

**REGULAR MEETING #545  
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS  
MINUTES**

**February 5, 2009  
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/SWEARING IN OF NEW DIRECTORS**

Directors Present: Laster, Bancroft and Levinson  
Directors Absent: Bell and Schwartz  
Staff Present: Manager Russell  
Guests Present: Kim Tarantino and Berni Neal

Manager Russell administered the Oath of Office to new Director Gerald Levinson.  
(*Director Schwartz was not present to be sworn in*)

**D. PUBLIC COMMENTS**

(*RR grade crossing quiet zone project*)

Guests from Capistrano Beach, Berni Neal and Kim Tarantino, were in attendance to meet the Board and make comments regarding the RR grade crossing quiet zone project. Comments centered around the issue of indemnification and the belief that OCTA may be trying to force the risk onto the City of Dana Point. It was reported that the city is very concerned about this liability issue and is reluctant to accept it without fully researching and learning more from OCTA. Director Bancroft pointed out that it is very important for the community to be clear that comments to the city must focus on the need for enhanced safety at this crossing. With what is known at this point a push for silencing the train horns is going to force the city council to have to vote no on the project (*due to the perceived liability involved*). It is better for the success of the project to emphasize support for the safety enhancements and play down the added advantage of the train horns. With the Federal Government offering to pay 88% of the construction costs the point right now is to not lose the opportunity that is being placed before the city to get enhanced safety features built at this very dangerous grade crossing.

**E. APPROVAL OF MINUTES**

*1. Special Meeting #544 of December 18, 2008*

Motion was made by President Laster, seconded by Director Levinson and passed 3-0 (Bell and Schwartz absent) to approve the minutes of meeting #544 on December 18, 2008.

**F. SECURITY ACTIVITY REPORT**

*1. The monthly report for December, 2008 was presented for review.*

Sandy Hoose, Beach Road resident, questioned why there aren't more speed citations written by the District police officer especially when there seems to be a lot of speeders. Manager Russell explained that it is not possible to catch everyone violating the speed limit. The current program is effective in controlling speed in that there are progressively less recorded violators each month and while we do have a group of regular speeders, their overall average speed is declining.

*2. Progress on community speed control*

Manager Russell reported on the radar data collected as follows:

- June thru Dec 2007                      108,123 vehicles with 360 measured (radar) violators  
(1 violation for every 300 vehicles)
- June thru Dec 2008                      119,436 vehicles with 277 measured violators  
(1 violation for every 431 vehicles)

**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.*

Manager Russell explained that previous Board instructions to take all Wells Fargo Bank reserves on deposit and place them into T Bills has been delayed. First, WFB was not able to purchase T Bills for the time periods originally requested by the Board and then it was learned that TreasuryDirect.gov wanted a large annual management fee to set up an account. The bookkeeper was not comfortable with this and a purchase of T Bills has not yet taken place. In the meantime all the reserve funds have been placed into a new *non-interest bearing checking account that is fully FDIC insured, regardless of the balance.*

*3. Collection of fees for services.*

Manager Russell reported on the following:

**Development Impact Fees**

Total DIF unpaid as of 12/31/08	\$ 3477.44
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 (July 08 through June 09) went out in the mail on August 5<sup>th</sup> and as of October 31st has been paid in full.

**RR Parking Fees**

A careful review of this account shows that there are actually three homeowners who have not paid their parking fees. All three owners have been contacted by phone and payment is expected during the last week of February.

**Summer Trash Collection Program/Fees**

All fees for the summer of 2008 are paid in full.

**H. LCP COMMITTEE REPORT**

*1. Installation of video camera to record beach sand movement*

Manager Russell explained that a video camera had been installed on the roof of the first home on the road, 35051 Beach Road, for the single purpose of monitoring the movement of the sand that was deposited onto the adjacent county beach from the recent marina dredging project. The live feed from the camera can be viewed on a secured website that is accessible only by District staff and the company who is responsible for the camera and the website. Resident Jack Tarr was not present at the meeting but had submitted a written communication stating his concern with the possibility of invasion of privacy for our community and recommended the camera be dismantled and removed.

Present as a guest speaker was Tim Chandler from CoastalWatch, the owner of the camera, website and software, who briefly explained that the website was totally restricted and not available for public viewing. Manager Russell stated it would be beneficial for Mr. Chandler to speak to the LCP Committee and said he would consult the members of the Committee, allow all the members to view the website and see the information for themselves and determine whether there is indeed a privacy issue.

*2. CBRA Activity Report including Quality of Life Committee*

David Wilson spoke for the QLC Committee and stated only that the next scheduled meeting for the CBRA would be on March 7<sup>th</sup>.

**I. MANAGER'S REPORTS**

The manager reported on the following items:

*1. Update on Entrance Improvement Project*

It was reported that preliminary details for the proposed pedestrian pathway out of our community have been prepared and submitted to the county for review. The District is proposing to gain an easement from the county along the seaward side of the entrance driveway that would provide a safe pathway for our pedestrians adjacent to but out of the way of moving vehicles. Staff expects a response from the county later this month.

*2. Review of Manager's Priority List*

Sandy Hoose asked the Board to seriously consider item 5, *additional street lights*, and take action as soon as possible to upgrade and provide more lighting in those areas that right now are completely dark. Staff was directed to make this a top priority and to coordinate this with former Director Alex Martinez who had originally volunteered his electrical engineering experience to assist in the evaluation. Staff was also reminded that Fourth of July is rapidly approaching and the issue of developing the safety plan still needs to be completed.

**J. OLD BUSINESS**

*There was no old business*

**K. NEW BUSINESS**

*There was no new business*

**L. WRITTEN COMMUNICATIONS**

*There were no written communications*

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**M. BOARD AND STAFF COMMENTS**

*There were no comments*

**N. ADJOURNMENT**

The meeting was officially adjourned at 8:15 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 #545 held on February 5th, 2009.

\_\_\_\_\_  
DONAL S. RUSSELL, Manager

\_\_\_\_\_  
DATE