

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE MIDWAY CITY
SANITARY DISTRICT OF ORANGE COUNTY
14451 CEDARWOOD AVENUE
WESTMINSTER, CA 92683**

May 15, 2023

CALL TO ORDER

President T. Diep called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Monday, May 15, 2023 at 5:34 PM.

BOARD MEMBERS PRESENT:

Tyler Diep
Andrew Nguyen
Mark Nguyen
Sergio Contreras

STAFF PRESENT:

Robert Housley, General Manager
Nick Castro, Director of Operations/Safety
Milo Ebrahimi, District Engineer
Cynthia Olsder, Executive/Board Secretary

BOARD MEMBERS ABSENT:

Chi Charlie Nguyen

OTHERS PRESENT:

James Eggart, Legal Counsel
Richard Rengel, Rengel + Co. Architects
Sadia Syed, Rengel + Co. Architects
Omid Tabrizi, Woodcliff Corporation

PLEDGE AND INVOCATION

President T. Diep led the Pledge of Allegiance. Director S. Contreras gave the Invocation.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF APRIL 17, 2023

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to approve the minutes of the Special Meeting of April 17, 2023. The motion was approved by the following 4-0 vote:

AYES: A. Nguyen, M. Nguyen, S. Contreras, T. Diep

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF APRIL 18, 2023

A motion was made by Director A. Nguyen, seconded by Director S. Contreras, to approve the minutes of the Regular Meeting of April 18, 2023. The motion was approved by the following 4-0 vote:

AYES: A. Nguyen, M. Nguyen, S. Contreras, T. Diep

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$1,549,295.65

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14554	4/13	364.72	AT&T Mobility (First Net)	Cell phone service Mar-2023
2	14555	4/13	400.00	Ayala's Car Wash	Fleet wash 04/10 & 04/11
3	14556	4/13	19,356.10	Bodyworks Equip. Inc.	Heil system parts for solid waste trucks
4	14557	4/13	190.24	Clean Energy	Service for CNG Station 04/01/23
5	14558	4/13	400.00	Commerford Inspection, Inc.	Engine training for fleet maintenance
6	14559	4/13	3,150.20	Cummins Pacific LLC	Welding supplies for shop
7	14560	4/13	271.88	Dtntech	Strip Magnets Tags (64)
8	14561	4/13	828.36	Merchants Building Maintenance, LLC	Janitorial Services Apr-2023
9	14562	4/13	37,312.78	Orange County Sanitation District	Permit Fees Mar-2023
10	14563	4/13	100.00	Pitney Bowes/Purchase Power	Postage for Mar-2023
11	14564	4/13	2,058.00	Rutan & Tucker, LLP	Legal Services Mar-2023
12	14565	4/13	4,201.59	SDRMA - Employee Benefits	Dental and vision benefits
13	14566	4/13	277.86	Snap-On Tools	Tools for shop use
14	14567	4/13	1,241.22	South Coast Air Quality Management Dist.	Generator emissions FY22-23
15	14568	4/13	4,729.38	Tesco Controls, Inc.	Pump station onsite repairs and improvements 03/02-14/2023
16	14569	4/13	277.76	UniFirst Corporation	Employee uniform & laundry services
17	14570	4/20	15,280.00	AKM Consulting Engineers, Inc.	SSMP consultant 02/27 - 03/31/223
18	14571	4/20	580.00	Ayala's Car Wash	Washing and cleaning of district's fleet
19	14572	4/20	2,588.28	Bodyworks Equip. Inc.	Hydraulic pump for NG-4 for solid waste trucks
20	14573	4/20	383.18	Cameron Welding Supply	Welding supplies for Shop
21	14574	4/20	84.94	City of Westminster Hydrant	Hydrant Water Service Apr-2023
22	14575	4/20	242.12	Clean Energy	Service for CNG Station 04/09/23
23	14576	4/20	213,152.18	CR Transfer, Inc.	Tonnage Fees Mar-2023
24	14577	4/20	653.45	CR&R Incorporated	Clean up event 03/11/23
25	14578	4/20	2,377.83	Daniels Tire Service	Restock tires for solid waste
26	14579	4/20	8,716.25	Davis Farr LLP	Accounting assistance Mar-2023
27	14580	4/20	205.00	Four Pals, Inc.	Backflow testing for Cedarwood and Westminster stations
28	14581	4/20	4,356.64	Hydraulic Solutions And Supplies	Stock hydraulic cylinders Heil System for solid waste trucks
29	14582	4/20	1,119.32	Motion and Flow Control Products, Inc.	Hydraulic hoses for NG-2 solid waste truck
30	14583	4/20	121.00	Orange County Treasurer-Tax Collector	WEROC emergency radio 04/01 - 06/30/23
31	14584	4/20	1,712.03	Sign Design	MCSD and Gas Hazard signs
32	14585	4/20	77.81	SoCalGas	Natural Gas for offices, shop, and wash rack
33	14586	4/20	1,349.00	Spectrum Enterprise (Time Warner Cable)	Internet Services Apr-2023
34	14587	4/20	1,738.00	SWRCB	Annual permit fees for 04/01/23 - 03/31/24
35	14588	4/20	325.00	Tesco Controls, Inc.	SCADA spare push button lights
36	14589	4/20	277.76	UniFirst Corporation	Employee uniform & laundry services
37	14590	4/20	1,500.00	Viet Link Radio	Radio outreach
38	14591	4/20	12,801.00	Woodruff, Spradlin & Smart	Legal services Mar-2023
39	14592	4/27	350.00	Alliant Insurance Services, Inc.	Volunteer AD&D insurance 04/10/23 - 04/10/24
40	14593	4/27	449.63	AT&T (Brookhurst Lift Station)	Brookhurst Apr-2023

