



moulton niguel water district

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

November 12, 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 6:02 PM on November 12, 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
Bill Moorhead	Director
Brian Probolsky	President

Also present and participating were:

STAFF MEMBERS IN-PERSON

Joone Lopez	General Manager
Matt Collings	Assistant General Manager
Jose Solorio	Government Affairs Officer
Tim Bonita	Recording Secretary

STAFF MEMBERS, LEGAL COUNSEL, AND MEMBERS OF THE PUBLIC

Rod Woods	Director of Engineering
Johnathan Cruz	Director of Financial Planning & Innovation
Gina Hillary	Director of Human Resources
Jeff Ferre	Best, Best, & Krieger (General Counsel)
Trevor Agrelius	MNWD
Matt Brown	MNWD

Todd Dmytryshyn	MNWD
Shanika Goonewardene	MNWD
William Kidd	MNWD
Medha Patel	MNWD
Anudeep Vanjavakam	MNWD
Roger Alfaro	Eide Bailly
Jessica Anderson	Eide Bailly
Angelica Arras	JLL
Kelly Dobens	JLL

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

3. 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

The Board entered closed session at 5:00 p.m. and exited at 5:50 p.m. Jeff Ferre stated that there was no reportable action.

OPEN SESSION - 6:00PM

4. PLEDGE OF ALLEGIANCE:

Director Cave 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.

PRESENTATION ITEM:

6. **RESOLUTION HONORING MR. GARY R. KURTZ (RESOLUTION 20-11)**

It is recommended that the Board of Directors approve the resolution entitled, "Honoring Mr. Gary R. Kurtz."

Joone Lopez provided information on the item. The Board was presented with short videos from community and staff members. The Board members shared their congratulations with Gary.

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

7. **AUDIT PRESENTATION FOR FISCAL YEAR ENDED JUNE 30, 2020**

Trevor Agrelius provided a brief introduction on the item. The Board received a short presentation from Roger Alfaro and Jessica Anderson from EideBailly. Discussion ensued regarding the item.

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

8. **MINUTES OF THE OCTOBER 8, 2020 BOARD OF DIRECTORS MEETING**

9. **PLUG AND CHECK VALVE PURCHASE AGREEMENT**

It is recommended that the Board of Directors authorize a single-source purchase agreement with CS Amsco for new plug and check valves for an amount not to exceed \$450,000 over a three-year period.

10. MATERIALS TESTING AND INSPECTION SERVICES AMENDMENT FOR UPGRADES AT PLANT 2A

It is recommended that the Board of Directors approve a \$60,000 not-to-exceed amendment for a total not-to-exceed authorization of \$225,000 with Koury Engineering, Inc. and authorize the General Manager or Assistant General Manager to execute the amendment.

11. CONSTRUCTION CONTRACT AMENDMENT FOR THE CAMINO CAPISTRANO OPERATIONS YARD IMPROVEMENTS

It is recommended that the Board of Directors amend the construction contract with Ferreira Construction Co, Inc. (Ferreira) by \$162,295 for a total contract amount of \$1,560,022; extend the contract through February 28, 2021; and authorize the General Manager or Assistant General Manager to execute the contract change order.

12. RESOLUTION HONORING DR. ALLAN BERNSTEIN (RESOLUTION 20-12)

It is recommended that the Board of Directors approve the resolution entitled, "Honoring Dr. Allan Bernstein for Service to the City of Tustin."

13. RESOLUTION HONORING MRS. JOAN FINNEGAN (RESOLUTION 20-13)

It is recommended that the Board of Directors approve the resolution entitled, "Honoring Mrs. Joan Finnegan for Service to the Municipal Water District of Orange County."

MOTION DULY MADE BY KELLY JENNINGS AND SECONDED BY DUANE CAVE, ITEMS 8 THROUGH 13 WERE APPROVED AS PRESENTED. 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:

14. PROFESSIONAL SERVICES AGREEMENT FOR PROPERTY MANAGEMENT SERVICES

It is recommended that the Board of Directors approve the Professional Services Agreement with Jones Lange LaSalle Americas, Inc. ("JLL") in the amount of \$971,975; authorize the General Manager or Assistant General Manager to execute the agreement; and approve amendments up to 10% of the contract value.

Matt Collings provided information on the item. Discussion ensued regarding the item.

MOTION DULY MADE BY DONALD FROELICH AND SECONDED BY BILL MOORHEAD, ITEM 14 WAS APPROVED AS PRESENTED. THE VOTE WAS

UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, KELLY JENNINGS, GARY KURTZ, BILL MOORHEAD, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

TECHNICAL MATTERS:

15. CONTINGENCY INCREASE FOR CONSTRUCTION MANAGER AT RISK SERVICES AGREEMENT

It is recommended that the Board of Directors approve a contingency increase from 2.5% to 4.0% for the Construction Manager at Risk with Layton Construction.

Matt Collings provided details on the item. Discussion ensued regarding the item.

MOTION DULY MADE BY DUANE CAVE AND SECONDED BY GARY KURTZ, ITEM 15 WAS APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, KELLY JENNINGS, GARY KURTZ, BILL MOORHEAD, 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.)

16. 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.

At the request of staff, Item 16 was pulled as there is no further need to consider that matter.

17. CUSTOMER COMMUNICATIONS SURVEY UPDATE

Jose Solorio provided the Board with a Customer Communications Survey Update.

Joone Lopez stated that the District received \$456,911 in funding from the Metropolitan Water District for the Member Agency Administered Funding Award. Joone also stated that the District will be honoring Director Joan Finnegan by presenting a resolution to her at MWDOC's November 18th Board meeting.

INFORMATION ITEMS:

18. MONTHLY FINANCIAL REPORT

Trevor Agrelius provided the monthly financial report.

19. TEN-YEAR CASHFLOW UPDATE

Johnathan Cruz presented the Ten-Year Cashflow Update.

20. H2O FOR HOAS UPDATE

Lindsey Stuvick presented the H2O for HOAs update.

PRESIDENT'S REPORT:

No report.

BOARD REPORTS:

No reports.

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 8:16pm.

Respectfully submitted,



Tim Bonita
Recording Secretary