



moulton niguel water district

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

July 9, 2020

A Regular Meeting of the Board of Directors of the Moulton Niguel Water District was held in accordance with the Governor's Executive Order N-29-20 in an effort to prevent the spread of COVID-19 (Coronavirus). As a result, there was no public location for the public to attend in person. The Closed Session was called to order at 5:00 PM and the Open Session was called to order at 6:01 PM on July 9, 2020. There were present and participating at 26880 Aliso Viejo Pkwy, Suite 150, Aliso Viejo, CA:

DIRECTORS

Duane Cave	Vice President
Richard Fiore	Director
Donald Froelich	Vice President
Kelly Jennings	Director
Gary Kurtz	Director (via teleconference)
Bill Moorhead	Director
Brian Probolsky	President

Also present and participating were:

STAFF MEMBERS IN-PERSON

Joone Lopez	General Manager
Paige Gulck	Board Secretary

STAFF MEMBERS, LEGAL COUNSEL, AND MEMBERS OF THE PUBLIC TELEPHONICALLY

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)

Tim Bonita	Recording Secretary
Trevor Agrelius	MNWD
Matt Brown	MNWD
Johnathan Cruz	MNWD
Todd Dmytryshyn	MNWD
Steve Merk	MNWD
Medha Patel	MNWD
Lindsey Stuvick	MNWD

1. CALL MEETING TO ORDER:

The meeting was called to order by President Probolsky at 6:01 p.m. President Probolsky stated that the meeting was being conducted by teleconference pursuant to the Brown Act waivers provided for under the Governor’s Executive Orders in response to the COVID-19 State of Emergency. As stated on the agenda, there was no public location for attending the meeting in person. The agenda also stated that the public could listen and provide comment telephonically by calling the number listed on the agenda.

CLOSED SESSION:

2. 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 Public Notice from Department of Toxic Substances Control
 BKK Landfill – West Covina

OPEN SESSION - 6:00PM

3. REPORT OUT OF CLOSED SESSION

Jeff Ferre stated that prior to the open session agenda, the Board met in closed session for a Conference with Legal Counsel, under Government Code Section 54956.9. There was no reportable action.

4. PLEDGE OF ALLEGIANCE:

Bill Moorhead led the pledge of allegiance.

5. PUBLIC COMMENTS:

President Probolsky stated that as permitted under the Brown Act, and in order to provide an equal opportunity for members of the public to provide comment without everyone talking over one another, public comments, on items on or off the agenda, would be taken during the Public Comment portion of the meeting. President Probolsky then asked if there was anyone on the phone who would like to provide comment.

Hearing none, the Public Comment portion of the meeting was closed.

CONSENT CALENDAR ITEMS:(Items on the Consent Calendar have been discussed at the regularly scheduled Administrative and Technical Committee meetings)

6. MINUTES OF THE JUNE 11, 2020 BOARD OF DIRECTORS MEETING
7. CONSTRUCTION CONTRACT AMENDMENT FOR RECYCLED WATER DISTRIBUTION SYSTEM IMPROVEMENTS

It is recommended that the Board of Directors amend the construction contract with Ferreira Construction Co, Inc. (Ferreira) by \$275,924 for a total contract amount of \$864,054; and authorize the General Manager or Assistant General Manager to execute the contract change order.

MOTION DULY MADE BY DONALD FROELICH AND SECONDED BY BILL MOORHEAD, CONSENT ITEMS 6 AND 7 WERE APPROVED AS PRESENTED. A ROLL CALL VOTE WAS TAKEN, AND THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, KELLY JENNINGS, GARY KURTZ, BILL MOORHEAD, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

ADMINISTRATIVE MATTERS:

8. NATURESCAPE PROGRAM AGREEMENT AMENDMENT NO. 3

It is recommended that the Board of Directors approve Amendment No. 3 to the Professional Services Agreement with Tree of Life Nursery, Inc.; and authorize the General Manager or Assistant General Manager to execute the Amendment.

