

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

July 18, 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 Street, Westminster, California on Tuesday, July 18, 2023 at 5:30 PM.

BOARD MEMBERS PRESENT:

Tyler Diep
Andrew Nguyen
Chi Charlie Nguyen
Mark Nguyen

STAFF PRESENT:

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

BOARD MEMBERS ABSENT:

Sergio Contreras

OTHERS PRESENT:

James H. Eggart, Legal Counsel Woodruff & Smart
Diann Pay, P.E. AKM Consulting Engineers
Jon Nitta, P.E. AKM Consulting Engineers

PLEDGE AND INVOCATION

General Manager R. Housley led the Pledge of Allegiance. Director M. Nguyen gave the Invocation.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON JUNE 27, 2023

A motion was made by Director A. Nguyen, seconded by Director M. Nguyen, to approve the minutes of the Regular Meeting on June 27, 2023. The motion was approved by the following 4-0 vote:

AYES: A. Nguyen, M. Nguyen, C. Nguyen, T. Diep

NAYS:

ABSTAIN:

ABSENT: S. Contreras

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$1,297,783.27.

| # | CK # | DATE | AMOUNT | VENDOR CHECKS: | MEMO: |
|----|-------|------|------------|---|--|
| 1 | 14712 | 6/9 | 3,000.00 | Vietnamese Cultural House | Little Saigon 35th Anniversary Sponsorship |
| 2 | 14713 | 6/15 | 25,339.50 | AKM Consulting Engineers, Inc. | 05/26/23 Westminster mall project 05/01 - 05/26/23 |
| 3 | 14714 | 6/15 | 9,188.83 | Alignment Express of CA, Inc. | Suspension repairs NG-2 |
| 4 | 14715 | 6/15 | 452.84 | AT&T Mobility (First Net) | May-2023 |
| 5 | 14716 | 6/15 | 980.00 | Ayala's Car Wash | Fleet Wash June 2023 1 of 2 |
| 6 | 14717 | 6/15 | 500.00 | Country City Towing | Tow service NG-2 |
| 7 | 14718 | 6/15 | 2,798.06 | Daniels Tire Service | Restock tires (12) |
| 8 | 14719 | 6/15 | 10,188.75 | Davis Farr LLP | Accounting Assistance Apr-2023 |
| 9 | 14720 | 6/15 | 24.35 | Hillco Fastener Warehouse Inc. | Bolts and washers NG-6 |
| 10 | 14721 | 6/15 | 538.44 | Motion and Flow Control Products, Inc. | Hydraulic fittings (15) |
| 11 | 14722 | 6/15 | 3,012.11 | NVB Equipment, Inc. | A/C repairs NG-1 Camera repairs NG-13 |
| 12 | 14723 | 6/15 | 201.00 | Pitney Bowes/Purchase Power | Postage for Jun-2023 |
| 13 | 14724 | 6/15 | 46.76 | PSI | Spray Gun Wash Rack |
| 14 | 14725 | 6/15 | 1,475.00 | Radio Bolsa Corp. | Radio talk shows (3) 20Min 05/15,18,23 |
| 15 | 14726 | 6/15 | 54.00 | Safety-Kleen Systems, Inc. | Used Oil MCSD fleet (225) |
| 16 | 14727 | 6/15 | 48,112.60 | Sierra Container Group, LLC | Blue Cart 65Gal (384) 95Gal (351) |
| 17 | 14728 | 6/15 | 14,869.19 | TEC Of California, Inc. | Rear end differential NG-6 Hub Assembly (1) Spiral Kit (1) NG-9 Core Deposit |
| 18 | 14729 | 6/15 | 282.16 | UniFirst Corporation | June - 2023 |
