

**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**

**April 21, 2015**

**CALL TO ORDER**

President Cobo called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, April 21, 2015 at 5:00 P.M.

**BOARD MEMBERS PRESENT:**

Al P. Krippner  
Joy L. Neugebauer  
Tyler Diep (absent)  
Margie L. Rice  
Frank Cobo

**OTHERS AT MEETING:**

Ken Robbins, General Manager  
Robert Housley, Finance/HR Director  
Tom Nixon, General Counsel  
Julia Book, Administrative Secretary/Receptionist

**PLEDGE AND INVOCATION**

Director Rice led the Pledge of Allegiance. Director Neugebauer gave the Invocation.

**PUBLIC COMMENTS**

None

**APPROVAL OF THE REVISED MINUTES OF THE MEETING OF MARCH 25, 2015**

A motion was made by Director Rice, seconded by Director Neugebauer to approve the minutes of the meeting of March 25, 2015. The motion was approved by the following 4-0 vote:

**AYES:** Cobo, Krippner, Neugebauer and Rice

**NAYS:**

**ABSTAIN:**

**ABSENT:** Diep

## **APPROVAL OF THE MINUTES OF THE MEETING OF APRIL 7, 2015**

Director Neugebauer had a comment regarding page five (5), under the Report from the City of Westminster Spirit Award Ceremony. Since the Board is compensated for attending the event, she would like to see it documented that the District's Sewer Lift Station Mechanic, Randy Griffith was recognized as Employee of the Year.

Director Rice reported that her comments on the Spring Festival were also missing and to please add her comments as well.

GM Robbins agreed and stated that he would get more information recorded into the minutes.

General Counsel, Tom Nixon suggested to change the word 'Affluent' to 'Effluent' under Report from Orange County Sanitation District, second paragraph on third line.

Director Neugebauer asked to please include that Director Rice and Director Krippner attended the Spring Festival.

A motion was made by Director Neugebauer, seconded by Director Rice to defer approval of the minutes of the meeting of April 7, 2015 until language and comments are recorded. The motion was approved by the following 4-0 vote:

AYES: Cobo, Krippner, Neugebauer and Rice  
NAYS:  
ABSTAIN:  
ABSENT: Diep

Director Neugebauer added that she would like to see reported that the three (3) staff members and GM Robbins attended the Spring Festival and to also mention that one of the CNG trucks was there.

The Board agreed that there needs to be more detail information reported in the Minutes with regard to the Spirit Award Ceremony and the Spring Festival.

## **APPROVAL OF THE MINUTES OF THE ADJOURNED MEETING OF APRIL 14, 2015**

A motion was made by Director Neugebauer, seconded by Director Rice to approve the minutes of the adjourned meeting of April 14, 2015. The motion was approved by the following 4-0 vote:

