

**REGULAR MEETING #548
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**April 28, 2009
OPEN MEETING – 6:30 PM
Palisades United Methodist Church
27002 Camino de Estrella, Capistrano Beach, CA 92624**

A. CALL TO ORDER

Vice President Bell called the regular meeting to order at 6:32 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Directors Present: Bell, Bancroft, Levinson and Schwartz

Directors Absent: Laster

Staff Present: Manager Russell

Guests Present: None (Securitas Mgr. Russell Willmon was out sick)

D. PUBLIC COMMENTS

Gail Becker stated she had been asked by others to ask the following questions:

- can we bring back the discussion of a flat tire repair fund?
- are the fence openings near the community entrance a breach of security?
- can the Dana Point Times weekly newspaper be delivered to Beach Road?
- can we shoot the black birds?
- can the District have the owner of 35119 clean up the stuff on his driveway?

Manager Russell said he would respond in an email that Gail could forward to those owners who had asked the questions.

E. APPROVAL OF MINUTES

1. Meeting #547 of March 31, 2009

Motion was made by Director Levinson, seconded by Director Bancroft and passed 4-0-1 (Director Laster absent) to approve the minutes of meeting #547 on March 31, 2009.

F. SECURITY ACTIVITY REPORT

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

Securitas Branch Manager Russell Willmon was absent but the Board had no comments or questions.

2. Report of March speed violations

There were no comments from the Board.

3. Street Lights

Manager Russell reported that the street light plans showing the proposed new layout of lights was completed this afternoon and will be submitted to Sempra Utilities (SDGE) on Wednesday morning. As of this meeting there is no time line on when the work could be done by Sempra but staff is hoping to learn more on this with the submittal in the morning.

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.

Vice President Bell asked if there is now a fixed-price agreement with the civil engineer, Lakeview Consulting. Manager Russell reported that there is an agreement for Phase I work and that there is about \$3500 remaining to be paid out. Phase II is hourly until we can determine from the county whether our easement trade proposal is going to be acceptable and what the full extent of the scope of work will be.

3. Collection of fees for services.

Manager Russell reported on the following:

Development Impact Fees

- 35591 - remodel valued at \$36,500
- 35797 - remodel valued at \$50,000
- 35057 - new home valued at \$688,000
- 35755 - new home valued at \$528,800

| | |
|---|-------------------------------|
| Total DIF unpaid as of 4/24/09 | \$ 16,233.44 |
| 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. Discussion and possible action to change the District bank depository.

Manager Russell reported that the Board requested some inquiry into the possibility of moving the District depository from Bank of America to Farmers and Merchants Bank. Director Bancroft had commented last month that BofA is becoming less financially stable and it may be wise to consider moving the District's depository from BofA and into Farmers and Merchants Bank as they are right now the most financially sound bank in California. The administrative effort is a simple task of signing an Electronic Fund Transfer agreement with the county and directing them to begin transferring our tax allocation funds to the new bank. A **motion** was therefore made by Director Bancroft, seconded by Vice President Bell and passed 4-0-1 as follows: "TO DISCONTINUE THE USE OF BANK OF AMERICA AS THE DISTRICT DEPOSITARY FOR THE CAPISTRANO BAY DISTRICT AND TO DESIGNATE FARMERS AND MERCHANTS BANK IN SAN CLEMENTE, CALIFORNIA AS THE NEW DEPOSITARY AND TO INSTRUCT STAFF TO CONTACT THE COUNTY OF ORANGE TO OFFICIALLY REQUEST THE CHANGE

OF DEPOSITARIES and TO KEEP THE MINIMUM AMOUNT ON DEPOSIT WITH BOFA TO EXEMPT THE ACCOUNT FROM MONTHLY SERVICE FEES.”

H. COMMITTEE REPORTS

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

There was no report from the committee.

2. CBRA Activity Report including Quality of Life Committee

CBRA member David Wilson reported that the CBRA will be holding its spring general meeting on Saturday, May 2nd to vote in new officers and to discuss general community business including reports by the District Manager on this year’s Fourth of July community safety plan and a presentation of progress with the entry improvement project.

I. MANAGER’S REPORTS

The manager reported on the following items:

1. Update on Entrance Improvement Project

PHASE I – RR Parking Development

On April 15th the District received a resignation letter from the landscape designer explaining he had been offered a great opportunity to come work for the Great American Park project and that he would not be able to finish his work on the entry project. Since then, staff has met with two potential replacement landscape designers and will be meeting with a third candidate in a few days. This process is going to cost the schedule about a month of delay while staff reviews the proposals and selects a new designer.

PHASE II – Second Entry Lane Project

Grading plans for this phase are 95% complete. Pending is the final response and possible request for minor changes from the county regarding the proposed easement exchange that is needed to facilitate the proposed design. Staff is planning to submit these grading plans to the county within a week for preliminary approval.

Director Schwartz stated his concern that the direct management of the entitlement process for this project is taking up too much of the District Manager’s time that is needed to carry out his regular duties. He pointed out that this is a very complex project with many various elements that all require special and time-consuming attention. The suggestion was made to consider hiring a project consultant who has the experience and the time to take on the remainder of the process and keep it on track and moving along. This would allow the Manager to keep an eye on the progress without being continually pulled away from his regular duties. In the discussion the Board generally agreed with Director Schwartz’s suggestions and directed staff to confer with project consultant Dave Gutierrez to find a candidate to manage the process going forward.

2. City progress with the proposed RR grade crossing safety enhancements

On April 13th, the City Council approved the go-ahead to construct the proposed safety improvements at the Beach Road grade crossing. The placement of the new safety infrastructure can lead to the silencing of the train horns once the work is completed. While the city has not approved the movement to *Quiet Zone status* there is a good chance that it will come. Our only assurances right now however are the construction and installation of the safety enhancements; 4 crossing gate arms instead of 2, literally more bells and whistles to warn pedestrians and motorists, fences, moving gates, pavement directional striping, etc.

3. Review of Manager's Priority List

Vice President Bell asked for staff to try to find time to complete the fact-finding for equipping the patrol vehicle with an audio-video camera (item #15) and to add two new items: progress with ongoing block wall repairs and hiring a project entitlement consultant.

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

N. ADJOURNMENT

The meeting was officially adjourned at 7:38 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 #548 held on April 28th, 2009.

DONAL S. RUSSELL, Manager

DATE