



moulton niguel water district

BOARD OF DIRECTORS' MEETING MOULTON NIGUEL WATER DISTRICT

27500 La Paz Road, Laguna Niguel

September 20, 2018

6:00 PM

Approximate Meeting Time: 1 Hour

1. **CALL MEETING TO ORDER:**

2. **PLEDGE OF ALLEGIANCE:**

3. **PUBLIC COMMENTS:**

Persons wishing to address the Board of Directors on matters not listed on the Agenda may do so at this time. "Request To Be Heard" forms are available at the entrance to the Board Room. Comments are limited to five minutes unless further time is granted by the Presiding Officer. Submit form to the Recording Secretary prior to the beginning of the meeting.

Those wishing to address the Board of Directors on any item listed on the Agenda should submit a "Request To Be Heard" form to the Recording Secretary before the Presiding Officer announces that agenda item. Your name will be called to speak at that time.

CONSENT CALENDAR ITEMS:(Items on the Consent Calendar have been discussed at the regularly scheduled Engineering/Operations and Finance/IT Board meetings)

Consent items: Unless the General Manager or the Board requests that an item be removed from the Consent Calendar, all items will be acted upon as a whole and by one vote. Requests for discussion of any specific item should be made to the Presiding Officer in conjunction with the discussion of the consent motion.

4. **MINUTES OF THE AUGUST 16, 2018 REGULAR BOARD OF DIRECTORS' MEETING**

5. **MINUTES OF THE AUGUST 24, 2018 SPECIAL BOARD OF DIRECTORS' MEETING**

6. **ON-CALL GEOTECHNICAL ENGINEERING SERVICES**

It is recommended that the Board of Directors approve the engineering services agreements with GMU Geotechnical, Inc., Hushmand Associates, Inc., and LGC Geotechnical, Inc., each with a not-to-exceed amount of \$200,000 and a duration of three years; and authorize the General Manager or Assistant General Manager to execute the agreements.

7. **ELECTRICAL DISTRIBUTION EQUIPMENT PURCHASE**

It is recommended that the Board of Directors authorize the purchase of new electrical distribution equipment in the amount of \$85,328.

8. FISCAL YEAR 2018-19 METER MAINTENANCE AND REPLACEMENT PROGRAM

It is recommended that the Board of Directors authorize meter and meter-related purchases for an amount not-to-exceed \$400,000 for Fiscal Year 2018-19.

ENGINEERING & OPERATIONS MATTERS:

9. CONSTRUCTION CONTRACT AWARD FOR CAMINO CAPISTRANO OPERATIONS YARD IMPROVEMENTS

It is recommended that the Board of Directors award the construction services contract to Ferreira Construction Company, Inc. in the amount of \$1,397,727; authorize the General Manager or Assistant General Manager to execute the contract; and to approve change orders up to 10% of the contract value.

GENERAL MANAGER MATTERS:(Brief general updates on District matters and/or brief general updates from staff - Informational purposes only.)

10. Legislative Update

11. ADOPTION OF RESOLUTION HONORING MR. SCOTT F. COLTON (RESOLUTION 18-
—)

It is recommended that the Board of Directors approve the resolution entitled, "Honoring Mr. Scott F. Colton".

PRESIDENT'S REPORT:

BOARD REPORTS:

FUTURE AGENDA ITEMS (Any items added under this section are for discussion at future meetings only.):

LATE ITEMS: (Appropriate Findings to be Made)

- a. Need to take immediate action; and
- b. Need for action came to District's attention after Agenda Posting. [Requires 2/3 vote (5 members) or unanimous vote if less than 2/3 are present]

ADJOURNMENT:

The Board of Directors' Meeting Room is wheelchair accessible. If you require any special disability related accommodations (i.e., access to an amplified sound system, etc.), please contact the Moulton Niguel Water District Secretary's office at (949) 831-2500 at least forty-eight (48) hours prior to the scheduled meeting. This agenda can be obtained in alternate format upon written request to the Moulton Niguel Water District Secretary at least forty-eight (48) hours prior to the scheduled meeting.

