

ITEM 5

REGULAR MEETING #692
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, February 28, 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

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

4. PUBLIC COMMENTS

There were no public comments

5. APPROVAL OF MINUTES

Meeting #691 of January 31, 2023

Motion was made by Board President McNulty, seconded by Director Misher and voted 5-0 to approve Minutes #691 of January 31st, as submitted.

6. SECURITY

a. Monthly Security Report – February 2023

As reported by PC Robert Stabenow, February was another quiet month due to the bad weather. There was, however, another stolen bike from an open garage and problems with the renter occupants at 35201 using the neighbor's front yard for beach access. The property owner has been contacted to keep his renters properly informed regarding beach access (*this property recently lost a set of access stairs*).

b. Police Activity Summary – July 2022 through January 2023

Manager Russell reported that a traffic ticket book printing vendor has finally been located. New cite books are expected to be delivered by mid-March. A revenue-sharing agreement with OC Superior Court should be complete also by mid month for dividing the fees charged on citations issued to court.

7. TRASH ENCLOSURE SUBMITTALS

a. Review of Revisions to Design Standards

The Board reviewed the requested changes in the Design Standards from the previous meeting and approved all changes with some discussion regarding landscaping. It was agreed that adjusting the LS minimum to 20% was too low and increased that to 30%. Homeowner Dave Gutierrez was asked to provide an addendum to the Design Standards that provides clarification of the intent by the Board for landscaping.

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b. Review/Approval of Trash Enclosure for 35661/Leor Lakritz, Owner

Manager Russell stated that his review of the proposed trash enclosure development at this location is in compliance with the Design Standards, as agreed to by the Board in Agenda Item (a) and therefore recommends Board approval:

Motion was made by Board President McNulty, seconded by Director Lurner and approved 5-0 to approve the following trash enclosure project as submitted:

35661/Leor Lakritz, Owner

8. FINANCE

a. Monthly Expense Report

The expense report through January 2023 was received and filed. Admin Assistant Karen Morris reported that the accounting issues pointed out at the January meeting have been corrected and we now have a fully reconciled accounting through the end of January. Director Wiersig voiced his concurrence.

9. OLD BUSINESS

a. Mean High Tide Line Winter Survey

Manager Russell confirmed that the survey data and files have been recently delivered. It would appear, at first glance, that the location of MHTL has undergone little change since the June survey. Staff will be making time when the weather backs off to convert the survey data into beach photos to depict the location of the MHTL.

10. NEW BUSINESS

a. Advisory Committee Report/Approval to Hire Assessment Engineer and Other Consultants

Manager Russell presented the Committee's recommendation to approve the proposal by Willdan Financial Services (assessment engineering) to begin the process for establishing a special parcel tax on Beach Road property owners. This is for funding the Committee's continued work in obtaining after-the-fact permits for shoreline protection and the legal challenges from the expected appeals by the Coastal Commission. Manager Russell pointed out that this action was NOT to create a parcel tax but only to start the process, which at some point will require a certified vote of the property owners before it could become a tax. It is intended that property owners will be provided with background information, a chance to attend a public hearing, ask questions, make comments, and learn about the process in advance of any voting. For this item, the Board took the following action:

Motion was made by Board President McNulty, seconded by Director Lurner and passed by a vote of 5-0 to approve the Advisory Committee estimate of \$32,500 to engage with Willdan Financial Services and Meyers-Nave LLP for legal services related to beginning the process for creating a special parcel tax to fund the continued work of the Advisory Committee.

11. QUALITY OF LIFE - CBRA DISCUSSION ITEMS

a. Short Term Rentals/City Action/New City Ordinance

Admin Assistant Karen Morris reported that on Tuesday, February 7th, the Dana Point City Council approved a resolution adopting Short Term Rental Permits and Permit Renewal Fees. The rules of engagement have changed with the City's regulation of STR's – review the City's website for in-depth information regarding these changes: www.danapoint.org

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12. WRITTEN COMMUNICATIONS

There were no written communications

13. BOARD AND STAFF COMMENTS

Board President McNulty stated he feels that the rental property owners here on Beach Road should be held more accountable for violations of the STR codes. McNulty has suggested the District assess such owners up to \$1000 if they are cited for a violation and fail to appear before the Board with an explanation and solution for correcting the violation. After some discussion, staff was asked to follow up on this with District counsel and report back to the Board.

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

ADJOURNMENT Manager Russell adjourned the meeting at 8:17 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 #692, held on February 28th, 2023.

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

March 28, 2023
DATE