

**REGULAR MEETING #542
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**October 23, 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 6:32 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Directors Present: Bancroft, Southwick, Bell
Directors Late: Martinez (6:41 PM), Laster (6:55 PM)
Staff Present: Manager Russell
Guest Present: Russell Willmon, Securitas

D. PUBLIC COMMENTS

Nancy Proodian commented on the beach cleanup over the weekend by San Clemente High School volunteers from the girls cross-country track team. Director Southwick thanked Mrs. Proodian and asked her to convey the Board's and the community's thanks to her son and the young ladies who performed this task for our beach.

E. APPROVAL OF MINUTES

1. Regular Meeting #541 of September 30, 2008

Motion was made by Director Bell, seconded by Director Southwick and passed 3-0-2 (Martinez & Laster had not arrived at this time to vote) to approve the minutes of meeting #541.

2. Special Meeting of October 6th, 2008 (emergency finance meeting)

Motion was made by Director Southwick, seconded by Director Bell and passed 3-0-2 (Martinez & Laster had not arrived at this time to vote) to approve the minutes of the special meeting held on October 6th, 2008. This meeting was held to pass District Resolution No. 10-06-08, "A RESOLUTION OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT AUTHORIZING THE WITHDRAWAL OF ALL CBCSD FUNDS FROM THE LOCAL AGENCY INVESTMENT FUND (LAIF) LESS \$5,000.00 TO KEEP THE FUND OPEN AND CREATING A NEW INVESTMENT ACCOUNT TO DEPOSIT \$1,000,000.00 INTO WELLS FARGO BANK."

F. SECURITY ACTIVITY REPORT

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

Russell Willmon reported he would like to introduce some training program material for the gate officers to begin studying during their regular work hours since vehicle activity at the gate has slowed with vacation season now over. Manager Russell replied that he could support this program as long as the officers were instructed to not allow the process to

Development Impact Fees

All DIF fees are paid in full.

Total DIF unpaid as of 9/26/08	\$ 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

The billing for FY09 went out in the mail on August 5th. As of October 23rd the District has received \$204,645 or 92% of the total. The User Fee rates for this billing cycle included the increase approved by the Board at the July meeting.

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

Billing for the summer of 2008 went out in September. As of October 23rd the District has collected \$2460 with \$540 outstanding.

H. LCP COMMITTEE REPORT

1. The MHTL and cross section survey was conducted on August 26th.

Committee Chairman Wayne Schafer reminded the Board of the important role played by the Pacific Legal Foundation in years past to protect the rights of Beach Road property owners in stopping the Coastal Commission from requiring an owner to sign over their sandy beach to the public in exchange for approval on a Coastal Development Permit application. Director Martinez stated his agreement and supported this by adding that the current annual contribution of \$250 should be increased. Motion was made by Director Martinez, seconded by Director Southwick and passed 5-0 to increase the PLF contribution for FY08-09 by \$2,500.00 and that this action is subject to an annual review of revenue and available funds. Director Southwick also asked the Board if there was any interest in sending a contribution to the Dana Point Ocean Institute. Director Martinez suggested that this may not be a contribution that would benefit the majority of the community and therefore further study would be necessary. The item was tabled.

2. CBRA Activity Report including Quality of Life Committee

CBRA Chairwoman Debbie Horowitz reported that the QLC Committee is now operating under the CBRA organization since the District Board dissolved the QLC as an ad hoc committee of the Board at the September meeting. Mrs. Horowitz further added that the next CBRA meeting is scheduled for Saturday, November 15th at 10:00 am and will be held at 35855 Beach Road, the home of Jay and Chanya Longley. Director Southwick suggested that CBRA include instructions for alternate parking as it is extremely limited at this location.

I. MANAGER'S REPORTS

The manager reported on the following items:

1. Progress on Phase I railroad parking improvements at community entrance

Soils test boring and installation of the safety fence were completed on October 21st. By the end of October the completed soils report will be ready for submittal to Metrolink to get final approval for the proposed parking project. It has recently become possible that the entire project, Phase I and II, could be submitted to Metrolink as a single larger project. A meeting with Metrolink is tentatively scheduled for the week of October 27th to discuss this possibility. The advantage with getting all of the work approved in one move is to speed up the administrative process and put the entire job out to bid at once and gain back some of our lost time.

2. Report on meeting with city officials regarding development standards

A very positive and constructive meeting was held with the city on October 1st to address District concerns with several of the existing development standards for home improvements and new home construction on Beach Road. Representing the District were Manager Russell and Director Southwick. Also present was resident Sandy Hoose. Among the topics were *10% remodel guide-lines for non-conforming homes – railroad parking and building heights – residential water runoff – use of corrosion resistant rebar in concrete – caisson requirements for beach side patio decks and uniform or standardized FP-3 elevations for new homes*. In general, the City Manager and the Director of Community Development were both open to further discussions on establishing policy and revising codes to accommodate our community's concern. The Manager will be happy to cover any of these items in detail for anyone interested in learning more.

3. Update on Poche Water Quality Disinfection Project

In a recent reply from James R Volz, P.E., of Orange County Public Works, this project is nearing completion. Start up and system testing will commence by about mid-December.

4. Review of Manager's Priority List

Manager Russell commented that the RR parking area at 35677 is still in need of cleaning up and pointed out that it is going to take further communication with the owner to get this cleanup handled. Homeowner Stephen Schwartz pointed out that there are several dilapidated trash enclosures in need of repairs. Director Southwick thanked Mr. Schwartz and suggested a form letter go out to property owners urging them to please cleanup and repair or replace any damaged or dilapidated trash enclosures.

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

There were no comments

N. ADJOURNMENT

Regular Meeting #542
October 23, 2008

The meeting was officially adjourned at 7:54 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 an *APPROVED* copy of the Minutes of meeting #542 held on October 23rd, 2008.

DONAL S. RUSSELL, Manager

DATE