Agenda exhibits and other writings that are disclosable public records distributed to all, or a majority of, the members of the Moulton Niguel Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the

Board of Directors are available for public inspection at the District Office, 27500 La Paz Road, Laguna Niguel, CA (“District Office”). If such writings are distributed to members of the Board less than seventy-two (72) hours prior to the meeting, they will be available in the reception area of the District Office at the same time as they are distributed except that, if such writings are distributed immediately prior to, or during the meeting, they will be available in the Board meeting room and on the District website at www.mnwd.com.



moulton niguel water district

**DRAFT
MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
MOULTON NIGUEL WATER DISTRICT**

August 16, 2018

A Regular Meeting of the Board of Directors of the Moulton Niguel Water District was held at the District offices, 27500 La Paz Road, Laguna Niguel, California, at 6:00 PM on August 16, 2018. There were present and participating:

DIRECTORS

Duane Cave	Director (arrived at 6:09 p.m.)
Richard Fiore	Director
Donald Froelich	President
Larry Lizotte	Director
Brian Probolsky	Vice President

Also present and participating were:

STAFF MEMBERS, LEGAL COUNSEL, AND MEMBERS OF THE PUBLIC

Joone Lopez	General Manager
Matt Collings	Assistant General Manager
Rod Woods	Director of Engineering
Drew Atwater	Director of Finance & Water Resources
Gina Hillary	Director of Human Resources
Todd Novacek	Director of Operations
Jose Solorio	Government Affairs Officer
Jeff Ferre	Best, Best, & Krieger (General Counsel)
Paige Gulck	Board Secretary
Tim Bonita	Recording Secretary
Trevor Agrelius	MNWD
Matthew Brown	MNWD
Johnathan Cruz	MNWD
Steve Merk	MNWD
Lindsey Stuvick	MNWD

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Sheldon Yu	MNWD
Ruben Smith	Alvarado Smith
Charity Schiller	Best, Best & Krieger
Bill Moorhead	CAC Member
Alyssa Helper	LSA
Joel Bishop	Member of the Public
Kelly Jennings	Member of the Public
Harry Nelson	Member of the Public
Gary Koch	Ridgefield HOA
Jean Merrell	Ridgefield HOA

1. **CALL MEETING TO ORDER:**

The meeting was called to order by Donald Froelich at 6:01 p.m.

2. **PLEDGE OF ALLEGIANCE:**

Richard Fiore led the Pledge of Allegiance.

3. **PUBLIC COMMENTS:**

Harry Nelson provided public comment.

CONSENT CALENDAR ITEMS:(Items on the Consent Calendar have been discussed at the regularly scheduled Engineering/Operations and Finance/IT Board meetings)

4. **MINUTES OF THE JULY 13, 2018 SPECIAL BOARD OF DIRECTORS' MEETING**

5. **MINUTES OF THE JUNE 21, 2018 REGULAR BOARD OF DIRECTORS' MEETING**

6. **PLANT 3A ENGINEERING SUPPORT SERVICES**

It is recommended that the Board of Directors approve the Agreement for Plant 3A Engineering Support Services with GHD, Inc. for a total not-to-exceed agreement amount of \$150,000.

7. **PROFESSIONAL SERVICES AGREEMENT FOR SCADA COMMUNICATIONS NETWORK UPGRADE**

It is recommended that the Board of Directors approve the Professional Services Agreement with Alpha Omega Wireless Inc. in the amount of \$743,326; authorize the General Manager or Assistant General Manager to execute the Agreement; and to approve amendments up to 10% of the contract value.

8. AMENDMENT NO. 7 TO THE PROFESSIONAL SERVICES AGREEMENT – LSA ASSOCIATES, INC.

It is recommended that the Board of Directors approve Amendment No. 7 to the Professional Services Agreement with LSA Associates, Inc. for an amount not-to-exceed \$39,000 for a total contract amount of \$309,086; and authorize the General Manager or Assistant General Manager to execute Amendment No. 7.