41	14594	4/27	222.14	Cameron Welding Supply	Welding supplies for shop
42	14595	4/27	1,891.48	Clean Energy	CNG Station site inspection
43	14596	4/27	200.00	Country City Towing	Tow service NG-2 to MCS D yard
44	14597	4/27	461.34	Daniels Tire Service	Restock tires for solid waste
45	14598	4/27	8,525.00	ECIS	Fog inspections Mar-2023
46	14599	4/27	329,195.65	Flo-Systems, Inc.	Sewer Hidrostral backup pumps
47	14600	4/27	1,300.00	Kenneth J. Robbins Jr.	Engineer consulting 04/07, 04/17 and 04/26/23
48	14601	4/27	33.90	Pre-Paid Legal Services, Inc.	Prepaid legal Apr-2023
49	14602	4/27	247.65	Pro-Vision, Inc.	Camera system monitor brackets
50	14603	4/27	10,998.50	PumpMan	Q4 lift station pump system maintenance
51	14604	4/27	120.00	Safety-Kleen Systems, Inc.	Used oil disposal
52	14605	4/27	184.17	SoCal Auto & Truck Parts, Inc.	Restock brake parts cleaner
53	14606	4/27	8,916.04	Southern California Edison	District Offices, CNG station, and lift stations
54	14607	4/27	98.02	Spectrum Enterprise (Time Warner Cable	Internet Services Apr-2023
55	14608	4/27	1,422.16	Standard Insurance Company Life	Life Insurance & AD&D premiums
56	14609	4/27	2,916.68	Tell Steel	Metal plates for solid waste trucks
57	14610	4/27	282.16	UniFirst Corporation	Employee uniform & laundry services
58	14611	4/27	485,943.53	Woodcliff Corporation - Contractor	Building project pay application #6 Mar-2023
59	14612	4/27	25,575.98	Woodcliff Corporation - Escrow Account	Building project #6 Mar-2023 - retention payment
60	14613	5/4	940.00	Advanced Thermal Products, Inc	Pipe blankets for solid waste trucks
61	14614	5/4	475.00	Alejandra Cruz	Employee luncheon 04/26/23
62	14615	5/4	280.00	Ayala's Car Wash	Fleet wash 04/25/23
63	14616	5/4	2,418.32	Bodyworks Equip. Inc.	Heil system parts trash trucks
64	14617	5/4	598.67	Frontier Communications	District office phones & lift stations
65	14618	5/4	367.11	Hydraulic Solutions And Supplies	Power steering cylinder NG-2
66	14619	5/4	1,450.00	Me Viet Nam Productions	Talk show 15 minute 04/08 - 04/16/23
67	14620	5/4	15.60	PSI	Parts for MCS D wash rack
68	14621	5/4	1,922.60	Safety-Kleen Systems, Inc.	Hydraulic fluid trash trucks
69	14622	5/4	418.05	SoCal Auto & Truck Parts, Inc.	Market lights, clamps and hub caps for solid waste trucks
70	14623	5/4	8,349.45	SoCalGas	District Offices, CNG station, and lift stations
71	14624	5/4	177.32	Staples Business Credit	Restock office supplies for Apr-2023
72	14625	5/4	300.00	Streamline	Website monthly member fee
73	14626	5/4	39.75	Underground Service Alert	Underground dig alerts Apr-2023
74			\$ 1,241,886.78	CHECKS SUBTOTAL	
75					
76				<u>PAYROLL:</u>	<u>MEMO</u>
77	ACH	4/19	\$ 82,577.40	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
78	ACH	4/19	\$ 5,774.89	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
79	ACH	5/3	\$ 82,780.88	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
80	ACH	5/5	\$ 5,868.71	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
81	ACH	5/5	\$ 7,939.13	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
82	ACH	5/5	\$ 846.00	Nationwide Retirement Solutions	457 Deferred Compensation (Board of Directors)
83			\$ 185,787.01	ACH TRANSFERS SUBTOTAL	
84					
85				<u>ACH PAYMENTS:</u>	<u>MEMO</u>
86	ACH	2/21	\$ 359.10	Paychex	Time & Attendance Feb-23
87	ACH	3/24	\$ 72.00	WEX Health	HRA Monthly Fee for Mar-23
88	ACH	4/14	1,540.63	Chevron Texaco (Wex Bank)	Gasoline and diesel fuel for Apr-23
89	ACH	4/19	\$ 16,015.24	CalPERS	Retirement Contributions for 04/03 - 04/16/23
90	ACH	4/20	\$ 366.45	Paychex	Time & Attendance Apr-23
91	ACH	4/27	\$ 69,666.90	CalPERS	Active Employee and Retiree Health Ins Premiums May-23
92	ACH	4/27	\$ 6,874.74	CalPERS	Board of Directors Health Insurance Premiums for May-23
93	ACH	4/28	\$ 10,881.58	US Bank Corporate Payment System	District credit cards
94	ACH	5/3	\$ 3.30	US Bank Corporate Payment System	District credit cards
95	ACH	5/4	\$ 15,841.92	CalPERS	Retirement Contributions for 04/17 - 04/30/23
96			\$ 121,621.86	ACH TRANSFERS SUBTOTAL	
97					
98			\$ 1,549,295.65	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
99					

