



# moulton niguel water district

## BOARD OF DIRECTORS' MEETING MOULTON NIGUEL WATER DISTRICT

27500 La Paz Road, Laguna Niguel

November 15, 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 OCTOBER 1, 2018 SPECIAL BOARD OF DIRECTORS' MEETING**

5. **MINUTES OF THE OCTOBER 9, 2018 SPECIAL BOARD OF DIRECTORS' MEETING**

6. **MINUTES OF THE OCTOBER 18, 2018 REGULAR BOARD OF DIRECTORS' MEETING**

7. **CONSTRUCTION CONTRACT AWARD FOR TRAFFIC SIGNAL INSTALLATION AT MOULTON PARKWAY AND GORDON ROAD**

It is recommended that the Board of Directors award the construction services contract to MSL Electric, Inc. in the amount of \$205,548; authorize the General Manager or Assistant General Manager to execute the contract; and to approve change orders up to 10% of the contract value.

8. AMENDMENT NO. 5 TO THE CONSULTING SERVICES AGREEMENT – WARE MALCOMB

It is recommended that the Board of Directors approve Amendment No. 5 to the Amended and Restated Consulting Services Agreement with Ware Malcomb for an amount not-to-exceed \$129,400 for a total contract amount of \$1,171,236; authorize the General Manager or Assistant General Manager to execute the amendment; and to approve amendments up to 10% of the total contract value.

9. INSERTION VALVE PURCHASES FOR FISCAL YEAR 2018-19

It is recommended that the Board of Directors authorize the purchase of new Hydra-Stop Insertion valves and related equipment in the amount of \$279,620 for Fiscal Year 2018-19.

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

10. ADOPTION OF RESOLUTION HONORING MR. TIMOTHY H. QUINN (RESOLUTION 18-\_\_)

It is recommended that the Board of Directors approve the resolution entitled, "Honoring Mr. Timothy H. Quinn".

**PRESIDENT'S REPORT:**

**BOARD REPORTS:**

**CLOSED SESSION:**

11. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9

Receipt of claim - Claimant: Kelly Brown

12. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: General Manager

13. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Board President Donald Froelich

Unrepresented employee: General Manager

## **RETURN TO OPEN SESSION:**

### **14. EMPLOYMENT CONTRACT FOR SERVICES AS GENERAL MANAGER AND AMENDMENT #7**

It is recommended that the Board of Directors consider, and possibly take action to approve, payment of a bonus amount to the General Manager under the Employment Contract For Services As General Manager and Amendment #7 to said Contract, based on a determination by the Board of Directors as to the General Manager's accomplishments.

## **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](http://www.mnwd.com).





# moulton niguel water district

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

**October 1, 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 9:00 AM on October 1, 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
Rod Woods	Director of Engineering
Jose Solorio	Government Affairs Officer
Jeff Ferre	Best, Best, & Krieger (General Counsel)
Paige Gulck	Board Secretary
Tim Bonita	Recording Secretary
Trevor Agrelius	MNWD
Medha Patel	MNWD
Kevin Day	Alvarado Smith
Ruben Smith	Alvarado Smith
Dan Shimmell	Best, Best, & Krieger
Doug Chotkevys	Chotkevys Consulting
Roger Faubel	Faubel Public Affairs

## #4.

### 1. CALL MEETING TO ORDER

*The meeting was called to order by Donald Froelich at 9:00 a.m.*

### 2. PUBLIC COMMENTS

*None.*

### **DISCUSSION ITEMS**

### 3. **ADOPTION OF RESOLUTION FOR SAN JUAN BASIN PLAN AMENDMENT (RESOLUTION 18-19)**

It is recommended that the Board of Directors approve the resolution entitled, "San Juan Basin Plan Amendment."

*Matt Collings provided information on the item. Discussion ensued regarding the San Juan Basin Plan.*

*MOTION DULY MADE BY BRIAN PROBOLSKY AND SECONDED BY RICHARD FIORE, ITEM 3 WAS APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

### **CLOSED SESSION**

### 4. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

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

Name of case: SOCWA, City of Laguna Beach, South Coast Water District and Emerald Bay Service District v. Moulton Niguel Water District

Case number 30-2017-00923143-CU-BC-CJC

### 5. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section: 54956.8

Property: Real Estate related to City of San Juan Capistrano's Water and Sewer Systems

Agency Negotiator: Joone Lopez - Moulton Niguel Water District

Negotiating Parties: Moulton Niguel Water District and City of San Juan Capistrano

Under Negotiation: Terms for Proposed Acquisition of Property

*The Board entered closed session at 9:12 a.m. and exited at 10:30 a.m. Jeff Ferre stated that there was no reportable action.*