AYES: Cobo, Krippner, Neugebauer and Rice  
NAYS:  
ABSTAIN:  
ABSENT: Diep

# APPROVAL OF EXPENDITURES

## A. Demands in the amount of \$ 164,425.19

#	CK #	Date	AMOUNT	VENDOR
1				<b>HANDCUT CHECKS:</b>
2	7561	4/10	337.05	<b>AT&amp;T Mobility</b> - Service for March 2015: (KR) 714-310-2313, (NC) 714-310-8653, (DGr) 714-325-3606,
3				Sewer 714-310-8654, Emergency 714-310-9004.
4	7562	4/10	110.98	<b>DirectTV</b> - Service for April 2015
5	7563	4/10	1,125.00	<b>Leeper Appraisal Services</b> - Easement Appraisal within Westminster Memorial Park
6	7564	4/10	4,906.21	<b>CalPERS Retirement</b> - Retirement Contributions for April 2015
7	7565	4/14	13.78	<b>City of Westminster</b> - Water Usage for Hammon Liff Station 02/11-04/07/2015
8	7566	4/14	1,200.00	<b>City of Westminster</b> - Sponsorship of 2015 Concert in the Park Summer Series
9	7567	4/14	438.04	<b>Verizon Business</b> - Internet Connection for SCADA System for April 2015
10			<b>8,131.06</b>	<b>HANDCUT CHECKS SUBTOTAL</b>
11				
12				<b>REGULAR CHECKS:</b>
13	7568	4/14	62.00	<b>Advanced Gas Products</b> - Cylinder Rental for March 2015
14	7569	4/14	157.00	<b>Advanced Workplace Strategies</b> - Random DOT Drug Test
15	7570	4/14	5,971.72	<b>Bodyworks</b> - Restock (2) Impulse Relay, (2) Arm Assembly, (1) Crank Gear, (1) Grip Gear, (2) Plungers,
16				(2) Coils, (2) Pressure Switches, (8) Grip Belts; (1) Lift Section for T60; (1) Hydraulic Pump for T52.
17	7571	4/14	727.00	<b>CRC Cloud</b> - Maintenance & Support for April 2015
18	7572	4/14	393.75	<b>Country City Towing</b> - Tow of T65
19	7573	4/14	5,544.48	<b>CR Transfer</b> - Tonnage from 03/16/2015 through 03/31/2015
20	7574	4/14	353.77	<b>Daniels Tire Service</b> - (2) Recaps for Restock
21	7575	4/14	290.10	<b>G &amp; K Services</b> - Uniform Services for April 2015
22	7576	4/14	104.65	<b>ID Industries</b> - Restock (5) Micro switches
23	7577	4/14	1,062.90	<b>Los Alamitos Napa Auto Parts</b> - (1) Water Pump, (2) Hoses, (1) Front Brake Pad Kit for M1; (1) 3/4" Super
24				Duty Impact Gun for Shop.
25	7578	4/14	112.98	<b>Orange County Sanitation District</b> - FOG/BMP Inspections
26	7579	4/14	616.39	<b>Proforma Solutions</b> - (1,100) Recycling Coloring Books
27	7580	4/14	67,418.94	<b>Rainbow Transfer Recycling</b> - Tonnage from 03/16/2015 through 03/31/2015
28	7581	4/14	11,167.78	<b>Rainbow Transfer Recycling</b> - Gasoline & Diesel Purchases for March 2015
29	7582	4/14	2,743.50	<b>Rainbow Transfer Recycling</b> - CNG Fuel through March 2015
30	7583	4/14	352.22	<b>Mobile Relay Associates</b> - WEROC Base Station Installation at District
31	7584	4/14	27.00	<b>Underground Service Alert</b> - (18) New Tickets for March 2015
32			<b>\$ 97,106.18</b>	<b>REGULAR CHECKS SUBTOTAL</b>
33				
34				<b>PAYROLL</b>
35		4/14	57,502.95	Payroll - Staff Check # 15749 - 15750 Taxes & Direct Deposits
36		4/14	1,135.00	Payroll - Nationwide Deferred Compensation (100% Paid By Employees)
37		4/14	550.00	Payroll - Nationwide Deferred Compensation (100% Paid By Employees)
38			<b>\$ 59,187.95</b>	<b>PAYROLL SUBTOTAL</b>
39				
40			<b>\$ 164,425.19</b>	<b>TOTAL EXPENDITURES (HANDCUT, REGULAR, PAYROLL)</b>

A motion was made by Director Rice, seconded by Director Neugebauer to approve the expenditures in the amount of \$164,425.19. The motion was approved by the following 4-0 vote:

AYES: Cobo, Krippner, Neugebauer and Rice

NAYS:

ABSTAIN:

ABSENT: Diep

## **REPORTS**

### **Report of President**

None

### **Report of General Manager**

GM Robbins reported that at the most recent City of Westminster Council Meeting there was discussion regarding the abandoned items on the streets in Westminster. He suggested to the Board that the District can assist by hosting clean-up days. It is in the contract with Rainbow Environmental/CR&R that up to ten (10) bins per year would be provided at no cost for cleanup days within the City of Westminster.

Director Neugebauer asked which Council Meeting he was referring to.

GM Robbins explained at the last Council Meeting at the end under public comments and prior to the adjournment there was discussion about the abandoned items in the City of Westminster.

Director Rice stated the City of Westminster asked her how the District informs the public. She explained to the City Council that the District puts out a calendar each year and that the District has a website with the information for the bulk item program.

