

ITEM 5

REGULAR MEETING #677
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, September 28, 2021
REGULAR MEETING 6:30 PM
OPEN TO THE PUBLIC

1. CALL TO ORDER

District Manager Russell called the Meeting to order at 6:57 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 and Wiersig
Staff: Manager Russell, Admin Assist. Morris
Absent: Director Jenkins
Agents: Ryan Phillips, Compass PMC
Contractors Present: Allied Security Post Commander Robert Stabenow
Guest Speakers: None

4. PUBLIC COMMENTS and CLOSED SESSION REPORT OF ACTION

Homeowner Dave Gutierrez made the suggestion that given the recent slope and railroad trackbed instability that is happening right now in south San Clemente, this is probably the most opportune time to approach OCTA and Metrolink for assistance in gaining a permit from the CCC to armor our beach. This in turn, would serve to provide shoreline protection for the railroad along our section of the rail line.

Closed session report of action:

Board President Irani stated that the Board voted 3-1-1 to approve the Vacant Lot Purchase Agreement conditional upon the Board holding another meeting prior to the expiration of the 30-day contingency period.

Ayes: Irani, McNulty and Wiersig
Noes: Haack
Absent: Jenkins

5. APPROVAL OF MINUTES

Meeting #676 for August, 2021

MOTION – Motion was made by Director Wiersig, seconded by President Irani, and voted 4-0-1 to approve the Minutes of Meeting #676 as presented (*Director Jenkins was not present to vote*).

6. SECURITY

a. Monthly Security Report – September 2021

The security report was received and filed. Post Commander Robert Stabenow reported on more late night noise disturbances from vacation rentals with the property managers being called to intervene. Robert also reported that a trespasser was caught, during daylight hours, going around checking door handles at various homes and urges homeowners to be careful to keep homes secured.

7. This Item Left Blank

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8. FINANCE

a. **Monthly Expense Report**

The expense report through August was received and filed with no discussion.

9. OLD BUSINESS

a. **Shoreline Protection Progress Report**

Manager Russell reported on the emergency CDP for 35127 with the news that the applicant was granted a temporary permit to place ‘sandcubes’, but is being required to submit a follow up application within 60 days for a more permanent Coastal Development Permit.

b. **LAFCO/Latent Powers**

Manager Russell stated that the *Plan for Service Review* has been completed and reviewed by both our legal counsel and the Board and was submitted to LAFCO last week and it’s possible the District could have this new latent power approved before the end of the year.

c. **Acquisition of Real Property**

Manager Russell reiterated the action taken in closed session to approve the VLPA, vacant lot purchase agreement. The option to gain an access easement over the adjacent County property is still in process with no timeline as to when it will get done. In the meantime, the District has ordered a chain of title report for the County property, hoping to dig up a possible pre-existing easement in favor of the District.

Resolution No. 9-28-21

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT AUTHORIZING THE ACQUISITION OF VACANT PARCEL #691-141-07 TO ENHANCE BEACH ACCESS AND TO DELEGATE TO BOARD PRESIDENT SAEED IRANI ALL AUTHORITY NECESSARY AND APPROPRIATE TO EFFECTUATE ACQUISITION.

Motion was made by President Irani, seconded by Director Wiersig and approved by a vote of 3-1-1 to pass Resolution No. 9-28-21.

***Manager’s note: Director Haack was attending the meeting via a Zoom link but due to a dropped connection, his NO vote did not come through during the roll call vote. Director Haack verbally affirmed his NO vote the following day.*

10. NEW BUSINESS

a. Manager Russell reported that several of the District storm drains were damaged during the summer south swell season but fortunately, the Board had set aside \$12,000 in the budget in June to cover the expected expenses.

11. QUALITY OF LIFE - CBRA DISCUSSION ITEMS

Admin Assistant Karen Morris reported that the City has not made any reportable progress with the City’s STR Pilot Program since the last Board meeting.

12. WRITTEN COMMUNICATIONS

There were no written communications

13. BOARD AND STAFF COMMENTS

There were no comments from the Board or Staff

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ADJOURNMENT

Manager Russell adjourned the meeting at 7:38 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 #677, held September 28th, 2021.

Donal S. Russell

DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

October 26, 2021

DATE