**ADJOURNMENT**

*The meeting was adjourned at 10:30 a.m.*

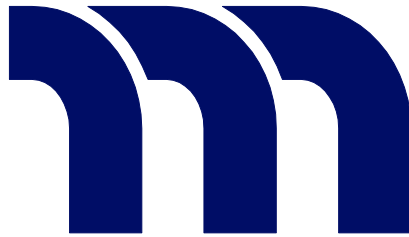
Respectfully submitted,

Paige Gulck  
Board Secretary

DRAFT







# moulton niguel water district

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

**October 9, 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 8:30 AM on October 9, 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**

Matt Collings	Assistant General Manager
Rod Woods	Director of Engineering
Drew Atwater	Director of Finance & Water Resources
Gina Hillary	Directors of Human Resource
Paige Gulck	Board Secretary
Tim Bonita	Recording Secretary
Johnathan Cruz	MNWD
Ruben Smith	Alvarado Smith
Roger Faubel	Faubel Public Affairs
Russ Branson	Public Financial Management, Inc.
Brian Thomas	Public Financial Management, Inc.

**1. CALL MEETING TO ORDER**

*The meeting was called to order by Donald Froelich at 8:30 a.m.*

# #5.

## 2. PUBLIC COMMENTS

*None*

### **CLOSED SESSION**

## 3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section: 54956.8

Property: Real Estate related to City of San Juan Capistrano's Water and Sewer Systems

Agency Negotiator: Joone Lopez - Moulton Niguel Water District

Negotiating Parties: Moulton Niguel Water District and City of San Juan Capistrano

Under Negotiation: Terms for Proposed Acquisition of Property

## 4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of case: SOCWA, City of Laguna Beach, South Coast Water District and Emerald Bay Service District v. Moulton Niguel Water District

Case number 30-2017-00923143-CU-BC-CJC

*The Board entered closed session at 8:33 and exited at 11:27 a.m.*

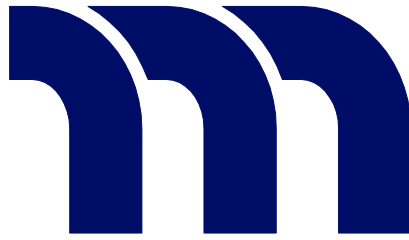
*Ruben Smith reported out that on Item 3 the Board voted to direct staff to respond to the questions that were requested by the City of San Juan Capistrano and to continue negotiations to provide more insight into that potential annexation. There was no reportable action on Item 4.*

### **ADJOURNMENT**

*The meeting was adjourned at 11:29 a.m.*

Respectfully submitted,

Paige Gulck  
Board Secretary



# moulton niguel water district

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

**October 18, 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 October 18, 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
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
Medha Patel	MNWD
Ruben Smith	Alvarado Smith
Bill Moorhead	Member of the Public

## #6.

Kelly Jennings  
Sheri Wanninger

Member of the Public  
Member of the Public

1. **CALL MEETING TO ORDER:**

*The meeting was called to order by Donald Froelich at 6:00 p.m.*

2. **PLEDGE OF ALLEGIANCE:**

*Larry Lizotte led the Pledge of Allegiance.*

3. **PUBLIC COMMENTS:**

*None.*

**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 SEPTEMBER 20, 2018 REGULAR BOARD OF DIRECTORS' MEETING**

5. **CONSTRUCTION CONTRACT AWARD FOR 54-INCH CENTRAL INTERTIE PIPELINE IMPROVEMENTS PROJECT**

It is recommended that the Board of Directors award the construction services contract to Trautwein Construction, Inc. (Trautwein) in the amount of \$1,864,400; authorize the General Manager or Assistant General Manager to execute the contract; and approve change orders up to 10% of the contract value.

6. **CONSTRUCTION CONTRACT AWARD FOR OSO-TRABUCO STRUCTURAL REINFORCEMENT FOR RAILROAD EXPANSION**

It is recommended that the Board of Directors award the construction services contract to Shoffeitt Pipeline, Inc. (Shoffeitt) in the amount of \$1,173,000; authorize the General Manager or Assistant General Manager to execute the contract; and approve change orders up to 10% of the contract value.

7. **PROFESSIONAL SERVICES AGREEMENT FOR THE SULPHUR CREEK RESERVOIR RECYCLED WATER CONVERSION STUDY**

It is recommended that the Board of Directors approve the Professional Services Agreement for engineering services with GEI Consultants, Inc. (GEI) in the amount of \$382,431; authorize the General Manager or Assistant General Manager to execute the agreement; and to approve amendments up to 10% of the contract value.

8. CONSTRUCTION CONTRACT AWARD FOR PIPELINE ADJUSTMENTS FOR I-5 FREEWAY WIDENING

It is recommended that the Board of Directors reject all bids.