| 19 | 14730 | 6/15 | 2,062.50 | VNCR | Radio talk show 15 min (5) 05/19/23 - 06/01/23 |
| 20 | 14731 | 6/22 | 595.58 | AT&T (Brookhurst Lift Station) | Brookhurst Jun-2023 |
| 21 | 14732 | 6/22 | 540.00 | Ayala's Car Wash | Fleet Wash June 2023 2 of 2 |
| 22 | 14733 | 6/22 | 1,696.75 | Chevron Texaco (Wex Bank) | Fleet Fuel |
| 23 | 14734 | 6/22 | 84.94 | City of Westminster Hydrant | Hydrant Water Service Jun-2023 |
| 24 | 14735 | 6/22 | 2,418.63 | CRC Cloud | Computer for GM (1) |
| 25 | 14736 | 6/22 | 1,078.76 | Daniels Tire Service | Restock tires (15) |
| 26 | 14737 | 6/22 | 23.69 | Dartco Transmission Sales & Srvs. | Transmission fill tube (4) |
| 27 | 14738 | 6/22 | 1,188.00 | ehs International, Inc | Confined space entry training 06/19/2023 |
| 28 | 14739 | 6/22 | 263.34 | Hillco Fastener Warehouse Inc. | Bolts and locknuts for Kingpin tool |
| 29 | 14740 | 6/22 | 846.54 | Motion and Flow Control Products, Inc. | Hydraulic fittings (10) Lift Arm Hydraulic kit (1) |
| 30 | 14741 | 6/22 | 893.60 | Phu Le Troung | Permit 7224 |
| 31 | 14742 | 6/22 | 980.00 | RMS | Semi-annual gas detection system calibration |
| 32 | 14743 | 6/22 | 241.86 | Robert Krauss | Permit 7216 |
| 33 | 14744 | 6/22 | 220.50 | Rutan & Tucker, LLP | Legal Services May-2023 |
| 34 | 14745 | 6/22 | 246.40 | SoCal Auto & Truck Parts, Inc. | Lubricant and brake cleaner |
| 35 | 14746 | 6/22 | 1,349.00 | Spectrum Enterprise (Time Warner Cable) | Jun-2023 |
| 36 | 14747 | 6/22 | 233.97 | Tony Tran | Permit 7222 |
| 37 | 14748 | 6/22 | 564.32 | UniFirst Corporation | June - 2023 |
| 38 | 14749 | 6/22 | 407,879.60 | Woodcliff Corporation - Contractor | Building Project Pay App # 8 May-2023 |
| 39 | 14750 | 6/22 | 21,467.35 | Woodcliff Corporation - Escrow Account | Building Project #8 May-2023 - Retention Payment |
| 40 | 14751 | 6/22 | 11,778.00 | Woodruff & Smart | Legal Services May-2023 |
| 41 | 14752 | 6/22 | 25.94 | SoCalGas | Maint. Shop & Wash Rack Jun-2023 |
| 42 | 14753 | 6/29 | 5,675.00 | ADS Corp. | Westminster Mall Flow Monitor 06/01-30/2023 |
| 43 | 14754 | 6/29 | 616.52 | Clean Energy | CNG Station Service 04/17/23 05/09/23 |
| 44 | 14755 | 6/29 | 104.95 | CRC Cloud | Faststone Software License GM |
| 45 | 14756 | 6/29 | 461.34 | Daniels Tire Service | Recap tires (2) |
| 46 | 14757 | 6/29 | 617.60 | Frontier Communications | Pump Station May 2023 |
| 47 | 14758 | 6/29 | 132.61 | Hillco Fastener Warehouse Inc. | Heil Lift Arm Bolts(30) Locknuts (11) |
| 48 | 14759 | 6/29 | 325.00 | Kenneth J. Robbins Jr. | Engineer Consulting 06/22/23 (1.5) 06/27/23 (1) |
| 49 | 14760 | 6/29 | 20,716.21 | Orange County Sanitation District | MCSD May Permit Fees 2023 |
| 50 | 14761 | 6/29 | 6,603.48 | Paulus Engineering, Inc. | Sinkhole Repair 6182 Shawnee Rd Sewer Line 05/15/23 05/19/23 06/16/23 |