The Board discussed the details of hosting a clean-up day to assist the City of Westminster.

Director Krippner inquired if there is any concern with shopping carts.

There was discussion about shopping carts not being an issue.

President Cobo asked GM Robbins about the progress of the CNG fueling station.

GM Robbins explained that all is going smoothly and confirmed that the electrical upgrades are being completed.

## **Report from Orange County Sanitation District Meeting (OCSD)**

None. Director Diep was absent.

## **Report from the City of Westminster's Table Top Expo**

President Cobo expressed that it was a good turnout. He had time to see the table tops and asked if all in attendance were Westminster Chamber Members.

There was continued discussion about the table top sponsors, that they do not need to be members of the Chamber, and that the sponsor just needs to pay for their table.

President Cobo enjoyed learning that the new business members are educated in the process of participating in the community to pay their fair share.

President Cobo commended all Directors for giving good responses to questions asked by the college students. He commended Director Neugebauer for asking such a good question about the waived Business License Fees for May 2015.

Director Neugebauer explained that she had read an article about minority business owners and she felt these new owners needed to be educated on sales taxes to help prevent prices from going up.

There was continued discussion on the procedure of how the questions were distributed and read by someone other than the person who wrote the question. The Board felt that the person or group that wrote the question to be asked be identified by the reader of the question to promote the Chamber.

Director Rice informed the Board that she had gone early and assisted with the setting up of the tables.

Director Rice and Neugebauer commented that the event was fun.

Director Neugebauer had learned more about T-Mobile and how many offices they have in Westminster.

Director Rice stated that the Table Top Expo was good overall.

Director Neugebauer suggested that the Westminster City Council members be listed on the program, not just Mayor Tri Ta. She said that the City Council members need to be recognized.

Director Rice said she would let the Chamber know to add council member's names next time.

## **CONSENT CALENDAR**

### **A. Investment Report for March 2015**

Director Rice praised Finance Director Housley for the report, stating it was clear reading and understandable.

A motion was made by Director Rice, seconded by Director Neugebauer to approve the consent calendar. The motion was approved by the following 4-0 vote:

AYES: Cobo, Krippner, Neugebauer and Rice

NAYS:

ABSTAIN:

ABSENT: Diep

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### **A. Consider Setting Date and Review Notices of Public Hearings for Sanitation and Sewer Service Charges and for Adoption of the Midway City Sanitary District 2015-2016 Budget**

Director Neugebauer asked General Counsel and Staff, regarding the wording in the notice of the public hearing in the public paper "do we have to say 'consider approval of report' or can it just say 'consider a report'?" "And number two, adopt a budget".

General Counsel, Tom Nixon advised keeping the word 'approval' because it is to advise the public that action will be taken.

A motion was made by Director Neugebauer, seconded by Director Rice to set the meeting time for Tuesday, June 30, 2015 at 5:00 P.M. to consider the final notices and publication to be distributed and published. The motion was approved by the following 4-0 vote:

AYES: Cobo, Krippner, Neugebauer and Rice

NAYS:

ABSTAIN:

ABSENT: Diep

Director Krippner expressed his concern that the dates do not reflect the day that the notice was written.

B. Consider Participation in the County of Orange Midway City Community Cleanup Event on Saturday, June 20, 2015

There was discussion to clarify where the bins will be and where the event will take place in Midway City.

Director Neugebauer asked GM Robbins if the last year's event was a successful and an effective outreach event.

The Board and GM Robbins agreed that last year's event was very successful and effective and not a burden to staff to assist in the cleanup event.

A motion was made by Director Rice, seconded by President Cobo to approve District participation in the County of Orange Midway City Community Cleanup Event on Saturday, June 20, 2015. The motion was approved by the following 4-0 vote:

AYES: Cobo, Krippner, Neugebauer and Rice

NAYS:

ABSTAIN:

ABSENT: Diep

C. Sewer System Master Plan (SSMP) Audit

Director Neugebauer discussed with GM Robbins clarification that this is not a SSMP Audit, just an update.

GM Robbins agreed it is just an update.