Lindsey Stuvick presented the NatureScape Program. Discussion ensued and this item was tabled to a future meeting.

TECHNICAL MATTERS:

9. CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR REGIONAL LIFT STATION FORCE MAIN REPLACEMENT

It is recommended that the Board of Directors approve the Professional Services Agreement with Black & Veatch in the amount of \$2,112,331; authorize the General Manager or Assistant General Manager to execute the agreement; and to approve amendments up to 10% of the contract value.

Joone Lopez presented the item. Discussion ensued regarding the item.

MOTION DULY MADE BY DONALD FROELICH AND SECONDED BY DUANE CAVE, ITEM 9 WAS APPROVED AS PRESENTED. A ROLL CALL VOTE WAS TAKEN, AND THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, KELLY JENNINGS, GARY KURTZ, BILL MOORHEAD, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

10. ON-CALL CONSTRUCTION SUPPORT SERVICES

It is recommended that the Board of Directors authorize the General Manager or Assistant General Manager to execute three-year Construction Support Services Agreements with Ferreira Construction Co., Inc., Paulus Engineering, Inc., Shoffeitt Pipeline, Inc., and T.E Roberts, Inc. for a total not-to-exceed amount of \$1,250,000 each.

Joone Lopez presented the item.

MOTION DULY MADE BY DUANE CAVE AND SECONDED BY BILL MOORHEAD, ITEM 10 WAS APPROVED AS PRESENTED. A ROLL CALL VOTE WAS TAKEN, AND THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, KELLY JENNINGS, GARY KURTZ, BILL MOORHEAD, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

LEGAL MATTERS:

11. PUBLIC HEARING AND ANNUAL ADOPTION OF RESOLUTION FOR COLLECTION OF 2019-20 WASTEWATER SERVICE CHARGES AND RATES FOR LAGUNA SUR/MONARCH POINT REORGANIZATION AREA ON PROPERTY TAX BILL (RESOLUTION 20-08)

- 1. President Probolsky opened the hearing at 7:10 p.m. and called for any public comments. No comments were received, and the hearing was closed at 7:12 p.m.*
- 2. At the conclusion of the public hearing, the Board considered adoption of a resolution entitled, "Adopting Report of Annual Wastewater Service Charges to be Collected via Property Tax Statements on Tax Roll for the Period Commencing July 1, 2020."*

MOTION DULY MADE BY GARY KURTZ AND SECONDED BY RICHARD FIORE, ITEM 11 WAS APPROVED AS PRESENTED. A ROLL CALL VOTE WAS TAKEN, AND THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, KELLY JENNINGS, GARY KURTZ, BILL MOORHEAD, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

INFORMATION ITEMS:

12. MONTHLY FINANCIAL REPORT

Trevor Agrelius presented the monthly financial report.

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

Joone Lopez stated that staff is doing well health wise, service delivery has been seamless, and many staff members have been participating on panels in Zoom meetings. Joone also stated that the 5th Annual Data Summit will be held as a virtual event August 20-21, 2020. The Plant 2A upgrades projects are also going well.

PRESIDENT'S REPORT:

Brian Probolsky encouraged staff to keep up the good work with safety and stay healthy. Brian also encouraged Directors and staff to continue to participate in virtual meetings.

BOARD REPORTS:

Donald Froelich attended the MWDOC meeting. Roger Patterson from Metropolitan Water District provided an excellent presentation.

Duane Cave mentioned his virtual meeting with SMWD on May 28. Open dialogue and partnerships are key for our relationships with our neighboring districts.

Richard Fiore has participated in various Chamber of Commerce meetings. Kudos to Bill Moorhead for his presentations at various chamber meetings.

Bill Moorhead also commented on the virtual meetings he has attended including the WateReuse Conference and Chamber of Commerce meetings.

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

None.

LATE ITEMS: (Appropriate Findings to be Made)

Staff has none.

ADJOURNMENT:

The meeting adjourned at 7:46 p.m.

Respectfully submitted,

Tim Bonita
Recording Secretary