



moulton niguel water district

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

September 10, 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 September 10, 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
James Glover	MNWD
Lindsey Stuvick	MNWD
Doug Zytkevicz	MNWD
Ruben Duran	Best, Best, & Krieger
Ryan Guiboa	Best, Best, & Krieger
Jeff Probst	Chandler Asset Management

1. CALL MEETING TO ORDER:

The meeting was called to order by President Probolsky at 6:02 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 REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
 Property: 27500 La Paz Road, Laguna Niguel, CA
 Agency Negotiator: Joone Lopez, General Manager
 Negotiating Parties: Cypress Express Partners, LLC
 Under Negotiation: Price and terms of payment for a ground lease

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 regarding Conference with Real Property Negotiators under Government Code Section 54956.8 regarding the property located at 27500 La Paz Road in Laguna Niguel. Direction was given to the Real Property Negotiator but there was no reportable action. However, the Board will be considering a potential amendment to the ground lease of 27500 La Paz Road in open session later on this agenda.

4. PLEDGE OF ALLEGIANCE:

Director Jennings 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. Ruben Duran and Ryan Guiboa from BBK provided public comment.

PRESENTATION ITEM:

6. QUARTERLY INVESTMENT REPORT - CHANDLER ASSET MANAGEMENT

Jeff Probst presented the Quarterly Investment Report from Chandler Asset Management.

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

7. MINUTES OF THE AUGUST 13, 2020 BOARD OF DIRECTORS MEETING

8. CONSTRUCTION CONTRACT AWARD FOR REGIONAL TREATMENT PLANT SOUTHERLY INFLUENT SEWER IMPROVEMENTS

It is recommended that the Board of Directors award the construction services contract to T.E. Roberts Inc. in the amount of \$1,368,840; authorize the General Manager or Assistant General Manager to execute the contract; and to approve change orders up to 10% of the contract value.

9. PROFESSIONAL SERVICES AGREEMENT FOR CROWN VALLEY PIPELINE REPLACEMENTS

It is recommended that the Board of Directors approve the Professional Services Agreement with Tetra Tech in the amount of \$1,090,000; authorize the General Manager or Assistant General Manager to execute the agreement; approve up to \$50,000 for additional services as described herein; and approve amendments up to 10% of the contract value.

11. WASTEWATER INFLOW AND INFILTRATION FLOW MONITORING SERVICES

It is recommended that the Board of Directors approve the agreement for wastewater inflow and infiltration flow monitoring services with ADS Corp. in the amount of

\$240,198; authorize the General Manager or Assistant General Manager to execute the agreement; and to approve amendments up to 10% of the contract value.

12. COOPERATIVE SERVICES AGREEMENT FOR SALT AND NUTRIENT MANAGEMENT PLAN

It is recommended that the Board of Directors approve the Cooperative Services Agreement for Salt and Nutrient Management Plan (Cooperative Agreement); and authorize the General Manager or Assistant General Manager to execute the agreement.

MOTION DULY MADE BY DUANE CAVE AND SECONDED BY BILL MOORHEAD, ITEMS 7, 8, 9, 11 AND 12 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'.

10. CONSTRUCTION CONTRACT AWARD FOR MOULTON PEAK RADIO TOWER REPLACEMENT

It is recommended that the Board of Directors award the construction services contract to Pascal & Ludwig Constructors in the amount of \$575,004; authorize the General Manager or Assistant General Manager to execute the contract; and to approve change orders up to 10% of the contract value.

This item was pulled from consent by President Probolsky. Discussion ensued regarding the item.

MOTION DULY MADE BY DONALD FROELICH 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'.

13. FISCAL YEAR 2020-21 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 \$1,300,000 for Fiscal Year 2020-21.

This item was pulled from consent by Vice President Cave. Discussion ensued regarding the item.

MOTION DULY MADE BY DUANE CAVE AND SECONDED BY RICHARD FIORE, ITEM 13 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:

14. 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.)

15. APPROVAL OF AN AMENDMENT TO GROUND LEASE OF 27500 LA PAZ ROAD, LAGUNA NIGUEL TO CYPRESS EXPRESS PARTNERS, LLC

It is recommended that the Board approve an amendment to the ground lease of 27500 La Paz Road, Laguna Niguel to Cypress Express Partners, LLC in regard to an extension of the current due diligence period.

Joone Lopez presented the item.

MOTION DULY MADE BY KELLY JENNINGS AND SECONDED BY DUANE CAVE, ITEM 15 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'.

Joone Lopez stated that staff is monitoring the county's COVID response and reopening plan. Joone also stated that the District was selected as one of the Utilities of the Future Global Award recipients. Joone provided information on following upcoming events:

ACC-OC Municipal Conference on September 14th. President Probolsky will be a panelist during the event.

MNWD Community Forum on September 24th

California Water Efficiency Partnership (CalWEP) Fall Plenary Session on September 24th

PRESIDENT'S REPORT:

President Probolsky toured our new building in Laguna Hills. It will be a very efficient facility and will expand our capabilities. He asks everyone to continue being safe during re-openings.

BOARD REPORTS:

Kelly Jennings had a customer thank us for our work near the Mission Viejo Golf

Course.

Directors Fiore and Cave commented on the tour and thanked staff for their diligence on the project.

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

None.

LATE ITEMS: (Appropriate Findings to be Made)

None.

ADJOURNMENT:

The meeting was adjourned at 7:03 p.m.

Respectfully submitted,



Tim Bonita
Recording Secretary