comments.

President Bancroft pointed out that out of the 17,600 plus vehicles entering the community this past month, service providers, renters and guests made up almost 60% or about 10,600 vehicles. Director Bell explained that when the second entry lane into the community is added, the gate officers will then have a great opportunity to stop all new individuals and record, by hand, vehicle descriptions and license plate info. Additionally, he further pointed out that the budget keeps increasing each year and there really has been no incident so far where the license plate information would have benefited the District. Vice President Laster stated that the more appropriate time to have the LPR system would be at such time in the future as when the second entry lane is added. Without a motion, the Board agreed to table this item and exclude it from the FY08-09 budget.

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G. 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.*
Director Bell asked staff to begin providing a register of checks written for each month.

- 3. *Collection of fees for services.*

Manager Russell reported on the following:

Development Impact Fees

All DIF fees are paid in full.

Total DIF unpaid as of 6/20/08	\$ 0.00
Total DIF collected this fiscal year	\$ 17,572.28
Total DIF collected since the program began	\$ 74,320.00 (approx. figure)

User Fees

All fees for FY07/08 are paid in full. Billing for the new fiscal year will go out in July.

RR Parking Fees

All parking fees for the calendar year of 2008 are paid in full. The billing for 2009 is scheduled to go out in November.

Summer Trash Collection Program/Fees

All fees for the summer of 2007 are paid in full. The current summer season kicked off with the first Friday collection on June 6th and will run through mid-September.

- 4. *Review of proposed operating budget for FY09 (July 1, 2008 to June 30, 2009)*

Director Bell made the point that the District's revenue for the coming few years is under threat by the State of being reduced and strongly recommends increasing the User Fee by the maximum amount allowable. Staff added that the authorizing resolutions for establishing the User Fee state very explicitly that the allowable annual increase is 3%. The Board agreed with the future forecast for District revenue and took the following action: Motion was made by Director Southwick, seconded by Director Bell and passed 4-0 to increase the annual User Fee assessed amount for FY08-09, pursuant to User Fee Resolution No. 2-24-04-1, (Engineer's Levy Report). The Draft budget was not approved but will be revised pending the addition of depreciation expense and the figures from the AD99-1 Debt Service report which was just received from the assessment engineer. Staff will make the revisions and resubmit the draft budget to the Board by the end of this week.

H. LCP COMMITTEE REPORT

- 1. *The MHTL and cross section survey was conducted on December 17th. The next survey was scheduled for the week of June 6-9 but has been postponed pending proposed changes.*
Manager Russell reported that with the approval by the Board at the previous meeting the survey engineer, Guida Surveying, was directed to proceed with implementing the changes. The engineer reported that because of the changes, the MHTL survey for this summer will not take place until early August.

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2. *Quality of Life Committee*

President Bancroft opened the discussion by stating that the QLC Committee has worked very hard and produced some great recommendations to the Board and opened up the communications between property owners on important quality of life issues. He further added that it is his opinion that the Committee should continue its work as an ad hoc committee of the District and not assimilate into the CBRA organization as others have suggested recently. **Sheila Bullock stated that she wanted to see the QLC Committee continue because they have yet to solve the issue of the owners getting along with the renters.** Director Bell pointed out that community members do not typically come to District Board meetings and one of the great contributions of the QLC, which is hugely valuable to the District, is its ability to bring many more people in to their meetings where comments are heard, topics are discussed and the Committee reports this information back to the Board.

David Wilson, Committee Co-chairperson, commented that he feels the Committee has not been effective nor taken seriously and cited the example of a detailed email that was sent to the District office a month ago that contained recommendations and suggestions for a new format of the community rules and regulations. He pointed out that this message was never commented on or responded to by the Board. Director Bell stated that it sounds like the Board has been remiss in responding appropriately to Committee communications and asked the Committee to please reconsider, send the message once again and the Board will conduct an earnest review of the information and respond back in a timely manner. **Manager Russell stated that he may have overlooked the email after his return to work from vacation and was buried in many dozens of emails.**

Nadine Levinson, the other Committee Co-chairperson, commented that the speed enforcement letter that was sent out with the notice that the District was preparing to hire a policeman could have been a bit softer and a little more friendly and made the suggestion that it may be useful to allow the Committee to review these kinds of notices before they are sent out. **Both Directors Southwick and Bell responded to the suggestions that the Board did not consider QLC ideas seriously and stated that some of the QLC Committee members had been absent in previous meetings and the Board did indeed consider their proposals. Director Southwick further stated that there had been no complaints about the tone of the letter to the community announcing the hiring of a police officer and staff agreed it was unaware of any complaints.**

I. MANAGER'S REPORTS

The manager reported on the following items:

1. *Progress on community entrance improvements.*

Metrolink sent an email confirmation to the District today (7/29) tentatively approving the project submittal in its draft form. They asked for a final stamped set of the *Site Safety Plan* docs whereupon they will issue the *Temporary Right of Entry*. This is expected to be completed next week which will then enable the District to bring in the soils engineer to finish collecting his data to be able to finish up the grading plan documents.

2. *Review of Manager's Priority List*

Director Bell brought up the importance of being proactive on item 9, *Repairs to the Block Wall* and to get some progress moving on those areas that have been identified as needing reinforcement. Director Southwick pointed out the need for minor repairs to the landscape

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light fixtures at the community entrance. Manager Russell explained that staff has been having difficulty in establishing a mass-emailing account to get notice out to the community regarding item 17, *the new District website* but expects this to be a non-issue by the end of the week.

J. OLD BUSINESS

1. Notice of Board of Directors vacancies and new candidate filing deadline.

Manager Russell again announced the expiration of two Directors terms in December. New candidates must file with the Registrar of Voters and pay the registration fees no later than August 8, 2008 at 5:00 PM. If candidates are running unopposed then there is no need for a ballot election and hence, no filing deadline and the candidate is simply appointed through a less formal process by the County Board of Supervisors.

K. WRITTEN COMMUNICATIONS

There were no written communications.

L. BOARD AND STAFF COMMENTS

Director Southwick asked staff to look into the RR Parking Agreements of the two homes at 35051 and 35055 to make sure those agreements were properly conveyed to the new owners as it is his understanding that these properties have recently been in escrow.

M. ADJOURNMENT

The meeting was officially adjourned at 9:04 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 *DRAFT* copy of the Minutes of Meeting #539 dated July 29, 2008.

DONAL S. RUSSELL, MANAGER

DATE