99					
100				BANK TRANSFERS:	
101	UB	3/24	\$ 500,000.00	Transfer Funds from LAIF to UB Checking	
102	UB	3/29	\$ 11,087.00	Transfer Funds from LAIF to UB Checking	
103	UB	4/4	\$ 400.00	Transfer Funds from LAIF to UB Checking	
104	UB	4/13	\$ 485,943.53	Transfer Funds from LAIF to UB Checking	
105	UB	4/13	\$ 25,575.98	Transfer Funds from LAIF to UB Checking	
106	UB	4/21	\$ 200,000.00	Transfer Funds from UB Money Market to UB Checking	
107	UB	4/27	\$ 1,000,000.00	Transfer Funds from UB Money Market to UB Checking	
108	UB	5/3	\$ 100,000.00	Transfer Funds from UB Money Market to UB Checking	
109			\$ 2,323,006.51	BANK TRANSFERS	

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to approve the expenditures in the amount of \$1,549,295.65. The motion was approved by the following 3-0-1 vote:

AYES: S. Contreras, A. Nguyen, M. Nguyen

NAYS:

ABSTAIN: T. Diep

ABSENT: C. Nguyen

REPORTS

Report of President:

None

Report of General Manager

GM R. Housley provided an update on the building construction project. He also reported that the CR&R Anaerobic Digestion Plant field tour will take place on July 7, 2023, and that CR&R will perform the residential and commercial waste characterizations for the District beginning on May 15, 2023. GM R. Housley reported that our drivers will receive drivers training on Saturday, May 20, 2023, and that one of the sewer pipes has cracked at the residential intersection of Shawnee and Klamath.

Director of Operations/Safety N. Castro reported that he went to CR&R to see how the trash characterization was going on the first day. The trucks were chosen randomly. The blue, black and green rubbish was sorted separately. Following the completion of the survey, CR&R will present a report.

Report of Engineer

District Engineer M. Ebrahimi reported that there is a change order to the contract with Woodcliff Corporation and to see the staff report under 9B for more information.

Report from the Senior Earth Day on April 19, 2023

Director A. Nguyen reported that it was a successful event to demonstrate our support for the seniors.

Report from the Franchise Committee Meeting on April 21, 2023 & May 12, 2023

Director M. Nguyen and Director S. Contreras reported that they met with CR&R to go over the residential and commercial waste characterization, plan a joint education visit to schools, and figure out how to minimize billing errors.

Report from the District Luncheon on April 26, 2023

Director A. Nguyen reported that it was a wonderful opportunity to meet with Staff and thank Anthony Torres for his exceptional customer service.

Report from the OC San District Meeting on April 26, 2023

Director A. Nguyen reported that the Westminster Blvd. Sewer Project is complete, so now the bicycle lane restoration activities will take place.

Report from the District Administration Luncheon on April 27, 2023

Director C. Nguyen and Director A. Nguyen reported that they attended and used the occasion to thank the administrative staff for their efforts.

Report from the Waste Expo Conference on April 30 – May 4, 2023

Director A. Nguyen deferred to GM R. Housley to speak about the event. GM R. Housley reported that they all found the event to be quite educational and very instructive, and they made a lot of connections.

