

**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**

**February 7, 2023**

**CALL TO ORDER**

President Pro Tem M. Nguyen called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, February 7, 2023 at 5:40 PM.

**BOARD MEMBERS PRESENT:**

Tyler Diep arrived 6:00 PM  
Sergio Contreras  
Chi Charlie Nguyen  
Mark Nguyen  
Andrew Nguyen

**OTHERS PRESENT:**

James Eggart, General Counsel  
Mike Carey, CR&R  
Julie Barreda, CR&R  
Sabrina Marquez, CR&R  
John Morgan, Assoc. President at Bishop PI  
Zeki Kayiran, AKM Consulting Engineers  
Diann Pay, AKM Consulting Engineers

**STAFF PRESENT**

Robert Housley, Interim General Manager & Finance/HR Director  
Cynthia Olsder, Executive/Board Secretary

**PLEDGE AND INVOCATION**

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

**PUBLIC COMMENTS**

John Morgan, the president of the association for the Bishop Place on Bolsa Avenue, addressed the Board regarding complaints about CR&R's trash collection service, including missed pickups, oil leaking from the back of trucks onto the streets, and bin lids being left open.

Interim General Manager Robert Housley advised the Board that Staff had been made aware of the complaints and confirmed that CR&R was notified immediately.

Julie Barreda with CR&R addressed the Board and Mr. Morgan regarding Mr. Morgan's complaints. She explained that the missed pickup was caused by a truck that broke down and a new driver being assigned to that route. She informed Mr. Morgan that the driver would be advised to close the lids after emptying the trash and indicated she would advise

her superiors regarding the complaint about leaking trucks and work with her team on developing a way to prevent leaks from the truck around the area. She also indicated that CR&R agreed to give Bishop Place credit for the missed pickup.

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 17, 2023**  
*(Roll Call Vote)*

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to approve the minutes of the regular meeting of January 17, 2023. The motion was approved by the following 4-0 roll call vote:

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

**APPROVAL OF EXPENDITURES** *(Roll Call Vote)*

A. Demands in the amount of \$479,427.97

| #  | CK #  | DATE | AMOUNT     | VENDOR CHECKS:                         | MEMO:   |
|----|-------|------|------------|--|---|
| 1  | 14310 | 1/11 | 1,516.00   | Advanced Thermal Products, Inc         | DOT random drug and alcohol testing                     |
| 2  | 14311 | 1/11 | 190.00     | Alejandra Cruz                         | Employee breakfast 01/06/23                             |
| 3  | 14312 | 1/11 | 240.00     | Ayala's Car Wash                       | Washing and cleaning of district's fleet                |
| 4  | 14313 | 1/11 | 157.00     | Cameron Welding Supply                 | Oxygen and propane welding supplies for shop            |
| 5  | 14314 | 1/11 | 5,000.00   | City of Westminster                    | Sponsorship for 2023 Tet Parade                         |
| 6  | 14315 | 1/11 | 500.00     | Coountry City Towing                   | Tow service for NG-6 and NG-3                           |
| 7  | 14316 | 1/11 | 795.00     | CRC Cloud                              | Monthly maintenance & Support                           |
| 8  | 14317 | 1/11 | 889.68     | Los Angeles Freightliner               | Power steering pump for NG-12                           |
| 9  | 14318 | 1/11 | 330.00     | MemorialCare Medical Foundation        | DMV physicals and random drug testing - all departments |
| 10 | 14319 | 1/11 | 289.00     | Petty Cash - Robert Housley            | Jan-2023 Petty Cash employee luncheon                   |
| 11 | 14320 | 1/11 | 4,360.93   | SDRMA - Employee Benefits              | Dental and vision benefits                              |
| 12 | 14321 | 1/11 | 251.60     | Snap-On Tools                          | Tools for Service truck and repair electrical tools     |
| 13 | 14322 | 1/11 | 26.96      | SoCal Auto & Truck Parts, Inc.         | Tools and supplies for shop use                         |
| 14 | 14323 | 1/11 | 27,108.25  | SoCalGas                               | Natural Gas for offices, shop, and wash rack            |
| 15 | 14324 | 1/11 | 254.98     | UniFirst Corporation                   | Employee uniform & laundry services                     |
| 16 | 14325 | 1/11 | 255,082.22 | Woodcliff Corporation - Contractor     | Building project pay application #3 Dec-2022            |
| 17 | 14326 | 1/11 | 13,425.38  | Woodcliff Corporation - Escrow Account | Building project pay application #3 - Retention payment |
| 18 | 14327 | 1/13 | 150.00     | Dmtech                                 | Design artwork for TET                                  |
| 19 | 14328 | 1/19 | 782.08     | Agility Fuel Solutions                 | CNG kill cap for solid waste truck                      |
| 20 | 14329 | 1/19 | 1,777.50   | Alignment Express of CA, Inc.          | Repairs to the dash cluster on NG-5                     |
| 21 | 14330 | 1/19 | 313.88     | AT&T Mobility (First Net)              | Cell phone service                                      |
| 22 | 14331 | 1/19 | 630.00     | Ayala's Car Wash                       | Washing and cleaning of district's fleet                |
| 23 | 14332 | 1/19 | 3,165.74   | Bodyworks Equip. Inc.                  | Heil parts for solid waste trash truck                  |
| 24 | 14333 | 1/19 | 219.26     | Cameron Welding Supply                 | Oxygen and propane welding supplies for shop            |
| 25 | 14334 | 1/19 | 340.81     | City of Westminster-Water Billing      | Westminster lift station water                          |
| 26 | 14335 | 1/19 | 84.94      | City of Westminster Hydrant            | Hydrant water service Jan-2023                          |
| 27 | 14336 | 1/19 | 296.88     | Clean Energy                           | CNG Station site inspection                             |
| 28 | 14337 | 1/19 | 605.37     | CRC Cloud                              | Monthly maintenance & Support                           |
| 29 | 14338 | 1/19 | 322.13     | Daniels Tire Service                   | Restock tires for solid waste                           |
| 30 | 14339 | 1/19 | 1,850.70   | Dartco Transmission Sales & Srvs.      | Transmission repairs to NG-5 Solid Waste                |
| 31 | 14340 | 1/19 | 1,382.98   | Driveshaftpro                          | Driveshaft for solid waste trucks                       |
| 32 | 14341 | 1/19 | 482.10     | Haaker Equipment Co.                   | Filler hoses (Q2)                                       |

