

**REGULAR MEETING #546
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**February 24, 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 6:31 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/SWEARING IN OF NEW DIRECTORS

Directors Present: Laster, Bell, Bancroft, Levinson and Schwartz
Directors Absent: None
Staff Present: Manager Russell
Guests Present: Russell Willmon of Securitas

Manager Russell administered the Oath of Office to new Director Stephen Schwartz.
(*Director Levinson was sworn in at the previous meeting on February 5th*)

D. PUBLIC COMMENTS

Jerry Southwick commented on the recent damage to the hedge in the center divider of the community entrance driveway and asked that the responsible party reimburse the CBRA for their restoration expenses. He also stated that he would like to see the District police officer go after speeders in a more aggressive manner.

Bob Aldrich of Orange County LAFCO took a few minutes to explain to the new Directors about LAFCO and its purpose for Special Districts and Cities in Orange County.

E. APPROVAL OF MINUTES

1. Meeting #545 of February 5, 2009 (this was the regular January meeting)

Motion was made by President Laster, seconded by Director Levinson and passed 3-0-2 (Bell and Schwartz abstained as they were absent for meeting #545) to approve the minutes of meeting #545 on February 5, 2009.

F. SECURITY ACTIVITY REPORT

1. The monthly report for January, 2009 was presented for review.

Securitas Branch Manager Russell Willmon reviewed the details of the monthly security report and announced the hiring and placement of two new officers, Dean Junasa as graveyard shift patrol and Mark Jones as swing shift patrol. There were no questions or comments from the Board.

2. Progress on community speed control

Manager Russell reported that the District passed its annual fire lane inspection conducted by the Orange County Fire Authority on Friday, February 20th. The purpose of the inspection by OCFA is to check on existing conditions of the road regarding fire lane signs,

striping, location of speed bumps and street parking. *Director Bancroft added that it is important to ensure proper parking along the curb so that the community does not risk losing its privilege to park on the road altogether.* Sandy Hoose suggested our police officer keep a record of his contact with all the speeders he stops, in addition to those who get citations. Manager Russell pointed out that this is standard procedure for all law enforcement officers including the District's officers. It was also suggested that the 15 MPH pavement striping needs to be repainted.

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.

Vice President Bell requested a copy of the engineer's prepared cost estimate and time schedule for the construction of the entry project. Staff was asked to check with the CSDA regarding the possibility of a tax revenue cut for the District.

Director Schwartz stated that the engineer's costs seem to be running quite high and pointed out, along with President Laster, that engineers can get out of control if they are not held in check. Staff was asked to get some fixed costs from the engineer for the remainder of his work.

Director Levinson turned the conversation to his concern with having all of the District's reserves in a single bank and recommended moving some of the reserves out of Wells Fargo Bank and into another institution such as American Century Capital Preservation Fund. The Board agreed with the recommendation but was unsure whether CPF was FDIC insured and therefore took the following action: Motion was made by Director Levinson, seconded by President Laster and passed 5-0 to approve the transfer \$250,000.00 from WFB into either CPF, if it is FDIC-insured, or a smaller regional bank in an FDIC-insured account; Director Levinson will check with CPF regarding insurance and Directors Schwartz and Bell will check and make recommendations for a smaller regional bank in case CPF doesn't pass the FDIC requirement. END OF MOTION.

3. Collection of fees for services.

Manager Russell reported on the following:

Development Impact Fees

35591 Beach Road - remodel valued at \$36,500

35797 Beach Road - remodel valued at \$50,000

Total DIF unpaid as of 1/31/09	\$ 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

All User Fees are paid in full.

RR Parking Fees

All parking fees are paid in full.

Summer Trash Collection Program/Fees

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

H. COMMITTEE REPORTS

1. LCP Committee

There was no committee activity to report.

2. CBRA Activity Report including Quality of Life Committee

There was no committee activity to report.

I. MANAGER'S REPORTS

The manager reported on the following items:

1. Update on Entrance Improvement Project

Staff met on site with the county representatives and walked through the proposal by the District to exchange easements for safe pedestrian walkways. The county is initially supportive of the proposal but cannot speak for the Director of Harbors, Beaches and Parks and while they think it would be a great improvement it still must be approved through the proper administrative channels which can be time consuming. In anticipation of a protracted time schedule for approval, staff will work now to proceed with developing Phase I of the entry improvement project which is the construction of the RR parking area in the area between the guard shack and the first residence.

2. Report on the RR Grade Crossing Safety Enhancements (Quiet Zone)

The city has encountered some problems associated with the liability at the grade crossing and is currently working with OCTA to iron out a mutually agreeable solution. In the meantime there are many residents in the area who have been lobbying the city council to approve the project so it can move forward to construction. The citizen effort is based on the need for safety enhancements at the crossing. While a solution is not expected soon the District is hopeful that the problem will eventually get worked out to everyone's satisfaction. Staff has learned that the city will be meeting with OCTA officials on Thursday, February 26th to discuss the liability issue between the two agencies.

3. Review of Manager's Priority List

Manager Russell reported that progress is being made on improving the community street lights. An inventory of power poles and street lights has been completed which will give us the distances between poles and their exact locations. From this layout we can quantify the existing illumination and compare it to today's code requirements and determine where new lights should be placed. Any new street lights however, will be restricted to the location of existing power poles as the District will not be installing any additional light poles, only light fixtures on existing poles.

President Laster reminded staff that there are still vehicles in the community that do not have the new window decals installed and asked that a deadline be established to get this done. A consequence of inaction by property owners will be a delay at the gate while the gate officer stops the incoming vehicle to explain to the driver that their decal is no longer valid. This and delays created when the gate officer takes time to print a pass will cause vehicle owners to change out their decals accordingly.

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
The meeting was officially adjourned at 8:27 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 #546 held on February 24th, 2009.

DONAL S. RUSSELL, Manager

DATE