10. ADOPTION OF THE RESOLUTION FOR THE 2018 SOUTH ORANGE COUNTY INTEGRATED REGIONAL WATER MANAGEMENT PLAN (RESOLUTION 18-15)

It is recommended that the Board of Directors adopt the resolution entitled, “Adopting the 2018 South Orange County Integrated Regional Water Management Plan.”

11. REBATE APPLICATIONS FOR TURF REMOVAL

It is recommended that the Board of Directors consider the rebate applications for the following projects without a limitation on the maximum allowable acreage and direct staff accordingly:

1. City of Laguna Niguel at Chaparoosa Park
2. Oso Valley Greenbelt HOA at Morales Park

MOTION DULY MADE BY LARRY LIZOTTE AND SECONDED BY RICHARD FIORE, CONSENT ITEMS 4,5,6,7,8,10 AND 11 WERE APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS RICHARD FIORE, DONALD FROELICH, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING ‘AYE’. DIRECTOR DUANE CAVE WAS ABESNT.

9. Metropolitan Future Supply Actions Program Application

It is recommended that the Board of Directors authorize staff to develop and submit an application for Metropolitan’s Future Supply Actions Program through the Municipal Water District of Orange County.

This item was pulled from the consent calendar by Brian Probolsky. Joone Lopez provided information on the item.

Duane Cave arrived at 6:09 p.m.

MOTION DULY MADE BY BRIAN PROBOLSKY AND SECONDED BY RICHARD FIORE, ITEM 9 WAS APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING ‘AYE’.

ENGINEERING & OPERATIONS MATTERS:

12. ADOPTION OF THE RESOLUTION FOR THE UPDATE OF WASTEWATER TREATMENT PLANT CAPACITY REQUIREMENTS (RESOLUTION 18-16)

It is recommended that the Board of Directors adopt the resolution entitled, "Updating Wastewater Treatment Plant Capacity Requirements."

This item was taken before the General Manager Matters. Joone Lopez provided information on the item.

MOTION DULY MADE BY BRIAN PROBOLSKY AND SECONDED BY DUANE CAVE, ITEM 12 WAS APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

13. CONSTRUCTION CONTRACT AWARD FOR VALVE REPLACEMENTS

It is recommended that the Board of Directors award the construction services contract to Ferreira Construction Co, Inc. (Ferreira) in the amount of \$1,789,330; authorize the General Manager or Assistant General Manager to execute the contract; and to approve change orders up to 10% of the contract value.

Joone Lopez provided details on the item.

MOTION DULY MADE BY DUANE CAVE AND SECONDED BY RICHARD FIORE, ITEM 13 WAS APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

GENERAL MANAGER MATTERS:(Brief general updates on District matters and/or brief general updates from staff - Informational purposes only.)

Joone Lopez provided a brief update on District items:

- *The California Data Collaborative 3rd Annual Data Summit is scheduled for August 23rd & 24th at Metropolitan Water District's downtown office*
- *Matt Collings has been participating on panels for WaterNow Alliance discussing the importance of communicating with ratepayers*
- *Johnathan Cruz will be presenting at the Sustain OC event on August 30, 2018*
- *Lindsey Stuvick will be presenting at the WaterSmart Innovations conference in October*

FINANCE & INFORMATION TECHNOLOGY MATTERS:

14. FISCAL YEAR 2018-19 PROPOSED BUDGET AMENDMENT (RESOLUTION 18-17)

It is recommended that the Board of Directors approve the resolution entitled, “Approving a Budget Amendment in order to Fund Core Wastewater Treatment Programs for Fiscal Year 2018-19.”

Joone Lopez and Matt Collings provided information on the item.

MOTION DULY MADE BY RICHARD FIORE AND SECONDED BY BRIAN PROBOLSKY, ITEM 14 WAS APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING ‘AYE’.

