

ITEM 5a

**REGULAR MEETING #700
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
REGULAR MEETING 6:30 PM
Tuesday, November 14th, 2023
OPEN TO THE PUBLIC**

1. CALL TO ORDER

District Manager Russell called the regular meeting to order at 6:32 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, Karen Morris, Police Officer Williams
Absent:	None
Agents:	None
Contractors/Consultants:	Robert Stabenow, Allied Universal Security
Guest Speakers:	None

4. PUBLIC COMMENTS

Homeowner Nancy Proodian commented that there is a dark area along the road where the street lights don't appear to be working. Manager Russell thanked Mrs. Proodian and stated that staff is aware and is taking an inventory of all problem street lights for a service request to SDGE.

5. APPROVAL OF MINUTES

a. Meeting #699 of September 26th, 2023

Motion was made by Director Wiersig, seconded by Director Jenkins and approved by a vote of 5-0, to accept the minutes of meeting #699 of September 26th, 2023, with a correction to the roll call as pointed out by Director Wiersig.

6. ADVISORY COMMITTEE

a. Parcel Tax Initiative and After-the-fact (ATF) Permit Update

Parcel Tax Timeline:

- Oct: *Further public outreach and awareness of the tax measure*
- Nov: *Owners can change their voter registration to Beach Road anytime up to Dec. 4th*
- Nov: *First mailing of ballots goes out November 20th*
- Dec: *Second mailing of ballots goes out December 3rd*
- Dec: *Election day December 19th – public hearing to count ballots and certify results*

Manager's Note: if the measure gets voted in, then the tax would commence on July 1, 2024.

After-the-Fact Permit Progress

Manager Russell reported that the consultants for putting together the CDP application have been hired and are currently developing their scope of work, i.e., coastal engineering and permit preparation.

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7. SECURITY

a. **Monthly Security/Police Report – Sep-Oct 2023**

Supervisor Stabenow reported on similar issues as last month with a few trespassers (found and escorted out), an unclothed homeless male (sheriff deputies involved), and more of the same efforts by unauthorized people trying to gain access past the gate. Also reported is the change of security staff; we have three new officers to replace those who have moved on – no one has been removed due to lack of performance; this change is due to officers finding higher paying work or closer to home.

Also reported is the successful effect of posting the amount of bail for speeding tickets here on Beach Road : \$352 minimum fine. With the sign posting, the paper handouts and our District Police presence, the number of speeding incidents has dramatically decreased.

b. **Police Scheduling**

Manager Russell presented his findings on the slowest/busiest days of the week for traffic and the times of day when the majority of traffic comes into the community:

- Sundays/Mondays only 6 % of all speeding cites issued have been on these days
- 7:30 am to 8:00 pm this is the busiest hours of the day for all traffic

Given this information, the optimum days for our Police Officer and optimum hours of work are:

- Tue 7 to 3 pm
- Wed Noon to 8 pm
- Thur 10 to 6 pm
- Fri 8 to 4 pm
- Sat Noon to 8 pm

There was Board consensus in implementing the above recommended Police Officer scheduling.

8. **this item left purposely blank**

9. FINANCE

a. **Monthly Expense Report**

The expense report through October 2023 was received and filed.

b. **Investment Opportunities**

Staff has contacted the three institutions where District deposits are held, FMB, Sunwest Bank and LAIF, for information on investment programs that pay better than the .05% interest currently being paid in checking and savings accounts. Possibilities are T-bills, CD's and Money Market Funds. Staff was directed to continue and report on its findings at the next meeting.

10. NEW BUSINESS

a. **Sand Replenishment – What is being done**

Manager Russell explained that while this is a very long term effort that must include sand retention as a necessary component, the Advisory Committee is closely monitoring the actions by several regional agencies: City of San Clemente, City of Oceanside, Orange County, San Diego Area of Governments (SANDAG), the State Lands Commission, and Smart Coast California. These agencies and groups are beginning to move the discussion of solutions for shoreline erosion and sea level rise to that of sand replenishment and sand retention devices, and away from managed retreat. The Committee will continue to monitor their progress. Director Misher requested further reporting and discussion on this topic for the next Board meeting, to include participation by Committee consultant Leslea Meyerhoff.

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b. Policy for use of District Overflow Parking

The Board expressed concern over the fact that rocks were placed on District parking areas for an indefinite period of time and requested that the use of the area be restricted to clearing out the boulders each day and not leave them sitting in place for days on end.

The other issue with the use of the parking area was whether the standing policy of limiting the use to only homeowners and restricting access by renters should continue or be repealed. Staff explained that the City limits the number of vehicles at a short term rental to two and the District has an obligation to recognize and obey the City's code. The problem that comes with allowing additional vehicles is that those cars do not obey the parking guidance and just park everywhere, blocking garages and others parking areas and causes a nuisance, plus this results in overcrowding a rental with too many people trying to stay overnight and having parties. For these reasons, the standing policy should remain in effect. The Board then took the following action:

MOTION was made by Board Pres. McNulty, seconded by Director Misher, and passed 4-0-1 (Lurner had left the meeting) to reestablish the standing policy of prohibiting the use of the District overflow parking area to renters and guests of renters.

c. Trash enclosure permit application – 35131/Coker

Staff presented the application, explaining that the project complies with all the design requirements and incorporates the unique and interesting roof design of the home. The consensus of the Board was to approve the application.

11. QUALITY OF LIFE - CBRA DISCUSSION ITEMS

Karen Morris updated her report from last month to point out that there are soon to be 40 STR's in operation, when this last round of 8 applications gets approved.

12. WRITTEN COMMUNICATIONS

Written communication from Chris and Amy Rogers was discussed under item 10b.

13. BOARD AND STAFF COMMENTS

Manager Russell announced he will be away for Thanksgiving from 11/16 to 11/26 and back into the office on Monday 11/27.

ADJOURNMENT Manager Russell adjourned the meeting at 9:50 PM.

NEXT BOARD MEETING: Tuesday, December 5th, 2023, 6:30 PM

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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 a *DRAFT* copy of the Minutes of Meeting #700, held on November 14th, 2023.

Donal S. Russell

DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

November 15, 2023

DATE

DRAFT