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|-----|-------|------|------------------------|---|---|
| 51 | 14762 | 6/29 | 77.80 | Petty Cash - Robert Housley | Petty Cash Jun-2023 |
| 52 | 14763 | 6/29 | 288.81 | Plumbers Depot Inc. | Extension nozzles (2) |
| 53 | 14764 | 6/29 | 595.00 | RMS | Methane System Alarm Service 03/10/23 (4hours) |
| 54 | 14765 | 6/29 | 285.00 | Shannon Frost | EE Education Reimbursement |
| 55 | 14766 | 6/29 | 10,237.65 | Southern California Edison | June - 2023 |
| 56 | 14767 | 6/29 | 98.02 | Spectrum Enterprise (Time Warner Cable) | Jun-2023 |
| 57 | 14768 | 6/29 | 282.16 | UniFirst Corporation | June - 2023 |
| 58 | 14769 | 7/6 | 0.00 | Void check | VOID: Spoiled ck 14769 |
| 59 | 14770 | 7/6 | 196.02 | City of Westminster-Water Billing | Wash Rack 03/08 - 06/27/23 District offices 05/03-06/27/23 |
| 60 | 14771 | 7/6 | 2,910.00 | Commerford Inspection, Inc. | Masonry, Epoxy, Material, Grout, Concrete Inspections 05/16-06/21/23 |
| 61 | 14772 | 7/6 | 9,832.50 | Davis Farr LLP | Accounting Assistance May-2023 |
| 62 | 14773 | 7/6 | 317.82 | Frasco, Inc. | Employment screening S. Cox |
| 63 | 14774 | 7/6 | 30,348.27 | Orange County Sanitation District | Permit Fees Jun-2023 |
| 64 | 14775 | 7/6 | 33.90 | Pre-Paid Legal Services, Inc. | Prepaid legal Jun-2023 |
| 65 | 14776 | 7/6 | 15,717.50 | Rengel + Company Architects, Inc | Bldg Proj Mgt Jun-2023 |
| 66 | 14777 | 7/6 | 504.91 | South Coast Air Quality Management Dist. | I C E Generator - Diesel 14451 Cedarwood St. |
| 67 | 14778 | 7/6 | 231.01 | Staples Business Credit | Office Supplies Jun-2023 |
| 68 | 14779 | 7/6 | 1,104.08 | Tesco Controls, Inc. | SCADA Willow LS Flow Meter Svc 05/31/23 (5) |
| 69 | 14780 | 7/6 | 32.75 | Underground Service Alert | Underground Dig Alerts Jun-2023 (13) |
| 70 | 14781 | 7/6 | 1,800.00 | Viet Lnk Radio | Radio outreach (5) 06/21 - 07/02 |
| 71 | 14782 | 7/6 | 1,990.00 | CRC Cloud | Maintenance & Support Jul-2023 |
| 72 | 14783 | 7/6 | 254.48 | Pitney Bowes Global Financial Services | Postage Machine 07/10 - 10/09/23 |
| 73 | 14784 | 7/6 | 4,383.57 | SDRMA - Employee Benefits | JUL - 2023 |
| 74 | 14785 | 7/6 | 160.35 | South Coast Air Quality Management Dist. | FY23-24 Flat Fee for Fiscal Year Emissions |
| 75 | 14786 | 7/6 | 1,422.16 | Standard Insurance Company Life | Jul - 2023 |
| 76 | 14787 | 7/6 | 3,600.00 | Streamline | Website hosting 07/01/23 - 07/01/24 |
| 77 | 14788 | 7/6 | 18,000.00 | WEX Health Inc - Reserve Account | Reserve Funds for HRA 07/23 - 12/23 |
| 78 | | | \$ 717,699.33 | CHECKS SUBTOTAL | |
| 79 | | | | | |
| 80 | | | | PAYROLL: | MEMO |
| 81 | | 6/14 | 90,078.06 | Paychex | Employee Payroll - Checks, Taxes, & Direct Deposits |
| 82 | | 6/21 | 5,851.39 | Nationwide Retirement Solutions | 457 Deferred Compensation (Employees) |
| 83 | | 6/28 | 86,497.62 | Paychex | Employee Payroll - Checks, Taxes, & Direct Deposits |
| 84 | | 6/30 | 5,743.30 | Nationwide Retirement Solutions | 457 Deferred Compensation (Employees) |
| 85 | | 7/7 | 846.00 | Nationwide Retirement Solutions | 457 Deferred Compensation (Board of Directors) |
| 86 | | 7/7 | 7,939.13 | Paychex | Employee Payroll - Checks, Taxes, & Direct Deposits |
| 87 | | | \$ 196,955.50 | ACH TRANSFERS SUBTOTAL | |
| 88 | | | | | |
| 89 | | | | ACH PAYMENTS: | MEMO |
| 90 | | 6/14 | 456.55 | Paychex | Time & Attendance |
| 91 | | 6/16 | 16,573.42 | CalPERS-Retirement | Retirement Contribution for 05/29/23 - 06/11/23 |
| 92 | | 6/16 | 250,000.00 | CalPERS | FY23 CEPPT Contribution |
| 93 | | 6/20 | 366.45 | Paychex | Time & Attendance |
| 94 | | 6/26 | 72.00 | WEX Health Inc | Monthly HRA Admin Fee May- 2023 |
| 95 | | 6/28 | 17,041.72 | CalPERS-Retirement | Retirement Contribution for 06/12/23 - 06/25/23 |
| 96 | | 6/28 | 456.54 | Paychex | Time & Attendance |
| 97 | | 6/29 | 22,886.94 | US Bank Corporate Payment System | Credit Card Expenses Jun-2023 |
| 98 | | 7/3 | 1,656.48 | US Bank Corporate Payment System | Credit Card Expenses at 6/30/2023 |
| 99 | | 7/6 | 66,413.32 | CalPERS - Health Benefits | July 2023 Employees |
| 100 | | 7/6 | 6,874.74 | CalPERS - Health Benefits | July 2023 Board of Directors |
| 101 | | 7/7 | 330.28 | Paychex | Time & Attendance |
| 102 | | | \$ 383,128.44 | ACH TRANSFERS SUBTOTAL | |
| 103 | | | | | |
| 104 | | | \$ 1,297,783.27 | TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS) | |
| 105 | | | | | |