LEGAL:

15. CONSIDERATION AND POSSIBLE ACTION TO RESCIND RESOLUTION NO. 18-12 WHICH ADOPTED AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE OPERATIONS CENTER AND SITE CONSOLIDATION PROJECT AND DECISION TO CARRY OUT THE OPERATIONS CENTER AND SITE CONSOLIDATION PROJECT

It is recommended that the Board of Directors take action to rescind Resolution No. 18-12. If Resolution No. 18-12 is rescinded, the result will be that the project described in the Resolution will not move forward.

Joone Lopez provided information on the item.

Gary Koch provided public comment on the item.

The Board took a recess at 7:04 p.m. and resumed in open session at 7:23 p.m.

Joone Lopez stated that after hearing Mr. Koch’s comments, staff recommends that the item be continued to a Special Board Meeting on Friday, August 24, 2018 so that staff could meet with the Ridgely HOA Board prior to that time. There was further discussion by the Board.

A MOTION WAS MADE BY BRIAN PROBOLSKY AND SECONDED BY LARRY LIZOTTE, TO MOVE STAFF’S INITIAL RECOMMENDATION TO RESCIND RESOLUTION 18-12 WHICH ADOPTED AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION AND MONITORING AND REPORTING PROGRAM AND THE DECISION TO CARRY OUT THE PROJECT ITSELF. THE VOTE WAS SPLIT WITH DIRECTORS LARRY LIZOTTE AND BRIAN

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PROBOLSKY VOTING 'AYE', AND DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH VOTING 'NAY'. THEREFORE, THE MOTION DID NOT PASS.

A MOTION WAS THEN MADE BY DUANE CAVE AND SECONDED BY RICHARD FIORE, TO CONTINUE ITEM 15 TO A SPECIAL BOARD MEETING SCHEDULED FOR AUGUST 24, 2018 AT 5:00 P.M. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'. THE MOTION PASSED.

PRESIDENT'S REPORT:

No Report.

BOARD REPORTS:

Duane Cave stated that Supervisor Bartlett adjourned the Orange County Board of Supervisors meeting in remembrance of Director Scott Colton. Joone Lopez added to Director Cave's comment and stated that the City of Laguna Niguel also adjourned the City Council meeting in Director Colton's honor and that Senator Pat Bates will be adjourning an upcoming legislative session in Director Colton's honor as well.

Richard Fiore stated that he attended the City of Laguna Niguel Crown Valley Park dedication and groundbreaking ceremony.

CLOSED SESSION:

16. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Name of case: Ridgefield Homeowners Association v. Moulton Niguel Water District et al.

Case No. 30-2018-01011187-CU-TT-CXC

This Board did not meet in closed session.

FUTURE AGENDA ITEMS (Any items added under this section are for discussion at future meetings only.):

Brian Probolsky requested that a presentation on evapotranspiration be provided at the next Board meeting.

LATE ITEMS: (Appropriate Findings to be Made)

None.

ADJOURNMENT:

The meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Tim Bonita
Recording Secretary

DRAFT



moulton niguel water district

DRAFT
MINUTES OF THE SPECIAL MEETING OF THE
BOARD OF DIRECTORS OF THE
MOULTON NIGUEL WATER DISTRICT

August 24, 2018

A Special Meeting of the Board of Directors of the Moulton Niguel Water District was held at the District offices, 27500 La Paz Road, Laguna Niguel, California, at 5:00 PM on August 24, 2018. There were present and participating:

DIRECTORS

Duane Cave	Director
Richard Fiore	Director
Donald Froelich	President
Larry Lizotte	Director
Brian Probolsky	Vice President

Also present and participating were:

STAFF MEMBERS, LEGAL COUNSEL, AND MEMBERS OF THE PUBLIC

Joone Lopez	General Manager
Matt Collings	Assistant General Manager
Gina Hillary	Director of Human Resources
Jeff Ferre	Best, Best, & Krieger (General Counsel)
Paige Gulck	Board Secretary
Tim Bonita	Recording Secretary
Matt Brown	MNWD
Johnathan Cruz	MNWD
Medha Patel	MNWD
Charity Schiller	Best, Best & Krieger
Bill Moorhead	CAC Member
Kelly Jennings	Member of the Public
Gary Koch	Ridgefield HOA

#5.