|    |       |       |                 |   |   |
|----|-------|-------|-----------------|---|---|
| 33 | 14342 | 1/19  | 3,856.97        | Hydraulic Solutions And Supplies  | Hydraulic cylinders for trash truck                           |
| 34 | 14343 | 1/19  | 1,150.00        | Me Viet Nam Productions   | 30 Minute Talk Show 12/15 - 12/16/22                          |
| 35 | 14344 | 1/19  | 828.36          | Merchants Building Maintenance, LLC   | Janitorial services Jan-2023                                  |
| 36 | 14345 | 1/19  | 189.00          | Petty Cash - Robert Housley   | Jan-2023 Petty Cash   |
| 37 | 14346 | 1/19  | 100.00          | Pitney Bowes /Purchase Power  | Postage for Dec-2023  |
| 38 | 14347 | 1/19  | 468.44          | Snap-On Tools   | Tools for Service truck and repair electrical tools           |
| 39 | 14348 | 1/19  | 1,914.01        | SoCal Auto & Truck Parts, Inc.  | Tools and supplies for shop use                               |
| 40 | 14349 | 1/19  | 76.59           | SoCalGas  | Natural Gas for offices, shop, and wash rack                  |
| 41 | 14350 | 1/19  | 1,349.00        | Spectrum Enterprise (Time Warner Cable)                                     | Internet Services Jan-2023                                    |
| 42 | 14351 | 1/19  | 250.18          | UniFirst Corporation  | Employee uniform & laundry services                           |
| 43 | 14352 | 1/19  | 1,650.00        | VNCR  | Radio talkshow 15 minutes 01/13 - 01/23/23                    |
| 44 | 14353 | 1/19  | 10,028.00       | Woodruff, Spradlin & Smart  | Legal Services Dec -2022                                      |
| 45 | 14354 | 1/26  | 468.96          | AT&T (Brookhurst Lift Station)  | Brookhurst Dec - 2022   |
| 46 | 14355 | 1/26  | 300.00          | Ayala's Car Wash  | Washing and cleaning of district's fleet                      |
| 47 | 14356 | 1/26  | 713.63          | Cameron Welding Supply  | Oxygen and propane welding supplies for shop                  |
| 48 | 14357 | 1/26  | 125.00          | County of Orange Treasurer-Tax Collector                                    | WEROC emergency radio Q3 cost 1/01/23 - 03/31/23              |
| 49 | 14358 | 1/26  | 48.49           | CRC Cloud   | Monthly maintenance & Support                                 |
| 50 | 14359 | 1/26  | 488.01          | Daniels Tire Service  | Restock tires for solid waste                                 |
| 51 | 14360 | 1/26  | 878.13          | Dartco Transmission Sales & Srvs.   | Restock transmission filter for solid waste trucks            |
| 52 | 14361 | 1/26  | 601.51          | Golden Bell Products  | (1) 55-Gallon super butyl for shop                            |
| 53 | 14362 | 1/26  | 1,742.52        | Los Angeles Freightliner  | Power steering pump for NG-10                                 |
| 54 | 14363 | 1/26  | 1,099.64        | Motion and Flow Control Products, Inc.                                      | Hydraulic hoses for solid waste trucks and the forklift       |