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|-----|--|------|----------------------|---------------------------------|--|
| 105 | | | | | |
| 106 | | | | BANK TRANSFERS: | |
| 107 | | 6/14 | \$ 500,000.00 | Funds Transfer LAIF to Checking | |
| 108 | | 6/14 | \$ 103,570.71 | Funds Transfer MM to Checking | |
| 109 | | 6/30 | \$ 514,736.76 | Funds Transfer MM to Checking | |
| 110 | | | \$ 603,570.71 | BANK TRANSFERS | |

A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to approve the expenditures in the amount of \$1,297,783.27. The motion was approved by the following 3-0-1 vote:

AYES: A. Nguyen, M. Nguyen, C. Nguyen

NAYS:

ABSTAIN: T. Diep

ABSENT: S. Contreras

REPORTS

Report of President:

None

Report of General Manager

GM R. Housley reminded the Board of the compost event on July 22, 2023, and that there will be a closed session item on the next agenda regarding conference with labor negotiators.

GM R. Housley reported the CR&R will mail an urgent notice of noncompliance with SB1383 letter and the waiver form to any multifamily dwellings and commercial properties that are currently in violation of the provisions. Additionally, he reported that CalPERS announced health plan premiums for 2024, with a 10.77% increase in overall premium.

Report from the District Employee Luncheon on June 28, 2023

President T. Diep, Director M. Nguyen, Director C. Nguyen and Director A. Nguyen all attended the event and reported that it was a good chance to catch up with staff and to honor Robert Rojas for his outstanding customer service.

Report from OC SAN District Special Meeting on June 28, 2023

Director A. Nguyen reported that the headquarters project includes a bridge that will connect the second story of the new building to Plant No. 1. Additionally, he reported that the installation of the 100-foot section of the bridge across Ellis Avenue is set to begin on July 21 and continue through July 23, 2023.

Report from the CR&R Tenant Workshop for SB1383 on June 30, 2023

Director A. Nguyen attended the event with staff and reported that it was a great turnout.

Report from the Outreach Committee Meeting on July 5, 2023

Director C. Nguyen and Director A. Nguyen reported that they met with staff to discuss the compost event, the open house event, the compost event, and the radio program for August.