1. CALL MEETING TO ORDER

The meeting was called to order by Donald Froelich at 5:01 p.m.

2. PUBLIC COMMENTS

None.

CLOSED SESSION

3. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Name of case: Ridgefield Homeowners Association v. Moulton Niguel Water District et al.

Case No. 30-2018-01011187-CU-TT-CXC

The Board entered closed session at 5:01 p.m.

REPORT OUT OF CLOSED SESSION

The Board exited closed session at 5:21 p.m. Jeff Ferre provided the following report.

A MOTION WAS BY DUANE CAVE AND SECONDED BY LARRY LIZOTTE, TO APPROVE AND AUTHORIZE THE SIGNING OF MEMORANDUM OF UNDERSTANDING IN ORDER TO SETTLE THE EXISTING LITIGATION INVOLVING RIDGEFIELD HOA V. MOULTON NIGUEL WATER DISTRICT. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

RETURN TO OPEN SESSION

Joone thanked the Ridgefield HOA Board for their hard work in helping come to a resolution on the matter.

DISCUSSION/ACTION ITEMS

4. **CONSIDERATION AND POSSIBLE ACTION TO RESCIND RESOLUTION NO. 18-12 WHICH ADOPTED AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE OPERATIONS CENTER AND SITE CONSOLIDATION PROJECT AND DECISION TO CARRY OUT THE OPERATIONS CENTER AND SITE CONSOLIDATION PROJECT**

It is recommended that the Board of Directors take action to rescind Resolution No. 18-12. If Resolution No. 18-12 is rescinded, the result will be that the project described in the Resolution will not move forward.

This item is being tabled.

ADJOURNMENT

The meeting was adjourned at 5:23 p.m.

Respectfully submitted,

Tim Bonita
Recording Secretary

DRAFT

RESOLUTION NO. 18-___

**RESOLUTION OF THE BOARD OF DIRECTORS OF
MOULTON NIGUEL WATER DISTRICT
HONORING MR. SCOTT F. COLTON**

WHEREAS, Moulton Niguel Water District, the local community, and the global water industry lost a valued Director and public service leader on August 5, 2018 with the passing of Vice President Scott F. Colton; and

WHEREAS, Scott F. Colton’s visionary leadership and service for nearly a decade on the Board helped enhance local water reliability needs for the communities of Aliso Viejo, Dana Point, Laguna Hills, Laguna Niguel, Mission Viejo, and San Juan Capistrano; and

WHEREAS, committed to serving District customers, Scott F. Colton devoted his time to ensure that the District provide the highest quality water at the lowest possible rates, reduce the region’s water demand through efficient use and reuse, and maintain fiscal resiliency today, and for generations to come; and

WHEREAS, a pillar in his community, Scott F. Colton was an active participant in local community programs, civic activities, and water associations, and also served on the Boards of the San Juan Basin Authority and Santiago Aqueduct Commission; and

WHEREAS, Scott F. Colton’s character epitomized sincerity, a sense of humor, the utmost professionalism, and graciousness, and enriched those fortunate enough to have met him; and

WHEREAS, the District recognizes Scott F. Colton for his outstanding contributions and dedication to his community, his significant achievements over the course of his lifetime, and his devoted service to the District and the water industry; and

NOW, THEREFORE, BE IT RESOLVED: The Board of Directors of Moulton Niguel Water District wishes to honor the memory of Scott F. Colton and continue to advance the innovative programs, sustainable water solutions, and high levels of service that the District offers to its customers and the surrounding community.

ADOPTED, SIGNED AND APPROVED this 20th day of September, 2018.

President/Vice President
MOULTON NIGUEL WATER DISTRICT
and of the Board of Directors thereof

Secretary/Assistant Secretary
MOULTON NIGUEL WATER DISTRICT
and of the Board of Directors thereof

