

# ITEM 5

**REGULAR MEETING #680**  
**CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS**  
**MINUTES**  
**Tuesday, January 25, 2022**  
**REGULAR MEETING 6:30 PM**  
**OPEN TO THE PUBLIC**

**1. CALL TO ORDER**

District Manager Russell called the Meeting to order at 6:30 PM

**2. PLEDGE OF ALLEGIANCE**

District Manager Russell led attendees in the Pledge of Allegiance

**3. ROLL CALL**

Directors Present: Haack, McNulty, Wiersig and Jenkins  
\*Director Irani had officially stepped down from the Board as of 12-31-21  
Staff: Manager Russell, Admin Assist. Morris  
Absent: None  
Agents: None  
Contractors Present: Allied Security Post Commander Robert Stabenow  
Guest Speakers: None

**4. PUBLIC COMMENTS**

Attorney Lou Galuppo addressed the Board with comments regarding his efforts to bring about a solution to the community's problems related to shoreline erosion.

**5. APPROVAL OF MINUTES**

Meeting #679 of Nov/Dec, 2021

**MOTION** – Motion was made by Vice President Haack, seconded by Director Jenkins, and voted 4-0 to approve the Minutes of Meeting #679 as presented.

**6. SECURITY**

**a. Monthly Security Report – January, 2022**

The security report was received and filed. Post Commander Robert Stabenow reported on another very quiet month but not without the typical argumentative issues with some renters trying to trick security into allowing more vehicles at their rental than are permitted by City Code.

**7. BOARD OF DIRECTORS VACANCIES**

Candidates to fill the vacancies of outgoing Directors were Felicia Lurner, Sam Anabi and Ross Misher. For reasons not known, Sam Anabi was absent from the proceeding. For this reason, the Board took the following action to replace outgoing Directors:

**MOTION** - Motion was made by Director Wiersig, Seconded by Director Jenkins and approved by a vote of 4-0 to appoint Felicia Lurner of 35621 and Ross Misher of 35361 as Board members to fill the remaining one year of the terms of outgoing Directors Saeed Irani and Mike Haack.

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### 8. FINANCE

#### a. **Monthly Expense Report**

The expense report through December was received and filed with no questions or comments.

#### b. **Draft Financial Audit**

Manager Russell announced that the financial statement document was just submitted by the auditors and the Directors have not had time to fully review the material. For that reason, a mid-month financial meeting will be scheduled to address the Audit.

### 9. OLD BUSINESS

#### a. **Shoreline Protection Progress Report/Homeowner Group**

The Board of Directors took the following action related to the status of the homeowner advisory group:

*MOTION* – Motion was made by Director McNulty, Seconded by Director Wiersig and approved by a vote of 4-0 to appoint the homeowner advisory group as a sub-committee under District direction and to name the following as Committee members: *Karen Morris, Bill Nassour, Bill Fox, Jack Tarr, Nate Holiday and Don Russell as ex officio member*, for the purpose of investigating and exploring solutions to home and roadway protection from beach erosion and eventual sea level rise.

#### b. **Possible District Financial Support**

Manager Russell reported that District's operating expenses are in line with budget projections at the mid-year point and with reserves building back up after the cash outlay for the vacant lot purchase, the District is in a position to grant the request by the Committee to fund an initial \$100,000 as follows:

*MOTION* – Motion was made by Director Wiersig, Seconded by Director Jenkins and approved by a vote of 4-0 to establish a Committee budget limit for the remainder of FY22 of \$100,000, to fund discovery and fact-finding efforts including, but not limited to, coastal law counsel, coastal engineers, and other relevant consultants.

### 10. NEW BUSINESS

#### a. **Review/approval of Trash Enclosure Request for 35691 Beach Road**

Manager Russell reported that the owner proceeded with construction without Board approval and is seeking after-the-fact permission from the District. Because the structure exceeds the height limit, the owner has been directed to reduce the height to 7'-9" and cut back the overhang projection to no greater than 18". Manager Russell also pointed out that the RR trackbed inspector ordered the rear overhang (over the block wall) to be cut back to no greater than 3". The Board recommended an update to the design standards for trash enclosures to more accurately describe the size limits.

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

The City has made no further progress with the proposed Pilot Program for STR's

### 12. WRITTEN COMMUNICATIONS

The Board received a letter from the Alex Schwada Law Firm. The letter was received and filed with no discussion.

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## **13. BOARD AND STAFF COMMENTS**

Manager Russell made the observation that since the San Onofre Nuclear Power Plant was shut down, Edison went around town and removed all of its community alert siren and loud speakers. This was the same system the City has relied on for years for making announcements to citizens of pending disasters, earthquakes and tsunami evacuation guidance. With the system dismantled, the City has no way of notifying the community at large. The tsunami advisory that came last week from the volcano eruption near the South Pacific island of Tonga provide a good drill for the community. Had the loudspeaker system been operational, we would all have heard a booming voice come over the speakers giving instructions to homeowners and the public. Manager Russell pointed out that he will be contacting the City regarding this issue.

NEXT BOARD MEETING: Tuesday, February 22, 2022

**ADJOURNMENT** Manager Russell adjourned the meeting at 8:10 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 #680, held on January 25, 2022.

*Donal S. Russell*

DONAL S. RUSSELL, Manager  
Capistrano Bay Community Services District

*March 29, 2022*

DATE