*MOTION DULY MADE BY LARRY LIZOTTE AND SECONDED BY DUANE CAVE, CONSENT ITEMS 4 THROUGH 8 WERE APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

9. CONSIDERATION OF SUPPORT POSITION FOR PROPOSITION 3 ON NOVEMBER 2018 BALLOT (RESOLUTION 18- )

It is recommended that the Board of Directors adopt the resolution entitled, "Supporting Proposition 3 'Water Supply and Water Quality Act of 2018.' "

*Item 9 was pulled from the consent calendar by Richard Fiore. Discussion ensued regarding Proposition 3. The Board directed staff to bring back more information regarding Proposition 3.*

*A MOTION WAS MADE BY DIRECTOR PROBOLSKY, SECONDED BY DIRECTOR FIORE, TO DIRECT STAFF TO RETURN TO THE BOARD WITH MORE INFORMATION REGARDING THIS PROPOSITION AND RELATED MATTERS. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

**LEGAL MATTERS:**

10. ADOPTION OF AMENDED CONFLICT OF INTEREST CODE (RESOLUTION 18-20)

It is recommended that the Board of Directors approve the resolution entitled, "Amending the Conflict of Interest Code Pursuant to the Political Reform Act of 1974."

*Matt Collings provided information on the item.*

*MOTION DULY MADE BY DUANE CAVE AND SECONDED BY RICHARD FIORE, ITEM 10 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.)**

**11. CONSIDERATION AND POSSIBLE ACTION TO APPOINT A VICE PRESIDENT OF THE BOARD OF DIRECTORS**

It is recommended that the Board of Directors conduct an election for the following officer of the Board and District: Second Vice President with office term effective at the conclusion of the Board Meeting.

*Joone Lopez provided information on the item.*

*MOTION DULY MADE BY BRIAN PROBOLSKY AND SECONDED BY RICHARD FIORE, TO APPOINT DUANE CAVE TO SECOND VICE PRESIDENT. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

**PRESIDENT'S REPORT:**

*None.*

**BOARD REPORTS:**

*Richard Fiore stated that members of the Board and Staff have attended various City Council meetings and provided great presentations on our 50 Year Recycled Water Anniversary. Director Fiore also attended the Mission Viejo High School Armed Forces Game held on September 28, 2018.*

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

*None.*

**LATE ITEMS: (Appropriate Findings to be Made)**

*Legal Counsel recommended that based on Government Code Section 54954.2(b)(2), there is a need to add an item to the Agenda as a Late Item since there is need to potentially take action and that need came to the attention of the District after the posting of the Agenda. Legal Counsel reported that since the recommendation is for a closed session regarding Anticipated Litigation, he could not go into further details in open session but that based on his legal advice, the Board should go into closed session regarding the matter. It was then recommended that the following item be added to the Agenda as Item 12:*

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

*Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9*

*One potential case*

*MOTION DULY MADE BY RICHARD FIORE AND SECONDED BY DUANE CAVE, TO ADD THE CLOSED SESSION ITEM TO THE AGENDA. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

**REPORT OUT OF CLOSED SESSION:**

*The Board entered closed session at 6:29 p.m. and exited at 6:38 p.m. Jeff Ferre stated that there was no reportable action.*

**ADJOURNMENT:**

*The meeting was adjourned at 6:39 p.m.*

Respectfully submitted,

Tim Bonita  
Recording Secretary





**RESOLUTION NO. 18-\_\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
MOULTON NIGUEL WATER DISTRICT  
HONORING MR. TIMOTHY H. QUINN**

WHEREAS, Timothy H. Quinn, who for 40 years has provided exemplary leadership in the California water industry, including the past 11 1/2 years as the Executive Director of the Association of California Water Agencies (ACWA), is retiring at the end of 2018; and

WHEREAS, his involvement in developing ACWA's Statewide Water Action Plan and the Brown Administration's California Water Action Plan has helped advance comprehensive solutions to meet the state's 21<sup>st</sup> century water needs; and

WHEREAS, he led efforts that have transformed California water management, including passage of the Sustainable Groundwater Management Act of 2014 and enactment of Proposition 1, the \$7.5 billion general obligation water bond overwhelmingly approved by California voters in 2014; and

WHEREAS, he successfully oversaw and coordinated ACWA's leadership within the water community during a severe drought period, substantially assisting ACWA members through unprecedented environmental, logistical and regulatory challenges; and his outstanding work in directing ACWA initiatives on drought preparedness and long-term conservation policy have further established ACWA's place as the leading voice in California water; and

WHEREAS, he is recognized for his key role in developing the California Legislature's historic 2009 comprehensive water package, which ushered in a new era in water policy focused on the coequal goals of improving the state's water supply reliability and restoring the Sacramento-San Joaquin River Delta ecosystem; and

WHEREAS, he is a recognized and accomplished water leader in California and the nation through his participation and leadership with multiple nonprofit organizations and coalitions within the water community, including the Water Education Foundation, National Water Resources Association, California Forest Watershed Alliance, Public Policy Institute of California and Clean Water and Jobs for California.

NOW, THEREFORE, BE IT RESOLVED: The Board of Directors of Moulton Niguel Water District wishes to honor Timothy H. Quinn on his extraordinary accomplishments and distinguished career, and thanks him for his outstanding contributions and dedication to the water industry and to the people of California.

**#10.**

ADOPTED, SIGNED AND APPROVED this 15th day of November, 2018.

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

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