| 55 | 14364 | 1/26  | 33.90           | Pre-Paid Legal Services, Inc.   | Prepaid legal Jan-2023  |
| 56 | 14365 | 1/26  | 10,998.50       | PumpMan   | Q3 Lift station pump system maintenance                       |
| 57 | 14366 | 1/26  | 171.50          | Rutan & Tucker, LLP   | Legal Services Dec-2022                                       |
| 58 | 14367 | 1/26  | 1,905.15        | Safety-Kleen Systems, Inc.  | Hydraulic oil for solid waste trucks                          |
| 59 | 14368 | 1/26  | 89.02           | Spectrum Enterprise (Time Warner Cable)                                     | Internet Services Jan-2023                                    |
| 60 | 14369 | 1/26  | 250.18          | UniFirst Corporation  | Employee uniform & laundry services                           |
| 61 |       |       | \$ 364,596.06   | <b>CHECKS SUBTOTAL</b>  |   |
| 62 |       |       |                 |   |   |
| 63 |       |       |                 | <b>PAYROLL:</b>   | <b>MEMO</b>   |
| 64 | ACH   |       | \$ 82,428.67    | Paychex   | Employee Payroll - Checks, Taxes, & Direct Deposits           |
| 65 | ACH   |       | \$ 6,737.36     | Nationwide Retirement Solutions   | 457 Deferred Compensation (Employees)                         |
| 66 | ACH   |       | \$ 7,939.13     | Paychex   | Board of Directors Payroll - Checks, Taxes, & Direct Deposits |
| 67 | ACH   |       | \$ 846.00       | Nationwide Retirement Solutions   | 457 Deferred Compensation (Board of Directors)                |
| 68 |       |       | \$ 97,951.16    | <b>ACH TRANSFERS SUBTOTAL</b>   |   |
| 69 |       |       |                 |   |   |
| 70 |       |       |                 | <b>ACH PAYMENTS:</b>  | <b>MEMO</b>   |
| 71 | ACH   |       | \$ 360.50       | Paychex   | Time & Attendance Nov - 2022                                  |
| 72 | ACH   |       | \$ 66.00        | WEX Health  | HRA Monthly Fee for Nov-2022                                  |
| 73 | ACH   |       | \$ 16,454.25    | CalPERS   | Retirement Contributions for 12/12 - 12/25/2022               |
| 74 |       |       | \$ 16,880.75    | <b>ACH TRANSFERS SUBTOTAL</b>   |   |
| 75 |       |       |                 |   |   |
| 76 |       |       | \$ 479,427.97   | <b>TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)</b> |   |
| 77 |       |       |                 |   |   |
| 78 |       |       |                 | <b>BANK TRANSFERS:</b>  |   |
| 79 | UB    | 12/28 | \$ 2,584,000.00 | Transfer Funds from UB Money Market to UB Checking                          |   |
| 80 | UB    | 12/29 | \$ 2,500,000.00 | Transfer Funds from Union Bank Checking to LAIF                             |   |
| 81 | UB    | 1/3   | \$ 2,072,024.10 | Transfer Funds from UB Money Market to UB Checking                          |   |
| 82 | UB    | 1/4   | \$ 2,000,000.00 | Transfer Funds from Union Bank Checking to LAIF                             |   |
| 83 |       |       | \$ 9,156,024.10 | <b>BANK TRANSFERS</b>   |   |

