

# ITEM 5

**REGULAR MEETING #675  
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS  
MINUTES  
Thursday, July 29, 2021  
REGULAR MEETING 6:30 PM  
PUBLIC HEARING 7:15 PM  
OPEN TO THE PUBLIC**

**1. CALL TO ORDER**

Board President Irani called the Meeting to order at 6:32 PM

**2. PLEDGE OF ALLEGIANCE**

District Manager Russell led attendees in the Pledge of Allegiance

**3. ROLL CALL/CLOSED SESSION REPORT OF ACTION**

Directors Present: Irani, Haack, McNulty, Wiersig and Jenkins  
Staff: Manager Russell, Admin Assist. Morris  
Absent: None  
Agents: None  
Contractors Present: Allied Security Post Commander Robert Stabenow  
Guest Speakers: None

**Closed Session Report of Action – Manager’s Performance Appraisal** – (From the June Board meeting)  
Board President Irani reported that at the June Closed Session, the Board conducted the District Manager’s performance review and approved a 6% increase to Mr. Russell’s base salary, to be effective August 1<sup>st</sup>, 2021.

**4. PUBLIC COMMENTS**

There were no public comments

**5. APPROVAL OF MINUTES**

Meeting #674 for June, 2021 (*actually held on July 1<sup>st</sup>*)

**MOTION** – Motion was made by Director Wiersig, seconded by Board President Irani, and voted 5-0 to approve the Minutes of Meeting #674 as presented.

**6. SECURITY**

**a. Monthly Security Report – July 2021**

Security Post Commander Robert Stabenow reported on an STR group that was unhappy with the condition of their rental and left after seeing the mess. Also, a food caterer for an STR was turned away as party events are not permitted in STR’s. It was additionally reported that two different vehicles were rifled through by a late-night thief – both cars were left unlocked but fortunately nothing of value was taken. Please be careful to keep your vehicles locked and secured to prevent theft.

**b. Proposed Allied Universal Security (AUS) Contract Increase**

Manager Russell reported that the District currently pays \$3/hr over minimum wage in order to continue attracting higher quality security officers. In January 2022 the minimum wage goes up to \$15/hr. It is advisable to continue this three dollar differential otherwise the staff quality will begin to diminish as we experienced with the previous security service. The proposed contract is as follows:

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Current Monthly Contract Pymt	\$43,944 x 6 (Jul thru Dec) = \$263,664
Proposed Increase in January	\$46,628 x 6 (Jan thru Jun) = <u>\$279,768</u>
	<b>Proposed FY22 Budget.....\$543,432</b>

**MOTION** was made by Board President Irani, seconded by Director Haack and voted 5-0 to approve the AUS contract increase of \$279,768.00, effective January 1, 2022, for a total annual of \$543,432.00.

7. **PUBLIC HEARING** – Proposed District Purchase of Real Property - \$2.8 Million

Manager Russell opened the public hearing and reported that the Board was considering the purchase of the vacant lot at 35071 Beach Road for the purpose of creating a lasting access to the beach for equipment to service the community storm drain system and beach debris cleanup after winter storms. Manager Russell made a point of explaining that homeowners will not be assessed for the cost of the vacant lot. Board members agreed that as the inventory of vacant parcels sell off, the need to guarantee a long-term route to the beach for equipment access becomes extremely vital. While there was general consensus among the public speakers that the Board's intent to preserve access has merit and would be an asset for the community, both Director Haack and homeowner Jack Tarr, in independent comments, felt the Board should take the time to explore the option of gaining some access easement or written agreement from the County to make use of their existing beach access at the Beach Park Facility. Mr. Tarr also pointed out the need to order an appraisal to validate the Board's acceptance of the sale price for the property. Homeowner Dave Buxbaum pointed out that the language in the enabling resolution is silent on the matter of stewardship of the vacant lot which, he feels, should address upkeep, grading, dust abatement and general maintenance.

For the reasons pointed out by homeowners during the public comment portion of the hearing, the Board agreed to postpone a vote until the August meeting and gave Staff the following direction:

- order a land appraisal
- research and investigate access options with the neighboring County Beach property
- revise the enabling resolution to include proper stewardship language
- verify that the District is wholly exempt from property taxes after this land acquisition

8. **FINANCE**

a. **Monthly Expense Report/FY22 Budget Revenue Approval**

The expense report through June was received and filed.

b. **Review/Approval of Draft Budget for Fiscal Year 2022**

**MOTION** – Motion was made by Board President Irani, seconded by Director McNulty, and voted 5-0 to approve the FY22 Operating Budget at **\$1,455,427. 00.**

9. **OLD BUSINESS**

a. **Shoreline Protection Progress Report**

Homeowner Chris Miller reported that his property at 35127 Beach Road was in receipt of a second letter from the CCC dated 7-16-21, this letter being a reply to some questions Mr. Miller posed, after receiving his first letter in June, regarding the Mean High Tide Line and his recorded Deed Restriction for public beach access. The CCC letter repeated their request that the unpermitted boulders be removed and replaced temporarily with sand cubes. Mr. Miller pointed out that he is working cooperatively with the Coastal Commission staff on compliance with the notice of violation.

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**b. LAFCO/Latent Powers**

Manager Russell reported that the District is now in receipt of the Service Review Plan which serves to guide the District through the entire process of activation of latent powers. The District has completed the initial application form and fees and now must make its case for being granted expanded powers.

**10. NEW BUSINESS**

There was no new business

**11. QUALITY OF LIFE - CBRA DISCUSSION ITEMS**

Admin Assistant, Karen Morris announced CBRA's annual Summer Party will be on August 28, 2021, with festivities getting underway at 6:00 PM. Invitations have been mailed out.

**12. WRITTEN COMMUNICATIONS**

Letter from homeowner Jack Tarr was discussed under agenda item 7.

**13. BOARD AND STAFF COMMENTS**

Director McNulty pointed out that it's difficult to be trying to make informed decisions for the community when the Board is not hearing from many of the homeowners and encouraged the Beach Road property owners to join our meetings, especially now that we have the Zoom capability, enabling anyone to attend the meeting from their living room.

**ADJOURNMENT**

Manager Russell adjourned the meeting at 8:35 PM.

**ATTEST:**

State of California            )  
County of Orange            )  
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 #675, held July 29th, 2021.

Donal S. Russell  
DONAL S. RUSSELL, Manager  
Capistrano Bay Community Services District

August 31, 2021  
DATE