

# ITEM 5a

**REGULAR MEETING #707**  
**CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS**  
**MINUTES**  
**CLOSED SESSION – 6:00 PM**  
**REGULAR MEETING 6:30 PM**  
**Monday, July 22, 2024**  
**OPEN TO THE PUBLIC**

**1. CALL TO ORDER**

District Manager Russell called the regular meeting to order at 7:30 PM

**2. PLEDGE OF ALLEGIANCE**

District Manager Russell led attendees in the Pledge of Allegiance

**3. ROLL CALL and CLOSED SESSION REPORT OF ACTION**

Directors Present:	McNulty, Misher, Lurner and Champlain
Staff:	Manager Russell, Karen Morris, Robert Stabenow
Absent:	Director Jenkins
Agents:	Juan Arellano, Steve Naisf, AUS Security
Contractors/Consultants:	None
Guest Attendees:	None

*\*Manager Russell reported that the Board directed staff to place a temporary freeze on further work with the Miller and Ong CDP applications by the Advisory Committee and its consultants.*

**4. PUBLIC COMMENTS**

There were no public comments

**5. APPROVAL OF MINUTES and SWEARING IN OF NEW DIRECTOR**

**a. Meeting #706 of June 27, 2024**

Motion was made by Board Pres. McNulty, seconded by Director Misher and approved by a vote of 3-0 (Director Jenkins absent) to accept the minutes of meeting #706 of June 27, 2024.

**b. New Director Jay Champlain**

Manager Russell administered the Oath of Office to new Director Jay Champlain. The record of this will be forwarded to the Orange County Registrar for filing and updating our District document file.

**6. SANDAG – REGIONAL BEACH SAND REPLENISHMENT (RBSP III)**

Manager Russell explained that the next quarterly meeting will be on Thursday, September 5<sup>th</sup> to which the Manager will attend. At that time there will be a progress report on the Feasibility Study and Economic Analysis of sand replenishment for Dana Point and San Clemente.

**7. SHORELINE ADVISORY COMMITTEE**

**a. Miller CDP application to the City**

The Miller CDP application was submitted to City Planning on Friday, June 14<sup>th</sup>. The first round of comments from Planning were returned to the District on Friday, July 12<sup>th</sup> and are currently being reviewed.

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### **b. MHTL Summer Survey**

The summer survey was conducted on Monday, June 10<sup>th</sup>. First efforts at translating the survey data into beach photos was cancelled due to the tidal influence of a south swell. The next opportunity will come in the week of August 19<sup>th</sup> during the full moon, as long as there is no swell impacting the surf.

## **8. SECURITY REPORT**

### **a. Security Monthly Report for July 2024 and Wages Discussion**

*The monthly report was received and filed.* The Directors opened a discussion with AUS on why there is so much attrition with security staff. AUS reps Juan Arellano and Steve Naisf were present to point out that the hourly rates currently being paid are lower than that of other private communities here in South OC. Director Misher stated that our post should be the one that everyone wants to come work for and requested a proposal for increased hourly rates that the Board can review.

### **b. Speed Bumps/OCFA Plan Check**

Manager Russell reported that OCFA has approved the request for two additional speed bumps in the community, although they are requiring the ‘speed cushion’ design and not the standard speed bump design. Director Misher asked to see the layout for the proposed locations before making final decisions on where the new ones would be placed.

## **9. FINANCE**

### **a. FY2025 Expense Budget**

With expected changes coming to security staff wages, Manager Russell proposed that approval of the budget expenses be delayed until the next Board meeting which will be in late August. This will allow time for the Board to analyze the security wages proposal.

### **b. Monthly Expense Report**

The expense report through June 2024 was received and filed. While this is technically the end of the fiscal year, there are always late journal entries to account for, so the actual fiscal year close-out will be in August.

### **c. CD Participation**

The District just opened a 91-day CD at Farmers & Merchants Bank at 4.5%. Manager Russell expressed some uncertainty that we could maintain that interest rate when this CD matures and we roll it over for another 91 days. FMB regular CD rates are actually below 1% so the District is going to have to shop around, starting now. Director Lurner offered to assist with soliciting other banks for interest rates.

## **10. OLD BUSINESS**

### **a. Pines Park Storm Drain Flooding**

Manager Russell reported on a positive meeting held on-site with Sean Bengston of OC Parks. Bengston is interested in seeing details of what could be done at this location to minimize the flooding.

## **11. NEW BUSINESS**

### **a. Review of proposed trash enclosure/35127 Beach Road/Miller**

With the proposed project in compliance with the District’s Design Standards, the Board was unanimously in favor of approval, pending the signed owner agreement and receipt of fee payment.

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**12. QUALITY OF LIFE - CBRA DISCUSSION ITEMS – SHORT TERM RENTALS**

Administrative Assistant Karen Morris reported that there was an initiative brought before the City Council at their meeting on July 16, 2024. This Initiative proposes to repeal the City’s existing Short-Term Rental (“STR”) Ordinance and replace it with a new STR Ordinance located in Chapter 5.38 of the City’s Municipal Code. This Initiative will be placed on the ballot for a vote in the November 2024 election. For more information go to the City of Dana Point website, then under Meetings – Agendas – Minutes, then open the agenda and go to agenda item 12 for the full staff report.

**13. WRITTEN COMMUNICATIONS**

There were no written communication

**14. BOARD AND STAFF COMMENTS**

There were no comments.

**ADJOURNMENT:** Manager Russell adjourned the meeting at 8:50 PM.

**NEXT BOARD MEETING:** Tuesday, August 27, 2024 at 6:00 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 #707, held on July 22, 2024.

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

August 27, 2024  
DATE