

## MINUTES

### GARDEN GROVE SANITARY DISTRICT

An Adjourned Regular Meeting of the Garden Grove Sanitary District Board of Directors was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, May 9, 2006, at 6:17 p.m.

ROLL CALL: PRESENT: (3) PRESIDENT DALTON, MEMBERS KREBS,  
ROSEN

ABSENT: (1) MEMBERS LEYES, NGUYEN (Member Leyes  
joined the meeting at 6:45 p.m. Member  
Nguyen joined the meeting at 6:28 p.m.)

#### PUBLIC INPUT ON CLOSED SESSION ITEM

There was no input from the public concerning the Closed Session item.

#### ADJOURN TO CLOSED SESSION

At 6:18 p.m., under the Ralph M. Brown Act, the President announced that the meeting was being adjourned to Closed Session in the Founders Room to discuss the following:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE  
SECTION 54956.9(c) (1 POTENTIAL CASE)

MEMBER NGUYEN JOINED THE MEETING AT 6:28 P.M.

MEMBER LEYES JOINED THE MEETING AT 6:45 P.M.

#### RECESS

At 6:47 p.m., the President declared a recess.

RECONVENE IN OPEN SESSION

At 7:00 p.m., the meeting was reconvened in the Council Chamber with President Dalton and all Board members in attendance, and it was announced that the previously disclosed item was discussed and no others. Further, that the Board of Directors of the Garden Grove Sanitary District authorized the initiation of litigation against the Thunderbird Mobile Home Park in order for the District to exercise its rights under an existing easement for sewer line purposes in the mobile home park. The motion to authorize the litigation carried by the following vote:

AYES: MEMBERS: (4) KREBS, NGUYEN, ROSEN, DALTON  
NOES: MEMBERS: (0) NONE  
ABSENT: MEMBERS: (1) LEYES

RECESS

At 7:01 p.m., the President declared a recess.

RECONVENE

At 7:53 p.m., the meeting was reconvened with President Dalton and all Board members in attendance.

ORAL COMMUNICATIONS – PUBLIC

Charles Mitchell, Chair of the Sanitary Advisory Commission, addressed the Board, expressing concern about the emergency repairs needed with a waiving of the formal bidding process, as requested in the following agenda item for consideration. He asked why sewer problems were not anticipated because of the pipe lines running under the freeway, with a contractor lined up to be called upon through the normal bidding process. (F: S-53.3) (XR: S-92.1)

RECESS

At 8:34 p.m., the President declared a recess.

RECONVENE

At 8:43 p.m., the meeting was reconvened with President Dalton and all Board members in attendance.

RESOLUTION DECLARING AN EMERGENCY CONDITION AND WAIVING THE FORMAL BIDDING PROCESS FOR PROJECT NO. 7829, COAST STREET SEWER CARRIER PIPE INSTALLATION UNDER THE 22 FREEWAY; AND AWARD OF CONTRACT FOR SAID PROJECT (F: 92.Proj.7829) (XR: S-92.1)

Staff report dated May 9, 2006, was introduced and reviewed by staff.

The City Attorney commented that there are still a few issues with the contract that have not yet been resolved, primarily relating to insurance, indemnification, and bonding requirements. If the Board is inclined to approve the staff recommendation, also included in the motion should be that the award of the contract to Granite-Myers-Rados is subject to form approval by the City Attorney in order that these particular issues can be addressed.

Member Leyes commented that it has been indicated that this will save the City some time and effort but not necessarily money.

Staff noted that the cost would be approximately \$20,000 more than it would have cost if bid out, but the weight against the amount of effort and time and the urgency to resolve this Coast Street sewer line far outweighs that.

Member Leyes commented that unless this were bid, it really is not known whether the project could be done at a lower price.

Staff noted that the contractor is already on site installing steel casing, so equipment is there and the holes have been dug. They can use much the same casing that is already there.

Member Krebs inquired why this project was not bid to see if money could be saved.

The General Manager noted that the issue is the time it takes to get a permit for Cal Trans to do the work. And this contractor is already under permit with Cal Trans.

RESOLUTION NO. 3690

Member Rosen moved, seconded by Member Krebs, that full reading of Resolution No. 3690 be waived, and said Resolution entitled A RESOLUTION OF THE BOARD OF DIRECTORS OF THE GARDEN GROVE SANITARY DISTRICT, CALIFORNIA, AUTHORIZING THE GENERAL MANAGER OR HIS DESIGNEE TO WAIVE THE FORMAL BIDDING PROCESS AS AN EMERGENCY CONDITION, DECLARING

THE NECESSITY THEREOF, AND AUTHORIZING STAFF TO PROCEED WITH EMERGENCY INSTALLATION OF COAST STREET SEWER CARRIER PIPE UNDER THE 22 FREEWAY, be and hereby is adopted, and the contract be awarded to Granite-Myers-Rados subject to approval of the City Attorney when insurance, indemnification, and bonding requirements have been met. Motion carried by the following vote:

AYES: MEMBERS: (4) KREBS, NGUYEN, ROSEN, DALTON  
NOES: MEMBERS: (1) LEYES  
ABSENT: MEMBERS: (0) NONE

REPORT FROM ORANGE COUNTY SANITATION DISTRICT REPRESENTATIVE  
(F: S-128.4)

The President commented that there will be an Orange County Sanitation District meeting on May 24 at 7 p.m. to discuss an increase in fees. This is an important meeting, and the public should attend and voice their opinions. There is going to be a vote, which will require a 2/3rds passage. The issue is a proposed rate increase of either 14 to 15 percent, or a lower rate at around 9 percent.

ADJOURNMENT

At 8:55 p.m., the meeting was declared adjourned.

RUTH E. SMITH  
SECRETARY