Director Neugebauer discussed with GM Robbins the wording on page 27. It was confirmed that Oberlin is a street, not the Oberlin Orange County Project and in the last sentence the reference is to Midway City Sanitary District, not to the Orange County flood control system.

A motion was made by Director Rice, seconded by Director Neugebauer to receive and file the Sewer System Master Plan (SSMP) Update. The motion was approved by the following 4-0 vote:

AYES: Cobo, Krippner, Neugebauer and Rice

NAYS:

ABSTAIN:

ABSENT: Diep

D. Discussion and Approval of Conditions and Letter to the City of Westminster Requesting Additional Conditions be Added to the Encroachment Permit for Proposed Geophysical Survey by Signal Hill Petroleum

GM Robbins stated that Signal Hill Petroleum is seeking a permit from the City of Westminster. The City of Westminster is asking Midway City Sanitary District to assist in the language of the City's contract with Signal Hill Petroleum.

GM Robbins clarified with the Board that Signal Hill Petroleum only needs the permit with the City of Westminster and does not need the District's approval. The City of Westminster is only asking for suggestions that they may or may not use. GM Robbins stated that he is letting the Board know what conditions he is recommending to the City.

Director Rice stated that she referred the City of Westminster to the District for assistance.

Director Krippner asked for General Counsel's suggestions.

General Counsel Tom Nixon suggested that he does a modified version of this indemnified language.

Director Neugebauer suggested that all legal limits be made clear.

The Board agreed that General Counsel Tom Nixon should review and edit the language in the drafted City of Westminster's contract with Signal Hill Petroleum.

A motion was made by Director Rice, seconded by Director Neugebauer to defer to have General Counsel, Tom Nixon edit and report back to the Board with a modified version of the proposal by Signal Hill Petroleum. The motion was approved by the following 4-0 vote:

AYES: Cobo, Krippner, Neugebauer and Rice

NAYS:

ABSTAIN:

ABSENT: Diep



## **INFORMATIONAL ITEMS**

### **A. Web Site Activity for the month of March 2015 (72,694 Successful Hits)**

A motion was made by Director Neugebauer, seconded by Director Rice to receive and file. The motion was approved by the following 4-0 vote:

AYES: Cobo, Krippner, Neugebauer and Rice

NAYS:

ABSTAIN:

ABSENT: Diep

## **BOARD CONCERNS/COMMENTS**

Director Rice thanked Staff and especially Finance Director Housley for the clear and understandable budget.

Director Neugebauer stated that her concern is informational and is with regard to the most recent CA Special District publication dated Mar-Apr 2015. On page 32, SDRMA explains prevailing wage issues for public agencies and the article provides a definition of what a public works project is.

Director Neugebauer stated that she would like a discussion on the subject and feels that the definition of a public works project needs to be included in the District's purchasing policy for clarity because at the last Board meeting she had mentioned that all public works projects over \$1,000 need to be reported to the State.

The Board agreed that the District needs to be transparent and directed General Counsel Tom Nixon to please review the prevailing wage law and the definition of a public works project and get back to the Board with any changes as needed.

General Counsel Tom Nixon agreed that he will research and get back to the Board.

Director Krippner commended Director Neugebauer for her suggestions and stated that she is appreciated.

## **GM/STAFF CONCERNS/COMMENTS**

Finance Director Housley stated that Ron Hankle, representative for Standard life insurance met with employees on April 1, 2015 and dropped off a traveling assistance information flyer which he also provided to each Board member.

## GENERAL COUNSEL CONCERNS/COMMENTS

None

## CLOSED SESSION

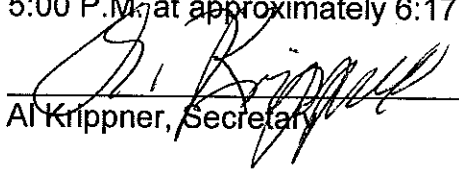
**CLOSED SESSION:** During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chair may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters, pursuant to Government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

## ADJOURNMENT

President Cobo thanked Director Neugebauer for enlightening the Board.

President Cobo adjourned the meeting to Tuesday, May 5, 2015 at the District office at 5:00 P.M. at approximately 6:17 P.M.

  
Al Krippner, Secretary