

**REGULAR MEETING #547
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**March 31, 2009
OPEN MEETING – 6:30 PM
Palisades United Methodist Church
27002 Camino de Estrella, Capistrano Beach, CA 92624**

A. CALL TO ORDER

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

D. PUBLIC COMMENTS

There were no public comments

DX. RAILROAD QUIET ZONE PROJECT

Rob Neal, resident of Capistrano Beach Palisades, was present to discuss the Quiet Zone project that is coming before the Dana Point City Council for final approval on Monday, April 13th. He stressed the importance of encouraging as many Beach Road homeowners to attend the meeting as possible, explaining that the city could possibly vote down this project and this could be the last opportunity for residents to voice their concern over safety at the grade crossing and the silencing of the train horns.

E. APPROVAL OF MINUTES

1. Meeting #546 of February 24, 2009

Motion was made by Vice President Bell, seconded by Director Bancroft and passed 5-0 to approve the minutes of meeting #546 on February 24, 2009.

F. SECURITY ACTIVITY REPORT

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

Securitas Branch Manager Russell Willmon reported that one of the regular full-time patrol officers, Michael Meili, has resigned his position to move back to Switzerland and that the opening is temporarily being filled by the existing officers, some at a regular hourly rate and some at time and a half. The overtime hours will not be billed as an additional expense to the District. Mr. Willmon also reported that Securitas would like to feature the District in its next company magazine, Solutions, with an interview of the Manager and some of the security officers. Manager Russell responded that he had already polled the Directors and there is no opposition from the Board, they see it as good for staff morale and added that

Securitas will allow staff to review and edit the written and photographic material prior to publication.

2. Report of March speed violations

Staff was requested to begin having the District police officer provide some additional written narrative in his daily reports describing the conditions for all his speed violation traffic stops.

3. Street Lights

Manager Russell explained that staff is currently waiting on a cost estimate from Sempra Utilities, due in early April, for removing six existing lights and installing thirteen lights in new locations which will give the community a street light on just about every other power pole. Director Bancroft suggested that, since we are having them price out the cost, why not get an alternate cost to have a light on every pole.

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.

President Laster pointed out that all of the District's reserves and cash is on deposit in three separate banks, Wells Fargo, BofA and Farmers & Merchants, all in non-interest bearing checking accounts and all FDIC insured. Director Bancroft suggested that because BofA is becoming less financially stable it may be wise to consider moving the District's depository from BofA and into Farmers & Merchants Bank which is the most financially sound bank in California right now.

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 2/28/09	\$ 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.

4. *Property owner request to change User Fee rate*

Manager Russell explained that the owner of 35119 has terminated his duplex rental program and has occupied the property as a single family residence since March 1st. It has been standard procedure in the past to approve such requests and issue a prorated credit back to the homeowner for the remainder of the fiscal year, in this case in the amount of \$358.43. Without a motion and based on past precedent, the Board directed staff to process the request.

H. COMMITTEE REPORTS

1. *LCP Committee – Video camera recording sand movement on beach at 35051*

The Committee was brought together in a meeting on March 5th to discuss the concern voiced by Jack Tarr regarding the possibility of the recorded data somehow falling into the hands of an agency such as the Coastal Commission. The camera operator and owner, Tim Chandler of CoastalComs, was present at that meeting to assure the Committee that since the data is collected and stored on an unpublished and private website it cannot be accessed by anyone but District staff and the data is protected by a written agreement as the District's sole property. The advantage to the video-recorded data is that measurements are taken 4 times each day every day rather than one time per year as the District currently does. There are also security advantages to this new technology that would aid the District in watching the beach for unusual activity. It was agreed by the Committee that the recorded data from the video cam would be compared to the data collected this coming June by the beach survey crew and reviewed by the Committee to determine whether this is new technology has a place in the District's efforts to collect long-range tidal and sand processes data along the Capistrano Bay beach.

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

Committee member Nadine Levinson reported that current CBRA President Debbie Horowitz has resigned her position due to personal reasons. Nadine Levinson and another QLC Committee member, David Wilson, have agreed to fill the unexpired term as co-presidents through the end of 2009. A general meeting of the CBRA membership has been called for Saturday, May 2nd to officially vote in the new leadership. Kay Rosoff will continue as Treasurer with assistance from Toni Bancroft and the CBRA will continue its vital community functions as it has in the past including maintaining its important forum for quality of life issues. Lastly, while it is not a CBRA function, volunteers will be planning the annual summer party for Saturday, August 28th.

District Board President Laster thanked Nadine and David both for their willingness to step up and assume the leadership. It is important for the community to keep the CBRA organization intact and continue maintaining the bridge of communication.

I. MANAGER'S REPORTS

The manager reported on the following items:

1. *Update on Entrance Improvement Project*

PHASE I – RR Parking Development

Staff held a site meeting on March 25th to bring the engineer, landscaping designer and the architectural consultant together to compare notes and get coordinated to complete the grading plans and submittal to Metrolink and the city. The engineer feels we may be able to put the project out to bid by the first of May.

PHASE II – Second Entry Lane Project

Grading plans for this phase of the overall project are currently being revised to include elements requested by the county for submittal in an effort to create a suitable “easement exchange” that would address safe egress of pedestrians and cyclists out of Beach Road into the busy intersection. This effort is running concurrent with Phase I, however construction of Phase II cannot begin until after Phase I construction is advanced enough to accommodate the proposed relocation of the District’s administrative office.

Manager Russell pointed at that while Phase I construction will commence during the summer months, traffic problems will be at a minimum since 99% of the proposed work will take place over on the railroad’s property well out of the way of normal Beach Road traffic.

2. Update on Poche runoff water disinfection project

The District has been informed by the county that it has entered into an agreement with the South Coast Water District to have the SCWD take over the future O&M (Operation and Maintenance) of the water disinfection facility. SCWD will begin start-up procedures in early April which will run for three months while the system is put through testing and evaluation. Good news for the District is that a by-product of the disinfection process will be that about 60 gallons per minute of dirty water is to be flushed through Beach Road’s sewer line. This will tend to keep the sewer line clean of debris that sometimes gets clogged and backed up.

3. Review of Manager’s Priority List

Manager Russell reported on a very productive meeting last week with Nadine Levinson and David Wilson regarding details for community safety on Fourth of July. All the concerns and suggestions that came from property owners during the comment period from last summer’s event were reviewed and consolidated into an itemized list to address for this year’s event. Manager Russell will draft a safety plan for Board and CBRA review that will address the issues and concerns voiced by residents from last year.

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

Vice President Bell asked staff to find out how many hits the District has been getting on its website.

N. ADJOURNMENT

The meeting was officially adjourned at 8:15 PM.

ATTEST:

Regular Meeting #547
March 31, 2009

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 #547 held on March 31st, 2009.

DONAL S. RUSSELL, Manager

DATE