

ITEM 5

**REGULAR MEETING #691
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, January 31, 2023
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/SWEARING IN OF NEW DIRECTORS

Directors Present:	McNulty, Wiersig, Jenkins, Lurner and Misher
Staff:	Manager Russell, Admin Assist. Morris
Absent:	None
Agents:	None
Contractors Present:	None
Guest Speakers:	None

SWEARING IN - OATH OF OFFICE

The terms of Directors McNulty, Lurner and Misher officially expired in December 2022. All three have consented and were appointed to new four-year terms by the Orange County Board of Supervisors in November. Having accepted appointments, Manager Russell administered the Oath of Office to Director Pat McNulty, Director Felicia Lurner and Director Ross Misher, with their respective terms expiring in December 2026.

4. PUBLIC COMMENTS

There were no public comments

5. APPROVAL OF MINUTES

Meeting #690 of December 6, 2022

Motion was made by Director Misher, seconded by Director Jenkins and voted 4-0-1 (Director Wiersig was absent for the December meet.) to approve Minutes #690 of December 6, 2022, as submitted.

6. SECURITY

a. Monthly Security Report – January 2023

As reported by PC Robert Stabenow, January was a very quiet month due to the cold weather and the amount of rain. However, this did not deter the theft of an e-bike from an open garage and a report of an open vehicle with evidence that someone had pilfered through the car and glove box but with nothing taken.

b. Police Activity Summary – July 2022 through January 2023

Manager Russell presented the log of police activity from July 1st when the District's Police Officer began his tenure here at Beach Road, through January, all compiled in a spreadsheet showing incidents of speeding, parking, dealing with trespassers, traffic control aid for paramedic/fire truck responses, etc. The report can be found on the District's website under the January 2023 reports, Agenda item 6b.

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7. TRASH ENCLOSURE SUBMITTALS

The Board reviewed the five project submittals and took the following action:

Motion was made by Director Wiersig, seconded by Director Jenkins and approved 3-1-1 (Director Lurner opposed and Director McNulty had to excuse himself due to a prior commitment) to approve the following trash enclosure projects as submitted:

35107/Kuerner – 35537/Torres – 35581/Porsalimi – 35697/Seidensticker

Motion was also made by Director Wiersig, seconded by Director Jenkins and approved 4-0-1 (Director McNulty absent) to approve **35651/Teasley** with the following condition: *that the proposed placement of the storage and trash structures be moved 3 ft. to the south to create a second planter bed on the north end of the parking area of 4'-6" wide by at least 3'-2" in depth.*

There was much discussion around how much landscaping should be required. Having not reached a consensus on this, Manager Russell was asked to report next month on the existing landscaping throughout the community and show how the various percentages of parking area to landscaped area match up, along with photos of each subject parking area with the intent to establish a minimum square-footage or lineal-footage requirement of landscaping.

8. FINANCE

a. **Monthly Expense Report**

The expense report through December 2022 has not been prepared at this time, due to a series of recording issues related to the District's purchase of the vacant lot last year. This should get resolved very soon and the financial reported completed.

9. OLD BUSINESS

a. **Advisory Committee Report**

Manager Russell reported that the Advisory Committee and legal counsel met in a closed session with the Board of Directors on January 18th to bring the Board up to date on the Committee's work since the last Board meeting on December 6th. The following items were discussed:

- review of the District's authority to impose special taxes for continued Committee funding
- evaluation of homes for test-case candidates
- process for filing After-the-Fact (ATF) permits with the City
- discussion of cost estimates for legal representations of test cases
- Casa Mira HOA court decision relating to *Existing Structures*

The Committee has a bit more work to complete and expects to send out an informational letter to homeowners very soon.

b. **Possible Boat/RV Storage on Beach Road**

As a follow up to the December discussion, a review of the language in the Coastal Development Permit issued for the community entrance improvement project, which included the parking area, indicates the permit was specifically to add *Guest Parking* with no reference to boat or RV storage. For this reason, the District would have to apply to the City for a new CDP to change the use, the act of which would open the door for the CCC to appeal the permit and set a condition demanding the road be opened to public access. The consensus of the Board was to permanently suspend further consideration of this matter.

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10. NEW BUSINESS

a. Mean High Tide Line Winter Survey

Manager Russell reported that the winter MHTL survey was completed on Tuesday, January 17th, during the super low minus tides that week. The survey plat and cross-section graphs will be made available to the District in about mid-February.

11. QUALITY OF LIFE - CBRA DISCUSSION ITEMS

a. Short Term Rentals/Notice of City Hearing

On Tuesday, February 7th, the Dana Point City Council will conduct a public hearing to consider a resolution adopting Short Term Rental Permits and Permit Renewal Fees. Watch the City’s website as their report will be made available by Thursday of the previous week.

12. WRITTEN COMMUNICATIONS

There were no written communications

13. BOARD AND STAFF COMMENTS

There were no comments or requests for items for the next meeting from the Board or staff. However, homeowner Nancy Proodian inquired about when we might get the new food scraps recycle barrels. Manager Russell stated that the District is waiting for CR&R to send us the barrels.

NEXT BOARD MEETING: Tuesday, February 28th, 2023, 6:30 PM

ADJOURNMENT Manager Russell adjourned the meeting at 9:00 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 #691, held on January 31st, 2023.

Donal S. Russell

DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

February 28, 2023

DATE