Report from the Anaerobic Digestion Plant Tour on July 7, 2023

Director M. Nguyen attended with staff and reported that the facility’s operations were impressive.

Report from the Radio Bolsa Radio Outreach on July 13, 2023

Director C. Nguyen and Director M. Nguyen attended the radio recording to talk about the District’s services and upcoming events.

Report from the VNCR Radio Outreach on July 13, 2023

Director A. Nguyen and Director S. Contreras attended the radio recording to talk about SB 1383, the District’s services and upcoming events.

CONSENT CALENDAR

- A. Approve and File the Treasurer’s Investment Report for June 2023
- B. Approve the Engineer Report for June 2023
- C. Approve the July 5, 2023, Outreach Committee Recommendations
- D. Approve Attendance to the AAPI Leadership Summit, in Sacramento, September 7-8, 2023, for Board Members and Staff Who Wish to Attend

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

- AYES: A. Nguyen, M. Nguyen, T. Diep, C. Nguyen
- NAYS:
- ABSTAIN:
- ABSENT: S. Contreras

OLD BUSINESS

None

NEW BUSINESS

- A. Consider Adoption of the District’s Spill Emergency Response Plan Prepared by AKM Consulting Engineers

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 the proposed 2023 Midway City Sanitary District Spill Emergency Response Plan prepared by AKM Consulting Engineers. The motion was approved by the following 4-0 vote:

- AYES: A. Nguyen, M. Nguyen, T. Diep, C. Nguyen
- NAYS:
- ABSTAIN:
- ABSENT: S. Contreras

B. RESOLUTION NO. 2023-18 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY AUTHORIZING ABANDONMENT OF EASEMENTS FOR PUBLIC SANITARY SEWER SYSTEM AND APPURTENANCES PURPOSES DEDICATED ON PARCEL MAP NO. 2016-202

A staff report and recommendations were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to adopt Resolution No. 2023-18, authorizing abandonment of the easements dedicated to the Midway City Sanitary District on Parcel Map No. 2016-202 and authorizing the General Manager to take such further actions as are necessary to effectuate abandonment of the easements. The motion was approved by the following 4-0 roll call vote:

AYES: A. Nguyen, M. Nguyen, T. Diep, C. Nguyen
NAYS:
ABSTAIN:
ABSENT: S. Contreras

C. Consider Proposals for Purchase and Installation of New Office Furniture for Remodeled District Building and Award of Contract to Systems Source, Inc. in the Amount of \$107,561.56.

A staff report and recommendations were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to authorize the General Manager to negotiate and enter into an agreement with Systems Source, Inc. on behalf of the District for the purchase and installation of new office furniture pursuant to its June 14, 2023 proposal, in a form approved by General Counsel. The motion was approved by the following 4-0 vote:

AYES: A. Nguyen, M. Nguyen, T. Diep, C. Nguyen
NAYS:
ABSTAIN:
ABSENT: S. Contreras

D. Approve of Maintenance Services Agreement with PumpMan, LLC to Provide Planned Maintenance Services and Necessary Replacement Parts for the District's Pump Stations for Fiscal Year 2023/2024

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 approve the proposed Maintenance Services Agreement with PumpMan, LLC for fiscal year 2023/2024. The motion was approved by the following 4-0 vote:

AYES: A. Nguyen, M. Nguyen, T. Diep, C. Nguyen
NAYS:
ABSTAIN:
ABSENT: Contreras

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

The Board thanked staff for putting the Compost event together.

Director A. Nguyen shared that his sister had passed away and that her funeral would be held on the same day as the Compost Event.

GM/STAFF CONCERNS/COMMENT

GM R. Housley reminded the Board that Westminster Safety Day will be held on July 19, 2023 and that the District employee luncheon will be on July 26, 2023.

LEGAL COUNSEL CONCERNS/COMMENTS

J. Eggart provided the Board with a status update regarding concerning sponsorships for the District's forthcoming events.

CLOSED 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.

None

ADJOURNMENT

President T. Diep adjourned the meeting at 6:13 PM to the next Board Meeting to be held at the District on Tuesday, August 1, 2023, at 5:30 PM.

Andrew Nguyen, Secretary