Report from the Building Project Ad Hoc Committee Meeting on May 9, 2023

Director M. Nguyen reported that the construction project is progressing smoothly.

GM R. Housley reported that he is collaborating with Rengel on the furniture arrangement.

Report from the Outreach Committee Meeting on May 10, 2023

Director A. Nguyen reported that the district mug order has come, the youth t-shirts have been ordered, and the Outreach Committee plans to order the little pencil holder trash cans soon. He also reported that the compost giveaway event would take place on Saturday, July 22, 2023, at the parking lot of the Westminster Mall.

Report from the CSDA Roundtable with Assemblyman Tri Ta on May 11, 2023

Director A. Nguyen deferred to GM R. Housley to speak about the meeting.

GM R. Housley reported that they met with Assemblyman Tri Ta's staff to discuss grants, funding for SB 1383, and clean energy.

CONSENT CALENDAR

- A. Approve and File the Treasurer's Investment Report for April 2023
- B. Approve and Engineer Report for March 2023
- C. Approve the April 21, 2023, Franchise Committee Report
- D. Approve the Outreach Committee Recommendations
- E. Approve Attendance to the OC Realtors Local Government Relations City Manager Panel Event on May 16, 2023, for Board Members and Staff Who Wish to Attend
- F. Approve Fiscal Year 2022-2023 Budget Adjustments No. 3

A motion was made by Director A. Nguyen, seconded by Director S. Contreras, to approve the Consent Calendar. The motion was approved by the following 4-0 vote:

AYES: S. Contreras, A. Nguyen, M. Nguyen, T. Diep

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

OLD BUSINESS

None

NEW BUSINESS

- A. RESOLUTION 2023-11

A RESOLUTION No. 2023-11 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2023-2024 FOR THE DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 9 OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE **(Roll Call Vote)**

A staff report and recommendations were provided and considered by the Board. A motion was made by Director A. Nguyen, seconded by Director M. Nguyen, to adopt of Resolution No. 2023-11, establishing the appropriations limit for the fiscal year 2023-2024 for the District in accordance with the provisions of division 9 of title 1 of the California government code. The motion was approved by the following 4-0 roll call vote:

AYES: S. Contreras, A. Nguyen, M. Nguyen, T. Diep

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

- B. Consideration of approval of Woodcliff Corporation's Change Order Request (COR 8.1) to Addition and Remodel Improvements of the Midway City Sanitary District Office, Project No. 202041, in the Amount of \$667,377.34, for Addition of the Construction and Installation of a Solar Carport with Five (5) Charging Stations

A staff report and recommendation were provided and considered by the Board. A motion was made by Director M. Nguyen, seconded by Director A. Nguyen, to approve of Woodcliff Corporation's change order request (COR 8.1) to addition and remodel improvements of the Midway City Sanitary District office, project no. 202041, in the amount of \$667,377.34, for addition of the construction and installation of a solar carport with five (5) charging stations. The motion was approved by the following 4-0 vote:

AYES: S. Contreras, A. Nguyen, M. Nguyen, T. Diep

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

President T. Diep reminded the Board that tomorrow, May 16, 2023, is the Government Relations City Manager Panel event.

The Directors expressed their appreciation to staff and special guests for their support and attendance.

GM/STAFF CONCERNS/COMMENT

GM R. Housley reminded the Board that lunch will be served at the Government Relations City Manager Panel event tomorrow, and that employee luncheon will be held on Wednesday, May 24, 2023.

LEGAL COUNSEL CONCERNS/COMMENTS

Legal Counsel J. Eggart notified the Board that the law firm's name had been changed to Woodruff & Smart and that the General Manager had executed a contract amendment on behalf of the District memorializing the name change.

CLOSED EXECUTIVE SESSION

CLOSED SESSION: During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chair may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters, pursuant to Government Code Sections 54956.8, 54956.9, 54957 or 54957.6, as noted.

Reports relating to (a) purchase and sale of property; (b) matters of pending or potential litigation; (c) employment actions or negotiations with employee representatives; or which are exempt from public disclosure under the California Public Records Act, may be reviewed by the Board during a permitted closed session and are not available for public inspection. At such time as the Board takes final action on any of these subjects, the minutes will reflect all required disclosures of information.

Agency Designated Representatives: Interim General Manager Robert Housley and Labor Counsel Joseph Larsen, Employee Organization: American Federation of State, County, and Municipal Employees, LOCAL 1734-01

The Board did not convene into closed session.

ADJOURNMENT

President T. Diep adjourned the meeting at 6:28 PM to the next Board meeting to be held at the District on Tuesday, June 6, 2023, at 5:30 PM

Andrew Nguyen, Secretary