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve the expenditures in the amount of \$479,427.97. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

## **REPORTS**

### **Report of President**

None

### **Report of Interim General Manager**

Interim GM R. Housley reported that the City had given its approval to the landscaping plans. Additionally, he's actively working with the architect to enlarge the building's entrance lobby to accommodate more clients.

Interim GM R. Housley reported that there was a sewer spill in the evening of January 31, 2023 on Newland just north of Bolsa. The State Resources Water Control Board and the County Health Department were both informed, and the appropriate reports were filed. The sewer crew has added this area to their work lists so that it will be checked regularly going forward.

Interim GM R. Housley reported that Milo Ebrahimi was offered and accepted the Engineering position. His anticipated start date is March 20, 2023.

### **Report from CR&R – Quarterly Tonnage Report**

Sabrina Marquez from CR&R provided a report to the Board. She reported that the 2022 4<sup>th</sup> quarter year ending diversion percentage for residential tonnage was 52.27%, multi-family was at 35% and commercial was 33%, for an overall tonnage of 43%.

### **Report from the District Luncheon on January 18, 2023**

The Directors were all present. They commented that it was a good opportunity to connect with staff and that everyone appeared to be enjoying it.

### **Report from Westminster Tet Parade on January 22, 2023**

President T. Diep, Director A. Nguyen, Director S. Contreras and Director M. Nguyen attended the Parade. They commented that the parade was eventful and well organized. Additionally, they thanked staff employees for their assistance in preparing the District for the Parade.

### **Report from OC SAN District Meeting on January 25, 2023**

Director A. Nguyen reported that the purpose of the meeting was to honor GM J. Herberg for his 30 years of service and devotion and to appoint R. Thompson as the new general manager.

### **Report from ISDOC Virtual Quarterly Meeting on January 26, 2023**

President T. Diep, Director S. Contreras and Director C. Nguyen attended the meeting and provided a report. It was reported that the meeting was informative but long. President T. Diep arrived at 6:00 PM and assumed chairmanship of the meeting.

## **CONSENT CALENDAR**

- A. Approve attendance at the 2023 Water and Wastewater Tri-State Seminar being held at the South Point Hotel in Las Vegas, Nevada August 7-10, 2023

A motion was made by Director S. Contreras, seconded by Director S. Contreras, to approve the Consent Calendar. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

## **OLD BUSINESS**

None

## **NEW BUSINESS**

- A. Discussion of the Commercial Franchise Agreement Between the Midway City Sanitary District and CR&R and Franchise Committee Goals and Priorities

A staff report was provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to receive and file the report. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

- B. Consider Approval of Amendment to Agreement with AKM Consulting Engineering to Include Update to the District's Spill Emergency Response Plan Within the Scope of Services and Authorize the Interim General Manager, Robert Housley to Execute the Amendment.

A staff report and recommendations were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to select Proposal 1 (Basic Spill Emergency Response Plan) for update to the District's Spill Emergency Response Plan at a not to exceed cost of \$30,884 and to authorize the Interim General Manager to enter into and execute an amendment to the Professional Services Agreement with AKM Consulting Engineers, in a form approved by General Counsel, to amend the scope of work and not-to-exceed compensation under the Agreement to incorporate the update to the District's Spill Emergency Response Plan

and to increase the Consulting Services Budget by \$30,884. The motion was approved by the following 5-0 roll call vote:

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

C. Consider rescheduling the May 2, 2023 and June 20, 2023 Regular Board Meetings

A staff report and recommendations were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to cancel the May 2, 2023 Regular Board Meeting and to move the June 20, 2023 Regular Board Meeting to June 27, 2023. The motion was approved by the following 5-0 roll call vote:

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

D. Consider Approval of Additional Services Provided by Rengel+CO Architects, in the Amount of \$278,705.50 for the District's Building and Solar Project

A staff report and recommendations were provided and considered by the Board. Director C. suggested creating an Ad Hoc Committee to oversee the Project and review proposed change orders.

A motion was made by Director C. Nguyen, seconded by Director M. Nguyen, to table this matter until the February 21, 2023 regular meeting. The motion was approved by the following 5-0 roll call vote:

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

A second motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to direct Staff to agendaize for the February 21, 2023 Regular Meeting consideration of the creation of an Ad Hoc Committee concerning the Project. The motion was approved by the following 5-0 roll call vote:

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

E. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, MAKING SPECIFIED FINDINGS AND REAUTHORIZING THE USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 AND GOVERNMENT CODE SECTION 54953(e) FOR MEETINGS OF THE MIDWAY CITY SANITARY DISTRICT BOARD OF DIRECTORS AND OTHER DISTRICT COMMITTEES SUBJECT TO STATE OPEN MEETINGS LAWS

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve adoption of Resolution No. 2023-03. The motion was approved by the following 5-0 roll call vote:

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

**INFORMATIONAL ITEMS**

- A. ISDOC Executive Committee 3<sup>rd</sup> Vice President and Secretary Vacancy
- B. 2023-24 Worker’s Compensation Experience Modification Factor

Received and file.

**BOARD CONCERNS/COMMENTS**

Director A. Nguyen thanked staff for their help in getting ready for the Tet Parade.

Director C. Nguyen thanked the District for collaborating with the City of Westminster in the Tet Parade.

**GM/STAFF CONCERNS/COMMENT**

Interim GM R. Housley reminded the Directors of the upcoming Outreach Committee Meeting on Wednesday, February 8, 2023, the Franchise Committee Meeting on Friday February 10, 2023, and the Board Off-Site Meeting on Saturday, February 11, 2023. He also reminded the Board that the next Employee Luncheon would take place on February 15, 2023 at 11:30 AM.

**GENERAL COUNSEL CONCERNS/COMMENTS**

None

## **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.

- A. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)  
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 6:59 PM to the next Board meeting to be held at the District on Tuesday, February 21, 2023 at 5:30 PM.

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Andrew Nguyen, Secretary